

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 14
AUGUST, 2018 COMMENCING AT 6.00PM.**

PRESENT: Cr M.L. Rush, Cr M. Bowditch, Cr J.F. Eades, Cr J.P. Foy, Cr M.I. Green, Cr R.W. Scholes and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director, Community Infrastructure), Ms S. Pope (Acting Director, Planning, Community & Corporate Services), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Ms N. Cowley (Manager, Corporate Services), Mr M. Lysaught (Manager, Property & Building), Mr J. Brown (Executive Services Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager), Mrs N. Argent (PA to Mayor) and Mr A. Mitreski (Policy Officer).

1 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the General Manager.

2 CIVIC PRAYER

The Civic Prayer was read by the Mayor.

3 APOLOGIES AND LEAVE OF ABSENCE

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

The apologies for inability to attend the meeting submitted by Cr J. Ledlin, Cr. G. McNeill, Cr. S. Bailey, Cr. S. Ward and Cr. S. Reynolds be ACCEPTED and the necessary Leave of Absence be GRANTED.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

63 RESOLVED on the motion of Crs Woodruff and Scholes that:

The Minutes of the Ordinary Meeting held on 10 July 2018, the Extra Ordinary Meeting held on 16 July 2018, the Extra Ordinary Meeting held on 23 July 2018, and the Extra Ordinary Meeting held on 1 August 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 J. Foy – declared a significant non-pecuniary interest in Item 19.3. Cr Foy advised Council that he is good friends with one of the tenderers.

6 PUBLIC PARTICIPATION

Nil

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

8.1 UPPER HUNTER COUNTRY TOURISM STRATEGY 2018 AND UPPER HUNTER DESTINATION MANAGEMENT PLAN 2018.

64 RESOLVED on the motion of Crs Bowditch and Green that:

Council adopt the Upper Hunter Country Tourism Strategy 2018 and delegate to the General Manager prioritisation of its recommendations.

Cr Rush asked that Council's thanks be extended to Jane Callinan of Upper Hunter Shire Council for her efforts in preparing the Strategy.

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 MUSWELLBROOK SHIRE LOCAL STRATEGIC PLANNING STATEMENT

65 RESOLVED on the motion of Crs Foy and Woodruff that:

The matter of placing the draft Muswellbrook Local Strategic Planning Statement by endorsing public exhibition for 56 days be delegated to the General Manager.

10.2 JOINT REGIONAL PLANNING PANEL - APPOINTMENT OF MEMBERS

66 RESOLVED on the motion of Crs Rush and Bowditch that:

Advertise for EOIs for community members for the Joint Regional Planning Panel, with selection criteria based on the requirements of the *Planning Panels Operational Procedures* published by the Department of Planning and Environment.

10.3 DEVELOPMENT ASSESSMENT COMMITTEE

67 RESOLVED on the motion of Crs Rush and Scholes that:

1. Council establish a Development Assessment Committee with the following functions:
 - (i) To determine development applications;
 - (ii) To monitor the progress of development applications not yet determined;
 - (iii) To recommend to Council the need to develop or amend policies in relation to planning related matters – including strategic planning.
2. Council delegate to the Development Assessment Committee the determination of development applications under the *Environmental Planning and Assessment Act 1979* not otherwise delegated to the General Manager except where: the development application is for, or in any way related to:
 - (a) (i) food and drink premises used for, or proposed to be used for, the sale of

- alcohol;
 - (ii) electricity generating works;
 - (iii) mines and extractive industries;
 - (iv) a waste disposal facility; or
 - (v) subdivisions into more than ten lots; or
 - (b) where the capital investment value of the development specified in the development application exceeds \$2,000,000; or
3. The Development Assessment Committee be constituted as follows:
- (i) the Councillor Spokesperson for Planning (as Chair);
 - (ii) the Councillor Spokesperson for Infrastructure;
 - (iii) the Councillor Spokesperson for Utilities; and
 - (iv) in the absence of any of the councillors set out in (i) to (iii) any other councillor nominated by the Committee Chair or Acting Chair (as the case may be).

11 COMMUNITY INFRASTRUCTURE

11.1 ENVIRONMENTAL MANAGEMENT PLAN - WASTE FACILITIES

68 RESOLVED on the motion of Crs Scholes and Woodruff that:

The information contained in this report be noted.

11.2 CLASSIFICATION OF LAND AS OPERATIONAL

69 RESOLVED on the motion of Crs Scholes and Woodruff that:

Council classify Lot 100 in DP1243622 land recently purchased by Council in Denman as "Operational" in accordance with Division 1, Part 2 of the Local Government Act 1993.

11.3 CAPITAL WORKS PROGRAMS

70 RESOLVED on the motion of Crs Rush and Woodruff that:

1. The following priority lists of works be adopted and funds applied to these priorities to the extent of funding under the various programs:
 - Footpath Renewals as per Attachments A and B;
 - Kerb and Gutter Renewals as per Attachment C;
 - Reseals as per Attachments D, E and F;
 - New Footpath priorities as per Attachment G and proposed paths on Roger Street and Carl Street be constructed using the current allocation.
 - Safety Devices as per Attachment H
 - Heavy Patching as per Attachment I
2. Council's co contributions required to implement the Resources for Regions Program and RMS REPAIR Program be sourced as detailed in the report.

