

PRESENT: Cr M.L. Rush, Cr M. Bowditch, Cr J.P. Foy, Cr J.L. Ledlin, Cr G.T. McNeill, Cr R.W. Scholes and Cr S.M. Reynolds.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director - Community Infrastructure), Ms C. O'Brien (Acting Director – Environment & 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 – Environment & Community Services), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mr A. Willis (Corporate Lawyer), Mr A. Mitreski (Policy Officer), Mr H. McTaggart (Senior Development Planner) Mrs M. Sandell-Hay (PA to General Manager and, 5 people in the public gallery.

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

134 RESOLVED on the motion of Crs Reynolds and Foy that:

The apologies for inability to attend the meeting submitted by Cr. S. Bailey, Cr J.F. Eades, Cr. M. Green, Cr. S. Ward and Cr. B. Woodruff, be ACCEPTED and the necessary Leave of Absence be GRANTED.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

135 RESOLVED on the motion of Crs Scholes and McNeill that:

The Minutes of the Ordinary Meeting held on 9 October 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 19.1. Cr Bowditch advised Council that his employer tendered for the Contract.

Cr G. McNeill – Declared a significant non-pecuniary interest in Item 10.4. Cr McNeill advised Council that he is an employee of the Applicant.

Cr S. Reynolds – Declared an insignificant non-pecuniary interest in Item 19.1. Cr Reynolds advised Council that one of the tenderers is a client and friend of his.

Cr R. Scholes – Declared an insignificant non-pecuniary interest in Item 10.5. Cr Scholes advised Council that the proponent is a personal friend.

6 PUBLIC PARTICIPATION

Nil

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

Nil

9 BUSINESS ARISING

Nil

SUSPENSION OF STANDING ORDERS

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

Standing Orders be suspended in order to consider Item 19.8 as the first item of Business.

ADJOURNMENT TO CLOSED COUNCIL

137 RESOLVED on the motion of Crs Rush and Bowditch 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:

19.8 DEED OF AGREEMENT - LAND TRANSFER TO CREATE EASEMENT

Item 19.8 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.

Members of the public left the meeting at this time

19.8 DEED OF AGREEMENT - LAND TRANSFER TO CREATE EASEMENT

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

Council authorises the General Manager and Mayor to execute the Deed of Agreement and that the Seal of Council be affixed to the document.

RESUMPTION OF OPEN COUNCIL

139 RESOLVED on the motion of Crs Foy and Scholes that:

The meeting return to Open Council.

Members of the public returned to the Chambers

10 ENVIRONMENTAL SERVICES

10.1 DA 52/2018 DWELLING HOUSE LOT 18 DP 663977 14 LORNE STREET, MUSWELLBROOK

140 RESOLVED on the motion of Crs Bowditch and Reynolds that:

Council approves DA 52/2018 for the construction of a dwelling house subject to the recommended conditions of consent contained in Attachment B.

In Favour: Crs M. Bowditch, J. Foy, J. Ledlin, G. McNeill, S. Reynolds, M. Rush and R. Scholes.

Against: Nil.

ADJOURNMENT OF MEETING

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

The meeting adjourn to allow the General Manager to sign the Deed of Agreement.

The Meeting reconvened at 6.10pm

10.2 DA 76/2017 - RENOVATIONS AND ADDITIONS TO RACING FUNCTION CENTRE

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

Council approve DA 76/2017 for renovations and additions to the racing and function centre at 16 Sheppard Avenue, Muswellbrook (Lot 150 DP 708030), subject to the conditions contained in Attachment B.

10.3 DA 47/2018 - BOARDING HOUSE

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

DA 47/2018 be delegated to the General Manager to determine.

In Favour: Crs M. Bowditch, J. Foy, J. Ledlin, G. McNeill, M. Rush and R. Scholes.

Against: Cr S. Reynolds.

10.4 DA 74/2018 - OFFICE PREMISES AND CAR PARKING AREA ANCILLARY TO SECURITY AND TRAFFIC CONTROL AT BAYSWATER POWER STATION

Disclosure of Interest

Cr McNeill declared a significant non-pecuniary interest in this item. Cr McNeill advised Council that his employer is the applicant.

As the motion is a procedural motion Cr McNeill remained in the Chambers.

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

The determination of DA 74/2018 be delegated to the Development Assessment Committee.

In Favour: Crs M. Bowditch, J. Foy, J. Ledlin, G. McNeill, S. Reynolds, M. Rush and R. Scholes.

Against: Nil.

10.5 IRONBARK RIDGE PLANNING PROPOSAL UPDATE

Disclosure of Interest

Cr R. Scholes declared an insignificant non-pecuniary interest in this item. Cr Scholes advised that the proponent is a personal friend.

As the motion is a procedural motion Cr Scholes remained in the Chambers.

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

Determination of this matter be delegated to the General Manager.

