

MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON MONDAY 25 OCTOBER 2021 IN THE COUNCIL CHAMBERS COMMENCING AT 5.00pm

PRESENT:

Cr Maurice Collison (Mayor), Cr Kiwa Fisher (Deputy Mayor), Cr Sue Abbott, Cr James Burns, Cr Ron Campbell, Cr Lorna Driscoll and Cr Lee Watts.

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), Ms Claire Killeen (Senior Communications Advisor) and Mrs Robyn Cox (Executive Assistant).

1. PRAYER

2. ACKNOWLEDGEMENT OF COUNTRY

3. APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK

Nil

4. APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Nil

5. PUBLIC PARTICIPATION

SCR.10.1 Development & Environmental Services Committee

DESC.10.2 DA 4/2020 Subdivision at Lot 141 DP 1144829 28 Ranch Road Scone
Guy Evans, Urbanco

6. CONFIRMATION OF MINUTES:

RESOLVED that the minutes of the ordinary Council meeting held on 27 September 2021 be adopted, with the amendment that Cr Abbott voted against Item No H.09.1 Draft Risk Management Framework.

Moved: Cr L Driscoll

Seconded: Cr R Campbell

CARRIED UNANIMOUSLY

7. DISCLOSURES OF INTEREST:

C.10.1 White Park Management & Development Committee

Cr James Burns declared a pecuniary interest / significant conflict for the reason that his family business has quoted for a job at White Park. Cr Burnes advised that he would leave the meeting and take no part in discussion or voting.

D.10.1 Development Application No. 139/2021 – Laundry Facility & Shipping Container

Cr Lee Watts declared a pecuniary interest / significant conflict for the reason that she is the manager of Scone Neighbourhood Resource Centre which is the applicant of the development application. Cr Watts advised that she would leave the meeting and take no part in discussion or voting.

G.10.3 Requests for Donations

Cr Lee Watts declared a pecuniary interest / significant conflict for the reason that she is the manager of Scone Neighbourhood Resource Centre which has requested application fees to be waived. Cr Watts advised that she would leave the meeting and take no part in discussion or voting.

G.10.5 Relocation of the Scone Neighbourhood Resource Centre – Further Report

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

A.10.1 RECOGNITION OF LENGTH OF SERVICE

RESPONSIBLE OFFICER: Kristian Enevoldson - Director Corporate Services

AUTHOR: Karen Boland - Governance & Executive Support Officer

RESOLVED That Council recognise Steven Jones for his 40 years' service to Council.

Moved: Cr M Collison

CARRIED UNANIMOUSLY

A.10.2 MAYORAL COVID-19 VACCINATION CHALLENGE

RESPONSIBLE OFFICER: Maurice Collison - Mayor

AUTHOR: Robyn Cox - Executive Assistant

RESOLVED That Council note the results of the Mayoral COVID-19 Vaccination Challenge.

Moved: Cr M Collison

CARRIED UNANIMOUSLY

SCR.10.1 DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Environmental & Community Services

RESOLVED:

That Council:

- 1. adopt the minutes of the Development & Environmental Services Committee meeting held on 12 October 2021.**

Moved: L Watts

Seconded: K Fisher

CARRIED UNANIMOUSLY

- 2. DESC.10.1 - place the amended Planning Proposal 1/2018 on public exhibition for at least 28 days and consider a further report following the conclusion of the exhibition period.**

Moved: K Fisher

Seconded: J Burns

CARRIED

FOR

Councillor Burns
Councillor Campbell
Councillor Collison
Councillor Driscoll
Councillor Fisher
Councillor Watts

Total (6)

AGAINST

Councillor Abbott

Total (1)

3. **DESC.10.2 - approve Development Application No. 4/2020 for the subdivision of one lot into three lots at Lot 141 DP 1144829, 28 Ranch Road Scone subject to deferred commencement conditions and other conditions in Attachment 2 to the report.**

Moved: L Watts

Seconded: J Burns

CARRIED

FOR	AGAINST
Councillor Burns	Councillor Abbott
Councillor Campbell	
Councillor Collison	
Councillor Driscoll	
Councillor Fisher	
Councillor Watts	
Total (6)	Total (1)

