

**MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON  
MONDAY 28 FEBRUARY 2022 IN THE COUNCIL CHAMBERS COMMENCING AT 5.00pm**

**PRESENT:**

Cr Maurice Collison (Mayor), Cr James Burns (Deputy Mayor), Cr Sue Abbott, Cr Ron Campbell, Cr Tayah Clout, Cr Allison McPhee, Cr Lee Watts and Cr Adam Williamson.

**IN ATTENDANCE:**

Mr Greg McDonald (General Manager), Mr Kristian Enevoldson (Director Corporate Services), Mr Mathew Pringle (Director Environmental & Community Services), Ms Karen Davies (Director Infrastructure Services), Mr Wayne Phelps (Finance Manager) and Mrs Robyn Cox (Executive Assistant).

**APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK**

**RESOLVED** That Council approve the applications received from Cr Burns and Cr Flaherty to attend the meeting via video link.

Moved: Cr S Abbott      Seconded: Cr L Watts      CARRIED UNANIMOUSLY

**APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS:**

There were no apologies.

**RESOLVED** that the application for leave of absence received from Cr Williamson for the period 3 March to 24 March 2022 be accepted.

Moved: Cr R Campbell      Seconded: Cr A McPhee      CARRIED UNANIMOUSLY

**PUBLIC PARTICIPATION:**

Nil

**CONFIRMATION OF MINUTES:**

**RESOLVED** that the minutes of the ordinary Council meeting held on 31 January 2022 be adopted with the amendment that Cr McPhee called a point of order during discussions on Item NM.01.3 which was not upheld by the Mayor.

Moved: Cr A Williamson      Seconded: Cr A McPhee      CARRIED

<b>FOR</b>	<b>AGAINST</b>
Councillor Burns	Councillor Abbott
Councillor Campbell	Councillor Clout
Councillor Collison	Councillor Flaherty
Councillor McPhee	Councillor Watts
Councillor Williamson	
<b>Total (5)</b>	<b>Total (4)</b>

**DISCLOSURES OF INTEREST:**

Mr Greg McDonald declared a pecuniary interest / significant conflict for the reason that Item CR.2.7 discusses his performance review and contract. Mr McDonald advised that he and the other staff would leave the meeting during discussion of the matter.

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**SCR.02.1*****ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE*****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Mathew Pringle - Director Environmental & Community Services**RESOLVED That Council:**

1. **adopt the minutes of the Environmental & Community Services Committee meeting held on 8 February 2022.**

Moved: Cr L Watts      Seconded: Cr A McPhee      CARRIED UNANIMOUSLY

2. **DESC.02.1 – adopt the Environmental & Community Services Committee Charter presented in Attachment 2.**

Moved: Cr L Watts      Seconded: Cr A McPhee      CARRIED UNANIMOUSLY

3. **DESC.02.2 - approve Development Application No. 170/2021 for the Warbirds Over Scone Air Show at Lot 51 DP 1081052, Lot 1 864939 and Lot 3 DP 864939, Walter Pye Avenue, Scone and PT Lot 103 DP 1012871, Bunnan Road, Scone subject to the conditions of consent in Attachment 3.**

Moved: Cr A McPhee      Seconded: Cr L Watts      CARRIED

**FOR**Councillor Burns  
Councillor Campbell  
Councillor Clout  
Councillor Collison  
Councillor Flaherty  
Councillor McPhee  
Councillor Watts  
Councillor Williamson  
**Total (8)****AGAINST**

Councillor Abbott

**Total (1)**

4. **DESC.02.3 –**

- a) **pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979, amend the Upper Hunter Local Environmental Plan 2013 by amending the Heritage Map – Sheet HER\_005A in accordance with Planning Proposal 1/2021.**
  - b) **refer the proposed amended Upper Hunter Local Environmental Plan 2013 to Parliamentary Counsel for legal drafting.**
- Cr McPhee Cr Campbell**

Moved: Cr A McPhee      Seconded: Cr R Campbell      CARRIED UNANIMOUSLY

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**SCR.02.2*****INFRASTRUCTURE SERVICES COMMITTEE*****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Karen Davies - Director Infrastructure Services**RESOLVED That Council:**

