

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 13 JUNE,
2017 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 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: Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Ms F. Plesman (Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Mr G. Gardner (Manager Strategic Landuse Planning, Mr P. Gunasekara, (Acting Manager, Planning & Environmental Services), Mr M. Lysaught (Manager, Property & Building Services), Mr R. Franklin (Chief Finance Officer), Mr Mrs M. Sandell-Hay (PA to General Manager), 5 people in the public gallery 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

323 RESOLVED on the motion of Crs McNeill and Foy that:

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Minutes of the Ordinary Meeting held on 9 May 2017, the Extra Ordinary Meetings held on 15 May 2017, and 31 May 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

5 PUBLIC PARTICIPATION

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

The meeting move into Closed Council to allow Mr Shewan the opportunity to address Council.

Members of the public left the meeting at this stage.

Mr Shewan stood in the public gallery and refused to address Council in closed Council.

The Mayor issued Mr Shewan his first warning

Mr Shewan continued speaking from the public gallery.

The Mayor issued Mr Shewan his second warning.

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

The meeting be adjourned for 5 minutes.

The meeting reconvened at 6.10pm

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

The meeting return to Open Council.

6 DISCLOSURE OF ANY PECUNIARY AND NON PECUNIARY INTEREST

Cr Jacinta Ledlin – declared a pecuniary interest in item 10.1 – Review of Muswellbrook LEP . Cr Ledlin advised Council that her husband has submitted a request to have zoning review considered as part of the LEP Review for a property belonging to them.

Cr Steve Reynolds – declared a pecuniary interest in Item 19.3 – Movement of Off Road Heavy Vehicles on Public Roads. Cr Reynolds advised Council that he is employed by BHP Billiton who is mentioned in the report.

Cr Scott Bailey – declared a non-pecuniary interest In Item 12.4 – Sponsorship Request – ACO at Baerami. Cr Bailey advised Council that he is President of the Upper Hunter Conservatorium of Music who is mentioned in the report.

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

Nil

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 REVIEW OF MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN (LEP) 2009

Disclosure of interest

Cr J. Ledlin declared a pecuniary interest in this item. Cr Ledlin advised Council that her husband submitted a request to have the zoning reviewed as part of the LEP review for a property belonging to them. At 06:16 PM Cr Ledlin left the Council Chambers and therefore took no part in discussion or voting on this item.

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

1. Council delegate to the General Manager after consultation with the Councillors a draft discussion paper and place it on public exhibition from 20 June, 2017.
2. Council endorse an amendment to the process for the LEP Review Project to include a three month period of engagement, including engagement with key stakeholders, and negotiation with key stakeholders in regard to the Strategic Directions in the Draft Discussion Paper.
3. Council resolve to prepare a Local Strategic Planning Statement and Implementation Plan for consideration at the time of adoption of the final Discussion Paper, and engage with the Department of Planning & Environment in the development of these documents.
4. Council resolve to allocate an additional \$100,000 in the 2017/18 Budget for the additional

work identified.

5. That funding support be sought from the NSW Planning Reform Fund to assist Council as a trial site in developing the Local Strategic Planning Statement.

At 06:17 PM Cr Jacinta Ledlin returned to Council Chambers.

10.2 REGIONAL CONTAMINATED LAND POLICY

329 RESOLVED on the motion of Crs Scholes and Ward that:

Council approves the following:

1. The Regional Contaminated Land Policy be placed on public exhibition for a minimum of 28 days.
2. A further report be prepared for Council at the conclusion of the public exhibition period.

11 COMMUNITY INFRASTRUCTURE

Nil

12 CORPORATE AND COMMUNITY SERVICES

12.1 2017/2018 COUNCILLOR FEES

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

1. Council approve the annual fee of \$11,570 for Councillors for 2017/2018; and
2. Council approval an additional fee of \$25,250 for the position of Mayor for 2017/2018.

