

PRESENT: Cr M.L. Rush, Cr J.F. Eades, Cr J.P. Foy (VC), Cr J.L. Ledlin (VC), Cr G.T. McNeill, Cr S.J. Ward and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Mr M. Plumridge (Chief Financial Officer (VC)), Ms S. Pope (Executive Manager Environment and Planning Services), Mr P. Chambers (Chief Engineer), Mrs M. Sandell-Hay (PA to General Manager), Ms R. Nicholls (PA to the Mayor), 10 people in the public gallery, 11 in the virtual gallery and 1 media representative.

1 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the General Manager.

2 CIVIC PRAYER

The Civic Prayer was read by Councillor Eades.

3 APOLOGIES AND LEAVE OF ABSENCE

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

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Minutes of the Ordinary Meeting held on 30 March 2021, 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 G. McNeill – Declared a pecuniary interest in Item 10.2. Cr McNeill advised Council that he owns a property adjacent to the development.

Cr G. McNeill – Declared a significant non-pecuniary interest in Item 11.1. Cr McNeill advised Council that he owns property within the applicant's lease.

Cr B. Woodruff – Declared a pecuniary interest in Item 11.1. Cr Woodruff advised Council that an immediate family member is employed by the applicant.

6 PUBLIC PARTICIPATION

Ms Jade Richardson – in opposition to Item 10.1

Ms Sarah Lange – in opposition to Item 10.1

Ms Raecheal Saunders – in opposition to Item 10.1

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

Nil

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 DA 2019/2 - CONSTRUCTION OF MULTI-DWELLING HOUSING COMPRISING SIXTEEN (16) DWELLINGS AND ASSOCIATED SITE WORKS - 19 JOHN HOWE CIRCUIT, MUSWELLBROOK

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

This item be deferred to the May Ordinary Council Meeting.

In Favour: Crs J. Eades, J. Foy, J. Ledlin, G. McNeill, M. Rush, S. Ward and B. Woodruff.

Against: Nil.

10.2 INTENTION TO USE DELEGATIONS TO REFUSE DA 2020/58 - EXTENSION TO REPCO BUILDING

Disclosure of Interest

Cr McNeill declared a pecuniary interest in this item. Cr McNeill advised Council that he owns a property adjacent to the development.

At 6.05pm CrMcNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

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

The information contained in this report be noted.

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

Against: Nil.

At 6.06pm Cr McNeill returned to Council Chambers and resumed his chair at the meeting table.

10.3 ADOPTION OF REVISED BUSH FIRE PRONE LAND MAP

280 RESOLVED on the motion of Crs Ward and Foy that:

Council:

1. Adopts the Muswellbrook Shire Bush Fire Prone Land Map provided in Attachment A; and
2. Requests the Commissioner NSW RFS to certify the Bush Fire Prone Land map under section 10.3 of the *Environmental Planning & Assessment Act*.

10.4 WAR ON WASTE GRANTS FOR COUNCIL APPROVAL

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

This matter be considered in Closed Council.

10.5 PLANNING AND ENVIRONMENTAL SERVICES

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

The information contained in this report be noted.

11 COMMUNITY INFRASTRUCTURE

11.1 MUSWELLBROOK COAL COMPANY S.138 ROADS ACT APPROVAL AND ROUTINE MAINTENANCE PLAN FOR MUSCLE CREEK ROAD

Disclosure of Interest

Cr McNeill declared a significant non-pecuniary interest in this item. Cr McNeill advised Council that a relative is employed by the applicant and he owns land within the Applicant's lease.

Cr Woodruff declared a pecuniary interest in this item. Cr Woodruff advised Council that an immediate family member is employed by the applicant.

As the motion was a procedural motion the Councillors did not leave the room.

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

Council delegates to the General Manager authority to sign the s.138 *Roads Act 1993* approval and the Routine Maintenance Annual Plan for Muscle Creek Road as set out in the report.

11.2 BRIDGE STREET RAIL BRIDGE REPLACEMENT PROJECT STATUS UPDATE

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

1. Council NOTES the information contained in the report; and
2. Council recommends treatment Options 1 and 3 in the report be further developed, with a further report to be provided to Council providing detailed structure treatment options.

11.3 MAJOR PROJECTS STATUS REPORT

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

Council notes the information contained in the report.

12 CORPORATE AND COMMUNITY SERVICES

12.1 AUTHORISATION UNDER SECTION 226 OF THE LOCAL GOVERNMENT ACT

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

Council note the information provided.

12.2 INTERNAL AUDIT PROCUREMENT AND TENDERING

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

Council notes the *Final Procurement Review Internal Audit Report February 2021*.

12.3 PUBLIC EXHIBITION OF THE DRAFT 2021/22 OPERATIONAL PLAN AND FEES AND CHARGES

288 RESOLVED on the motion of Crs Ledlin and Eades that:

Council endorses the Draft 2021/22 Operational Plan, Budget and Fees and Charges for public exhibition for a period of at least 28 days, with details of all public submissions, received by close of the exhibition period, reported to Council for consideration.

