

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE MEMORIAL HALL, OGILVIE STREET, DENMAN ON TUESDAY 24 SEPTEMBER, 2019
COMMENCING AT 6.00PM.**

PRESENT: Cr M.L. Rush (Mayor), Cr J.F. Eades, Cr J.P. Foy, 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 (General Manager), Mr D. Finnigan (Director - Community Infrastructure), Ms S. Pope (Assistant Director – Planning & Community Service), Ms N. Cowley (Executive Manager – Officer of the Chief Financial Officer), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mr A. Mitreski (Policy Analyst Economic Transition & Innovation), Mr A. Pirillo (Policy Officer), (Mrs M. Sandell-Hay (PA to General Manager), Miss M. Meadows (PA to Mayor/Administration Officer) 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 Cr Steven Reynolds.

3 APOLOGIES AND LEAVE OF ABSENCE

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

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Minutes of the Ordinary Meeting held on 27 August 2019, and the Extra Ordinary Meeting held on 10 September 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 J. Eades – Declared a pecuniary interest in Item 11.4. Cr Eades advised Council that she is employed by a service that utilises some of the buildings mentioned in the report.

Cr S. Reynolds – Declared a significant non-pecuniary interest in Item 19.1. Cr Reynolds advised Council that he is currently involved in legal action against the company who is a stakeholder involved this item.

6 PUBLIC PARTICIPATION

Nil

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

8.1 FIXING DAY AND HOUR OF REGULAR COUNCIL MEETINGS

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

1. Ordinary Meetings of the Council be held in the Council Chambers, Muswellbrook, on the last Tuesday of each calendar month commencing at 6.00pm.
2. The Council meeting scheduled to be held on 28 April, 2020 be held in the Denman Memorial Hall.
3. As the December 2019 Council Meeting falls on 31 December, 2019 during which time the Council Administration Centre will be closed, the meeting be held on 17 December, 2019.

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

Nil

11 COMMUNITY INFRASTRUCTURE

11.1 QUARTERLY WATER & SEWER SERVICES APRIL - JUNE 2019

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

The information contained in the report be noted.

11.2 PRIORITISED BUS STOP SHELTER UPGRADE AND RENEWAL PROGRAMME.

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

Council:

1. Endorses the prioritised bus stop shelter upgrade and renewal programme as outlined in the report;
2. Approves the identified priorities for the application of funding under the 2019-2021 Country Passenger Transport Infrastructure Grants Scheme for the construction of 5 new bush shelters and 1 bus shelter upgrade;
3. Requests a further report to be prepared for Council's consideration of approved bus shelter design; and
4. Should Council's grant application be successful, a further report to Council will be submitted requesting contributory funding from the reserves identified in the report.

11.3 LANDSCAPING AND TREE MANAGEMENT PROGRAMME 2019/20

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

Council approves the 2019-20 Landscaping and Tree Management Programme.

11.4 GENERAL BUILDING RENEWAL PROGRAMME 2019/20

Disclosure of Interest

Cr J. Eades declared a pecuniary interest in this item. Cr Eades advised Council that she works for a Service that utilises some of the buildings mentioned in the report. At 6.03pm Cr Eades left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council approve the General Building Renewal Programme 2019/20.

At 6.03pm Cr Eades returned to Council Chambers and resumed her chair at the meeting table.

12 CORPORATE AND COMMUNITY SERVICES

12.1 REPORT ON THE OUTCOMES FROM COUNCIL INVESTMENT IN INFORMATION COMMUNICATION TECHNOLOGY IN 2017/18 AND 2018/19

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

Council note the outcomes achieved from implementation of the September 2017 Information Communication Strategy.

