

MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON MONDAY 26 FEBRUARY 2024 IN THE COUNCIL CHAMBERS, SCONE COMMENCING AT 5.00PM

PRESENT:

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

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Mathew Pringle (Director Environmental & Community Services), Mr Rag Upadhyaya (Director 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:

24/18

RESOLVED:

That Council:

1. accept the apology received from Cr Flaherty for this meeting
2. accept the application for leave of absence received from Cr McKenzie for the May ordinary Council meeting.

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

PUBLIC PARTICIPATION:

Nil

CONFIRMATION OF MINUTES:

24/019

RESOLVED

That Council:

1. adopt the minutes of the ordinary Council meeting held on 29 January 2024; and,
2. adopt the minutes of the extraordinary Council meeting held on 9 February 2024.

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

DISCLOSURES OF INTEREST:

Nil

STANDING COMMITTEE REPORTS

SCR.02.1

INFRASTRUCTURE SERVICES COMMITTEE

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Karen Boland - Governance & Executive Support Officer

24/020

RESOLVED

That Council:

1. adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday, 13 February 2024; and
2. in relation to the Sewer Main Relining – Scone and Aberdeen:
 - a. approve the allocation of \$316,788 from the Sewer Reserve Funds to undertake Stage 2 relining works;
 - b. engage the services of Abergeldie as the contractor for the additional Stage 2 works as an extension to the existing contract.

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

SCR.02.2

CORPORATE SERVICES COMMITTEE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

24/021

RESOLVED

That Council adopt the:

1. minutes of the Corporate Services Committee meeting held on 16 February 2024; and
2. proposed budget variations as provided in attachment 2 to the report.

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

COMMITTEE/DELEGATES REPORTS

C.02.1

FLOODPLAIN MANAGEMENT COMMITTEE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Environmental & Community Services

24/022

RESOLVED

That Council adopt the minutes of the Floodplain Management Committee meeting held on 5 February 2024.

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

G.02.2 **UPPER HUNTER COUNTY COUNCIL (WEEDS)**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

24/023

RESOLVED

That Council note the minutes of the Upper Hunter County Council meeting held on 15 February 2024.

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

GENERAL ADMINISTRATION REPORTS

G.02.1 **REQUESTS FOR DONATIONS**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Boland - Governance & Executive Support Officer

24/024

RESOLVED

That Council not provide a donation to Merriwa Senior Citizens Pensioners Association for the Merriwa Seniors Home Day as unfortunately, their function does not meet the criteria for funding outlined in policy Programs – Section 356 General Donations.

Moved: Cr J Burns Seconded: Cr A McPhee CARRIED

| FOR | AGAINST |
|---------------------|-----------------------|
| Councillor Burns | Councillor Campbell |
| Councillor Collison | Councillor Clout |
| Councillor McKenzie | Councillor Williamson |
| Councillor McPhee | |
| Councillor Watts | |
| Total (5) | Total (3) |

G.02.2 **GUIDELINES FOR RISK MANAGEMENT AND INTERNAL AUDIT IN NSW COUNCILS**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

24/025

RESOLVED

That Council notes that after considering the guidelines for risk management and internal audit in NSW Councils, the role of Internal Audit Coordinator will be combined with that of the Governance and Risk Advisor.

Moved: Cr J Burns Seconded: Cr T Clout CARRIED

| FOR | AGAINST |
|---------------------|-----------------------|
| Councillor Burns | Councillor Williamson |
| Councillor Campbell | |
| Councillor Clout | |
| Councillor Collison | |
| Councillor McKenzie | |
| Councillor McPhee | |
| Councillor Watts | |
| Total (7) | Total (1) |

G.02.3

DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS

RESPONSIBLE OFFICER: Wayne Phelps - Manager Finance

AUTHOR: Ian Roberts - Governance & Risk Advisor

24/026

RESOLVED

That Council note the Disclosure of Pecuniary Interests and Other Matters returns, as tabled in the meeting.

Moved: Cr L Watts

Seconded: Cr B McKenzie

CARRIED UNANIMOUSLY

POLICY MATTERS

H.02.1

POLICIES FOR REVIEW

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Boland - Governance & Executive Support Officer

24/027

RESOLVED

That Council adopt the policy Grants and Subsidies - Programs - Section 356 General Donations with amendments to the 'Responsibilities' section as follows:

Councillors

Councillors approve this Policy and delegate authority to the General manager to execute it. If an applicant wants redress a negative response this will be escalated to Council.

Senior Management Group

The senior Management Group will advise the General Manager for the adoption of the donations requested or not.

Particular/relevant Manager

The Finance Manager will facilitate the payment of the donations as adopted and report each donation to the Corporate Services Committee each month to keep Council apprised of donations.