In Favour: Crs M. Bowditch, J. Foy, J. Ledlin, G. McNeill, S. Reynolds, M. Rush and R. Scholes.

Against: Nil.

10.6 AMENDMENT TO MUSWELLBROOK DCP 2009 - SECTION 25 - STORMWATER MANAGEMENT

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

The amendment to Muswellbrook DCP 2009 – Section 25 – Stormwater Management be considered by the Corporate Policy & Planning Committee.

10.7 SUBMISSION ON PROPOSED SHORT TERM RENTAL ACCOMMODATION POLICY

147 RESOLVED on the motion of Crs Rush and Foy that:

Council:

1. Authorises the General Manager to make a submission on Council's behalf, on the proposed planning framework for the regulation of short-term rental accommodation in NSW, covering parking, property values, day limits and compliance; and
2. Advises the Department of Planning and Environment that for short-term rental accommodation in the Muswellbrook Shire LGA, a day limit of 365 days should be applied, when the host is not present, to dwellings in Environmental, Rural and Business zones, and a day limit of 180 days for dwellings in Residential (including the Village zone), Industrial and Recreation zones.

11 COMMUNITY INFRASTRUCTURE

11.1 ARENA FUNDED PILOT DEMONSTRATION PLANT PROPOSAL FOR SUSTAINABLE WATER AND ENERGY DENMAN AND SANDY HOLLOW

148 RESOLVED on the motion of Crs Scholes and McNeill that:

Council

1. Funds the pilot water/energy operation as proposed in Sandy Hollow in partnership with Restech and the Australian Renewable Energy Agency with funding allocated from the Water Reserve subject to ARENA contributions and co-signing of research agreements.
2. Delegates to the General Manager negotiation of the research agreements.

11.2 DENMAN TOURIST PARK MASTER PLAN

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

Council ADOPTS the Denman Tourist Park Master Plan except with respect to the location of the netball courts, such decision to be determined after considering a combined tourist park masterplan and recreation masterplan.

12 CORPORATE AND COMMUNITY SERVICES

12.1 LOCAL ORDERS POLICY

150 RESOLVED on the motion of Crs Rush and Foy that:

The placement of the draft Local Orders Policy on public exhibition be considered by the Corporate Policy & Planning Committee.

12.2 FINDINGS OF THE COMMUNITY PANEL - COMMUNITY ENGAGEMENT PROGRAM

151 RESOLVED on the motion of Crs Scholes and Foy that:

Council notes the recommendations made by the 2018 Muswellbrook Shire Community Panel.

12.3 2017-2018 ANNUAL REPORT

152 RESOLVED on the motion of Crs Ledlin and Scholes that:

1. Council endorse the 2017-2018 Annual Report including the audited Financial Statements
2. The General Manager be delegated authority to submit a copy to the Minister for Local Government and NSW Office of Local Government and to post the Annual Report on Council's website.

12.4 2017/18 ANNUAL FINANCIAL STATEMENTS

153 RESOLVED on the motion of Crs Bowditch and Scholes that:

Council adopts the General Purpose Financial Statements, Special Purpose Financial Statements, Special Schedules and Audit Reports for the year ended 30 June 2018.

12.5 SEPTEMBER BUDGET REVIEW 2018

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

Council adopt the list of proposed changes and incorporate them into the 2018/19 Budget.

12.6 DIRECTOR'S REPORT - PLANNING, COMMUNITY AND CORPORATE SERVICES

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

The information contained in this report be noted.

13 REPORTS FROM COMMITTEES

13.1 DEVELOPMENT ASSESSMENT COMMITTEE - 8/10/2018

156 RESOLVED on the motion of Crs Scholes and Bowditch that:

The Minutes of the Development Assessment Committee Meeting held on Monday 8 October 2018 be received and the recommendations contained therein ADOPTED.

13.2 DEVELOPMENT ASSESSMENT COMMITTEE - 22/10/2018

157 RESOLVED on the motion of Crs Ledlin and Scholes that:

The Minutes of the Development Assessment Committee Meeting held on Monday 22 October 2018 be received and the recommendations contained therein ADOPTED.

13.3 DEVELOPMENT ASSESSMENT COMMITTEE - 5/11/2018

158 RESOLVED on the motion of Crs Ledlin and Scholes that:

The Minutes of the Development Assessment Committee Meeting held on Monday 5 November 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 12/16 HUNTER RIVER LANCERS DINNER

Cr Scholes reported that he attended the 12/16 Hunter River Lancers Beersheba Dinner on Saturday 10 November, 2018 where amongst other things awards were presented to employers of those in the Reserves.

16.2 MANGOOLA RURAL FIRE STATION OPENING

Cr Bowditch reported that he attended the Opening of the Mangoola Rural Fire Station on Saturday 10 November, 2018.