12.2 MUSWELLBROOK LOCAL ART AWARDS PROPOSED CHANGES

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

Council ENDORSE the:

1. Proposed change of name of the Muswellbrook Local Art Awards to the Viola Bromley Art Prize in 2020,
2. Rectify the budget shortfall of \$758 for the 2019 Muswellbrook Local Art Awards and;
3. Funds currently held in the operational budget for the Muswellbrook Local Art Awards are moved to the Capital budget to the value of \$7,000, to match a revenue contribution from sponsorships of the same value in the 2020/21 financial year.

12.3 REPORT ON INVESTMENTS HELD AS AT 31 AUGUST 2019

102 RESOLVED on the motion of Crs Ward and Rush that:

The information showing Council's investments as at 31 August 2019 be noted and the exceeded trading limits of two issuers be accepted.

12.4 TOURISM, HERITAGE AND RECREATIONAL VEHICLE SUNSET COMMITTEE

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

1. Council establish a Tourism, Heritage and Recreational Vehicle Sunset Committee with the function of providing advice to Council on long term options for the visitor information on the town of Muswellbrook, to explore an option of providing a museum for European, Aboriginal and Industrial heritage, and to facilitate and develop recreational vehicle (RV) infrastructure and services in Muswellbrook.
2. For the purposes of such Committee:
 - (i) the Committee be constituted by:
 - a. The Council Spokesperson for Innovation and Industry;
 - b. The Council Spokesperson for Aboriginal Reconciliation;
 - c. The Emeritus Mayor;
 - d. The General Manager (or representative);
 - e. A representative of the Wanaruah Aboriginal Land Council;
 - f. A representative of the volunteers at the Visitor Information Centre in Muswellbrook;
 - g. A representative of Muswellbrook Shire Local and Family History Society;
 - h. A representative from Muswellbrook Chamber of Commerce;
 - i. Such Staff officers as the General Manager may choose.
 - (ii) the Committee meet at such times and at such places as it may determine; and
 - (iii) the Committee may invite such persons to participate in its processes as it may determine most efficiently and effectively allows it to discharge its function.

12.5 DIRECTOR'S REPORT - ENVIRONMENT AND COMMUNITY SERVICES

104 RESOLVED on the motion of Crs Eades and Scholes that:

The information contained in this report be noted.

12.6 AUGUST 2019 MONTHLY FINANCIAL REPORT

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

The Financial Report for the month ending 31 August 2019 be noted.

13 REPORTS FROM COMMITTEES

13.1 DEVELOPMENT ASSESSMENT COMMITTEE - 26/08/2019

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

The Minutes of the Development Assessment Committee Meeting held on Monday 26 August 2019 be received and the recommendations contained therein ADOPTED.

13.2 DEVELOPMENT ASSESSMENT COMMITTEE - 11/09/2019

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

The Minutes of the Development Assessment Committee Meeting held on Wednesday 11 September 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

17.1 WATER REBATE SCHEME

Cr McNeill referred to a previous Question Without Notice concerning the preparation of a submission regarding the water rebate scheme.

Cr Rush advised the meeting that this matter was being submitted to the Upper Hunter Water Alliance meeting for consideration at a meeting in October 2019.

17.2 IDENTIFICATION OF LUSKINS LANE

Cr McNeill referred to a previous Question Without Notice concerning the placement of a plaque at Luskins Lane.

The meeting was advised that a plaque would be installed.

17.3 MINING COMPANIES WORKFORCE

Cr McNeill raised concerns with the number of workers employed at local mines that drive in and drive out after 12 hour shifts and inquired whether there was a possibility of inviting all mine managers to brief Councillors on how those mines are addressing this issue.

Cr Rush advised that such an invitation will be arranged.

17.4 LETTER OF APPRECIATION

Cr Woodruff advised the meeting that Reverend Zammit will be leaving Denman soon, and asked if it would be possible to provide a letter of appreciation from Council for the work that she has undertaken during her time at Denman?

Cr Rush advised that this would be undertaken.

108 RESOLVED on the motion of Crs McNeill and Woodruff that:

Item 19.1 be considered in Open Council rather than Closed Council.

