

PRESENT: Cr R.W. Scholes(Chair), Cr M.L. Rush, Cr S.L. Bailey, Cr J.F. Eades, Cr J.P. Foy, Cr J.L. Ledlin, Cr G.T. McNeill, Cr S.M. Reynolds and Cr S.J. Ward.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director - Community Infrastructure), Ms C. O'Brien (Acting Director – Planning & Community Services), Mr G. Abeywardena (Assistant Director – Community Infrastructure and Chief Engineer), Ms N. Cowley (Executive Manager – Officer of the Chief Financial Officer), Ms S. Pope (Assistant Director – Planning & Community Services), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mrs M. Sandell-Hay (PA to General Manager), Miss M. Meadows (PA to Mayor), 3 people in the public gallery and 2 media representatives.

1 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the General Manager.

2 CIVIC PRAYER

The Civic Prayer was read by the Deputy Mayor.

3 APOLOGIES AND LEAVE OF ABSENCE

316 RESOLVED on the motion of Crs Bailey and Reynolds that:

The apologies for inability to attend the meeting submitted by Cr. M. Green, Cr M. Bowditch, and Cr B. Woodruff be ACCEPTED and the necessary Leave of Absence be GRANTED.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

317 RESOLVED on the motion of Crs Ledlin and Eades that:

The Minutes of the Ordinary Meeting held on 14 May 2019, and the Extra Ordinary Meeting held on 21 May 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

5 DISCLOSURE OF ANY PECUNIARY AND NON PECUNIARY INTEREST

Cr S. Reynolds declared an insignificant non-pecuniary interest in item 10.1. Cr Reynolds advised Council that one of the submissions received on the proposed development was from a member of the community who handed out pre-polling information for him.

Cr G. McNeill declared an insignificant non-pecuniary interest in item 11.1. Cr McNeill advised Council that his employer utilises a large amount of Muswellbrook Shire Council supplied water.

Cr R. Scholes declared an insignificant non-pecuniary interest in item 12.4. Cr Scholes advised Council that he is a member of Muswellbrook Rotary who are seeking sponsorship.

6 PUBLIC PARTICIPATION

Disclosure of interest

Cr S. Reynolds declared an insignificant Non- Pecuniary Interest in item 10.1. Cr Reynolds advised that one of the submissions received on the proposed development was from a member of

the community who handed out pre-polling information for him. At 06:10pm Cr Reynolds left the Council Chambers.

Mr David Pennells – In support of Item 10.1 DA 78/2019

Ms Christine Kenah – re: Item 10.1 DA 78/2019

7 BUSINESS ARISING

Nil

8 MAYORAL MINUTES

Nil

9 GENERAL BUSINESS

Nil

10 ENVIRONMENTAL SERVICES

10.1 DA 78/2018 - MIXED USE DEVELOPMENT COMPRISING A SERVICE STATION AND RESTAURANT

318 RESOLVED on the motion of Crs Rush and Ward that:

This matter be deferred for consideration at the Extra-Ordinary Council Meeting Scheduled for 26 June 2019.

In Favour: Crs S. Bailey, J. Eades, J. Foy, J. Ledlin, G. McNeill, M. Rush, R. Scholes, S. Ward and B. Woodruff.

Against: Nil.

At 06:29 pm Cr Reynolds returned to Council Chambers.

11 COMMUNITY INFRASTRUCTURE

11.1 ESTABLISHMENT OF MANDATORY LEVEL 1 WATER RESTRICTIONS

Disclosure of Interest

Cr G. McNeill declared an insignificant non-pecuniary interest in this item. Cr McNeill advised that his employer utilises a large amount of Muswellbrook Shire Council supplied water.

319 RESOLVED on the motion of Crs McNeill and Rush that:

1. Council approves the establishment of mandatory level 1 water restrictions for Muswellbrook and Denman town water supply from 1 July 2019, following notification of the restrictions in a local newspaper;
2. The mandatory level 1 water restrictions will apply until the dam level at Glenbawn Dam rises to a level against which Council may with confidence revoke the mandatory level 1 water restrictions;
3. Council places a moratorium on the legislative enforcement of the mandatory level 1 water restrictions until 1 September 2019.

12 CORPORATE AND COMMUNITY SERVICES

12.1 COUNCIL WEBSITE UPGRADE

320 RESOLVED on the motion of Crs Rush and Reynolds that:

Council allocate an amount of \$49k to the 2019/20 Budget from the general capital allowance that is available for Corporate Planning and Community Services for the reconstruction and upgrade of Council's website.

12.2 AUDIT, RISK AND IMPROVEMENT BUDGET

321 RESOLVED on the motion of Crs Rush and Eades that:

An amount of \$28,000 be allocated in the 2019-2020 Draft Budget to support Council's Internal Audit, Risk and Improvement function such funds to be derived from the amount presently allowed for legal operational expenses.