1. **Adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday, 8 February 2022; and,**
2. **ISC.02.01 – adopt the Infrastructure Services Committee Charter.**

Moved: Cr R Campbell      Seconded: Cr A McPhee      CARRIED UNANIMOUSLY

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**SCR.02.3*****CORPORATE SERVICES COMMITTEE*****RESPONSIBLE OFFICER:** Kristian Enevoldson - Director Corporate Services**AUTHOR:** Wayne Phelps - Manager Finance**RESOLVED That Council:**

1. adopt the minutes of the Corporate Services Committee meeting held on 18 February 2022;
2. adopt the requested budget variations as detailed in the budget review (summary attached); and,
3. adopt the Corporate Services Committee Charter presented in Attachment 3.

Moved: Cr S Abbott

Seconded: Cr J Burns

CARRIED UNANIMOUSLY

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**C.02.1*****SECTION 355 AND ADVISORY COMMITTEES*****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Kristian Enevoldson - Director Corporate Services**AMENDMENT****MOVED That Council:**

1. adopt the proposed changes to Council's Section 355 and Advisory Committees structure as outlined in Attachment 1 with the addition of a Roads Committee;

Moved: Cr L Flaherty

Cr L Watts

LOST

**FOR**Councillor Abbott  
Councillor Flaherty**Total (2)****AGAINST**Councillor Burns  
Councillor Campbell  
Councillor Clout  
Councillor Collison  
Councillor McPhee  
Councillor Watts  
Councillor Williamson**Total (7)****ORIGINAL RECOMMENDATION****RESOLVED That Council**

1. adopt the proposed changes to Council's Section 355 and Advisory Committees structure as outlined in Attachment 1 to the report;

Moved: Cr R Campbell

Cr A McPhee

CARRIED

**FOR**Councillor Burns  
Councillor Campbell  
Councillor Clout  
Councillor Collison  
Councillor Flaherty  
Councillor McPhee  
Councillor Watts  
Councillor Williamson**Total (8)****AGAINST**

Councillor Abbott

**Total (1)**

**2. appoint Councillor members to the various Council committees as follows:**

<b>Council Committee</b>	<b>Membership</b>
Community Advisory Committee – Scone District	Crs Burns, Flaherty & Watts
Community Advisory Committee – Aberdeen District	Crs McPhee & Williamson
Community Advisory Committee – Merriwa District	Crs Campbell & Clout
Community Advisory Committee – Murrurundi District	Crs Burns & Flaherty
General Manager's Performance Review Committee	As required
Upper Hunter Shire Traffic Committee	Cr Collison Cr Campbell (alt)
Merriwa Aged Hostel Committee	Cr Campbell
Bill Rose Management Committee	Crs Burns & McPhee
Floodplain Management Committee	Crs Clout, McPhee & Williamson
Scone Airport Management Committee	Crs Collison & Williamson
Scone & Upper Hunter Regional Saleyards Committee	Crs Collison, McPhee & Williamson
White Park Management & Development Committee	Cr Clout, McPhee & Watts
Upper Hunter & Kia-Ora Youth Music Committee	General Manager to delegate
Merriwa Showground Management Committee	Cr Campbell
Scone Town Revitalisation Committee	Crs Burns & Flaherty
Audit Risk & Improvement Committee	Crs Abbott & McPhee Cr Williamson (alt)

A vote was conducted by show of hands to appoint members to the Audit Risk & Improvement Committee resulting in Crs Abbott and McPhee appointed to the Committee and Cr Williamson as the alternate.

