

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL  
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 13  
MARCH, 2018 COMMENCING AT 6.00PM.**

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**PRESENT:** Cr M.L. Rush, Cr M. Bowditch, Cr J.F. Eades, Cr J.P. Foy, Cr M.I. Green, Cr J.L. Ledlin, Cr G.T. McNeill, Cr R.W. Scholes, Cr S.M. Reynolds, Cr S.J. Ward and Cr B.N. Woodruff.

**IN ATTENDANCE:** Ms F. Plesman (Acting General Manager), Mr D. Finnigan (Interim Director, Community Infrastructure), Ms C. O'Brien (Acting Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Ms N. Cowley (Manager, Corporate Services), Mr P. Gunasekara (Acting Manager, Planning & Environmental Services), Mr M. Lysaught (Manager, Property & Building), Mr J. Wisniewski (Waste, Reuse, Environment & Operations Manager), Mr J. Brown (Executive Services Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager), Mrs N. Argent (PA to the Mayor), 2 people in the public gallery and 1 media representative.

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The Acknowledgement of Country was read by the Acting General Manager.

## **2 CIVIC PRAYER**

The Civic Prayer was read by the Mayor.

## **3 APOLOGIES AND LEAVE OF ABSENCE**

216 RESOLVED on the motion of Crs Bowditch and Foy that:

The apologies for inability to attend the meeting submitted by Cr. S. Bailey be ACCEPTED and the necessary Leave of Absence be GRANTED.

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

217 RESOLVED on the motion of Crs Woodruff and Reynolds that:

The Minutes of the Ordinary Meeting held on 13 February 2018, and the Extra Ordinary Meeting held on 28 February 2018, 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 B. Woodruff** – declared a pecuniary interest in Item 12.1. Cr Woodruff advised Council that his employer undertakes work at the sites listed in the report.

**Cr R. Scholes** – declared a pecuniary interest in Item 12.1. Cr Scholes advised Council that he contracts to Bengalla and Mt Pleasant Mines.

**Cr M. Bowditch** – declared a pecuniary interest in Item 12.1. Cr Bowditch advised Council that he contracts to Mt Pleasant.

**Ms G. Bobsien** – declared a pecuniary interest in Item 19.6. Ms Bobsien advised Council that she is a tenant in one of Council's properties.

## **6 PUBLIC PARTICIPATION**

Nil

## 7 MAYORAL MINUTES

Nil

## 8 GENERAL BUSINESS

Nil

## 9 BUSINESS ARISING

Nil

## 10 ENVIRONMENTAL SERVICES

### 10.1 DRAFT DEVELOPMENT CONTROL PLAN (DCP) 2018

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

This matter be considered at the April Ordinary Council meeting to allow a briefing to be provided to Councillors prior to considering placing the DCP on public exhibition.

## 11 COMMUNITY INFRASTRUCTURE

Nil

## 12 CORPORATE AND COMMUNITY SERVICES

### 12.1 COMMUNITY CONSULTATIVE COMMITTEE COUNCIL PARTICIPATION

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

Muswellbrook Shire Council nominate Cr Kiwa Fisher of Upper Hunter Shire as Chairperson of the Dartbrook CCC and that Cr Martin Rush be Council's representative on the Dartbrook Community Consultative Committee.

#### **Disclosure of Interest**

**Cr M. Bowditch** declared a pecuniary interest in this item. Cr Bowditch advised Council that he contracts to Mt Pleasant Mine.

**Cr R. Scholes** declared a pecuniary interest in this item. Cr Scholes advised Council the he contracts to both Bengalla and Mt Pleasant Mines.

**Cr B. Woodruff** declared a pecuniary interest in this item. Cr Woodruff advised Council that his employer undertakes work at both mine sites.

At 06:07 pm Crs Bowditch, Scholes and Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

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

1. Cr Green be nominated as Council's delegate a member of Council staff to attend the Bengalla and
2. Cr Rush be nominated as Council's delegate member to Mt Pleasant CCC following the resignation of Cr Scholes in February 2018.

At 06:09 pm Cr s Bowditch, Scholes and Woodruff returned to Council Chambers.

**12.2 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES**

221 RESOLVED on the motion of Crs Reynolds and Woodruff that:

The information contained in this report be noted.

**13 REPORTS FROM COMMITTEES**

**13.1 LOCAL TRAFFIC COMMITTEE - 20/02/2018**

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

The Minutes of the Local Traffic Committee Meeting held on Tuesday 20 February 2018 be received and the recommendations contained therein ADOPTED.

**13.2 ABORIGINAL RECONCILIATION COMMITTEE - 14/12/2017**

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

The minutes for the Aboriginal Reconciliation Committee meeting held on Thursday 14 December 2017 be NOTED.

**13.3 INFRASTRUCTURE COMMITTEE - 28/02/2018**

224 RESOLVED on the motion of Crs Woodruff and Green that:

The Minutes of the Infrastructure Committee Meeting held on Wednesday 28 February 2018 be received and the recommendations contained therein ADOPTED.

**13.4 CORPORATE POLICY AND PLANNING COMMITTEE - 28/02/2018**

225 RESOLVED on the motion of Crs McNeill and Ledlin that:

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 28 February 2018 be received and the recommendations contained therein ADOPTED.

**14 NOTICES OF MOTION / RESCISSION**

Nil

**15 QUESTIONS WITH NOTICE**

Nil

**16 COUNCILLORS REPORTS**

**16.1 INTERNATIONAL WOMEN'S DAY LUNCHEON**

Cr Jacinta Ledlin reported that she and Cr Green attended the International Women's Day Luncheon held at Council last week which was a great success.