12.3 2019/2020 COUNCILLOR FEES

322 RESOLVED on the motion of Crs Rush and Ward that:

1. Council approve the annual fee of \$12,160 for Councillors for 2019/2020; and
2. Council approval an additional fee of \$26,530 for the position of Mayor for 2019/2020.

12.4 SPONSORSHIP REQUEST - SCIENCE & ENGINEERING CHALLENGE

Disclosure of Interest

Cr R. Scholes declared an insignificant Non-Pecuniary Interest in this item. Cr Scholes advised that he is a member of Muswellbrook Rotary who are seeking sponsorship. At 06:36 pm Cr Rod Scholes left the Council Chambers and therefore took no part in discussion or voting on this item.

Cr Bailey assumed the role of the Chair for the conduct of this item.

323 RESOLVED on the motion of Crs Reynolds and Ledlin that:

Council approve the request for sponsorship from the Rotary Club of Muswellbrook in the amount of \$1,200.00 for the Science and Engineering Challenge 2019 to be allocated from unexpended funds allocated to the Upper Hunter Wine and Food Affair.

At 06:37 pm Cr Rod Scholes returned to Council Chambers and resumed the role of Chair for the remainder of the meeting.

12.5 COMMITTEES OF COUNCIL

324 RESOLVED on the motion of Crs Rush and Bailey that:

1. Monthly meetings of Council's Infrastructure Committee and Corporate Policy and Planning Committee be discontinued and convened as required by the General Manager.

2. Council's monthly meetings be convened on the last Tuesday of each month commencing at 6.30pm.
3. A Public Forum be held at 6.00 pm prior to Council's monthly meetings as required, pursuant to the Model Code of Meeting Practice.
4. A protocol be drafted for the exercise of a delegation by the General Manager to authorise the public exhibition of documents.

12.6 POLICY REVIEW

325 RESOLVED on the motion of Crs Bailey and McNeill that:

1. Council adopt as amended the Financial Assistance and Sponsorship Policy, Volunteer Policy, Employment of Relatives Policy and Procedure, Staff Housing Assistance Policy and Records Management Policy.
2. Notes the adoption by the General Manager of the Grievance and Dispute Resolution Policy and Recover at Work Program.

12.7 MODEL CODE OF MEETING PRACTICE

326 RESOLVED on the motion of Crs Rush and Reynolds that:

1. Council adopt the Model Code of Meeting Practice as attached as Appendix A.
2. Public Forums be held thirty minutes prior to each Ordinary and Extraordinary Meeting of the Council as required.

12.8 FUTURE FUND POLICY REVIEW

327 RESOLVED on the motion of Crs Rush and Bailey that:

Council:

1. Place the amended Future Fund Policy on public exhibition for twenty eight (28) days.
2. Establish a Future Fund Committee under the Local Government Act 1993 Section 355 and adopts the Future Fund Committee Terms of Reference.

12.9 2018/19 CARRYOVER PROJECTS

328 RESOLVED on the motion of Crs Rush and McNeill that:

1. The attached lists of Operating and Capital Carryovers be adopted.
2. The final value, based on the adjusted actual 2018/19 expenditure, be incorporated into the 2019/20 Budget prior to the September 2019 Budget Review.
3. The funding for the investigation and design development (Showground) be returned to the asset renewal reserve.

12.10 DIRECTOR'S REPORT - ENVIRONMENT AND COMMUNITY SERVICES

329 RESOLVED on the motion of Crs Reynolds and Ledlin that:

The information contained in this report be noted.

13 REPORTS FROM COMMITTEES

13.1 ABORIGINAL RECONCILIATION COMMITTEE - 1/05/2019

330 RESOLVED on the motion of Crs Ledlin and Eades that:

The minutes for the Aboriginal Reconciliation Committee meeting held on Wednesday 1 May 2019 be NOTED.

13.2 DEVELOPMENT ASSESSMENT COMMITTEE - 20/05/2019

331 RESOLVED on the motion of Crs Rush and Ledlin that:

The Minutes of the Development Assessment Committee Meeting held on Monday 20 May 2019 be received and the recommendations contained therein ADOPTED.

13.3 LOCAL TRAFFIC COMMITTEE - 21/05/2019

332 RESOLVED on the motion of Crs Reynolds and McNeill that:

The Minutes of the Local Traffic Committee Meeting held on Tuesday 21 May 2019 be received and the recommendations contained therein ADOPTED.

13.4 INFRASTRUCTURE COMMITTEE - 29/05/2019

333 RESOLVED on the motion of Crs Reynolds and Ledlin that:

The Record of Proceedings of the Infrastructure Committee Meeting held on Wednesday 29 May 2019 be received and the recommendations contained therein ADOPTED.

13.5 CORPORATE POLICY AND PLANNING COMMITTEE - 29/05/2019

334 RESOLVED on the motion of Crs Foy and Ward that:

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 29 May 2019 be received and the recommendations contained therein ADOPTED.

