

MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON MONDAY 31 OCTOBER 2022 IN THE 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 Allison McPhee, Cr Lee Watts and Cr Adam Williamson.

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Kristian Enevoldson (Director Corporate & Community Services), Mr Mathew Pringle (Director Planning & Infrastructure), Mr Wayne Phelps (Finance Manager), Mr Grahame Wilson (Manager Water & Sewer) 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:

No apologies were received. It was noted that Cr Abbott is still on leave of absence.

PUBLIC PARTICIPATION:

Nil

CONFIRMATION OF MINUTES:

RESOLVED that the minutes of the ordinary Council meeting held on 26 September 2022 be adopted.

Moved: Cr J Burns

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST:

G.10.1 Request for Donations

Cr Lee Watts declared a non-pecuniary interest / non significant conflict in parts 1 & 2 for the reason that she is the manager of the Scone Neighbourhood Resource Centre. Cr Watts advised that she would leave the meeting and take no part in discussion and voting.

G.10.7 RSL Sub-Branch Installation of Two Flag Poles at Scone Memorial Swimming Pool

Cr James Burns declared a non-pecuniary interest / significant conflict for the reason that he is a member of the Scone RSL Sub-branch. Cr Burns advised that he would leave the meeting and take no part in discussion and voting.

CR.10.2 Scone Chamber of Commerce Rental Subsidy/Donation Request

Cr James Burns declared a non-pecuniary interest / significant conflict for the reason that he is a Councillor and on the executive of the Chamber of Commerce. Cr Burns advised that he would leave the meeting and take no part in discussion and voting.

PRESENTATIONS:

LGNSW Service Awards to Councillors:

Member for Upper Hunter, Dave Layzell MP, presented Mayor Maurice Collison with a Local Government NSW Certificate of Service for his 10 years' service with Upper Hunter Shire Council.

Mayor Maurice Collison presented Local Government NSW Certificates of Service to Cr Lee Watts for her 17 years' service with Upper Hunter Shire Council and Cr Ron Campbell for his 10 years' service with Upper Hunter Shire Council.

Westpac Rescue Helicopter Service

The General Manager presented an Award from Westpac Rescue Helicopter Service to Mayor Maurice Collison on behalf of the staff for their contributions to the service over the past 20 years totalling over \$60,000.

MAYORAL MINUTES

A.10.1 *RECOGNITION OF LENGTH OF SERVICE - JAMES DAVIS*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Lee - Governance & Executive Support Officer

RESOLVED

That Council recognise James Davis for his 20 years' service to Council.

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

A.10.2 *BEERSHEBA DAY*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RESOLVED

That Council hold a minute silence in memory of the Australian 4th Light Horse Brigade who fought in the Battle of Beersheba.

Moved: Cr M Collison CARRIED UNANIMOUSLY

STANDING COMMITTEE REPORTS

SCR.10.1 *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 11 October 2022.

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

SCR.10.2 **ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

RESOLVED

That Council:

1. adopt the minutes of the Environmental & Community Services Committee meeting held on 11 October 2022.
2. ESC.10.1 – approve Development Application No. 17/2022 for a Workshop/Shed at Lot 42 DP 846091, 10 Walter Pye Avenue, Scone, subject to the conditions of consent in Attachment 2.
3. ESC.10.2 –
 - a) endorse the draft Upper Hunter Development Control Plan.
 - b) place the draft Upper Hunter Development Control Plan on public exhibition for a period of 28 days.

Moved: Cr T Clout

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

SCR.10.3 **CORPORATE SERVICES COMMITTEE**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

RESOLVED

That Council adopt the minutes of the Corporate Services Committee meeting held on 21 September 2022.

Moved: Cr J Burns

Seconded: Cr T Clout

CARRIED

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

COMMITTEE/DELEGATES REPORTS

C.10.1 **NSW RFS LIAISON COMMITTEE - MEMBERSHIP NOMINATIONS**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

RESOLVED

That Council nominate Mayor Maurice Collison for appointment to the NSW Rural Fire Service Liverpool Range Zone Liaison Committee.

Moved: Cr J Burns

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

GENERAL ADMINISTRATION REPORTS

G.10.1 *REQUESTS FOR DONATIONS*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Lee - Governance & Executive Support Officer

DISCLOSURE OF INTEREST

Cr Lee Watts declared a non-pecuniary interest / non significant conflict in parts 1 & 2 for the reason that she is the manager of the Scone Neighbourhood Resource Centre. Cr Watts left the meeting and took no part in discussion or voting.

RESOLVED That Council provide a donation to the following:

1. **\$200 to Scone Neighborhood Resource Centre for their annual Christmas Party in the Park**

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

2. **\$700 to Scone Neighborhood Resource Centre to waive fees for the Christmas Party in the Park**

Moved: Cr J Burns Seconded: Cr T Clout CARRIED UNANIMOUSLY

Cr Watts returned to the meeting

1. **\$100 to Merriwa Country Education Foundation to waive fees for their 20-year Anniversary dinner.**

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

2. **\$200 to Murrurundi Arts Council for their annual Halloween event.**

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

G.10.2 *DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Lee - Governance & Executive Support Officer

RESOLVED

That Council note the tabled annual Disclosure of Interests and Other Matters returns for 30 June 2022.

Moved: Cr J Burns Seconded: Cr L Watts CARRIED UNANIMOUSLY

G.10.3 *EV CHARGING STATIONS - CAMPBELLS CORNER*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

RESOLVED

That Council:

1. **approve the installation of six (6) Tesla electric vehicle (EV) charging station stalls within the Campbell's Corner car park, Scone.**

2. enter into a licence agreement with Tesla for a five year term with two, five year options.
3. delegate authority to the General Manager to negotiate the terms of, and execute, the licence agreement and conduct all relevant functions under the agreement.