**3. appoint Councillors to the various external committees/bodies as follows:**

<b>External Committee</b>	<b>Membership</b>
AGL Macquarie Generation Community Consultative Committee	Mayor or staff delegate
Arts Upper Hunter Board	Staff
Dartbrook Coal Mine Consultative Committee	Cr McPhee
Hunter Joint Organisation of Councils Inc	Mayor and General Manager
Upper Hunter Energy Park Community Forum	Cr Burns
Liverpool Range Wind Farm Community Consultative Committee	Cr Campbell
Liverpool Range Bushfire Management Committee	Cr Collison
Mid North Weight of Loads	Staff
Scone & District Chamber of Commerce & Industry	Staff
StoneCo Timor Limestone Quarry Community Consultative Committee	Cr Campbell
Upper Hunter Air Quality Monitoring Network Advisory Committee	Mayor r staff delegate
Upper Hunter County Council (Weeds)	Crs Campbell, Clout & Collison

**4. call for Expressions of Interest from Community members to represent the Community on the four Community Advisory Committees.**

Moved: Cr J Burns

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

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**C.02.2****AUSTRALIA DAY COMMITTEE - MERRIWA DISTRICT****RESPONSIBLE OFFICER:** Kerri Cone - Manager Community Services**AUTHOR:** Tash Taaffe - Community Services Officer**RESOLVED** That Council adopt the minutes of the Australia Day Committee – Merriwa District meeting held on 18 January 2022.

Moved: Cr R Campbell      Seconded: Cr T Clout

CARRIED UNANIMOUSLY

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**D.02.1****PLANNING PROPOSAL 1/2018 - ADDITIONAL PERMITTED USE AT 61-79 ABERDEEN STREET, SCONE****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Mathew Pringle - Director Environmental & Community Services**RESOLVED** That Council not proceed with Planning Proposal 1/2018 to amend the Upper Hunter Local Environmental Plan 2013 to enable the establishment of a highway service centre at Lots 243 & 244 DP 613258 and Lot 23 DP 562600, 61-79 Aberdeen Street, Scone for the reasons outlined in the report.

Moved: Cr S Abbott      Seconded: Cr J Burns

CARRIED UNANIMOUSLY

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**E.02.1****FOOD ORGANICS/GARDEN ORGANICS KERBSIDE COLLECTION UPDATE****RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services**AUTHOR:** Paul Jakes - Manager Waste & Sustainability**RESOLVED** That Council invite tenders for the processing of kerbside Food Organics/Garden Organics.

Moved: Cr S Abbott      Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

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**E.02.2****DRAFT HUNTER REGIONAL PLAN 2041****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Mathew Pringle - Director Environmental & Community Services**MOVED** That Council endorse the draft submission to the Department of Planning Industry and Environment in relation to the Draft Hunter Regional Plan 2041, as provided in Attachment 1 to the report.

Moved: Cr J Burns

Seconded: Cr A McPhee

LOST

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

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**G.02.1*****RENEWAL OF ALCOHOL-FREE ZONES***

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services

**AUTHOR:** Christine Robinson - Manager Planning Building & Regulatory Services

**RESOLVED That Council:**

1. support the re-establishment of the alcohol-free zones in the areas outlined in Attachment 1 from midnight 15 April 2022 to midnight 15 April 2026 inclusive.
2. undertake public consultation in respect of the re-establishment of the alcohol-free zones in accordance with Section 644A of the Local Government Act 1993.
3. subject to no submissions being received, adopt and apply the re-establishment of the alcohol-free zones outlined in Attachment 1 to the report.

Moved: Cr R Campbell    Seconded: Cr T Clout

CARRIED UNANIMOUSLY

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**G.02.2*****REQUEST FOR FINANCIAL ASSISTANCE - DISASTER RELIEF AUSTRALIA AND BLAZE AID***

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Karen Davies - Director Infrastructure Services

**RESOLVED That Council approve financial donations to the following not-for-profit, volunteer organisations as follows:**

1. \$5,000 to BlazeAid and;
2. \$5,000 to Disaster Relief Australia

Moved: Cr L Watts

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

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**G.02.3*****REQUESTS FOR DONATIONS***

**RESPONSIBLE OFFICER:** Kristian Enevoldson - Director Corporate Services

**AUTHOR:** Karen Boland - Governance & Executive Support Officer

**RESOLVED That Council provide a donation of \$550 as reimbursement of the application fee for the Merriwa Railway Station lease agreement.**

Moved: Cr L Watts

Seconded: Cr R Campbell

CARRIED UNANIMOUSLY

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**G.02.4*****GUMMUN PLACE HOSTEL - RESIDENT TRAVEL COSTS TO APPOINTMENTS***

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services

**AUTHOR:** Kerri Cone - Manager Community Services

**RESOLVED That Council:**

1. endorse the draft fees for transporting Gummun Place residents to medical appointments as listed in Table 2 of this report.
2. place the draft fees on public exhibition for 28 days.
3. following the public exhibition period, if no submissions are received, adopt the fees for the remaining period of the 2021/22 financial year.

