

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL  
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 9  
OCTOBER, 2018 COMMENCING AT 6:00PM.**

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**PRESENT:** Cr M.L. Rush, Cr S.L. Bailey, Cr M. Bowditch, Cr J.F. Eades, Cr J.P. Foy, Cr M.I. Green, Cr J.L. Ledlin and Cr B.N. Woodruff.

**IN ATTENDANCE:** Ms F. Plesman (General Manager), Mr D. Finnigan (Director - Community Infrastructure), Ms C. O'Brien (Acting Director – Planning & Community Services), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Ms N. Cowley (Executive Manager – Office 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), Mr M. Lysaught (Manager – Works, Property & Building), Mr A. Mitreski (Policy Officer), Mrs M. Sandell-Hay (PA to General Manager) 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 Mayor.

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

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

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

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

108 RESOLVED on the motion of Crs Bowditch and Ledlin that:

The Minutes of the Ordinary Meeting held on 11 September 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 M Bowditch** – declared a pecuniary interest in Item 19.6. Cr Bowditch advised Council that the Company he works for reviewed the Tender Documents.

**Cr M. Green** – declared a pecuniary interest in Item 12.2. Cr Green advised Council that her husband's company has undertaken bush regeneration work in areas listed in the Urban Riparian Landcare Masterplan.

**Cr M. Green** - also declared a significant non-pecuniary interest in Items 13.5 & 13.6. Cr Green advised Council that the Family Day Care providers for her son are listed in the Minutes relating to DA 52/2018.

**Cr M. Green** - also declared a significant non-pecuniary interest in Item 19.1. Cr Green advised Council that she is close friends with administration manager of one of the tenderers.

## **6 PUBLIC PARTICIPATION**

Nil

## 7 MAYORAL MINUTES

Nil

## 8 BUSINESS ARISING

Nil

## 9 GENERAL BUSINESS

## 10 ENVIRONMENTAL SERVICES

### 10.1 ADMINISTRATIVE AMENDMENT TO MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009 - LAKE LIDDELL RECREATION RESERVE

109 RESOLVED on the motion of Crs Woodruff and Bailey that:

Council:

1. Requests a Gateway determination from the Department of Planning & Environment, pursuant to the *Environmental Planning and Assessment Act 1979*, in relation to the Planning Proposal in Attachment A;
2. Advises the Department of Planning & Environment that Council is requesting an authorisation to exercise its delegation of the plan making functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979*;
3. Places the Planning Proposal on public exhibition, subject to the outcome of the Gateway Determination; and
4. Notifies stakeholders and affected landowners of the Gateway determination and public exhibition period, as required.

In Favour: Crs S. Bailey, M. Bowditch, J. Eades, J. Foy, M. Green, J. Ledlin, M. Rush and B. Woodruff.

Against: Nil.

## 11 COMMUNITY INFRASTRUCTURE

Nil

## 12 CORPORATE AND COMMUNITY SERVICES

### 12.1 COMMUNITY AND BUSINESS SUSTAINABILITY GRANTS

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

The information contained in this report be noted.

### 12.2 MUSWELLBROOK URBAN RIPARIAN LANDCARE MASTERPLAN

#### Disclosure of Interest

Cr Green declared a pecuniary interest in this item. Cr Green advised Council that her husband's company has undertaken bush regeneration work in areas listed in the Urban Riparian Landcare Masterplan. At 6.02pm Cr Green left the Council Chambers and therefore

took no part in discussion or voting on this item.

**111** RESOLVED on the motion of Crs Ledlin and Woodruff that:

Council adopts the *Muswellbrook Urban Riparian Landcare Master Plan*, as provided in Attachment A.

At 6:03pm Cr Green returned to Council Chambers and resumed her usual chair at the meeting table.

### **12.3 REMAINING PROJECTS TO MEET THE 40% RENEWABLE ENERGY TARGET**

**112** RESOLVED on the motion of Crs Rush and Eades that:

1. The unexpended amount be placed in a new reserve to be called the sustainability reserve
2. The allocation of funds and a review of the Renewable Energy Target be reconsidered in the 2019/2020 budget.
3. A report be prepared for consideration by Council with respect to the possibility of placing additional solar panels on the Muswellbrook Library and any other Council owned buildings.

