

MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON MONDAY 25 MARCH 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 Allison McPhee, Cr Lee Watts and Cr Adam Williamson.

Cr Belinda McKenzie attended via video link.

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Matthew Clarkson (Acting 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:

24/035

RESOLVED

That Council accept the application received from Cr Belinda McKenzie to attend the meeting via video link.

Moved: Cr T Clout Seconded: Cr B McKenzie CARRIED UNANIMOUSLY

APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS:

24/036

RESOLVED

That Council:

- 1. accept the apology received from Cr Elizabeth Flaherty;**
- 2. accept the application for leave of absence from Cr Maurice Collison from 23 April 2024 for at least one month.**

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

PUBLIC PARTICIPATION:

Nil

CONFIRMATION OF MINUTES:

24/037

RESOLVED that the minutes of the ordinary Council meeting held on 26 February 2024 be adopted.

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

DISCLOSURES OF INTEREST:

CR.03.4 General Manager's Performance Review

Mr Greg McDonald, General Manager, declared a pecuniary interest / significant conflict for the reason that the item discusses his performance review and contract. Mr McDonald advised that he and the other staff would leave the meeting during discussion of the matter.

MAYORAL MINUTES

A.03.1 ***RECOGNITION OF LENGTH OF SERVICE - MICHAEL COOPER AND CHERYL SHIELDS***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

24/038

RESOLVED

That Council recognise:

1. Michael Cooper for his 30 years' service to Council; and,
2. Cheryl Shields for her 20 years' service to Council.

Moved: Cr M Collison CARRIED UNANIMOUSLY

STANDING COMMITTEE REPORTS

SCR.03.1 ***ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Environmental & Community Services

24/039

RESOLVED

That Council:

1. adopt the minutes of the Environmental & Community Services Committee meeting held on 12 March 2024 (attachment 1).
2. ECSC.03.1 –
 - a. place the Upper Hunter Region Employment Lands Strategy on public exhibition for a period of 28 days.
 - b. adopt the Strategy if no submissions are received.

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

SCR.03.2 ***INFRASTRUCTURE SERVICES COMMITTEE***

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Anna Brennan - Infrastructure Support Officer

24/040

RESOLVED

That Council adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday, 12 March 2024.

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

SCR.03.3 ***CORPORATE SERVICES COMMITTEE***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

24/041

RESOLVED

That Council adopt the:

1. minutes of the Corporate Services Committee meeting held on 15 March 2024; and
2. proposed budget variations as provided in attachment 2 to the report.

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

COMMITTEE/DELEGATES REPORTS

C.03.1 ***COMMUNITY ADVISORY COMMITTEE - MERRIWA DISTRICT***

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Amanda Catzikiris - Manager Community Services

24/042

RESOLVED

That Council:

1. endorse the minutes of the Community Advisory Committee – Merriwa District meeting held on 20 February 2024 with the amendment that Cr Williamson was present at the meeting;
2. accept the quote for \$10,000 for the wheel stops in Bettington Street to be funded from the Merriwa town beautification project budget;
3. allocate up to \$15,000 from the Merriwa town beautification project budget to cover the shortfall on the Vennacher St lighting project;
4. use funds of up to \$2,000 from the Merriwa town beautification project budget to cover the shortfall on the tree costs in Bettington Street, Merriwa;
5. approve project management costs of up to 10% of total project value for the Merriwa town beautification project;
6. investigate options to fund the fence repair / replacement at Merriwa Sportsground;
7. move the capital works budget allocation in the 2023/24 Operational Plan for renovation of the showground arena, to the 2024/25 Operational Plan to allow additional time for these works.

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

C.03.2 ***UPPER HUNTER COUNTRY TOURISM ASSOCIATION***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

24/043

RESOLVED

That Council note the minutes of the Upper Hunter Country Tourism Board meeting held on 20 February 2024.

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

C.03.3 ***MERRIWA AGED HOSTEL COMMITTEE***

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Amanda Catzikiris - Manager Community Services

24/044

RESOLVED

That Council;

1. adopt the minutes of the Merriwa Aged Hostel Committee meeting and Annual General Meeting held on 14 February 2024.
2. investigate strategies to implement a roster that includes two people on night shift as essential care staff.
3. maintain 100% external restriction for the value that equates to the total value of residential accommodation deposits (post 1 July 2014) to ensure that funds are available to repay the deposits in full as and when they fall due.
4. note that the level of the amounts held will form part of Council's investments and are in accordance with the controls and restrictions placed on Council's overall investments held.