Moved: Cr L Watts

Seconded: Cr R Campbell

CARRIED

<b>FOR</b>	<b>AGAINST</b>
Councillor Burns	Councillor Abbott
Councillor Campbell	Councillor Flaherty
Councillor Clout	
Councillor Collison	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
<b>Total (7)</b>	<b>Total (2)</b>

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## **H.02.1                      *POLICIES FOR REVIEW - CORPORATE SERVICES***

**RESPONSIBLE OFFICER:** Kristian Enevoldson - Director Corporate Services

**AUTHOR:** Ian Roberts - Acting Manager Governance & Risk

**RESOLVED That Council:**

1. adopt the policy Equal Employment Opportunity (EEO) and Discrimination with amendments to 'Policy Statement' removing words 'aims to' from first paragraph and 'strives to' from second paragraph;
2. adopt the policy Equal Employment Opportunity – Bullying and Harassment; and
3. revoke the policy Employment Conditions – Recognition of Length of Service.

Moved: Cr A Williamson    Seconded: Cr T Clout                      CARRIED

<b>FOR</b>	<b>AGAINST</b>
Councillor Abbott	Councillor McPhee
Councillor Burns	
Councillor Campbell	
Councillor Clout	
Councillor Collison	
Councillor Flaherty	
Councillor Watts	
Councillor Williamson	
<b>Total (8)</b>	<b>Total (1)</b>

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## **H.02.2                      *REVISED CODE OF MEETING PRACTICE***

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Kristian Enevoldson - Director Corporate Services

**MOVED That Council:**

1. endorse the updated draft Code of Meeting Practice incorporating non-mandatory sections as per Attachment 1 to this report with the amendment that public participation be changed from 3 mins to 5 mins;

Moved: Cr T Clout                      Seconded: Cr J Burns                      CARRIED

<b>FOR</b>	<b>AGAINST</b>
Councillor Burns	Councillor Williamson
Councillor Campbell	Councillor Abbott
Councillor Clout	
Councillor Collison	
Councillor Flaherty	
Councillor McPhee	
Councillor Watts	
<b>Total (7)</b>	<b>Total (2)</b>

2. place the proposed Code on public exhibition for a period of 28 days and allow a period of 42 days for public comments prior to formal adoption by Council; and,
3. adopt the draft Code if no submissions are received or, alternatively, request a further report to Council following the review to consider any public comments received.

#### **AMENDMENT**

##### **MOVED That Council:**

4. follow the Office of Local Government's recommendation and remove the prayer from the Order of Business.

Moved: Cr S Abbott      Seconded: Cr L Flaherty      LOST

<b>FOR</b>	<b>AGAINST</b>
Councillor Abbott	Councillor Burns
Councillor Clout	Councillor Campbell
Councillor Flaherty	Councillor Collison
Councillor Watts	Councillor McPhee
	Councillor Williamson
<b>Total (4)</b>	<b>Total (5)</b>

#### **ORIGINAL RECOMMENDATION**

##### **RESOLVED That Council:**

1. endorse the updated draft Code of Meeting Practice incorporating non-mandatory sections as per Attachment 1 to this report with the amendment that public participation be changed from 3 mins to 5 mins;
2. place the proposed Code on public exhibition for a period of 28 days and allow a period of 42 days for public comments prior to formal adoption by Council; and,
3. adopt the draft Code if no submissions are received or, alternatively, request a further report to Council following the review to consider any public comments received.