### **12.4 HALF DAY PUBLIC HOLIDAY 2019**

**113** RESOLVED on the motion of Crs Rush and Green that:

The meeting be adjourned for 5 minutes to allow staff to review the previous year's holiday allocation.

The meeting adjourned at 6.10pm

The meeting reconvened at 6.15pm

**114** RESOLVED on the motion of Crs Green and Woodruff that:

Council make application to the Minister for Industrial Relations for the approval of a half day public holiday for the Muswellbrook Cup Day from noon on Friday, 29 March 2019.

### **12.5 MUSWELLBROOK MENS SHED REQUEST FOR ADDITIONAL LAND**

**115** RESOLVED on the motion of Crs Rush and Foy that:

1. The resolution of the request be delegated to the GM noting that Council is broadly supportive of providing the association with additional land subject to the association bearing all the additional costs and entering into an amended Licence agreement.
2. Subject to a masterplan for the site that ensures the granting of the additional land wont impact on future requirements from Council particularly anything arising from the Drought Relief response.

**12.6 REQUEST FOR FINANCIAL ASSISTANCE - MUSWELLBROOK MEN'S SHED**

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

The matter be considered as part of the September quarterly review.

**12.7 NOISY HEELER MUSIC FESTIVAL - ALCOHOL FREE ZONE SIMPSON PARK**

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

1. Council approve the closure of Simpson Park in accordance with the Simpson Park Plan of Management from 7am until 11pm on Saturday 20 October 2018 for the purpose of the 2018 Noisy Heeler Music Festival; and,
2. Council approve the temporary suspension of the Alcohol Free Zone and the Alcohol Prohibited Area in the Market Street/Simpson Park precinct (as defined by the map attached) for the purposes of the Noisy Heeler Music Festival on Saturday 20 October 2018 from 12noon to 12pm.

**12.8 DIRECTOR'S REPORT - ENVIRONMENT AND COMMUNITY SERVICES**

118 RESOLVED on the motion of Crs Ledlin and Foy that:

The information contained in this report be noted.

**12.9 AUSTRALIA DAY 2019**

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

The matter be delegated to the General Manager subject to there being a Councillor briefing session.

**13 REPORTS FROM COMMITTEES**

**13.1 LOCAL TRAFFIC COMMITTEE - 19/09/2018**

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

The Minutes of the Local Traffic Committee Meeting held on Wednesday 19 September 2018 be received and the recommendations contained therein ADOPTED.

**13.2 INFRASTRUCTURE COMMITTEE - 26/09/2018**

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

The Minutes of the Infrastructure Committee Meeting held on Wednesday 26 September 2018 be received and the recommendations contained therein ADOPTED.

**13.3 CORPORATE POLICY AND PLANNING COMMITTEE - 26/09/2018**

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

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 26 September 2018 be received and the recommendations contained therein ADOPTED.

**13.4 DEVELOPMENT ASSESSMENT COMMITTEE - 10/09/2018**

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

The Minutes of the Development Assessment Committee Meeting held on Monday 10 September 2018 be received and the recommendations contained therein ADOPTED.

**13.5 DEVELOPMENT ASSESSMENT COMMITTEE - 17/09/2018**

**Disclosure of Interest**

Cr Green declared a non-pecuniary interest in Item 13.5 and 13.6. Cr Green advised Council that the family who run the Family Day Care her son attends are mentioned in the two sets of Minutes. At 6:25 pm Cr Green left the Council Chambers and therefore took no part in discussion or voting on these items.

124 RESOLVED on the motion of Crs Ledlin and Foy that:

The Minutes of the Development Assessment Committee Meeting held on Monday 17 September 2018 be received and the recommendations contained therein ADOPTED.

**13.6 DEVELOPMENT ASSESSMENT COMMITTEE - 26/09/2018**

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

The Minutes of the Development Assessment Committee Meeting held on Wednesday 26 September 2018 be received and the recommendations contained therein ADOPTED.

At 06:26 pm Cr Green returned to Council Chambers and resumed her usual chair at the meeting table.

**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**

**126** RESOLVED on the motion of Crs Foy and Woodruff 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 TENDER NO 2018-2019-0343 SURVEYING SERVICES**

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 2017-2018-0320 MUSWELLBROOK RAIL NOISE ABATEMENT PROJECT**

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 2017-2018-0275 - REGIONAL ENTERTAINMENT CONFERENCE CENTRE - Public Exhibition**

Item 19.3 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.