Moved: Cr J Burns

Seconded: Cr L Watts

CARRIED

FOR

- Councillor Burns
- Councillor Clout
- Councillor Collison
- Councillor McKenzie
- Councillor McPhee
- Councillor Watts
- Councillor Williamson
- Total (7)**

AGAINST

- Councillor Campbell
- Total (1)**

INFRASTRUCTURE REPORTS

I.02.1 **TENDER 06/2023 SUPPLY OF SERVICES - ADDITIONAL SUPPLIERS**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Chris Agosto - Project Manager

24/028

RESOLVED

That Council accept three additional contractors for the supply of electrical, mechanical and concreting services (Tender 06/2023) for the period from 27 February 2024 to 30 August 2024:

- NOTUSE Pty Ltd, T/A Allday Concrete,
- Briken Group Servies, and
- OPMI Power.

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

DEVELOPMENT REPORTS

D.02.1 **DEVELOPMENT APPLICATION NO. 14/2024 - WARBIRDS OVER SCONE AIRSHOW**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Matt Clarkson - Manager Planning, Building & Regulatory Services

24/029

RESOLVED

That Council approve Development Application No. 14/2024 for the Warbirds over Scone Airshow (biennial event commencing on 23 and 24 March 2024) at Lot 51 DP 1081052, 10 Walter Pye Avenue, Scone and Lot 805 DP 1061912, 2 Randwick Way, Scone subject to the conditions of consent in Attachment 1.

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

CLOSED COUNCIL

24/030

RESOLVED

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

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

CONFIDENTIAL REPORTS

CR.02.1 **TENDER 20/2023 - SCONE UV SYSTEM - TENDER EVALUATION**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Gavin McKenzie - 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.

24/031

RESOLVED

That Council:

1. accept Tender No. 20/2023 from Xylem Water Solutions Pty Ltd for Scone UV for a sum of \$392,058 inclusive of GST;
2. allocate \$62,000 for motorised valves and computer control equipment not allowed for in the original tender;
3. provide delegated authority to the General Manager to approve variations within 25% of the project budget, and;
4. provide delegated authority to the General Manager to conduct all relevant functions under the contract.

Moved: Cr J Burns

Seconded: Cr L Watts

CARRIED UNANIMOUSLY

CR.02.2 **TENDER EVALUATION ON BELLMAN HANGAR AND ASSOCIATED WORKS AT SCONE MEMORIAL AIRPORT**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Jeff Bush - Manager Strategic Assets

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.

24/032

RESOLVED

That Council:

1. decline to accept any of the tenders for Tender No. 29/2024 as per Clause 178 (1)(b) of Part 7: Division 4 of the Local Government (General) Regulation 2005, as all tenders were significantly higher than the project budget;
2. not invite fresh tenders as the current market pricing for the tendered scope is significantly higher than the project budget;
3. report back to Council on construction options as well as possible scope variation, phasing of works and the use of other contractors (including Council's Works Department) undertaking portions of the work.

Moved: Cr A Williamson

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

CR.02.3

T452324HUN - PROVISION OF ROAD SAFETY BARRIER SYSTEMS

RESPONSIBLE OFFICER: Wayne Phelps - Manager Finance

AUTHOR: John Reijn - Stores and Purchasing Supervisor

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.

24/033

RESOLVED

That Council:

1. **accept the following tenders as a Panel Source tender of suppliers for the period 1 April 2024 to 31 March 2026 for category 1, supply and install and Category 2, supply only:**
 - **Destraz Pty Ltd t/as D&P Fencing Contractors – Bellbird NSW**
 - **Envirochoice Industries Pty Limited – Smeaton Grange NSW – Late Tender**
 - **Fulton Hogan Industries Pty Ltd – Dapto NSW**
 - **Guardrail Infrastructure Pty Ltd t/a Guardrail Installations Australia – Thornton NSW**
 - **Guardrail Systems Pty Ltd – Mayers Flat NSW**
 - **Ingal Civil Products – Minto NSW**
 - **RBK Pty Ltd t/a Topnotch Fencing – Cowra NSW**
 - **Road Safety Barriers Pty Ltd – Mororo NSW**
 - **A J & L J Irwin Family Trust t/a Irwin Fencing Pty Ltd – Coutts Crossing NSW**
 - **Western Safety Barriers t/a Western Safety Barriers Group Pty Ltd – Parkes NSW**
2. **subject to satisfactory performance, allow a further 12 month optional extension from 1 April 2026 to 31 March 2027.**

Moved: Cr J Burns

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

RETURN TO OPEN MEETING

24/034

RESOLVED

That the meeting move back into Open Council.

Moved: Cr A Williamson

Seconded: Cr L Watts

CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5.37PM.