4. **DESC.10.3 - approve Development Application No. 65/2021 for a rural worker's dwelling at Lots 9 and 16 DP 752472 Hunter Road Ellerston subject to the conditions of consent in Attachment 3 to the report.**

Moved: K Fisher

Seconded: R Campbell

CARRIED UNANIMOUSLY

SCR.10.2

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, 12 October 2021.**
2. **a. endorse the proposed project scope for the Village Reticulation Scheme, with 'opt-in' rural water supply (tank-fill) connections available to;**
 - **Blandford – Area A and Area H**
 - **Wingen – Area A**
 - **Parkville – Area A and Area B**
- b. endorse the proposed project budget methodology which includes;**
 - **an upfront cost to Council of \$1.227M**
 - **property owner contributions of \$8,000 per connection (plus service connection costs)**
 - **the waiving of Section 64 'Headworks' charges**
 - **requirement for at least 2/3 of properties to connect to enable ongoing financial viability**
 - **the application of usual town water access and usage charges**
- c. seek further feedback from the residents of Parkville, Wingen and Blandford on the revised proposal prior to implementation, including an indication of how many are likely to connect.**

Moved: Cr R Campbell

Seconded: Cr K Fisher

CARRIED UNANIMOUSLY

SCR.10.3***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 15 October 2021; and
2. adopt the requested budget variations as detailed in the budget review (summary attached to the report).

Moved: Cr J Burns

Seconded: Cr K Fisher

CARRIED UNANIMOUSLY

C.10.1***WHITE PARK MANAGEMENT & DEVELOPMENT COMMITTEE*****RESPONSIBLE OFFICER:** Kristian Enevoldson - Director Corporate Services**AUTHOR:** Taylah King - Administration Officer - Business Services**DISCLOSURE OF INTEREST**

Cr James Burns declared a pecuniary interest / significant conflict for the reason that his family business has quoted for a job at White Park. Cr Burns left the meeting and took no part in discussion or voting.

RESOLVED That Council:

1. adopt the minutes of the White Park Management and Development Committee meeting held on 6 October 2021; and
2. approve the construction of an elevated walkway in the campdraft arena, with works to start as soon as possible.

Moved: Cr K Fisher

Seconded: Cr L Watts

CARRIED UNANIMOUSLY

Cr Burns returned to the meeting.

C.10.2***UPPER HUNTER YOUTH COUNCIL*****RESPONSIBLE OFFICER:** Kerri Cone - Manager Community Services**AUTHOR:** Mary Spora - Youth Services Supervisor**RESOLVED That Council:**

1. adopt the minutes of the Upper Hunter Youth Council meeting held on 28 July 2021.
2. adopt the minutes of the Upper Hunter Youth Council meeting held on 7 September 2021.

Moved: Cr L Watts

Seconded: Cr L Driscoll

CARRIED UNANIMOUSLY

C.10.3***ARTS UPPER HUNTER*****RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services**AUTHOR:** Kerri Cone - Manager Community Services**RESOLVED That Council note the ratified minutes of the Arts Upper Hunter Board meetings held on 1 April and 3 June 2021.**

Moved: Cr L Watts

Seconded: Cr K Fisher

CARRIED UNANIMOUSLY

C.10.4***LIVERPOOL RANGE WIND FARM COMMUNITY CONSULTATIVE COMMITTEE*****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Mathew Pringle - Director Environmental & Community Services**RESOLVED That Council note the minutes of the Liverpool Range Wind Farm Community Consultative Committee meeting held on 14 September 2021.**

Moved: Cr J Burns

Seconded: Cr R Campbell

CARRIED UNANIMOUSLY

RESOLVED that Council suspend Standing Orders to deal with Items D.10.1, G.10.5 & G.10.3 together and in that order to allow Cr Watts to leave the meeting only once as she had disclosed an interest in all three items.

