

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL  
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 8 MAY,  
2018 COMMENCING AT 6.00PM.**

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**PRESENT:** Cr M.L. Rush, Cr S.L. Bailey, Cr M. Bowditch, Cr J.F. Eades, Cr M.I. Green, 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 (Acting General Manager), Mr D. Finnigan (Director, Community Infrastructure), Ms C. O'Brien (Acting Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Ms N. Cowley (Manager, Corporate Services), Ms S. Pope (Executive Manager – Planning, Environment & Regulatory Services), Mr A. Willis (Planning Lawyer) Mr J. Brown (Executive Services Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager), Ms N. Argent (PA to Mayor), 4 people in the public 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 the Mayor.

## **3 APOLOGIES AND LEAVE OF ABSENCE**

**252** RESOLVED on the motion of Crs Woodruff and McNeill that:

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

The Mayor congratulated Derek Finnigan on his appointment as Director of Community Infrastructure.

The Mayor welcomed Sharon Pope who is Council's Executive Manager, Planning, Environment and Regulatory Services.

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**253** RESOLVED on the motion of Crs Green and Reynolds that:

The Minutes of the Ordinary Meeting held on 10 April 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. Rush** declared a significant non-pecuniary interest in Item 19.9. Cr Rush advised that a family member is on the board of another club.

**Cr S. Bailey** declared a pecuniary interest in Item 19.9. Cr Bailey advised that he was an executive member of the Golf Club.

**Cr M. Bowditch** declared an insignificant non-pecuniary interest in Item 11.1 and Item 19.3. Cr Bowditch advised that he is employed by MACH Energy as a contractor.

**Cr J. Eades** declared a pecuniary interest in Item 12.1. Cr Eades advised that she is employed by Upper Hunter Community Services Inc. who run the Community Centre.

**Cr M. Green** declared a pecuniary interest in Item 19.8. Cr Green advised that her husband is an employee of BHP Billiton.

**Cr S. Reynolds** declared a significant non-pecuniary interest in Item 19.8. Cr Reynolds advised that he is a former employee of the applicant.

**Cr R. Scholes** declared a pecuniary interest in Item 11.1. Cr Scholes advised that he is currently employed as a contractor to the applicant.

**Cr B. Woodruff** declared a pecuniary interest in Item 11.1. Cr Woodruff advised that he undertakes work on behalf of his employer at the site.

**Ms G. Bobsien** declared a pecuniary interest in Item 19.8. Ms Bobsien advised that her partner is an employee of BHP Billiton.

**Mr J. Brown** declared a significant non-pecuniary interest in Item 19.2. Mr Brown advised that he is a Councillor with the Upper Hunter Shire Council.

## **6 PUBLIC PARTICIPATION**

**254** RESOLVED on the motion of Crs Rush and Eades that:

The meeting move into Closed Council to for public participation and that Item 19.8 be considered following the public participation.

### **Disclosure of Interest**

Cr S. Reynolds declared a pecuniary interest in Item 19.8. Cr Reynolds advised the meeting that he is a previous employee of the applicant.

Cr M. Green declared a pecuniary interest in Item 19.8. Cr Green advised the meeting that her husband is an employee of the applicant.

Ms G. Bobsien declared a pecuniary interest in item 19.8. Ms Bobsien advised Council that her partner is an employee of the applicant.

At 06:06pm Cr Michelle Green, Cr Steven Reynolds and Ms Gerry Bobsien left the Council Chambers and therefore took no part in discussion or voting on Item 19.8.

Members of the Public left the meeting at 6.24pm

**Mr Dawid Boshoff** – Spoke in support of Item 19.8.

Mr Boshoff left the meeting at 6.30pm

### **19.8 EDDERTON ROAD REALIGNMENT**

**255** RESOLVED on the motion of Crs Bailey and Scholes that:

Council delegate to the General Manager final negotiation of the Edderton Road Realignment Deed.

### **RETURN TO OPEN COUNCIL**

**256** RESOLVED on the motion of Crs Bailey and McNeill that:

The meeting returned to open council.

