

**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 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 J. Brown (Executive Services Co-Ordinator), Mr A. Mitreski (Policy Officer), Mrs N. Argent (PA to Mayor), Miss B. Wilton (Administration Officer), 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**

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

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

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

280 RESOLVED on the motion of Crs Scholes and McNeill that:

The Minutes of the Ordinary Meeting held on 8 May 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. Bowditch** declared an insignificant non-pecuniary interest in Item 13.2. Cr Bowditch advised that he and his staff are employed by MACH Energy as Contractors.

**Cr M. Bowditch** declared an insignificant non-pecuniary interest in Item 13.6. Cr Bowditch advised that he and his staff are employed by Bengalla Mining Company as Contractors.

**Cr J. Foy** declared a pecuniary interest in Item 10.2. Cr Foy advised that his wife is employed by the medical practice.

**Cr M. Green** declared a non-pecuniary interest in Item 10.2. Cr Green advised that she is a patient of the medical practice.

**Cr G. McNeill** declared a non-pecuniary interest in Item 10.1. Cr McNeill advised that the commercial building is located opposite his private residence.

**Cr G. McNeill** declared a non-pecuniary interest in Item 10.3. Cr McNeill advised that the commercial building is located opposite his private residence.

**Cr M. Rush** declared an insignificant non-pecuniary interest in Item 10.2. Cr Rush advised that his mother lives in the vicinity of this medical practice.

**Cr R. Scholes** declared a pecuniary interest in Item 13.6. Cr Scholes advised that he is employed as a Contractor by Bengalla Mining Company.

**Cr S. Ward** declared a non-pecuniary interest in Item 10.2. Cr Ward advised that he is a patient of the medical practice.

**Cr B. Woodruff** declared a pecuniary interest in Item 13.6. Cr Woodruff advised that he undertakes work on behalf of his employer at the Bengalla Mining Company.

Cr Rush invited Cr Scholes to chair the meeting as Cr Rush has a insignificant pecuniary interest in Item 10.2.

Cr Scholes assumed the role of chair.

At 06:08pm Crs Rush and Ward left the Council Chambers.

## **6 PUBLIC PARTICIPATION**

Cr Scholes advised Desly Alsleben that she was invited to speak for 3 minutes.

Ms Desly Alsleben – Spoke in support of Item 10.2.

At 06:17pm Crs Rush and Ward returned to Council Chambers.

Cr Rush resumed the role of Chair.

### **6.1 DEFEREMENT OF PUBLIC PARTICIPATION**

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

The public participation of Graeme McNeill in relation to Item 10.1 be deferred whilst the matter be considered.

## **7 MAYORAL MINUTES**

Nil

## **8 GENERAL BUSINESS**

Nil

## **9 BUSINESS ARISING**

Nil

## **10 ENVIRONMENTAL SERVICES**

### **10.1 DA20/2018 FIRST USE & FIT OUT TO EXISTING COMMERCIAL BUILDING FOR 'REPCO'**

#### **Disclosure of Interest**

Cr McNeill declared a non-pecuniary interest in Item 10.1. Cr McNeill advised that the commercial building is located opposite his private residence. At 06:19pm Cr McNeill left the meeting room and therefore took no part in discussion or voting on this item.

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

This item be deferred to the Extra Ordinary Council Meeting.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL  
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 12 JUNE,  
2018 COMMENCING AT 6.00PM.**

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

Against: Nil.

At 06:21pm Cr McNeill returned to the meeting room.

**10.2 DA 8/2018 PAINTING EXTERIOR OF MEDICAL PRACTICE - LOT 12 DP 232742 80 BROOK STREET, MUSWELLBROOK**

**Disclosure of Interest**

Cr J. Foy declared a pecuniary interest in Item 10.2. Cr Foy advised that his wife is employed by the medical practice.

Cr M. Green declared a non-pecuniary interest in Item 10.2. Cr Green advised that she is a patient of the medical practice.

Cr M. Rush declared an insignificant non-pecuniary interest in Item 10.2. Cr Rush advised that his mother lives in the vicinity of this medical practice.

Cr S. Ward declared a non-pecuniary interest in Item 10.2. Cr Ward advised that he is a patient of the medical practice.

At 06:21pm Crs Rush and Ward left the meeting room and therefore took no part in discussion or voting on this item.

Cr Scholes assumed the role of Chair for this item.