**16.2 CONGRATULATIONS**

Cr Jacinta Ledlin congratulated Fiona Plesman on achieving a Highly Commended Award for Women in Local Government recently.

**16.3 COUNTRY RUGBY LEAGUE**

Cr Graeme McNeill reported that he, together with Cr Green, Reynolds and staff had recently met with Country Rugby League concerning the proposed developments of the Olympic Park Precinct.

**16.4 INTERNATIONAL WOMEN'S DAY - LIBRARY**

Cr Michelle Green reported that she also attended an International Women's Day event hosted at the Muswellbrook Library by the Girls Academy.

**17 QUESTIONS FOR NEXT MEETING**

**17.1 DOG PARK**

Cr Steven Reynolds inquired whether an update on the Dog Park could be provided.

Cr Green advised that a meeting had been held with local vets recently and that work was progressing on installation of fencing and concrete.

**18 ADJOURNMENT INTO CLOSED COUNCIL**

**226** RESOLVED on the motion of Crs Reynolds and Green 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 PANEL TENDERS FOR SUPPLY AND INSTALLATION OF SAFETY BARRIER SYSTEMS**

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.2 Contract 2017-2018-0310 DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE SYSTEM**

Item 19.2 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.

**19.3 AWARD OF TENDER FOR THE DESIGN AND CONSTRUCTION OF RAILWAY  
CROSSING WATER MAINS**

Item 19.3 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.

**19.4 MUSWELLBROOK SHIRE COUNCIL ORGANICS RECYCLING FACILITY**

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.

**19.5 2017-2018-0333 PROVISION OF CLEANING SERVICES FOR NOMINATED  
COMMERCIAL BUILDINGS**

Item 19.5 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.

**19.6 REVIEW OF STAFF HOUSING**

Item 19.6 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.

Members of the public left the meeting at this stage.

**19 CLOSED COUNCIL**

**19.1 PANEL TENDERS FOR SUPPLY AND INSTALLATION OF SAFETY BARRIER SYSTEMS**

**227** RESOLVED on the motion of Crs Scholes and Ledlin that:

1. Council accept the tenders of the following contractors as a Panel for Supply & Installation of Road Safety Barrier Systems (Category 1) for the period from 1 April 2018 to 31 March 2020
  - a. Irwin Fencing
  - b. D & P Fencing Contractors
  - c. Guard Rail Systems; and
2. A provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 31/03/2021.

**19.2 CONTRACT 2017-2018-0310 DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE SYSTEM**

228 RESOLVED on the motion of Crs Woodruff and Bowditch that:

The tender received from RCA Australia for Contract 2017-2018-0310 Decommissioning and Removal of Underground Petroleum Storage System, in the net amount of \$111,612, be accepted.

**19.3 AWARD OF TENDER FOR THE DESIGN AND CONSTRUCTION OF RAILWAY CROSSING WATER MAINS**

229 RESOLVED on the motion of Crs Scholes and Reynolds that:

1. Council Approve the award of tender 2017-2018-0313-C2, submitted by Kerroc Constructions Pty Ltd for the amount of \$672,900.00 (excl. GST).
2. Make provision for project contingencies and management services as detailed in this report.

**19.4 MUSWELLBROOK SHIRE COUNCIL ORGANICS RECYCLING FACILITY**

230 RESOLVED on the motion of Clrs Rush and Scholes that:

1. Council sign the Deed of Agreement with the New South Wales Environmental Trust to receive \$500,000 in grant funding.
2. Council commit to providing the additional capital funding required over three financial years to plan and construct a Food Organics/Garden Organics Processing Facility as detailed in the report and the funds be sourced from the Waste Reserves.

**19.5 2017-2018-0333 PROVISION OF CLEANING SERVICES FOR NOMINATED COMMERCIAL BUILDINGS**

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

Council accept the tender of Emco Pty Ltd T/A Onescope for the contract 2017-2018-0333 Provision of Cleaning Services for Nominated Muswellbrook Shire Council Commercial Buildings.

**19.6 REVIEW OF STAFF HOUSING**

**Disclosure of Interest**

Ms G. Bobsien declared a pecuniary interest in this item. Ms Bobsien advised Council that she is a tenant in a Council property.

Ms Bobsien and Mr Mitreski left the meeting at this stage.

**232** RESOLVED on the motion of Crs Rush and Woodruff that:

The report be considered as part of the 2018/2019 budget.

Ms Bobsien and Mr Mitreski returned to the meeting at this stage.

## **20 RESUMPTION OF OPEN COUNCIL**

**233** RESOLVED on the motion of Crs Reynolds and Bowditch that:

The meeting return to Open Council.

### **20.1 ACTING MANAGER, PLANNING & REGULATORY SERVICES**

Ms Plesman advised Council that tonight's meeting would be the last for Pathum Gunasekara who is currently the Acting Manager, Planning & Regulatory Services. Ms Plesman further advised Council that Mr Gunasekara would be leaving Muswellbrook Shire Council and taking up a Strategic Planning position with Maitland Council. Ms Plesman thanked Mr Gunasekara for the significant work he has undertaken whilst with Council, particularly with the revision and co-ordination of the LEP and DCP.

## **21 CLOSURE**

The meeting was declared closed at 6.38 pm.

**THE MINUTES OF THE MEETING (PAGES 1 TO 7) WERE CONFIRMED AT THE ORDINARY  
COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 10  
APRIL, 2018 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE  
MEETING HELD ON TUESDAY 13 MARCH, 2018**

.....  
Ms F. Plesman

**Acting General Manager**

.....  
Cr M. Rush

**Chairperson**