

**MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON  
MONDAY 30 JANUARY 2023 IN THE COUNCIL CHAMBERS, SCONE COMMENCING AT 5.00PM**

**PRESENT:**

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

Cr Elizabeth Flaherty was absent from the meeting.

**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:**

**23/001**

**RESOLVED**

**That the apology received from Cr Burns be accepted.**

Moved: Cr R Campbell    Seconded: Cr L Watts    CARRIED UNANIMOUSLY

**PUBLIC PARTICIPATION:**

Nil

**CONFIRMATION OF MINUTES:**

**23/002**

**RESOLVED that the minutes of the ordinary Council meeting held on 19 December 2022 be adopted.**

Moved: Cr T Clout    Seconded: Cr R Campbell    CARRIED UNANIMOUSLY

**DISCLOSURES OF INTEREST:**

Nil

## COMMITTEE/DELEGATES REPORTS

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C.01.1

### ***MERRIWA AGED HOSTEL COMMITTEE***

**RESPONSIBLE OFFICER:** Amanda Catzikiris - Community Services Officer

**AUTHOR:** Tash Taaffe - Community Services Officer

23/003

RESOLVED

That Council:

1. adopt the minutes of the Merriwa Aged Hostel Committee annual general meeting held on 15 December 2022;
2. adopt the minutes of the Merriwa Aged Hostel Committee ordinary meeting held on 15 December 2022;
3. accept the nominations from Deirdre Peebles, Cr Ron Campbell, Ross Bishop, Jan Cronin and Julia Hardy;
4. appoint Deirdre Peebles as Chairperson and Ross Bishop as Deputy Chairperson of the Merriwa Aged Hostel Committee;
5. proceed to purchase commercial washing machine as back up.

Moved: Cr R Campbell    Seconded: Cr T Clout    CARRIED UNANIMOUSLY

## FINANCE REPORTS

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F.01.1

### ***GRANT FUNDED PROJECTS***

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

**AUTHOR:** Wayne Phelps - Acting Director Corporate & Community Services

23/004

RESOLVED

That Council note and approve the nominated projects to be delivered by grant funding.

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

## GENERAL ADMINISTRATION REPORTS

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G.01.1

### ***DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS***

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

**AUTHOR:** Robyn Cox - Executive Assistant

23/005

RESOLVED

That Council note the tabled annual Disclosure of Interests and Other Matters returns received from Councillors Belinda McKenzie and Allison McPhee.

Moved: Cr L Watts    Seconded: Cr R Campbell    CARRIED UNANIMOUSLY

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G.01.2

***REQUESTS FOR DONATIONS***

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

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

23/006

RESOLVED

That Council provide a donation to:

1. 1<sup>st</sup> Scone Scout Group for \$200 to go towards waiving hire fee at St Andrew's Reserve for their 2023 Scout and Guide Founders Day to be held on 18 February 2023, should their Cultural Activity grant application be unsuccessful in gaining the amount requested;
2. Upper Hunter Veterans Golfers Association for \$200 to assist with their 2023 Veterans Week of Golf event from 12 to 16 March 2023; and
3. Towarri Physical Culture for \$200 to go towards the hire fees of the Murrurundi RSL Hall for their dance season from February to November 2023.

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

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G.01.3

***KEEP AUSTRALIA BEAUTIFUL - SUSTAINABLE COMMUNITIES  
TIDY TOWNS AWARDS***

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

**AUTHOR:** Mathew Pringle - Director Planning & Infrastructure Services

23/007

RESOLVED

That Crs Collison and Clout will attend the Keep Australia Beautiful NSW 2022 Sustainable Communities Tidy Towns Awards to be held in Singleton from 3 - 5 March 2023.

Moved: Cr L Watts    Seconded: Cr R Campbell    CARRIED UNANIMOUSLY

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G.01.4

***2023 NATIONAL GENERAL ASSEMBLY***

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

**AUTHOR:** Robyn Cox - Executive Assistant

23/008

RESOLVED

That Council:

1. not nominate delegates to attend the 2023 National General Assembly to be held in Canberra from 13-15 June 2023;
2. consider submitting motions for debate at the 2023 National General Assembly.

Moved: Cr M Collison    Seconded: Cr R Campbell    CARRIED UNANIMOUSLY

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**G.01.5** ***DARTBROOK COAL MINE - PLANNING AGREEMENT***

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

**AUTHOR:** Mathew Pringle - Director Planning & Infrastructure Services

**23/009**

**RESOLVED**

**That Council:**

1. pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979, enter into a planning agreement with AQC Dartbrook Management Pty Ltd in respect of the Dartbrook Coal Mine.
2. delegate authority to the General Manager to execute the planning agreement.

Moved: Cr A Williamson    Seconded: Cr R Campbell    **CARRIED**

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

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**G.01.6** ***UPPER HUNTER DEVELOPMENT CONTROL PLAN 2023***

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

**AUTHOR:** Mathew Pringle - Director Planning & Infrastructure Services

**23/010**

**RESOLVED**

**That Council:**

1. adopt the Upper Hunter Development Control Plan 2023.
2. publish notice of its decision in accordance with Section 14 of the Environmental Planning and Assessment Regulation 2021.
3. repeal the Upper Hunter Development Control Plan 2015 on the date on which the Upper Hunter Development Control Plan 2023 commences.
4. staff undertake a review of *Part 9b Built & archaeological heritage*.

Moved: Cr A Williamson    Seconded: Cr T Clout    **CARRIED UNANIMOUSLY**

**POLICY MATTERS**

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**H.01.1** ***POLICIES FOR REVIEW***

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

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

**23/011**

**RESOLVED**

**That Council:**

1. revoke the policy, **Community Relations – Community Interaction;**
2. revoke the policy, **Acquisition – Purchasing – Local.**

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

## NOTICES OF MOTION

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### NM.01.1 **NOTICE OF MOTION**

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

**AUTHOR:** Robyn Cox - Executive Assistant

23/012

**RESOLVED**

That Council:

1. Review the remuneration policy for Councillors to include scope to withhold funds for non-attendance of council meetings and briefings.
2. Invoice councillors for costs incurred when private investigations are undertaken which result in a censure and/or referral to the Office of Local Government for further disciplinary action of said councillor.

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

## QUESTIONS WITH NOTICE

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### QWN.01.1 **QUESTIONS WITH NOTICE**

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

**AUTHOR:** Robyn Cox - Executive Assistant

23/013

**RESOLVED**

That Council note the question received and response provided.

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

## CLOSED COUNCIL

23/014

**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 B McKenzie      CARRIED UNANIMOUSLY

## CONFIDENTIAL REPORTS

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### CR.01.1 **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.*

**23/015**

**RESOLVED**

**That Council:**

- 1. note the status update report;**
- 2. recommend finalisation of the Expression of Interest process;**
- 3. due to no tangible offers being received, maintain operations of the facility in the short to medium term at which time a review of options may be considered;**
- 4. in the event that a tangible offer be received in the future, request that a further report be provided to Council for consideration.**

Moved: Cr A Williamson    Seconded: Cr R Campbell    **CARRIED UNANIMOUSLY**

## **RETURN TO OPEN MEETING**

**23/016**

**RESOLVED That the meeting move back into Open Council.**

Moved: Cr T Clout    Seconded: Cr R Campbell    **CARRIED UNANIMOUSLY**

Upon resuming Open Council, and in accordance with Council's 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 5.27PM.**