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

Development Application No. 008/2018 proposing Exterior Paint Approval of Medical Practice at, Lot 12 DP 232742 80 Brook Street Muswellbrook be approved subject the conditions in Appendix A to the report.

In Favour: Crs S. Bailey, M. Bowditch, J. Eades, J. Foy, M. Green, G. McNeill, S. Reynolds, R. Scholes and B. Woodruff.

Against: Nil.

At 06:29 pm Cr Rush and Ward returned to the meeting room.

**10.3 DA110/2017 PROPOSED BUSINESS IDENTIFICATION SIGNAGE**

**Disclosure of Interest**

Cr G. McNeill declared a non-pecuniary interest in Item 10.3. Cr McNeill advised that the commercial building is located opposite his private residence.

At 06:30pm Cr McNeill left the meeting room and therefore took no part in discussion or voting on this item.

**284** RESOLVED on the motion of Crs Rush and Scholes that:

This item be deferred to the Extra Ordinary Council Meeting.

At 06:31pm Cr McNeill returned to the meeting room.

## **12 CORPORATE AND COMMUNITY SERVICES**

### **12.1 2017-2021 DELIVERY PROGRAM REVIEW**

285 RESOLVED on the motion of Crs Bowditch and Eades that:

Council endorse the reviewed Delivery Program for public exhibition from 12 June 2018 to 10 July 2018.

### **12.2 ZERO MASS WATER - PILOT PROJECT**

286 RESOLVED on the motion of Crs Green and Foy that:

The information contained in this report be noted.

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

287 RESOLVED on the motion of Crs Green and Bowditch that:

The information contained in this report be noted.

### **12.4 APPLICATION FOR CONTINUATION OF SPECIAL VARIATION**

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

1. Council endorse the making of an application to the Independent Pricing and Regulatory Tribunal for a one-off Special Variation increase of 12.4% (plus the rate peg) in 2019/20 to remain permanently in the rate base.
2. The funds raised from this Special Variation are to be dedicated to the proposed Drainage, Parks and Roads program; Olympic Park Master Plan projects; Entertainment and Conference Centre Project; Jobs Creation package; and to offset a shortfall in rating revenues arising from a change in NSW Government policy with respect to biodiversity offsets.
3. An amount of \$60k be allocated to the 2018/19 budget for a community engagement program to facilitate consultation with the community in regard to a proposed application to IPART for a Special Variation.

### **12.5 MUSWELLBROOK SHIRE LOCAL STRATEGIC PLANNING STATEMENT**

289 RESOLVED on the motion of Crs Rush and McNeill that:

This item be deferred to the Extra-Ordinary Council Meeting.

**12.6 2018-2019 OPERATIONAL PLAN, BUDGET, REVENUE POLICY AND FEES AND CHARGES**

290 RESOLVED on the motion of Crs Rush and Foy that:

1. The 2018/2019 Operational Plan, Budget and Fees & Charges be adopted and a further briefing be provided to Councillors in the next fortnight.
2. The Revenue Policy be amended and placed on public exhibition for 28 days.

**13 REPORTS FROM COMMITTEES**

**13.1 MANGOOLA COAL COMMUNITY FUNDING INVESTMENT COMMITTEE - 9/05/2018**

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

The Minutes of the Mangoola Coal Community Funding Investment Committee Meeting held on Wednesday 9 May 2018 be received and the recommendations contained therein ADOPTED.

Cr Rush thanked Mangoola Coal Company for their continued community support.

**13.2 MT PLEASANT COMMUNITY FUNDING INVESTMENT COMMITTEE - 30/04/2018**

**Disclosure of Interest**

Cr M. Bowditch declared an insignificant non-pecuniary interest in Item 13.2. Cr Bowditch advised that he and his staff are employed by MACH Energy as Contractors.

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

The Minutes of the Mt Pleasant Community Funding Investment Committee Meeting held on Monday 30 April 2018 be received and the recommendations contained therein ADOPTED.

Cr Rush thanked MACH Energy for their continued community support.

**13.3 LOCAL TRAFFIC COMMITTEE - 15/05/2018**

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

The Minutes of the Local Traffic Committee Meeting held on Tuesday 15 May 2018 be received and the recommendations contained therein ADOPTED.

**13.4 INFRASTRUCTURE COMMITTEE - 30/05/2018**

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

The Minutes of the Infrastructure Committee Meeting held on Wednesday 30 May 2018 be received and the recommendations contained therein ADOPTED.