Moved: Cr T Clout      Seconded: Cr J Burns      CARRIED

<b>FOR</b>	<b>AGAINST</b>
Councillor Burns	Councillor Abbott
Councillor Campbell	Councillor Watts
Councillor Clout	Councillor Williamson
Councillor Collison	
Councillor Flaherty	
Councillor McPhee	
<b>Total (3)</b>	<b>Total (6)</b>

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#### **NM.02.1**

#### ***NOTICE OF MOTION - SCONE MEMORIAL AIRPORT PROJECT***

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Robyn Cox - Executive Assistant

##### **MOVED That Council:**

1. appoint a third-party consultant to review the airport project and advise Councillors under Section 10 (a) (2);
2. a) engage an independent external consultant to review the airside infrastructure design and construction as it was originally approved by Council.  
b) recommendations for remediation as per the original approval, or, a scope for same should that approval have proven inadequate.

Moved: Cr E Flaherty      Seconded: Cr S Abbott      LOST



FOR	AGAINST
Councillor Abbott	Councillor Burns
Councillor Flaherty	Councillor Campbell
Councillor Watts	Councillor Clout
	Councillor Collison
	Councillor McPhee
	Councillor Williamson
<b>Total (3)</b>	<b>Total (6)</b>

#### FORSHADOWED MOTION

**MOVED** That Council request the General Manager to prepare a report providing an estimate and identifying a funding source to be brought back to the next Council meeting before moving further.

Moved: Cr A McPhee      Seconded: Cr R Campbell      CARRIED

FOR	AGAINST
Councillor Burns	Councillor Abbott
Councillor Campbell	Councillor Clout
Councillor Collison	Councillor Watts
Councillor Flaherty	
Councillor McPhee	
Councillor Williamson	
<b>Total (6)</b>	<b>Total (3)</b>

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#### QWN.02.1                      **QUESTIONS WITH NOTICE**

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Robyn Cox - Executive Assistant

Council noted the questions with notice received and responses provided.

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#### CR.02.1                      **TENDER NO. 42/2021 - ABERDEEN INTAKE WORKS - PUMPS AND ELECTRICAL UPGRADE - TENDER EVALUATION**

**RESPONSIBLE OFFICER:** Karen Davies - Director Infrastructure Services

**AUTHOR:** Tegan Annas - Graduate Water Engineer

*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. accept Tender 42/2021 from EMT Pty Ltd, for the design and construction of the Aberdeen Intake Works Station for a total lump sum of \$582,110.01 exclusive of GST, and;
2. delegate authority to the General Manager to approve variations to the contract up to and including 20% (exclusive of GST), of the total contract value without further approval from Council;
3. delegate authority to the General Manager to execute all associated documents and perform all relevant functions of the Contract.

Moved: Cr J Burns      Seconded: Cr A McPhee      CARRIED

FOR	AGAINST
Councillor Burns	Councillor Abbott
Councillor Campbell	
Councillor Clout	
Councillor Collison	
Councillor Flaherty	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
<b>Total (1)</b>	<b>Total (8)</b>

**CR.02.2** ***TENDER NO. 08/2022 FOR CONCRETING FOR MERRIWA CYCLE AND WALKWAY***

**RESPONSIBLE OFFICER:** Karen Davies - Director Infrastructure Services

**AUTHOR:** Sam Wooden - Manager Works Delivery

*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. accept Tender 08/2022 from Deloma Pty Ltd, for the design and construction of the Merriwa Cycle and Walkway for a total lump sum of \$724,525.00 inclusive of GST;
2. delegate authority to the General Manager to approve variations to the contract up to 20% of the total contract value without further approval from Council, and;
3. delegate authority to the General Manager to execute all associated documents and perform all functions of the Contract.

Moved: Cr R Campbell    Seconded: Cr J Burns    CARRIED

FOR	AGAINST
Councillor Burns	Councillor Abbott
Councillor Campbell	
Councillor Clout	
Councillor Collison	
Councillor Flaherty	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
<b>Total (8)</b>	<b>Total (1)</b>

**CR.02.3** ***TENDER 06/2021 SUPPLY OF SERVICES - ADDITIONAL LATE SUBMISSIONS (PREFERRED SUPPLIERS)***

**RESPONSIBLE OFFICER:** Karen Davies - Director Infrastructure Services

**AUTHOR:** Sam Wooden - Manager Works Delivery

*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 following additional approved suppliers to the Supply of Services suppliers list for the supply of services for the period from 28 February 2022 to 9 August 2022:**

