

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 14 MAY,
2019 COMMENCING AT 6.00PM.**

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, Cr S.M. Reynolds, Cr S.J. Ward and Cr B.N. Woodruff.

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 – Officer 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. Mitreski (Policy Officer), Mr M. Lysaught (Manager – Works, Property & Building Services), Mrs M. Sandell-Hay (PA to General Manager), Miss M. Meadows (PA to Mayor), 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

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

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

292 RESOLVED on the motion of Crs Green and Ledlin that:

The Minutes of the Ordinary Meeting held on 9 April 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 M. Green – also declared a pecuniary interest in Item 12.6. Cr Green advised Council that her husband's business contracts to Council for bush regeneration projects and her mother-in-law has part of the newly formed Landcare Group and Sustainability Hub.

Cr M. Green – declared a pecuniary interest in Item 19.1. Cr Green advised Council that her husband works at BHP Mt Arthur.

Cr M. Green – also declared a pecuniary interest in Item 19.3. Cr Green advised Council that her husband works for one of the businesses listed in the report.

Cr S. Reynolds – declared a pecuniary interest in Item 19.1 and 19.3. Cr Reynolds advised Council that he has legal proceedings against the company listed in the reports.

Cr M. Bowditch – declared a non-pecuniary interest in Item 19.1 and 19.3. Cr Bowditch advised Council that he works for undertakes minor work for Mt Arthur.

6 PUBLIC PARTICIPATION

Nil

7 MAYORAL MINUTES

Nil

8 BUSINESS ARISING

Nil

9 GENERAL BUSINESS

10 ENVIRONMENTAL SERVICES

Nil

11 COMMUNITY INFRASTRUCTURE

11.1 WATER AND SEWER FUNDS WAGE ADJUSTMENTS FOR MARCH 2019

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

Council approves the adjustment of Water Fund and Sewer Fund wages as detailed in the report.

11.2 TRANSFER OF FUNDS BETWEEN GENERAL LEDGER ACCOUNTS IN SEWER CAPITAL WORKS PROGRAM

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

Council approves the transfer of \$100,000 from Council's General Ledger 6310.4437.504, to General Ledger 6310.4473.504 to enable fulfilment of Council's obligation under the funding deed RNSW 1756 – Denman Sewage Treatment Plant Upgrade Business Case, with NSW Treasury.

11.3 PROPERTY AND BUILDING SERVICES - CAPITAL PROGRAMME BUDGET REALLOCATIONS

295 RESOLVED on the motion of Crs Ward and Ledlin that:

Council approve the budget reallocations to Property and Building Services – Capital Programme and the consolidation of the Olympic Park projects budgets as identified in the report.

11.4 ELECTRICITY CHARGES FOR DENMAN WATER INTAKE WORKS

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

Council approves the readjustment of electricity charge budgets as detailed in the report.

12 CORPORATE AND COMMUNITY SERVICES

12.1 DA 6/2019 - COMMERCIAL ALTERATIONS AND ADDITIONS - 10 OGILVIE STREET, DENMAN

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

Council APPROVES Development Application No. 6/2019, involving alterations and additions to the Denman Royal Hotel at Lot 1 DP 1068339, subject to the conditions in Appendix B to the report.

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

Against: Nil.

12.2 AUTHORISATION UNDER SECTION 226 OF THE LOCAL GOVERNMENT ACT

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

Council note the information provided.

12.3 COUNCIL WEBSITE UPGRADE

299 RESOLVED on the motion of Crs Rush and Green that:

This matter be considered a the next Ordinary Meeting of Council.

12.4 AUDIT, RISK AND IMPROVEMENT BUDGET

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

This matter be considered a the next Ordinary Meeting of Council.

12.5 CHANGING THE VENUE FOR THE JULY COUNCIL MEETING

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

The Council Meeting scheduled to be held on 9 July, 2019 be held in the Denman Memorial Hall, Ogilvie Street, Denman.

12.6 DIRECTOR'S REPORT - ENVIRONMENT AND COMMUNITY SERVICES

Disclosure of Interest

Cr Green declared a pecuniary interest in this Item. Cr Green advised Council that her husband's business contracts to Council for bush regeneration projects and her mother-in-law is involved in the newly formed Landcare Group and Sustainability Hub. At 06:04 pm Cr Michelle Green left the Council Chambers and therefore took no part in discussion or voting on this item.

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

The information contained in this report be noted.

At 06:04pm Cr Green returned to Council Chambers and resumed her usual chair at the meeting table.

12.7 MARCH 2019 BUDGET REVIEW

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

Council adopt the list of proposed changes and incorporate them into the 2018/2019 Budget

13 REPORTS FROM COMMITTEES

13.1 DEVELOPMENT ASSESSMENT COMMITTEE - 6/05/2019

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

The Minutes of the Development Assessment Committee Meeting held on Monday 6 May 2019 be received and the recommendations contained therein ADOPTED.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

Nil

17 QUESTIONS FOR NEXT MEETING

18.1 REGULATORY OBLIGATIONS OF MINES TO EMPLOY LOCALS

Cr Reynolds inquired whether there are any regulatory obligations of the mines to employ locals?

Cr Rush advised that they are contained in the conditions of planning consent. If there is a particular concern it was recommended to email the question to the General Manager.

18.2 LOCAL ACCOMMODATION RESTRICTIONS

Cr Reynolds inquired whether there are any restrictions on the mines/contracting companies to bulk book local accommodation for employees?

