

MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON MONDAY 29 MAY 2023 IN THE COUNCIL CHAMBERS, SCONE COMMENCING AT 5.00PM

PRESENT:

Cr Maurice Collison (Mayor), Cr Ron Campbell, Cr Tayah Clout, Cr Elizabeth Flaherty (arrived 5.04pm), Cr Belinda McKenzie, Cr Allison McPhee and Cr Lee Watts.

Cr Adam Williamson (via video link).

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Mathew Pringle (Director Environmental & Community Services), Mr Rag Upadhyaya (Director Infrastructure Services), Mr Wayne Phelps (Manager Finance) and Mrs Robyn Cox (Executive Assistant).

PRAYER

ACKNOWLEDGEMENT OF COUNTRY

STATEMENT OF ETHICAL OBLIGATIONS

APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK:

23/113

RESOLVED that the application received from Adam Williamson to attend the meeting via video link be accepted.

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

APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS:

23/114

RESOLVED that:

1. the apology received from Cr James Burns be accepted.
2. the applications for leave of absence received from the following Councillors be accepted:
 - Cr Adam Williamson – for the period 22 May to 5 July 2023 (Cr Williamson advised that he should be available to attend the May and June ordinary Council meetings via video link);
 - Cr Lee Watts – for the period 9 to 30 June 2023;
 - Cr Maurice Collison – for the period 13 to 24 June 2023;
 - Cr James Burns – for the period 26 to 30 June 2023 (Cr Burns advised that he would be available to attend the June ordinary Council meeting via video link.

PUBLIC PARTICIPATION:

G.05.1 Young Endeavour Ambassadors – Presentation

Dylan Denley and Hamish Craig reported on their Young Endeavour adventure. Youth Services Officer, Kaylene Holman, read a report provided by Matthew Byrne. Matthew Byrne, Zoe Davis, Dakota Turn and Gabrielle Curry were unavailable to attend the meeting.

G.05.3 Planning Agreement Offer - Goulburn River Solar Farm Project

Patrick Carrigan – representing residents affected by proposed solar farm. For the recommendation.

CONFIRMATION OF MINUTES:

23/115

RESOLVED that the minutes of the ordinary Council meeting held on 24 April 2023 be adopted with the amendment that the word 'suggestion' be replaced with the word 'requirement' for Cr Flaherty to leave the room when Items CR.04.2 and CR.04.3.

Moved: Cr T Clout

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST:

Nil received.

MAYORAL MINUTES

A.05.1

RECOGNITION OF LENGTH OF SERVICE - DOUGLAS PORTER

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

23/116

RESOLVED that Council recognise Douglas Porter for his 40 years' service to Council with a presentation made by the Mayor.

Moved: Cr M Collison

CARRIED UNANIMOUSLY

A.05.2

DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COSTS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Greg McDonald - General Manager

23/117

RESOLVED

That Council:

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

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

Moved: Cr M Collison CARRIED UNANIMOUSLY

STANDING COMMITTEE REPORTS

SCR.05.1 **INFRASTRUCTURE SERVICES COMMITTEE**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Leah Moore - Infrastructure Support Officer

MOTION

That Council:

1. adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday, 9 May 2023; and
2. discontinue the Scone Town Revitalisation Committee.

FORESHADOWED MOTION

That Council:

1. note the minutes of the Infrastructure Services Committee meeting held on Tuesday, 9 May 2023 and
2. to be deleted.

Moved: Cr E Flaherty

23/118

RESOLVED

That Council:

1. adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday, 9 May 2023; and
2. discontinue the Scone Town Revitalisation Committee.

Moved: Cr A McPhee Seconded: Cr R Campbell CARRIED

FOR	AGAINST
Councillor Campbell	Councillor Flaherty
Councillor Clout	
Councillor Collison	
Councillor McKenzie	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
Total (7)	Total (1)

SCR.05.2 **CORPORATE SERVICES COMMITTEE**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

23/119

RESOLVED

That Council:

1. adopt the minutes of the Corporate Services Committee meeting held on 19 May 2023 and their recommendations; and
2. adopt the proposed budget variations as provided in attachment 2.