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

C.03.4 ***COMMUNITY ADVISORY COMMITTEES - NOMINATIONS FOR MEMBERSHIP***

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Amanda Catzikiris - Manager Community Services

24/045

RESOLVED

That Council:

1. move into Closed Council to appoint Community members to Council's committees;
2. notify all nominees of the outcome;
3. continue with Aberdeen Community Advisory Committee and disband Scone Community Advisory Committee until the next Council term.

Moved: Cr A McPhee Seconded: Cr A Williamson CARRIED UNANIMOUSLY

C.03.5 ***COMMUNITY ADVISORY COMMITTEE - MURRURUNDI DISTRICT***

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Amanda Catzikiris - Manager Community Services

24/046

RESOLVED

That Council:

1. adopt the minutes of the Community Advisory Committee – Murrurundi District meeting held on 7 March 2024 with the amendment that Cr Williamson was in attendance not present at the meeting as he is not a member of the Committee;
2. endorse the design plans for the proposed Murrurundi Youth and Community Centre with the inclusion of a window in the office space.

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

FINANCE REPORTS

F.03.1 ***SIGNING OF THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

24/047

RESOLVED

That Council:

1. re-affirm the signing of the Council's General Purpose Financial Statements and Special Purpose Financial Statements.
2. approve the forwarding of the signed Council Annual Financial Statements to the Audit Office to complete their Independent Audit Opinion on the conduct of the audit.

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

GENERAL ADMINISTRATION REPORTS

G.03.1 ***2024 NATIONAL GENERAL ASSEMBLY - MOTIONS FOR SUBMISSION***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

24/048

RESOLVED

That Council:

1. nominate Crs Burns and McPhee to attend the 2024 National General Assembly to be held in Canberra from 2 to 4 July 2024;
2. submit the following motions for debate at the 2024 National General Assembly:
 - 1) a) That ALGA continue to lobby for increased assistance grants provided to councils;
 - b) That when ALGA is successful in gaining greater grant amounts for Councils, that it lobbies the Grants Commission to apply the method of distribution towards an increased amount to rural councils who have historically received less from the Grants Commission's present distribution formula;
 - c) That ALGA also lobby for the increase in funding from Transport authorities for those councils that have the responsibility of local Airports to be in line with the funding for road funding as they are both essential to the transport of goods and services for the regional and rural areas of Australia and provide economic drivers for the country.
- 2) That ALGA lobbies the Federal Government to create welfare reform around jobseeker recipient requirements to include 20 hours of work per week for the Local Government Area of the recipient. The areas of work that the people would serve can include grounds keeping, road maintenance and any other areas where the Local Government Area requires assistance that requires no qualifications.

Moved: Cr J Burns Seconded: Cr R Campbell CARRIED UNANIMOUSLY

G.03.2 *LGNSW RURAL AND REGIONAL SUMMIT*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

24/049

RESOLVED

That Council approve the request received from Cr James Burns to attend the Local Government NSW Rural & Regional Summit to be held in Sydney on Thursday, 9 May 2024.

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

G.03.3 *AGL MACQUARIE COMMUNITY DIALOGUE GROUP*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

24/050

RESOLVED

That Council nominate Cr Williamson to represent Council on the AGL Macquarie Community Dialogue Group.

Moved: Cr A Williamson Seconded: Cr A McPhee CARRIED UNANIMOUSLY

G.03.4 *2024 ANZAC DAY SERVICES*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

24/051

RESOLVED

That Council nominate representatives to attend the Anzac Day services and ceremonies throughout the Shire.

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

G.03.5 *OPERATION OF AUDIT, RISK AND IMPROVEMENT COMMITTEE*

RESPONSIBLE OFFICER: Wayne Phelps - Manager Finance

AUTHOR: Ian Roberts - Governance & Risk Advisor

24/052

RESOLVED

That Council

- 1. note that the Committee determined that both the Terms of Reference for the Audit, Risk and Improvement Committee and the Internal Audit Charter is effective from the date of the ARIC meeting, 18 March 2024 and as such, Cr Allison McPhee will assume the role of Council's non-voting member on its Audit, Risk and Improvement Committee; and**
- 2. adopt the amendments to the Audit, Risk and Improvement Committee's:**
 - a. Internal Audit Charter as shown as "track changes" provided in attachment 1; and**
 - b. Terms of Reference as shown as "track changes" provided in attachment 2.**

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

G.03.6 **SCONE CBD REVITALISATION - MOVIE STAR ATTRACTION**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Allan Greer - Project Manager

24/053

RESOLVED

That Council recommends the Civic Theatre to create the Movie Star Attraction inside the foyer of the renovated Civic Theatre.