12.2 ADMINISTRATION OF SPORT AND RECREATION GRANTS

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

Council delegate the General Manager to approve amendments to successful sport and recreation capital grants within budget allocations.

12.3 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES

332 RESOLVED on the motion of Crs Ward and Scholes that:

The information contained in this report be noted.

12.4 SPONSORSHIP REQUEST - ACO AT BAERAMI PINES RETREAT

Disclosure of Interest

Cr S. Bailey declared a non-pecuniary interest in this item. Cr Bailey advised Council that he is President of the Upper Hunter Conservatorium of Music who is mentioned in the report. At 6.21pm Cr Bailey left the meeting room and therefore took no part in discussion or voting on this item.

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

Council decline the sponsorship request and the General Manager write to the applicant advising that Council would like to contribute to the event if it was to be an ongoing event in the Shire.

At 6.23pm Cr Bailey returned to the Council Chambers.

12.5 UPDATE OF INVESTMENT (FINANCIAL SECURITIES) POLICY

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

Council

1. Adopt the updated investment policy as attached to this report
2. Acknowledge that currently the policy limit of 10% for funds held with the Bank of Queensland is outside the policy limit and that the funds with this institution be invested with another issuer when the next deposit matures on 31 August, 2017 to ensure compliance with the policy limit.

13 REPORTS FROM COMMITTEES

13.1 LOCAL TRAFFIC COMMITTEE - 16/05/2017

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

The Minutes of the Local Traffic Committee Meeting held on Tuesday 16 May 2017 be received and the recommendations contained therein ADOPTED.

13.2 INFRASTRUCTURE COMMITTEE - 31/05/2017

336 RESOLVED on the motion of Crs Ward and Scholes that:

The Minutes of the Infrastructure Committee Meeting held on Wednesday 31 May 2017 be received and the recommendations contained therein ADOPTED.

13.3 CORPORATE POLICY AND PLANNING COMMITTEE - 31/05/2017

337 RESOLVED on the motion of Crs Ledlin and Bailey that:

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 31 May 2017 be received and the recommendations contained therein ADOPTED.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

16.1 MANGOOLA COAL COMMUNITY CONSULTATIVE COMMITTEE

Cr Stephen Ward reported that he attended the Mangoola Coal Community Consultative Committee.

16.2 MARTINDALE LANDCARE GROUP

Cr Stephen Ward reported that he presented the Martindale Landcare Group cheque.

16.3 BIGGEST MORNING TEA

Cr Stephen Ward reported that he attended Cancer Council Biggest Morning Tea event at Denman RSL.

16.4 NATIONAL SIMULTANEOUS STORY TIME

Cr Stephen Ward reported that he attended the National Simultaneous Storytime event held at Denman Library.

16.5 VOLUNTEER COMMUNITY FIRST RESPONDER

Cr Brett Woodruff reported that he attended the Volunteer Community First Responder event on 2 June, 2017 which was auspiced by the Denman Fire Brigade. Cr Woodruff praised the efforts of the organisers of the event saying he was very proud to be a member of the Denman Community and to represent Council at this worthwhile event which brought together a large number of people from the Fire Brigade and Ambulance Services. Cr Woodruff requested that a letter of congratulations be provided to the organisers of the event congratulating them on their achievements and community mindedness.

16.6 WOLLOMBI ROAD PRECINCT MEETING

Cr Steven Reynolds reported that Council staff, Compass Housing representatives and some councillors met with residents of the South Muswellbrook area who had raised concerns with a number of issues being experienced in their local area. One of the outcomes of this meeting was to form a Committee which would meet on a monthly basis to discuss issues being experienced.

Cr McNeill also advised that he attended this meeting and commended staff on work that has been undertaken since the initial meeting to address issues associated with graffiti, litter, overgrown vegetation.

16.7 MENTAL HEALTH AND WELLBEING

Cr Steven Reynolds reported that he recently attended a meeting with Community Health regarding the above matter. Cr Reynolds advised Council that Muswellbrook had not been successful in obtaining "Headspace" but work would continue to ensure awareness for Mental Health was encouraged.