Moved: Cr J Burns

Seconded: Cr K Fisher

CARRIED UNANIMOUSLY

D.10.1***DEVELOPMENT APPLICATION NO. 139/2021 - LAUNDRY FACILITY & SHIPPING CONTAINER*****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Mathew Pringle - Director Environmental & Community Services**DISCLOSURE OF INTEREST**

Cr Lee Watts declared a pecuniary interest / significant conflict for the reason that she is the manager of Scone Neighbourhood Resource Centre which is the applicant of the development application. Cr Watts left the meeting and took no part in discussion or voting.

RESOLVED That Council approve Development Application No. 139/2021 for a laundry facility and shipping container at Lot 1 DP 1148471, 89 Kelly Street, Scone subject to the conditions of consent in Attachment 1 to the report.

Moved: Cr K Fisher

Seconded: Cr S Abbott

CARRIED UNANIMOUSLY

G.10.5***RELOCATION OF THE SCONE NEIGHBOURHOOD RESOURCE CENTRE - FURTHER REPORT*****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Kristian Enevoldson - Director Corporate Services**DISCLOSURE OF INTEREST**

Cr Lee Watts declared a pecuniary interest / significant conflict for the reason that she is the manager of Scone Neighbourhood Resource Centre. Cr Watts remained out of the meeting and took no part in discussion or voting.

RESOLVED That Council:

- 1. note the information contained in this report**
- 2. delegate the General Manager to implement a cost sharing methodology in relation to the fit-out and future operational costs of the facility between the SNRC and Council based on the principles discussed in this report.**

Moved: Cr J Burns

Seconded: Cr K Fisher

CARRIED UNANIMOUSLY

G.10.3***REQUESTS FOR DONATIONS*****RESPONSIBLE OFFICER:** Kristian Enevoldson - Director Corporate Services**AUTHOR:** Karen Boland - Governance & Executive Support Officer**DISCLOSURE OF INTEREST**

Cr Lee Watts declared a pecuniary interest / significant conflict for Recommendation No 2 for the reason that she is the manager of Scone Neighbourhood Resource Centre which has requested application fees to be waived. Cr Watts remained out of the meeting and took no part in discussion or voting.

RESOLVED That Council:

2. provide a donation of \$585.00 to the Scone Neighbourhood Resource Centre for development application and s68 application fees for the laundry that will be located at the current Visitor Information Centre;

Moved: Cr K Fisher

Seconded: Cr J Burns

CARRIED UNANIMOUSLY

Cr Watts returned to the meeting.

RESOLVED That Council:

1. provide a donation of \$107.50 to Lions Club of Aberdeen to go towards the fees to hire McKinnon Oval, Aberdeen for their Diabetes Awareness fund raising event 'Lap The Map';
3. provide a donation of \$2,279.60 to the Scone Hardcourt Tennis Association for DA application fee for the clubhouse rebuild;
4. provide a donation of \$200.00 to Gundy Crown Reserves Trust towards the Gundy Children Christmas Party to be held on 4 December 2021;
5. provide a donation of \$200.00 to Fun Fitness 4 Littlies towards the hire of the Wilson Memorial over the next 9 weeks for their multi-sports program; and
6. provide a donation of saleyard fees of \$18 per head for each donated beast up to \$200 for the proposed cattle sale on 23 November 2021 with proceeds going to the Westpac Rescue Helicopter Service.

Moved: Cr J Burns

Seconded: Cr L Driscoll

CARRIED UNANIMOUSLY

G.10.1***DISCLOSURES OF INTEREST RETURNS*****RESPONSIBLE OFFICER:** Kristian Enevoldson - Director Corporate Services**AUTHOR:** Amber Moloney - Manager Governance & Risk**RESOLVED That Council notes the tabled annual Disclosure of Interests and Other Matters returns for 30 June 2021.**

Moved: Cr K Fisher

Seconded: Cr J Burns

CARRIED UNANIMOUSLY

G.10.2***AGENCY INFORMATION GUIDE UNDER THE GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009*****RESPONSIBLE OFFICER:** Kristian Enevoldson - Director Corporate Services**AUTHOR:** Amber Moloney - Manager Governance & Risk**RESOLVED That Council adopt the Agency Information Guide provided in Attachment 1.**

Moved: Cr K Fisher

Seconded: Cr J Burns

CARRIED UNANIMOUSLY

G.10.4 ***ADDITIONAL FEES & CHARGES - ACCESS TO GOVERNMENT INFORMATION***

RESPONSIBLE OFFICER: Kristian Enevoldson - Director Corporate Services

AUTHOR: Margaret Casey - Information Services Coordinator

RESOLVED That Council:

1. adopt the proposed fees outlined in Attachment 1 to this report for the purpose of placing on public exhibition for at least 28 days
2. following public exhibition period, adopt the proposed fees and charges if no feedback is received.