19.1 EDDERTON ROAD REALIGNMENT SECTION 138 ROADS ACT, 1993 - APPROVAL FOR TIE IN WORKS

Disclosure of Interest

Cr S. Reynolds declared a significant non-pecuniary interest in this item. Cr Reynolds advised that he is currently involved in legal action against the company who is the stakeholder involved in this item. At 6.17pm Cr Reynolds left the Council Chambers and therefore took no part in discussion or voting on this item.

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

1. Council delegate to the General Manager authority to sign the following Section 138 Roads Act 1993 approvals generally in accordance with the draft special conditions set out in attachment D in this report:
 - (a) for the tie in works proposed; and
 - (b) in accordance with the Stage 3 strategy notes detailed in the report.
2. The consent be provisional on a suitable form of security to the value of \$260,000 paid by the consent holder prior to the commencement of works.
3. As per the conditions outlined in 1 above, fees are to be paid, insurances provided, detailed design plans for the sidetrack and Traffic Control Plans are to be submitted and certified by a suitably qualified consultant and accepted by the General Manager.
4. It be expressed to the applicant that the issuing of the S138 approval does not guarantee that council will approve any future application for a road opening or road closure submitted by HVEC or its related entities.

At 6.17pm Cr Reynolds returned to Council Chambers and resumed his chair at the meeting table.

18 ADJOURNMENT INTO CLOSED COUNCIL

110 RESOLVED on the motion of Crs Ledlin 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:

19.2 TENDER NO. 2019-2020-0386 - UPGRADE OF WYBONG ROAD, FROM CH20.6 - CH21.5 AND CH22.0 - CH23.7

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 MUSWELLBROOK ANIMAL CARE FACILITY - REVISED CONCEPT DESIGN AND MASTER PLAN

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 COMMUNITY PROPERTY PURCHASE

Item 19.4 is classified CONFIDENTIAL under the provisions of Section10A(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.

19.5 2018-2019-0357 MANAGEMENT OF STUDENT ACCOMMODATION (SAM ADAMS COLLEGE)

Item 19.5 is classified CONFIDENTIAL under the provisions of Section10A(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 stage.

19 CLOSED COUNCIL

19.2 TENDER NO. 2019-2020-0386 - UPGRADE OF WYBONG ROAD, FROM CH20.6 - CH21.5 AND CH22.0 - CH23.7

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

1. The tender submitted by Stefanutti Construction Pty Ltd. for the upgrade of Wybong Road, from CH20.6 – CH21.5 and CH22.0 – CH23.7 be accepted subject to a satisfactory financial assessment; and
2. The General Manager be delegated authority to sign and affix Council's seal to the Contract 2019-2020-0386.

19.3 MUSWELLBROOK ANIMAL CARE FACILITY - REVISED CONCEPT DESIGN AND MASTER PLAN

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

1. Council adopt the revised Animal Care Facility Concept Design and Master Plan.
2. Council resolve to inform the project budget through a revised Q.S cost estimate on the revised concept design and proceed to schematic design and development application stage.

19.4 COMMUNITY PROPERTY PURCHASE

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

1. Council accept the offer, subject to due diligence and the findings reported of this in a further report to Council.
2. Funds be sourced from Section 94 - Community Facilities.

19.5 2018-2019-0357 MANAGEMENT OF STUDENT ACCOMMODATION (SAM ADAMS COLLEGE)

114 RESOLVED on the motion of Crs Eades and Woodruff that:

1. Council decline to accept the tender.
2. In accordance with Section 178 (3)(e) of the Local Government (General) Regulation 2005:
 - (a) Council decline to invite fresh tenders or applications as referred to in subclause (3) (b)–(d) as it is probable for a best value outcome to be achieved; and
3. Council determine to enter into negotiations with tenderer.

20 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 6.20pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 8) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 29 OCTOBER, 2019 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 24 SEPTEMBER, 2019

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Ms F. Plesman
General Manager

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Cr M. Rush
Chairperson