13.6 DEVELOPMENT ASSESSMENT COMMITTEE - 3/06/2019

335 RESOLVED on the motion of Crs Rush and Ledlin that:

The Minutes of the Development Assessment Committee Meeting held on Monday 3 June 2019 be received and the recommendations contained therein ADOPTED.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

15.1 MINE OPERATION EMPLOYMENT OBLIGATIONS

336 RESOLVED on the motion of Crs Reynolds and Eades that:

The information be noted.

16 COUNCILLORS REPORTS

Nil

17 QUESTIONS FOR NEXT MEETING

17.1 MINING EMPLOYMENT PRACTICES

337 RESOLVED on the motion of Crs Rush and Reynolds that:

A representative from the CFMMEU be invited to address Council regarding the issue of FIFO and DIDO in the local area at the next Ordinary Council Meeting Scheduled for July 2019.

18 ADJOURNMENT INTO CLOSED COUNCIL

338 RESOLVED on the motion of Crs Bailey and Foy that:

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

**19.1 REQUEST FOR FUNDING TO UPGRADE THE FLUORIDE DOSING SYSTEM AT
MUSWELLBROOK WATER TREATMENT PLANT IN 2019/2020 FINANCIAL YEAR**

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, 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 Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 CONTRACT 2018-2019-0313-C2 DESIGN AND CONSTRUCTION OF TWO RAILWAY CROSSING WATER MAINS

Item 19.2 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, 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 Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 CONTRACT 2018-2019-0349 DESIGN AND CONSTRUCT SPS5 RISING MAIN

Item 19.3 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.4 EXECUTION OF REFINANCING OF \$13.5M FUTURE FUND LOAN

Item 19.4 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, 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 Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19 CLOSED COUNCIL

19.1 REQUEST FOR FUNDING TO UPGRADE THE FLUORIDE DOSING SYSTEM AT MUSWELLBROOK WATER TREATMENT PLANT IN 2019/2020 FINANCIAL YEAR

339 RESOLVED on the motion of Crs Rush and McNeill that:

Council approves \$258,980 from the Water Reserve to be included in the 2019-20 budget for the construction of a new fluoride dosing system at the Muswellbrook water treatment plant, and that the total cost of the project be reimbursed from the NSW Government Department of Health upon completion.

19.2 CONTRACT 2018-2019-0313-C2 DESIGN AND CONSTRUCTION OF TWO RAILWAY CROSSING WATER MAINS

340 RESOLVED on the motion of Crs Ward and Reynolds that:

Council Approves:

1. The revised water main alignment crossings in Turner Street, Denman and Hill Street, Muswellbrook as detailed in the report.
2. Variation V01 - Additional pipework at Muswellbrook and Denman, for the amount of \$233,400, exclusive of GST, under contract 2018-2019-0313-C2 Design and Construction of Two Railway Crossing Water Mains.
3. Proceeding with Crown Land water pipeline easement negotiations for Lot 1 DP 171274 and Lot 231 DP 729996 in Denman.
4. The transfer of \$268,410.00 from GL 5320.4340.504 Muswellbrook Mains Replacement

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 11 JUNE,
2019 COMMENCING AT 6.00PM.**

to GL 5320.4377.504 Railway Crossing Water Mains to accommodate Variation V01 and contingencies. As the project will not be completed within the 2018-2019 financial year, the approved budget allocations will be carried over to the 2019-20 financial year.

19.3 CONTRACT 2018-2019-0349 DESIGN AND CONSTRUCT SPS5 RISING MAIN

341 RESOLVED on the motion of Crs Ledlin and Eades that:

1. Council approves the acceptance of the tender submitted by TCM Civil Pty Ltd, in the amount of \$574,385 (excl. GST sums and Contingencies) for the Design and Construction of Sewer Rising Main No.5 Contract 2018-2019-0341;
2. Council approves the contingency provision allocation as detailed in the report.

19.4 EXECUTION OF REFINANCING OF \$13.5M FUTURE FUND LOAN

342 RESOLVED on the motion of Crs Bailey and Eades that:

Council accepts the terms in the briefing report provided for the Principal and interest loan from Westpac Banking Corporation for an amount of AUD\$13.5 million on a fixed term of 3 years, amortising over 7 years and otherwise in accordance with the terms offered by Westpac Banking Corporation. Council delegates to the General Manager the authority to execute this loan agreement to refinance the purchase of Seven Hills and Campbells Corner with Westpac Banking Corporation.

20 RESUMPTION OF OPEN COUNCIL

343 RESOLVED on the motion of Crs Bailey and Ledlin that:

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 7:09pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 8) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 9 JULY, 2019 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 11 JUNE, 2019

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Ms F. Plesman
General Manager

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Cr R. Scholes
Chairperson