Moved: Cr R Campbell

Seconded: Cr K Fisher

CARRIED

FOR	AGAINST
Councillor Burns	Councillor Abbott
Councillor Campbell	Councillor Watts
Councillor Collison	
Councillor Driscoll	
Councillor Fisher	
Total (5)	Total (2)

G.10.6 ***SIGNING OF THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021***

RESPONSIBLE OFFICER: Kristian Enevoldson - Director Corporate Services

AUTHOR: Wayne Phelps - Manager Finance

RESOLVED That Council:

1. Delegate authority to the Mayor, a Councillor, General Manager & Director Corporate Services (Responsible Accounting Officer) to sign the Annual Financial Statements on behalf of the Council for the year ended 30 June 2021, which include the:
 - General Purpose Financial Statements
 - Special Purpose Financial Statements
 - Gummun Place Hostel Financial Statements
2. Approve the forwarding of the signed Annual Financial Statements to the Audit Office.

Moved: Cr K Fisher

Seconded: Cr J Burns

CARRIED UNANIMOUSLY

H.10.1 ***DRAFT RISK MANAGEMENT FRAMEWORK - INCLUSION OF ENVIRONMENTAL CONSEQUENCES***

RESPONSIBLE OFFICER: Kristian Enevoldson - Director Corporate Services

AUTHOR: Amber Moloney - Manager Governance & Risk

RESOLVED That Council adopt the revised Risk Management Framework provided in Attachment 1 to the report.

Moved: Cr S Abbott

Seconded: Cr L Watts

CARRIED UNANIMOUSLY

I.10.1 ***CASSILIS SEWER SYSTEM UPDATE***

RESPONSIBLE OFFICER: Karen Davies - Director Infrastructure Services

AUTHOR: Phillip Hood - Manager Water & Sewer

RESOLVED That Council:

1. receive the report and note the information, and;
2. resolve to halt the progression to construction tender (following completion of Detailed Design) until additional funding can be acquired.

Moved: Cr J Burns

Seconded: Cr R Campbell

CARRIED UNANIMOUSLY

I.10.2 ***WHITE PARK - LAND CONSOLIDATION***

RESPONSIBLE OFFICER: Karen Davies - Director Infrastructure Services

AUTHOR: Grahame Wilson - Manager Strategic Projects

RESOLVED That Council:

1. endorse the proposal to consolidate the northern part of Lots 12, 13, 14 of DP 1228077 to create a single land parcel, for "White Park Equine Complex".
2. endorse the proposal to consolidate the southern part of Lots 12, 13, 14 and all of Lot 15 of DP 1228077 to create a single land parcel, for "Scone Golf Course".
3. authorise the placement of an advertisement to the community indicating Council's intention for each item.
4. provide delegated authority to the General Manager to approve the land's consolidation request once the legal documentation has been prepared.

Moved: Cr L Watts

Seconded: Cr K Fisher

CARRIED UNANIMOUSLY

NM.10.1 ***NOTICE OF MOTION - TURANVILLE RAILWAY CROSSING***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: James Burns - Councillor

RESOLVED That Council instruct the General Manager to make the strongest possible representations to the Deputy Prime Minister, the Hon Barnaby Joyce MP for the New England Electorate, Mr David Layzell MP Member for the Upper Hunter Electorate and the Australian Rail & Track Authority, to insist on a safety audit of all level crossings in the Upper Hunter Shire with particular attention to be paid to the crossing at Turanville Road. These representations should be commenced within a month of this meeting.