### **19.4 WATER MAIN BREAK AFFECTING WATER SUPPLY TO SOUTH MUSWELLBROOK**

Item 19.4 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.

### **19.5 POTENTIAL CIVIC PRECINCT PURCHASE**

Item 19.5 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.

**19.6 CONTRACT NO: 2017-2018-0345: UPGRADE TO VICTORIA PARK AND TOWN  
CEMETERY, MUSWELLBROOK - TENDER**

Item 19.6 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 CLOSED COUNCIL**

### **19.1 TENDER NO 2018-2019-0343 SURVEYING SERVICES**

#### **Disclosure of Interest**

Cr Green declared a significant non-pecuniary interest in this item. Cr Green advised Council that a close friend is the Administration Manager of one of the tenderers. At 6:26pm Cr Green left the Council Chambers and therefore took no part in discussion or voting on this item.

**127** RESOLVED on the motion of Crs Woodruff and Bowditch that:

1. Council Accept the tenders submitted by Monteath & Powys Pty Ltd, MM Hyndes Bailey & Co, FYFE Pty Ltd and Mitchel Hanlon Consulting Pty Ltd to undertake works for a period of 12 months.
2. The General Manager be authorised to sign and affix Council's seal to the contract.

At 06:27 pm Cr Green returned to Council Chambers and resumed her usual chair at the meeting table.

### **19.2 CONTRACT 2017-2018-0320 MUSWELLBROOK RAIL NOISE ABATEMENT PROJECT**

**128** RESOLVED on the motion of Crs Bowditch and Woodruff that:

Award the contract to Bridge and Civil in accordance with their tender submission including the option of removing Wall 2.

### **19.3 2017-2018-0275 - REGIONAL ENTERTAINMENT CONFERENCE CENTRE - PUBLIC EXHIBITION**

**129** RESOLVED on the motion of Crs Woodruff and Ledlin that:

1. Council Place all five tender submissions' concept designs on public exhibition for a minimum of 28 days.
2. A report be submitted to the Design Competition Assessment Panel about the feedback received from the community following public exhibition.
3. The Design Competition Assessment Panel then make a recommendation to Council on the preferred design.



#### **19.4 WATER MAIN BREAK AFFECTING WATER SUPPLY TO SOUTH MUSWELLBROOK**

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

Council notes the information contained in the report, and resolves as follows:

1. A detailed design for the construction of a secondary South Muswellbrook water main will proceed as a high priority. The detailed design is to be funded from an existing Water capital budget.
2. The detailed design and estimate of construction of the second south Muswellbrook water main will be reported to Council, seeking funding to enable construction as a high priority.
3. Costs of repair and restoration of the damaged water main are to be funded from Council's Water Reserve.

#### **19.5 POTENTIAL CIVIC PRECINCT PURCHASE**

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

1. Council delegate to the General Manager the making of an offer in the terms included in the report in the amended amount in the confidential Annexure A to the Minutes subject to due diligence and that being reported back to Council.
2. Such funds to be sourced as an internal loan from the Waste Reserve.

#### **19.6 CONTRACT NO: 2017-2018-0345: UPGRADE TO VICTORIA PARK AND TOWN CEMETERY, MUSWELLBROOK - TENDER**

##### **Disclosure of Interest**

Cr Bowditch declared a pecuniary interest in this Item. Cr Bowditch advised Council that the company he works for reviewed the tender documentation. At 6:36pm Cr Bowditch left the Council Chambers and therefore took no part in discussion or voting on this item.

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

New tenders be invited.

At 6:37pm Cr Bowditch returned to Council Chambers and resumed his usual chair at the meeting table.

#### **20 RESUMPTION OF OPEN COUNCIL**

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

The meeting return to Open Council.

#### **21 CLOSURE**

The meeting was declared closed at 6.37 pm.



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HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 9  
OCTOBER, 2018 COMMENCING AT 6:00PM.**

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**THE MINUTES OF THE MEETING (PAGES 1 TO 9) WERE CONFIRMED AT THE ORDINARY  
COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 13  
NOVEMBER, 2018 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF  
THE MEETING HELD ON TUESDAY 9 OCTOBER, 2018**

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Ms F. Plesman

**General Manager**

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Cr M. Rush

**Chairperson**