Ms Pope advised Council that Short term rental accommodations is an ongoing issue and has been for the past 8 or so years. Council provided a submission to the Department of Planning and Environment, which was conducting a review of short term rental accommodation. Council put forward a submission to impose a limit of 180 nights per year for short term accommodation where there was no host present to ensure rental properties are not operating as hotels. The Department of Planning placed the review of short term rentals on hold due to elections. In any case if there is an arrangement in place for more than 3 months, a tenancy agreement must entered into.

18.3 COUNCIL'S GARBAGE CONTRACTOR

Cr Woodruff inquired whether Council had had the opportunity to discuss with JR Richards the conduct of their contractors during the dawn service?

Mr Finnigan advised the meeting that the General Manager acted quickly and JR Richards have provided a verbal and written apology to Council and have assured Council that are measures in place to ensure this does not occur again.

18.4 COUNCILS APPRECIATION

Cr Rush, on behalf of elected Council thanked Dr Gerry Bobsien for the work she has undertaken with Council during her time and wishes her well with her future endeavours. Her loss will be keenly felt.

18 ADJOURNMENT INTO CLOSED COUNCIL

305 RESOLVED on the motion of Crs Bailey and Ledlin 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 EDDERTON ROAD CLOSURE

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 2018-2019-0349 - PROVISION OF MAINTENANCE SERVICES FOR PUMPS, COMPRESSORS, VALVES, PIPEWORK, FABRICATED STRUCTURES, ELECTRICAL, INSTRUMENTATION, SCADA, TELEMETRY AND ASSOCIATED PLANT

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 CONTRACT 2018-2019-0360 - SEWERAGE TREATMENT WORKS - PROVISION OF REUSE WATER

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 2017-2018-0275A - REGIONAL ENTERTAINMENT CONFERENCE CENTRE - PRINCIPAL DESIGN CONSULTATION ENGAGEMENT

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 CLOSED COUNCIL

19.1 EDDERTON ROAD CLOSURE

Disclosure of Interest

Cr M. Bowditch declared a non-pecuniary interest in this item. Cr Bowditch advised Council that the company he works for undertakes minor works for BHP Mt Arthur.

Cr M. Green declared a pecuniary interest in this item. Cr Green advised Council that her husband is employed by BHP Mt Arthur.

Cr S. Reynolds declared a pecuniary interest in this item. Cr Reynolds advised Council that he has legal proceedings against the company mentioned in the report.

At 6.11pm Cr Bowditch, Green and Reynolds left the meeting and therefore took no part in discussion or voting on this item.

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

1. Council consider the application at the July Ordinary Council meeting.
2. A report be provided on the review of the Mine Affected Roads Network Strategy and the potential impact on that strategy as a result of the closure of Edderton Road.

At 6.13pm At 06:45 pm Crs Bowditch, Green and Reynolds returned to Council Chambers.

19.2 CONTRACT 2018-2019-0349 - PROVISION OF MAINTENANCE SERVICES FOR PUMPS, COMPRESSORS, VALVES, PIPEWORK, FABRICATED STRUCTURES, ELECTRICAL, INSTRUMENTATION, SCADA, TELEMETRY AND ASSOCIATED PLANT

307 RESOLVED on the motion of Crs Woodruff and Ward that:

1. For Contract 2018-2019-0349 Provision of Mechanical, Fabrication, Welding, Electrical and Instrumentation Maintenance Services for Plants, Equipment, SCADA and Telemetry at Water & Wastewater, contracts be entered into with the service providers detailed in the Appendices attached to this report for a period of three years, with the

potential for an additional 12 month extension based on satisfactory performance.

2. Should additional service providers be identified that can offer services either similar in nature or providing additional services not included in the current panel contract, a further report is to be submitted to Council, with the aim of seeking additional suitable service providers to enter into the panel contract.

19.3 CONTRACT 2018-2019-0360 - SEWERAGE TREATMENT WORKS - PROVISION OF REUSE WATER

Disclosure of Interest

Cr M. Bowditch declared a non-pecuniary interest in this item. Cr Bowditch advised Council that the company he works for undertakes minor works for BHP Mt Arthur.

Cr M. Green declared a pecuniary interest in this item. Cr Green advised Council that her husband is employed by BHP Mt Arthur.

Cr S. Reynolds declared a pecuniary interest in this item. Cr Reynolds advised Council that he has legal proceedings against the company mentioned in the report.

At 6.13pm Crs Bowditch, Green and Reynolds left the Council Chambers therefore taking no part in discussion or voting on this item.

308 RESOLVED on the motion of Crs Woodruff and Ledlin that:

The tender from Mt Arthur Coal, for the purchase of treated effluent at the point of delivery from the existing Carramere Road boost pumping station for the recommended Fee of \$0.40 / KL (excluding GST) for a period of three years from 1 July 2019, be accepted.

At 6.14pm Crs Bowditch, Green and Reynolds returned to Council Chambers.

19.4 2017-2018-0275A - REGIONAL ENTERTAINMENT CONFERENCE CENTRE - PRINCIPAL DESIGN CONSULTATION ENGAGEMENT

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

Council award Contract No: 2017-2018-0275A – Principal Design Consultancy Services for Muswellbrook Regional Entertainment and Conference Centre to FJMT Pty Ltd.

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

Against: Nil.

20 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 6.14pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 8) WERE CONFIRMED AT THE ORDINARY
COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 11
JUNE, 2019 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE
MEETING HELD ON TUESDAY 14 MAY, 2019

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Ms F. Plesman
General Manager

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Cr M. Rush
Chairperson