At 06:33 pm Cr Green and Ms Bobsien returned to Council Chambers.

Cr Reynolds did not return to the meeting because he was unwell.

Members of the public were invited back to the Chambers.

## **7 BUSINESS ARISING**

Nil

## **8 MAYORAL MINUTES**

Nil

## **9 GENERAL BUSINESS**

Nil

## **10 ENVIRONMENTAL SERVICES**

Nil

## **11 COMMUNITY INFRASTRUCTURE**

### **11.1 BENGALLA 138 CONSENT - PIPELINE UNDERBORE 6 PIPELINES UNDER BENGALLA LINK ROAD**

#### **Disclosure of Interest**

Cr M. Bowditch declared an insignificant non-pecuniary interest in this item. Cr Bowditch advised that he is employed by MACH Energy as a contractor.

Cr R. Scholes declared a pecuniary interest in this item. Cr Scholes advised that he is a contractor for the applicant.

Cr B. Woodruff declared a pecuniary interest in this item. Cr Woodruff advised that he undertakes work on behalf of his employer at the site.

At 06:33 pm Crs M. Bowditch, R. Scholes and B. Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

**257** RESOLVED on the motion of Crs McNeill and Bailey that:

1. Council delegate to the General Manager authority to sign the Section 138 consent with the Standard Conditions for the works proposed by the Bengalla Mining Company and generally in accordance with the Special Conditions outlined in the report.
2. A suitable form of security or contract be negotiated with the Bengalla Mining Company prior to commencement of the works.

Crs Bowditch, Scholes and Woodruff returned to council chambers at 06:34 pm.

## **12 CORPORATE AND COMMUNITY SERVICES**

### **12.1 HUNTER PARK FAMILY CENTRE COMMUNITY HUB**

#### **Disclose of Interest**

Cr J. Eades declared a pecuniary interest in this item. Cr Eades advised that she is employed by Upper Hunter Community Services who run the Community Centre.

At 06:34 pm Cr Eades left the Council Chambers and therefore took no part in discussion or voting on this item.

**258** RESOLVED on the motion of Crs Rush and Green that:

Council

1. Endorse and support the Upper Hunter Community Services plans to expand the physical footprint of their services in the Hunter Park Precinct.
2. Incorporate in the 2018/19 budget funds of \$20,000 from the General Fund to meet half the expenses of the concept design costs and project readiness to Development Application stage subject to Council being consulted closely with respect to the design and Council's usual Grant terms.

At 06:36 pm Cr Eades returned to Council Chambers.

## **12.2 SECTION 226 OF THE LOCAL GOVERNMENT**

259 RESOLVED on the motion of Crs Green and Bailey that:

Council note the information provided.

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

260 RESOLVED on the motion of Crs McNeill and Bailey that:

The information contained in this report be noted.

## **12.4 MARCH 2018 BUDGET REVIEW**

261 RESOLVED on the motion of Crs Bailey and Scholes that:

Council adopt the list of proposed changes and incorporate them into the 2017/18 Budget.

## **12.5 PUBLIC EXHIBITION OF THE 2018-2019 OPERATIONAL PLAN, BUDGET, REVENUE POLICY AND FEES AND CHARGES**

262 RESOLVED on the motion of Crs Bailey and Scholes that:

The schedule for the exhibition and adoption of the 2018/2019 Operational Plan and Budget, including the Revenue Policy, the Fees and Charges be placed on public exhibition for a period of 28 days and reported back to Council once the exhibition period has closed.

## **13 REPORTS FROM COMMITTEES**

### **13.1 INFRASTRUCTURE COMMITTEE - 18/04/2018**

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

The Minutes of the Infrastructure Committee Meeting held on Wednesday 18 April 2018 be received and the recommendations contained therein ADOPTED.

**13.2 CORPORATE POLICY AND PLANNING COMMITTEE - 18/04/2018**

264 RESOLVED on the motion of Crs Ward and Green that:

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 18 April 2018 be received and the recommendations contained therein ADOPTED.