Cr Rush also congratulated Bruce Tindale who has been with the Rural Fire Service for 60 Years.

17 QUESTIONS FOR NEXT MEETING

17.1 IMPACTS OF MINING ON LOCAL AREA

Cr McNeill mentioned an ABC report regarding the impacts of mining on the local area which implied that ratios of exposed ground was exceeding their consent conditions. Cr McNeill inquired whether this was true and if so whether there was anything that Council could do to ensure consent conditions are met regarding this matter?

Cr Rush advised that this matter would be taken on notice.

18 ADJOURNMENT INTO CLOSED COUNCIL

159 RESOLVED on the motion of Crs Ledlin and Reynolds 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 CONTRACT NO.: 2017-2018-0345: UPGRADE TO VICTORIA PARK & TOWN CEMETERY, MUSWELLBROOK - SECOND CALL FOR TENDER

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 REQUEST TO WAIVE RATES

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 2016-2017-0276 AQUATIC CENTRE POOL UPGRADE - TENDER TO ENGAGE PRINCIPAL DESIGN CONSULTANT(PDC)

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 HUNTER RIVER FLOOD RISK MANAGEMENT STUDY AND PLAN

Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(f) of the local government act 1993, as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and council property, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.5 FUTURE FUND POLICY REVIEW

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 TRIAL OF MOBILE AERATED FLOOR (MAF) SYSTEM TO PROCESS KERBSIDE ORGANICS

Item 19.6 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(l) 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.

19.7 REVIEW OF OFFICE SPACE IN MUSWELLBROOK

Item 19.7 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 CONTRACT NO.: 2017-2018-0345: UPGRADE TO VICTORIA PARK & TOWN CEMETERY, MUSWELLBROOK - SECOND CALL FOR TENDER

Disclosure of Interest

Cr S. Reynolds declared an insignificant non-pecuniary interest in this item. Cr Reynolds advised Council that one of the tenderers was a client and friend of his.

Cr M. Bowditch declared a pecuniary interest in this item. Cr Bowditch advised Council that his employer was one of the tenderers.

As the motion is a procedural motion Crs Reynolds and Bowditch remained in the Chambers.

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

Be considered at an Extra-ordinary Council meeting to be held at 5.00pm on 20 November, 2018.

19.2 REQUEST TO WAIVE RATES

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

Council approves the waiving of rates applying to the residential property identified in the report for the period 1 July 2018 to 31 December 2018 amounting to \$1,032.65.

19.3 2016-2017-0276 AQUATIC CENTRE POOL UPGRADE - TENDER TO ENGAGE PRINCIPAL DESIGN CONSULTANT(PDC)

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

Be considered at the Extra-ordinary Council meeting on Tuesday 20 November, 2018

19.4 HUNTER RIVER FLOOD RISK MANAGEMENT STUDY AND PLAN

163 RESOLVED on the motion of Crs Bowditch and McNeill that:

Council endorses the 'Draft Floodplain Risk Management Study and Plan', September 2018, and the 'Hunter River Flood Study Model Revisions Report', October 2017, to be placed on public exhibition for a period of 28 days, commencing 14 November 2018.

19.5 FUTURE FUND POLICY REVIEW

164 RESOLVED on the motion of Crs Rush and Foy that:

The placing of the Future Fund Policy on public exhibition be considered at the November Corporate Policy & Planning Committee.

19.6 TRIAL OF MOBILE AERATED FLOOR (MAF) SYSTEM TO PROCESS KERBSIDE ORGANICS

165 RESOLVED on the motion of Crs Scholes and Foy that:

Council resolves to:

1. Commit \$130,000 of funding for a trial of the proprietary C-Wise MAF (Mobile Aerated Floor) system to process garden organics at the Muswellbrook Waste Facility.
2. Receive a report on the operation of the MAF system after it has been operational for a period of six months.
3. Support the submission of a request to vary the project proposal submitted for the Waste Less Recycle More (WLRM) Organics Infrastructure (Large and Small) grant previously received for Council's proposed organics processing facility.

19.7 REVIEW OF OFFICE SPACE IN MUSWELLBROOK

166 RESOLVED on the motion of Crs Rush and Foy that:

Council allocate \$250,000 from the waste management fund for the design and any necessary planning approvals to facilitate the move of council to the business precinct.

20 RESUMPTION OF OPEN COUNCIL

167 RESOLVED on the motion of Crs Scholes and Foy that:

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 6.37pm.

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

**THE MINUTES OF THE MEETING (PAGES 1 TO 10) WERE CONFIRMED AT THE
ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON
TUESDAY 11 DECEMBER, 2018 AND ARE A FULL AND ACCURATE RECORD OF
PROCEEDINGS OF THE MEETING HELD ON TUESDAY 13 NOVEMBER, 2018**

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Ms F. Plesman

General Manager

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Cr M. Rush

Chairperson