Moved: Cr J Burns

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

G.10.4

COUNCIL SUBMISSION TO IPART RATE CAPPING ISSUES PAPER

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Greg McDonald - General Manager

RESOLVED

That Council:

1. make a submission to the IPART Rate Capping Issues Paper in accordance with the draft document in attachment 3 that supports the abolition of rate capping and provides feedback on the present rate capping issues; and,
2. advise the United Services Union of this resolution.

Moved: Cr J Burns

Seconded: Cr A McPhee

CARRIED

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

G.10.5

DARTBROOK COAL MINE - DRAFT VOLUNTARY PLANNING AGREEMENT

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

RESOLVED

That Council:

1. endorse the draft Voluntary Planning Agreement between Upper Hunter Shire Council and AQC Dartbrook Management Pty Ltd in respect of Dartbrook Coal Mine.
2. place the draft Voluntary Planning Agreement on public exhibition for 28 days in accordance with Section 7.5 of the Environmental Planning and Assessment Act 1979.

Moved: Cr R Campbell

Seconded: Cr A McPhee

CARRIED

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

G.10.6

GRAEME STREET ABERDEEN - RECTIFICATION OF ROAD ENCROACHMENTS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

RESOLVED

That Council:

1. endorse the proposed classification of land known as Proposed Lots 1 - 7 in the part road closure of Graeme Street, Aberdeen from Campbell Street eastwards to the eastern boundary of 83A Graeme Street (Lot 402 DP 1143419) as 'Operational Land'.
2. give public notice of a proposed resolution to classify the land in accordance with Section 34 of the Local Government Act 1993.
3. subject to no objections being received, classify the land known as Proposed Lots 1 - 7 in the part road closure of Graeme Street, Aberdeen from Campbell Street eastwards to the eastern boundary of 83A Graeme Street (Lot 402 DP 1143419) as 'Operational Land'.
4. enter into contracts of sale with the adjoining land owners that have expressed an interest in acquiring the proposed allotments.
5. delegate authority to the General Manager to execute the contracts of sale.

Moved: Cr J Burns

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

G.10.7

RSL SUB-BRANCH INSTALLATION OF TWO FLAG POLES AT SCONE MEMORIAL SWIMMING POOL

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

DISCLOSURE OF INTEREST

Cr James Burns declared a non-pecuniary interest / significant conflict for the reason that he is a member of the Scone RSL Sub-branch. Cr Burns left the meeting and took no part in discussion or voting.

RESOLVED

That Council:

1. install two (2) flagpoles in the vicinity of the Cenotaph outside the Scone Memorial Swimming Pool for use during commemorative ceremonies.
2. accept the offer of a contribution from the Scone RSL sub branch towards the cost of the works.

Moved: Cr L Watts

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

Cr Burns returned to the meeting.

CLOSED COUNCIL

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 A McPhee

Seconded: Cr J Burns

CARRIED UNANIMOUSLY

CONFIDENTIAL REPORTS

CR.10.1 **TENDER NO. 18/2022 - SEVEN BRIDGES - TENDER EVALUATION**

RESPONSIBLE OFFICER: Kristian Enevoldson - Director Corporate & Community Services

AUTHOR: Chris Agosto - 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.

RESOLVED

That Council:

1. accept Tender No. 18/2022 from Saunders Civilbuild Pty Ltd, for the design and construction of the replacement of Bobialla Bridge and Dartbrook Bridge for a total lump sum of \$2,159,160 inclusive of GST, subject to a satisfactory finding from a financial capacity report and success in gaining additional funding from the grant body, and;
2. accept Tender No. 18/2022 from Waeger Constructions Pty Ltd, for the design and construction of the replacement of Albano Bridge, Ashford Bridge and Lapstone Gully Bridge for a total lump sum of \$2,497,000 inclusive of GST, subject to a satisfactory finding from a financial capacity report and success in gaining additional funding from the grant body, and;
3. provide delegated authority to the General Manager to approve variations to the contract to the value of 20% above the lump sum without Council approval, and;
4. provide delegated authority to the General Manager to conduct all relevant functions under the contract.

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

CR.10.2 **SCONE CHAMBER OF COMMERCE RENTAL SUBSIDY/DONATION REQUEST**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Lee - Governance & Executive Support Officer

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.

DISCLOSURE OF INTEREST

Cr James Burns declared a non-pecuniary interest / significant conflict for the reason that he is a Councillor and on the executive of the Chamber of Commerce. Cr Burns left the meeting and took no part in discussion or voting.

RESOLVED

That Council:

1. provide a 50% rental subsidy to the Scone Chamber of Commerce in accordance with Council Policy – GRANTS AND SUBSIDIES – Section 356 Rental Subsidies as a category 3 for the Responsibilities of Tenant; and,
2. enter into a 12 month lease.

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

Cr Burns returned to the meeting.

CR.10.2

**TENDER RFT-10048551 - SCONE CBD REVITALISATION STAGE 1
- AWARD TENDER**

RESPONSIBLE OFFICER: Kristian Enevoldson - Director Corporate & Community Services

AUTHOR: Grahame Wilson - Manager Strategic Projects

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. approve the continuing negotiation with Daracon to confirm the best price for a reduced scope.**

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 T Clout

Seconded: Cr A McPhee

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 5.48PM.