**13.3 LOCAL TRAFFIC COMMITTEE - 17/04/2018**

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

The Minutes of the Local Traffic Committee Meeting held on Tuesday 17 April 2018 be received and the recommendations contained therein ADOPTED.

**14 NOTICES OF MOTION / RESCISSION**

Nil

**15 QUESTIONS WITH NOTICE**

**15.1 QUESTIONS RAISED AT ORDINARY COUNCIL MEETING ON 10 APRIL, 2018 MEETING**

MOTION:

Cr McNeill moved

- 1) Council agrees to water the bottom ovals of Denman Recreation Area (currently being used by Junior Rugby League for training) until such time as a review is carried out on the adequacy of space for training at the new grounds.
- 2) Council provides in principle support to Muswellbrook Junior Rugby League to co-fund goal posts for Olympic Park Number 3 Field with the funds to be made available by way of an allocation from the Recreation Reserve.

General discussion took place on this matter. The Mayor issued three warning to Cr McNeill and the meeting adjourned for 5 minutes at 6.52pm

The meeting resumed at 6.57pm.

Discussion continued and resulted in Cr McNeill excusing himself from the meeting.

Cr McNeill left the meeting at 7.03pm.

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

The meeting adjourn into Closed Council.

Members of the public and staff left the meeting.

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

The meeting return to Open Council.

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

Council note the information provided in the report.

## **16 COUNCILLORS REPORTS**

### **16.1 ANZAC DAY**

Cr Ward reported that he attended the ANZAC Day Dawn Service in Denman. Cr Ward also advised that he watched the march where his daughter Emily read a prayer, he and his wife laid a wreath and his son Patrick also laid a wreath for the Scouts.

## **17 QUESTIONS FOR NEXT MEETING**

Nil

## **18 ADJOURNMENT INTO CLOSED COUNCIL**

269 RESOLVED on the motion of Crs Ledlin and Bailey 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 TENDER NO 2017-2018-182 CONCRETE WORKS, MUSWELLBROOK AND DENMAN**

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 TENDER NO 2017-2018-0303 KERBSIDE WASTE SERVICES**

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 PROPOSED ROAD CLOSURES MOUNT PLEASANT MINE PROJECT AREA**

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 LINE MARKING PLAN - BYLONG VALLEY WAY**

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 UPPER HUNTER INNOVATION PRECINCT STAGE 2 - CONCEPT**

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 ECONOMIC DEVELOPMENT PROJECT**

Item 19.6 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.

#### **19.7 LOAN FUNDING REQUIREMENTS FOR SEWER CAPITAL WORKS PROGRAM**

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.

#### **19.8 EDDERTON ROAD REALIGNMENT**

Item 19.8 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.

#### **19.9 MUSWELLBROOK GOLF COURSE CROWN LEASE**

Item 19.9 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 CLOSED COUNCIL**

#### **19.1 TENDER NO 2017-2018-182 CONCRETE WORKS, MUSWELLBROOK AND DENMAN**

**270** RESOLVED on the motion of Crs Scholes and Woodruff that:

1. Council Accept the tenders submitted by PS & KE Wear and Hunter Wide Civil Pty Lt to undertake concrete works for a period of 2 years.
2. The General Manager be authorised to sign and affix Council's seal to the contract.

#### **19.2 TENDER 2017-2018-0303 KERBSIDE WASTE SERVICES**

##### **Disclosure of Interest**

Mr J. Brown declared a significant non-pecuniary interest in this item. Mr Brown advised that he is a Councillor with the Upper Hunter Shire Council. Mr Brown left the meeting at this stage.



**271** RESOLVED on the motion of Crs Bowditch and Green that:

Council

1. Accepts JR Richards Tender Option F(a) for a contract term of fourteen years with an estimated cost of \$1,073,000 in 2018/19.
2. Includes a second annual Bulky Waste Collection in the new contract at an additional cost of \$69,000 in the first year.
3. Undertakes community consultation to determine if residents of seven villages currently outside of the existing kerbside waste collection zone are willing to receive and pay for a kerbside waste collection service.