Moved: Cr T Clout

Seconded: Cr L Watts

CARRIED

FOR	AGAINST
Councillor Campbell	Councillor Flaherty
Councillor Clout	
Councillor Collison	
Councillor McKenzie	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
Total (7)	Total (1)

COMMITTEE/DELEGATES REPORTS

C.05.1 **MERRIWA AGED HOSTEL COMMITTEE**

RESPONSIBLE OFFICER: Wayne Phelps - Manager Finance

AUTHOR: Tash Taaffe - Community Services Officer

23/120

RESOLVED

That Council:

1. adopt the minutes of the Merriwa Aged Hostel Committee meeting held on 18 April 2023.
2. accept the nomination of Cheryl Dallimore to the Committee.

Moved: Cr R Campbell

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

C.05.2 **COMMUNITY ADVISORY COMMITTEE - MERRIWA DISTRICT**

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Tash Taaffe - Community Services Officer

23/121

RESOLVED

That Council endorse the minutes of the Community Advisory Committee – Merriwa District meeting held on 3 May 2023.

Moved: Cr R Campbell

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

C.05.3 **COMMUNITY ADVISORY COMMITTEE - ABERDEEN DISTRICT**

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Amanda Catzikiris - Manager Community Services

23/122

RESOLVED

That Council adopt the minutes of the Community Advisory Committee – Aberdeen District meeting held on 18 April 2023, provided as attachment 1 to the report.

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

GENERAL ADMINISTRATION REPORTS

G.05.1 **YOUNG ENDEAVOUR AMBASSADORS - PRESENTATION**

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Robyn Cox - Executive Assistant

23/123

RESOLVED

That Council receive a presentation from the 2023 Upper Hunter Shire Young Endeavour Ambassadors on their experiences.

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

G.05.2 **REQUESTS FOR DONATIONS**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Boland - Governance & Executive Support Officer

23/124

RESOLVED

That Council:

- 1. provide a donation of \$200 to NSW Touch Football to go towards waiving of hire fees for the Bill Rose Sports Complex for the Scone Primary School Gala Day on 5 September 2023; and,**
- 2. provide a donation of \$200 to Scone Public School P&C Association to assist with their fundraising goals for their Bloom Markets to be held on 4 November 2023.**

Moved: Cr L Watts Seconded: Cr B McKenzie CARRIED UNANIMOUSLY

G.05.3 **PLANNING AGREEMENT OFFER - GOULBURN RIVER SOLAR FARM PROJECT**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Environmental & Community Services

23/125

RESOLVED

That Council accept the offer from Lightsource bp to enter into a planning agreement in respect of the Goulburn River Solar Farm Project whereby Lightsource bp will be required to:

- 1. pay an annual monetary contribution towards a community enhancement fund and a road maintenance fund of:**

- (a) \$346 (indexed to CPI) x the number of MW installed on the land as at the due date for payment; or
 - (b) \$190,000 (indexed to CPI), whichever is the greater, and
2. seal and widen 4.7km of unsealed road on Wollara Road up to the Goulburn River National Park boundary (valued at \$4.4 million).

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

INFRASTRUCTURE REPORTS

I.05.1 *ST AUBINS TOWN SQUARE - RECOGNITION OF MARK HEANLY*

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Chloe Leake - Strategic Projects Support Officer

23/126

RESOLVED

That Council recognise Mark Heanly for his contribution to the community in St Aubins Town Square, with a tree planted and marked accordingly in his honour.

Moved: Cr B McKenzie Seconded: Cr A McPhee CARRIED UNANIMOUSLY

QUESTIONS WITH NOTICE

QWN.05.1 *QUESTIONS WITH NOTICE*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

The questions with notice were noted.

Cr Flaherty sought clarification on the random selection of testing methods between urine or saliva is to ensure full coverage of all drug types and understands that the saliva detects more drugs that the current urine testing being used so not actually giving full coverage and asked which drugs are tested for in the saliva tests and not tested in the urine tests.

The General Manager advised that to ensure we get coverage of all drug types both saliva and urine testing is used. He stated that this matter is very operational however if Councillors wanted more information this can be circulated.