Moved: J Burns

Seconded: R Campbell

CARRIED UNANIMOUSLY

NM.10.2

NOTICE OF MOTION - GENDER EQUITY TRAINING

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Sue Abbott - Councillor

MOTION

“I move that the first item to be considered when Upper Hunter Shire Council reconvenes after the December 2021 local government elections is that Upper Hunter Shire Council immediately undertakes gender equity training in order to be in a position to adopt an appropriate gender equity policy as soon as possible.”

Moved: S Abbott

Seconded: L Watts

LOST

FOR

Councillor Abbott
Councillor Burns
Councillor Watts

Total (3)

AGAINST

Councillor Campbell
Councillor Collison
Councillor Driscoll
Councillor Fisher

Total (4)

QWN.10.1

QUESTIONS WITH NOTICE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RESOLVED that the questions received and responses provided be noted.

Moved: Cr S Abbott

Seconded: Cr L Watts

CARRIED UNANIMOUSLY

CLOSED COUNCIL

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 L Watts

Seconded: Cr K Fisher

CARRIED UNANIMOUSLY

CR.10.1

***TENDER T03134 HUNTER & CENTRAL COAST COUNCILS
RENEWABLE ENERGY FOR LARGE SITES AND STREET LIGHTING***

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Paul Jakes - Manager Waste & Sustainability

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. award the contract in respect of Tender No. T03134 to Tenderer A as so named in the confidential report subject to completion of a satisfactory due diligence assessment by 30 November 2021. Should that not be provided, then Council award the contract in respect of Tender No. T03134 to Tenderer B as so named in the confidential report subject to completion of a satisfactory due diligence assessment by 31 December 2021.**

2. publish full details of the successful tenderer on Council's website as soon as the contract has been entered into, in accordance with clause 179 of the Local Government (General) Regulation 2005.
3. delegate authority to the General Manager to execute the contract and conduct all relevant functions under the contract.

Moved: Cr K Fisher

Seconded: Cr J Burns

CARRIED UNANIMOUSLY

CR.10.2 **TENDER NO. 2/2022 - SEWER RELINE PROGRAM - TENDER EVALUATION**

RESPONSIBLE OFFICER: Karen Davies - Director Infrastructure Services

AUTHOR: Gavin McKenzie - Project Manager

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 2/2022 from Abergeldie, for the investigation and relining of sewer mains for an estimated total lump sum of \$939,930 inclusive of GST subject to successful negotiation of the construction program;
2. delegate authority to the General Manager to approve variations to the contract up to and including 20% (inclusive 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 functions of the Contract.

Moved: Cr J Burns

Seconded: Cr L Watts

CARRIED UNANIMOUSLY

CR.10.3 **TENDER NO. 07/2022 - SCONE AIRPORT FENCING - TENDER EVALUATION**

RESPONSIBLE OFFICER: Kristian Enevoldson - Director Corporate 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. 07/2022 from Sunset Group Australia Pty Ltd, for the supply and construction of the Scone Airport perimeter fencing for a total lump sum of \$409,119 inclusive of GST;
2. provide delegated authority to the General Manager to conduct all relevant functions under the contract.

Moved: Cr J Burns

Seconded: Cr K Fisher

CARRIED UNANIMOUSLY

CR.10.4

TENDER NO. 06/2022 - NINE BRIDGES - TENDER EVALUATION

RESPONSIBLE OFFICER: Karen Davies - Director Infrastructure 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. 06/2022 from Tenderer A (as per Table 4 in the report), for the design and construction of the replacement of Nine Bridges for a total lump sum of \$3,762,164 inclusive of GST, subject to a satisfactory finding from a financial capacity report, and;**
2. **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;**
3. **provide delegated authority to the General Manager to conduct all relevant functions under the contract.**

Moved: Cr R Campbell

Seconded: Cr L Driscoll

CARRIED UNANIMOUSLY

RETURN TO OPEN MEETING

RESOLVED that Council move back into to Open Council.

Moved: Cr J Burns

Seconded: Cr K Fisher

CARRIED UNANIMOUSLY

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

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6.21PM.