16.8 ST HELIERS STREET STORMWATER

Cr Graeme McNeill reported that staff had recently met with residents of St Heliers Street who are affected by stormwater runoff and inquired whether work would be funded in the 17/18 Budget.

Mr Pope advised that a budget bid had been included for consideration in the 2017/2018 Draft Budget.

16.9 MUNA

Cr Scott Bailey reported that he recently attended a dinner for the Municipal United Nations Assembly which is organised by Muswellbrook Rotary Club which brings together 14 high schools and was highly successful.

Cr Bailey requested that a letter congratulating Muswellbrook Rotary on their involvement in organising the event be provided.

17 QUESTIONS FOR NEXT MEETING

Nil

ADJOURNMENT OF MEETING

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

The meeting adjourn to conduct the Citizenship Ceremony

The meeting reconvened at 6.48pm

18 ADJOURNMENT INTO CLOSED COUNCIL

339 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 2016-2017-0269 SUPPLY AND DELIVERY OF AN AUTO PATCHING TRUCK

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 2016-2017-0282 SUPPLY AND DELIVERY OF A TRACK LOADER

Item 19.2 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.

19.3 MOVEMENT OF OFF ROAD HEAVY VEHICLES ON PUBLIC ROADS

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 COMPOSTING OF FOOD ORGANICS / GARDEN ORGANICS AT THE MUSWELLBROOK WASTE AND RECYCLING FACILITY

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 MARKETPLACE MANAGEMENT

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 FUTURE FUND AND SEWER FUND BORROWING FACILITIES

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 2016-2017-0269 SUPPLY AND DELIVERY OF AN AUTO PATCHING TRUCK

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

The tender of Ausroad Systems Pty Ltd for the supply and delivery of an Auto Patching Truck, in the sum of \$417,585.00, under Contract 2016-2017-0269, be accepted.

19.2 2016-2017-0282 SUPPLY AND DELIVERY OF A TRACK LOADER

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

The tender of Liebherr Australia Pty Ltd. through GCM Enviro Pty Ltd. for the supply and delivery of a Track Loader, in the net sum of \$469,500.00, for Contract 2016-2017-0282, be accepted.

19.3 MOVEMENT OF OFF ROAD HEAVY VEHICLES ON PUBLIC ROADS

Disclosure of interest

Cr Reynolds declared a pecuniary interest in this item. Cr Reynolds advised that the report involves Mt Arthur Coal who is his employer. At 06:47pm Cr Reynolds left the Council

Chambers and therefore took no part in discussion or voting on this item.

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

The matter be delegated to the General Manager to resolve in accordance with the recommendations in the report, or such other terms as may be acceptable to the General Manager.

At 06:55 PM Councillor Steven Reynolds returned to Council Chambers.

19.4 COMPOSTING OF FOOD ORGANICS / GARDEN ORGANICS AT THE MUSWELLBROOK WASTE AND RECYCLING FACILITY

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

Council:

1. Support and fund the preparation of a feasibility study, incorporating the development of a concept design, preliminary environment assessment and application for SEAR's (Secretary's Environmental Assessment Requirements); and
2. Receive a report on the outcomes of the Organics Recycling Facility Feasibility Study, prior to committing funding for the subsequent stages.

19.5 MARKETPLACE MANAGEMENT

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

The resolution of the matter be delegated to the General Manager broadly in line with the recommendations contained in the report.

19.6 FUTURE FUND AND SEWER FUND BORROWING FACILITIES

345 RESOLVED on the motion of Crs Bailey and Bowditch that:

Approve the recommendations as outlined in the conclusions section of this report.

20 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 6.58 pm.

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 JULY, 2017 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 13 JUNE, 2017

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 13 JUNE,
2017 COMMENCING AT 6:00PM.**

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Mr S. McDonald

General Manager

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Cr M. Rush

Chairperson