CORRESPONDENCE ITEMS

COR.05.1 *CORRESPONDENCE*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

23/127

RESOLVED

That Council note the correspondence received from:

- 1. Member for Upper Hunter, Mr Dave Layzell – response to Council’s resolution in relation to access into the Scone Lawn Cemetery from the highway;
- 2. Office of Local Government – providing contact details for Minister for Local Government, Hon Ron Hoenig MP;

3. **Minister for Regional Transport and Roads, Hon Jenny Aitchison MP – letter of introduction and sharing the new NSW Government’s commitment to ensuring better roads and transport for people in regional communities across our state.**

Moved: Cr A McPhee Seconded: Cr T Clout CARRIED UNANIMOUSLY

CLOSED COUNCIL

23/128

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 B McKenzie Seconded: Cr A McPhee CARRIED UNANIMOUSLY

CONFIDENTIAL REPORTS

CR.05.1

TENDER 39/2021 COULSONS CREEK ROAD (MR358) CONSTRUCTION REHABILITATION

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Gavin Newton-Smith - Asset 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.

MOTION

That Council:

1. accept Tender 39/2021 from Tenderer A (as per Table 4 in the report), for the construction rehabilitation of Coulsons Creek Road based on a schedule of rates contract for all sections including the optional additional work, subject to receiving funding deeds from the Federal and State Governments;
2. delegate authority to the General Manager to approve variations to the contract within the project budget (as per Table 5 in the report) and;
3. delegate authority to the General Manager to conduct all relevant functions under the contract; and,
4. reveal the tenderer’s name when funding is secured.

FORESHADOWED MOTION

That Council:

1. accept Tender 39/2021 from Tenderer A (as per Table 4 in the report), for the construction rehabilitation of Coulsons Creek Road based on a schedule of rates contract for all sections including the optional additional work, subject to receiving funding deeds from the Federal and State Governments;
2. to be deleted;
3. delegate authority to the General Manager to conduct all relevant functions under the contract; and,
4. reveal the tenderer’s name when funding is secured.

Moved: Cr E Flaherty

23/129

RESOLVED

That Council:

1. accept Tender 39/2021 from Tenderer A (as per Table 4 in the report), for the construction rehabilitation of Coulsons Creek Road based on a schedule of rates contract for all sections including the optional additional work, subject to receiving funding deeds from the Federal and State Governments;
2. delegate authority to the General Manager to approve variations to the contract within the project budget (as per Table 5 in the report) and;
3. delegate authority to the General Manager to conduct all relevant functions under the contract; and,
4. reveal the tenderer's name when funding is secured.

Moved: Cr R Campbell Seconded: Cr A McPhee CARRIED

FOR	AGAINST
Councillor Campbell	Councillor Flaherty
Councillor Clout	
Councillor Collison	
Councillor McKenzie	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
Total (7)	Total (1)

CR.05.2

TENDER RFT-10048551 - SCONE CBD REVITALISATION STAGE 1 - ADDITIONAL FUNDING

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Alan Greer - Project Manager

This matter is considered to be confidential under Section 10A(2) (c) 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.

MOTION

That Council:

1. delegate authority to the General Manager to negotiate a variation to Stage 1 as discussed in this report; and,
2. call for tenders for Stage 2, Kelly Street Block 3 (St Aubins Street to Susan Street).

FORESHADOWED MOTION

That Council:

1. to be deleted;
2. call for tenders for Stage 2, Kelly Street Block 3 (St Aubins Street to Susan Street).

Moved: Cr E Flaherty

23/130

RESOLVED

That Council:

1. delegate authority to the General Manager to negotiate a variation to Stage 1 as discussed in this report; and,
2. call for tenders for Stage 2, Kelly Street Block 3 (St Aubins Street to Susan Street).

Moved: Cr A McPhee Seconded: Cr T Clout CARRIED

FOR	AGAINST
Councillor Campbell	Councillor Flaherty
Councillor Clout	Councillor Watts
Councillor Collison	
Councillor McKenzie	
Councillor McPhee	
Councillor Williamson	
Total (6)	Total (2)

CR.05.3

TENDER 06/2023 SUPPLY OF SERVICES - ADDITIONAL SUPPLIERS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Rag Upadhyaya - Director Infrastructure Services

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.

23/131

RESOLVED

That Council accept the three additional contractors for the supply of services (Tender 06/2023) for the period from 29 August 2022 to 30 August 2024 and add:

- **Newpave Pty Limited**
- **BMR Quarries Pty Ltd and**
- **Vision Excavations Pty Ltd**

to the preferred supplier list.

Moved: Cr A McPhee

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

RETURN TO OPEN MEETING

23/132

RESOLVED

That the meeting move back into Open Council.

Moved: Cr L Watts

Seconded: Cr B McKenzie

CARRIED UNANIMOUSLY

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

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5.55PM.