3. Council allocate \$450,000 from the Urban Road Renewal Program to the rehabilitation of Hyde Street as recommended in the report with the balance of funding from that program transferred to the Infrastructure Renewal Reserve.

12 CORPORATE AND COMMUNITY SERVICES

12.1 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES

- 71 RESOLVED on the motion of Crs Scholes and Woodruff that:

The information contained in this report be noted.

12.2 DELEGATION TO THE GENERAL MANAGER

- 72 RESOLVED on the motion of Crs Rush and Woodruff that:

The delegation to the General Manager of Muswellbrook Shire Council, as amended, be ENDORSED.

12.3 2018-2019 GENERAL RECREATION PROGRAMME

- 73 RESOLVED on the motion of Crs Green and Woodruff that:

Council:

1. Approve the proposed General Recreation Programme as outlined in the report.
2. Reallocate funding for Victoria Park and Cemetery Works to proceed.

12.4 SECTION 226 OF THE LOCAL GOVERNMENT

- 74 RESOLVED on the motion of Crs Scholes and Woodruff that:

Council note the information provided.

13 REPORTS FROM COMMITTEES

13.1 INFRASTRUCTURE COMMITTEE - 25/07/2018

- 75 RESOLVED on the motion of Crs Woodruff and Scholes that:

The Minutes of the Infrastructure Committee Meeting held on Wednesday 25 July 2018 be received and the recommendations contained therein ADOPTED.

13.2 CORPORATE POLICY AND PLANNING COMMITTEE - 25/07/2018

76 RESOLVED on the motion of Crs Foy and Green that:

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 25 July 2018 be received and the recommendations contained therein ADOPTED.

13.3 LOCAL TRAFFIC COMMITTEE - 17/07/2018

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

1. The Minutes of the Local Traffic Committee Meeting held on Tuesday 17 July 2018 be received and the recommendations contained therein ADOPTED.
2. Cr Rush be appointed as deputy Chair of the Committee.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

Nil

17 QUESTIONS FOR NEXT MEETING

Nil

18 ADJOURNMENT INTO CLOSED COUNCIL

78 RESOLVED on the motion of Crs Woodruff and Scholes 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 CONTINUATION OF CONTRACT 2016-2017-266C1 AWARDED TO CONHUR PTY LTD

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(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.

19.2 CONTINUATION OF CONTRACT 2017-2018-0324 B1 AWARDED TO AURECON AUSTRALASIS PTY LTD FOR DESIGN OF MUSWELLBROOK SEWERAGE TRANSPORTATION UPGRADE

Item 19.2 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.

19.3 2017-2018-0233 PROVISION OF PROPERTY AND BUILDING TRADES AND SERVICES - SECOND CALL

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 DENMAN MEMORIAL HALL TENDER NEGOTIATIONS

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 CONTINUATION OF CONTRACT 2016-2017-266C1 AWARDED TO CONHUR PTY LTD

79 RESOLVED on the motion of Crs Scholes and Woodruff that:

Council approve the transfer of \$172,108.60 (excl. GST) from Council's Sewer Reserve, to enable fulfilment of Contract 2016-2017-266C1: Dewatering and Removal of Sludge at the Denman Sewage Treatment Plant.

19.2 CONTINUATION OF CONTRACT 2017-2018-0324 B1 AWARDED TO AURECON AUSTRALASIA PTY LTD FOR DESIGN OF MUSWELLBROOK SEWERAGE TRANSPORTATION UPGRADE

80 RESOLVED on the motion of Crs Scholes and Woodruff that:

Council approves the transfer of \$307,500 (excl. GST) from Council's Sewer Reserve, to enable fulfilment of Contract 2017-2018-0324 B1: Design of Muswellbrook Sewerage Transportation System Upgrade.

19.3 2017-2018-0233 PROVISION OF PROPERTY AND BUILDING TRADES AND SERVICES - SECOND CALL

Disclosure of Interest

Cr Foy declared a significant non-pecuniary interest in this item. Cr Foy advised Council that he is good friends with one of the tenderers. At 06:17 pm Cr Foy left the Council Chambers and therefore took no part in discussion or voting on this item.

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

As a quorum was not present this matter be considered at the September Ordinary Council

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meeting.

At 06:18 pm Councillor Jason Foy returned to Council Chambers.

19.4 DENMAN MEMORIAL HALL TENDER NEGOTIATIONS

82 RESOLVED on the motion of Crs Foy and Green that:

Council:

1. Award the contract to Pluim Commercial Contractors Pty Ltd, in accordance with their tender submission 2017-2018-0305A Denman Memorial Hall - Refurbishment After Fire.
2. Utilise internal borrowings to fund the balance of the project budget as identified in the report.

20 RESUMPTION OF OPEN COUNCIL

83 RESOLVED on the motion of Crs Scholes and Woodruff that:

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 6.18pm.

**THE MINUTES OF THE MEETING (PAGES 1 TO 7) WERE CONFIRMED AT THE ORDINARY
COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 11
SEPTEMBER, 2018 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF
THE MEETING HELD ON TUESDAY 14 AUGUST, 2018**

.....
Ms F. Plesman
General Manager

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Cr M. Rush
Chairperson