Cr Rush thanked Cr Ledlin and staff who assisted in preparing the draft budget.

12.4 COMMUNITY GRANTS PROGRAM - ROUND 1 2021

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

Council approve the three recommended grants in an amount of \$16,696 to be funded from the Sundry Donations Allocation, with any unspent amount to be carried over to 2021/22 financial year.

12.5 REPORT ON COUNCIL GRANT FUNDING APRIL 2021

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

Council notes the information contained in the report.

12.6 REPORT ON INVESTMENTS HELD AS AT 31 MARCH 2021

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

Information showing Council's investments as at 31 March 2021 be noted.

12.7 MARCH 2021 MONTHLY FINANCIAL REPORT

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

The Financial Report for the month ending 31 March 2021 be noted.

12.8 COMMUNITY SERVICES

293 RESOLVED on the motion of Crs McNeill and Eades that:

The information contained in this report be noted.

13 REPORTS FROM COMMITTEES

13.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE - 16/03/2021

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

The Minutes of the Audit, Risk and Improvement Committee Meeting held on Tuesday 16 March 2021 be received and the recommendations contained therein ADOPTED.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

16.1 ANZAC DAY SERVICES

Cr Stephen Ward advised Council that he attended the Anzac Day Dawn Service in Denman and the Anzac Day March in Muswellbrook and thanked the organisers of the events.

Cr Brett Woodruff also advised Council that he attended the Anzac Day Dawn Service in Denman and commented that it was unfortunate that there wasn't a March in Denman but it was comforting to see so many people come out and pay their respects.

Cr Woodruff also inquired with investigations could be undertaken on providing a suitable ramp to the timber decking as it was little difficult for some members to access.?

17 QUESTIONS FOR NEXT MEETING

17.1 MANGOOLA COAL MINE SUBMISSION

Cr McNeill tabled a document listing Questions for Next Meeting.

18 ADJOURNMENT INTO CLOSED COUNCIL

295 RESOLVED on the motion of Crs Eades 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 SANDY HOLLOW HEAVY VEHICLE REST AREA

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 APPLICATION UNDER UNDETECTED WATER LEAKS POLICY W5/4

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 APPLICATION UNDER UNDETECTED WATER LEAKS POLICY W5/4

Item 19.3 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.

19.4 REQUEST FOR QUOTES FOR LIGHT FLEET

Item 19.4 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.

19.5 TENDER (PANEL) T272021 SUPPLY AND DELIVERY OF ROADBASE MATERIALS

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 SALE OF INDUSTRIAL LAND

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.

Members of the public left the meeting at this stage.

19 CLOSED COUNCIL

10.4 WAR ON WASTE GRANTS FOR COUNCIL APPROVAL

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

In accordance with Section 356(2) of the Local Government Act, Council publicly notifies the recommendation for the allocation of grant funding for a period of 28 days and that a further report be submitted to the June Ordinary Council Meeting.

19.1 SANDY HOLLOW HEAVY VEHICLE REST AREA

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

The information contained in the report be noted.

19.2 APPLICATION UNDER UNDETECTED WATER LEAKS POLICY W5/4

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

Council approves a water bill commensurate with average water use associated with the property, which would result in a total water bill of \$206.64.

19.3 APPLICATION UNDER UNDETECTED WATER LEAKS POLICY W5/4

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

Council approves a reduction of \$5,000 for the assessed water billing period as detailed in the Concealed Leaks Adjustment Sheet.

19.4 REQUEST FOR QUOTES FOR LIGHT FLEET

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

Council accept:

1. RFQ 001-2021 from Upper Hunter Automotive for Supply and Deliver of a Triton GLX with tray for \$40,000.00 excl. GST;
2. RFQ 002-2021 from Upper Hunter Automotive for Supply and Deliver of a Triton GLX with tub for \$36,110.00 excl. GST;
3. RFQ 003-2021 to Upper Hunter Automotive for Supply and Deliver of a Triton GLX with tray for \$37,150.00 excl. GST; and
4. RFQ 004-2021 for Wideland Motor Group for Supply and Deliver of a Hiace Van LWB for \$34,444.54 excl. GST

19.5 TENDER (PANEL) T272021 SUPPLY AND DELIVERY OF ROADBASE MATERIALS

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

Council:

1. Decline to accept any of the Panel Source tenders for T272021 Supply and Delivery of Roadbase Materials; and
2. Invite fresh tenders in accordance with Clause 167 of the *Local Government (General) Regulation 2005*.

19.6 SALE OF INDUSTRIAL LAND

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

Council sell the land at Lot 22 in DP1131270 otherwise known as 24 Carramere Road, Muswellbrook, following a market valuation.

20 RESUMPTION OF OPEN COUNCIL

303 RESOLVED on the motion of Crs Eades and McNeill that:

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 6.38pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 8) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 25 MAY, 2021 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 27 APRIL, 2021

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Ms F. Plesman
General Manager

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Cr M. Rush
Chairperson