- Finn Valley Plant & Civil Pty Ltd
- Guy Holman Concreting
- Shearman Fencing Pty Ltd
- Reeves Haulage
- Vision Excavation
- Richard John Carr

Moved: Cr R Campbell    Seconded: Cr L Watts    CARRIED

FOR	AGAINST
Councillor Burns	Councillor Abbott
Councillor Campbell	
Councillor Clout	
Councillor Collison	
Councillor Flaherty	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
<b>Total (8)</b>	<b>Total (1)</b>

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**CR.02.4                                      *TENDER 07/2021 HIRE OF PLANT - ADDITIONAL LATE SUBMISSIONS***

**RESPONSIBLE OFFICER:** Karen Davies - Director Infrastructure Services

**AUTHOR:** Sam Wooden - Manager Works Delivery

*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 following additional approved suppliers to the Hire of Plant suppliers list for the hire of plant for the period 28 February to 9 August 2022:**

- Fellowes Transport
- Vision Excavation
- TC Brown Earthmoving

Moved: Cr R Campbell    Seconded: Cr A Williamson    CARRIED

FOR	AGAINST
Councillor Burns	Councillor Abbott
Councillor Campbell	
Councillor Clout	
Councillor Collison	
Councillor Flaherty	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
<b>Total (8)</b>	<b>Total (1)</b>

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**CR.02.5**

***TENDER NO. 09/2022 FOR BITUMEN FOR MERRIWA CYCLE AND WALKWAY***

**RESPONSIBLE OFFICER:** Karen Davies - Director Infrastructure Services

**AUTHOR:** Sam Wooden - Manager Works Delivery

*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. accept Tender 09/2022 from Deloma Pty Ltd, for the design and construction of the Merriwa Cycle and Walkway for a total lump sum of \$200,250.00 inclusive of GST;
2. delegate authority to the General Manager to approve variations to the contract up to 20% of the total contract value without further approval from Council, and;
3. delegate authority to the General Manager to execute all associated documents and perform all functions of the Contract.

Moved: Cr R Campbell    Seconded: Cr A McPhee    CARRIED

FOR	AGAINST
Councillor Burns	Councillor Abbott
Councillor Campbell	
Councillor Clout	
Councillor Collison	
Councillor Flaherty	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
<b>Total (8)</b>	<b>Total (1)</b>

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**CR.02.6**

***CONFIDENTIAL QUESTIONS WITH NOTICE***

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Robyn Cox - Executive Assistant

*This matter is considered to be confidential under Section 10A(2) (e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.*

**RESOLVED That Council noted the questions received and responses provided**

Moved: Cr L Watts    Seconded: Cr R Campbell    CARRIED

FOR	AGAINST
Councillor Burns	Councillor Abbott
Councillor Campbell	
Councillor Clout	
Councillor Collison	
Councillor Flaherty	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
<b>Total (8)</b>	<b>Total (1)</b>

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**CR.02.7****GENERAL MANAGER'S PERFORMANCE REVIEW****RESPONSIBLE OFFICER:** Maurice Collison - Mayor**AUTHOR:** Robyn Cox - Executive Assistant

*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.*

**DISCLOSURE OF INTEREST**

Mr Greg McDonald declared a pecuniary interest / significant conflict for the reason that Item CR.2.7 discusses his performance review and contract. Mr McDonald and all other staff left the meeting during discussion of the matter.

**RESOLVED That Council note the General Manager's Performance Review Panel report.**

Moved: Cr A McPhee      Seconded: Cr R Campbell      CARRIED

FOR	AGAINST
Councillor Burns	Councillor Abbott
Councillor Campbell	
Councillor Clout	
Councillor Collison	
Councillor Flaherty	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
<b>Total (8)</b>	<b>Total (1)</b>

**RETURN TO OPEN MEETING****RESOLVED That the meeting move back into Open Council.**

Moved: Cr A McPhee      Seconded: Cr R Campbell      CARRIED UNANIMOUSLY

In accordance with Council's Code of Meeting Practice the General Manager provided a summary of the resolutions passed in Closed Council with the Mayor reading the resolution in regard to Item CR.02.7.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6.51PM.