### **19.3 PROPOSED ROAD CLOSURES MOUNT PLEASANT MINE PROJECT AREA**

#### **Disclosure of Interest**

Cr M. Bowditch declared a insignificant non-pecuniary interest in this item. Cr Bowditch advised that he is employed by MACH Energy as a contractor. At 07:28 pm Cr Bowditch left the Council Chambers and therefore took no part in discussion or voting on this matter.

**272** RESOLVED on the motion of Crs Woodruff and Scholes that:

1. Council approve the permanent closure and sale of Council Public Roads being Skippens Lane and Rosebrook Lane;
2. Council authorise the General Manager to negotiate the sale price and execute relevant documentation relating to the sale of the roads once legally closed;
3. The land contained in the roads be consolidated with the adjoining land once they are closed and sold;
4. Council approve the seal to be affixed in accordance with the regulations to the plan, transfers and associated documents in relation to the road closures and sale;
5. The proceeds from the sale of Skippens Lane and Rosebrook Lane be set aside in a reserve fund specifically for land acquisition for public roads or for carrying out road work on public roads in accordance with the provisions of Section 43 of the *Roads Act* 1993.

At 07:28 pm Councillor Bowditch returned to Council Chambers.

### **19.4 LINE MARKING PLAN - BYLONG VALLEY WAY**

**273** RESOLVED on the motion of Crs Eades and Ward that:

Council engages Acor Consulting to prepare a line marking plan for Bylong Valley Way.



**19.5 UPPER HUNTER INNOVATION PRECINCT STAGE 2 - CONCEPT**

**274** RESOLVED on the motion of Crs Rush and Ledlin that:

Council endorse the concept to proceed to development application.

**19.6 ECONOMIC DEVELOPMENT PROJECT**

**275** RESOLVED on the motion of Crs Rush and Woodruff that:

Council delegates authority to the General Manager to enter into an agreement with AGL Energy Limited to progress the full feasibility of pumped hydro energy storage in the Muswellbrook Shire.

**19.7 LOAN FUNDING REQUIREMENTS FOR SEWER CAPITAL WORKS PROGRAM**

**276** RESOLVED on the motion of Crs Scholes and Woodruff that:

Council approves the securing of a \$5 million loan from a suitable funding agent to fund the RWTW.

**19.9 MUSWELLBROOK GOLF COURSE CROWN LEASE**

**Disclosure of Interest**

Cr S. Bailey declared a pecuniary interest in this item. Cr Bailey advised that he is an executive member of the Golf Course.

Cr M. Rush declared a significant non-pecuniary interest in this item. Cr Rush advised that a family member is on the board of another club.

At 07:36 pm Cr Bailey and Cr Rush left the Council Chambers.

Cr Scholes assumed the role of Chair for this item.

**277** RESOLVED on the motion of Crs Woodruff and Bowditch that:

Council agrees to the Deed of Assignment of Lease Agreement between Muswellbrook Golf Course (1010588) Reserve Trust & Muswellbrook Golf Club Limited to the Muswellbrook Muswellbrook RSL Sub-Branch Club Ltd.

At 07:38 pm Cr Bailey and Cr Rush returned to Council Chambers.

Cr Rush resumed the role of chair for the remainder of the meeting.

**20 RESUMPTION OF OPEN COUNCIL**

**278** RESOLVED on the motion of Crs Bailey and Ledlin that:

The meeting return to Open Council.

## 21 CLOSURE

The meeting was declared closed at 7.38 pm

THE MINUTES OF THE MEETING (PAGES 1 TO 10) WERE CONFIRMED AT THE  
ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON  
TUESDAY 12 JUNE, 2018 AND ARE A FULL AND ACCURATE RECORD OF  
PROCEEDINGS OF THE MEETING HELD ON TUESDAY 8 MAY, 2018

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Ms F. Plesman

**General Manager**

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Cr M. Rush

**Chairperson**