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

G.03.7 **SCONE CBD REVITALISATION - 133 KELLY STREET MANNING LANE SIGN**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Allan Greer - Project Manager

24/054

RESOLVED

That Council approve the proposed artwork for the Manning Lane sign.

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

POLICY MATTERS

H.03.1 **POLICIES FOR REVIEW**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Boland - Governance & Executive Support Officer

24/055

RESOLVED

That Council adopt the following policies:

- 1. Stock Grazing & Movement on Council Roads;**
- 2. Collection of Firewood from Council Road Reserves and Council Owned Land.**

Moved: Cr A Williamson Seconded: Cr A McPhee CARRIED UNANIMOUSLY

INFRASTRUCTURE REPORTS

I.03.1 **JEFFERSON PARK MASTERPLAN**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Jayarajah Jeyakanthan - Executive Manager Works Delivery

24/056

RESOLVED

That Council

- 1. endorse the Jefferson Park Masterplan concept;**
- 2. exhibit the Jefferson Park Masterplan concept to the public for 28 days to receive community feedback.**

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

I.03.2

WATER SERVICE CONNECTION TO WINGEN SHOWGROUNDS

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Grahame Wilson - Manager Water & Sewer

24/057

RESOLVED

That Council donate, through the S356 Donations, the headworks charge and offer Abbotsford Trust rural connection to the Murrurundi pipeline as per the Fees and Charges.

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

CLOSED COUNCIL

24/058

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 J Burns Seconded: Cr A Williamson CARRIED UNANIMOUSLY

CONFIDENTIAL REPORTS

CR.03.1

TENDER 9/2024 - SCONE SEWER TREATMENT PLANT SLUDGE REMOVAL - TENDER EVALUATION

RESPONSIBLE OFFICER: Grahame Wilson - Manager Water & Sewer

AUTHOR: Julian Bailey - 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.

24/059

RESOLVED

That Council:

- 1. decline to accept any of the tenders for Tender No. 09/2024 as per Clause 178 (1)(b) of Part 7: Division 4 of the Local Government (General) Regulation 2005 for Scone Sewer Treatment Plant (STP) Sludge Removal as all tenders were significantly higher than the project budget;**
- 2. not call for fresh tenders as the market has been fully explored;**
- 3. enter into negotiations with suitable providers.**

Moved: Cr J Burns Seconded: Cr R Campbell CARRIED UNANIMOUSLY

CR.03.2

COUNCIL MAJOR SITES ELECTRICITY POWER PURCHASING AGREEMENT

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: John Wisniewski - Manager 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.

24/060

RESOLVED

That Council:

1. delegate the authority to execute the contract for the supply of electricity for large market sites and streetlighting to the General Manager subject to a successful tendering process by the Hunter Joint Organisation;
2. limit the value of the delegated authority to a maximum of \$700,000;
3. contribute a minimum of 30 percent of Council's electricity load to a renewable Power Purchase Agreement; and
4. advise Hunter Joint Organisation of Council's decision to delegate authority to execute the contract.

Moved: Cr J Burns

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

CR.03.3

TENDER NO. 07/2024 - MURULLA STREET CAUSEWAY UPGRADE - TENDER EVALUATION

RESPONSIBLE OFFICER: Jeff Bush - Manager Strategic Assets

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.

24/061

RESOLVED

That Council:

1. accept Tender No. 07/2024 from Conex Group Pty Ltd for the Murulla Street Causeway Upgrade for a total lump sum of \$371,566.80 inclusive of GST;
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 L Watts

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

CR.03.4**GENERAL MANAGER'S PERFORMANCE REVIEW****RESPONSIBLE OFFICER:** Maurice Collison - Mayor**AUTHOR:** Robyn Cox - Executive Assistant

This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

DISCLOSURE OF INTEREST

Mr Greg McDonald declared a pecuniary interest / significant conflict for the reason that the item discusses his performance review and contract. Mr McDonald and all other staff left the meeting during discussion of the matter.

24/062

RESOLVED**That Council:**

1. **note the General Manager Performance Review Panel report noting the General Manager is performing at "Exceeds Expectation".**
2. **offer a new 5 year contract to the General Manager in accordance with clause 5.2 of the present General Manager's contract to commence at the completion of the present contract.**

Moved: Cr J Burns

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

RETURN TO OPEN MEETING

24/063

RESOLVED That the meeting move back into Open Council.

Moved: Cr T Clout

Seconded: Cr J Burns

CARRIED UNANIMOUSLY

Upon resuming Open Council the General Manager provided a summary of three resolutions and the Mayor provided a summary of the resolution for CR.03.4 passed in Closed Council.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6.09PM.