**13.5 CORPORATE POLICY AND PLANNING COMMITTEE - 30/05/2018**

295 RESOLVED on the motion of Crs Green and Eades that:

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 30 May 2018 be received and the recommendations contained therein ADOPTED.

**13.6 BENGALLA MINING COMPANY COMMUNITY FUNDING INVESTMENT COMMITTEE -  
18/05/2018**

**Disclosure of Interest**

Cr M. Bowditch declared an insignificant non-pecuniary interest in Item 13.6. Cr Bowditch advised that he and his staff are employed by Bengalla Mining Company as Contractors.

Cr R. Scholes declared a pecuniary interest in Item 13.6. Cr Scholes advised that he is employed as a Contractor by Bengalla Mining Company.

Cr B. Woodruff declared a pecuniary interest in Item 13.6. Cr Woodruff advised that he undertakes work on behalf of his employer at the Bengalla Mining Company.

At 06:41pm Crs Bowditch, Scholes and Woodruff left the meeting room and therefore took no part in discussion or voting on this item.

296 RESOLVED on the motion of Crs Green and McNeill that:

The Minutes of the Bengalla Mining Company Community Funding Investment Committee Meeting held on Friday 18 May 2018 be received and the recommendations contained therein ADOPTED.

Cr Rush thanked Bengalla Mining Company for their continued community support.

At 06:41pm Cr Bowditch, Scholes and Woodruff returned to the meeting room.

**14 NOTICES OF MOTION / RESCISSION**

Nil

**15 QUESTIONS WITH NOTICE**

**15.1 AIRBORNE DUST**

297 RESOLVED on the motion of Crs McNeill and Green that:

The information be noted.

**16 COUNCILLORS REPORTS**

**16.1 DENMAN LIBRARY EVENTS**

Cr Stephen Ward reported that he Recently attended the Denman Library for the National Story Time event and the Cancer Council morning tea.

**16.2 AQUATIC CENTRE FORUM**

Cr Michelle Green reported that she attended the Aquatic Centre Information Forum held on Tuesday, 5 June 2018. She reported that this forum was well attended by the community. Cr Green congratulated Ms Plesman for a successful event and advised that this was a good example of Community Engagement.

### **16.3 EMERGENCY SERVICES**

Cr Mark Bowditch reported that he attended an Emergency Services meeting with Mr Finnigan in Singleton last week.

### **16.4 AQUATIC CENTRE FORUM**

Cr Graeme McNeill reported that he also attended the Aquatic Centre Information Forum held on Tuesday, 5 June 2018. He appreciated that it addressed a lot of concerns and allowed for the community to contribute and express their ideas.

## **17 QUESTIONS FOR NEXT MEETING**

Cr Woodruff asked whether the maintenance of the Denman Memorial Park maintenance and irrigation program have been abandoned?

Mr Finnigan advised that a Staff member would attend the park early in the morning to commence irrigation.

Cr Rush asked about the availability of a water standpipe on the weekends? Cr Rush advised that we have one during the week and he had previously sent an email on 29 May 2018 regarding it.

Mr Redan advised that he will look into the matter.

## **18 ADJOURNMENT INTO CLOSED COUNCIL**

**298** RESOLVED on the motion of Crs McNeill and Bowditch 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 2017-2018-0329 SUPPLY AND DELIVERY OF TWO (2) PARKS VEHICLES AND TWO (2) TRAILERS**

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 FUTURE GRANT FUNDING OPPORTUNITIES**

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(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 RADIO ADVERTISING PROPOSAL**

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.



Members of the media and public left the meeting at 6:52pm.

## **19 CLOSED COUNCIL**

### **19.1 2017-2018-0329 SUPPLY AND DELIVERY OF TWO (2) PARKS VEHICLES AND TWO (2) TRAILERS**

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

The tender submission from Daimler Trucks Newcastle for the supply and delivery of two (2) Fuso Canter Crew Cab Model: AMT, and two (2) trailers from Capital Body Works, in the sum of \$279,140.00 for contract number 2017-2018-0329, be accepted.

### **19.2 FUTURE GRANT FUNDING OPPORTUNITIES**

300 RESOLVED on the motion of Crs Rush and Scholes that Council:

1. Endorse the projects identified in the report for funding applications; and,
2. Authorise the Acting General Manager to finalise cost estimates, identify funding co-contributions and prepare expressions of interest for funding under round six of the Resources for Regions program.

### **19.3 RADIO ADVERTISING PROPOSAL**

301 RESOLVED on the motion of Crs Green and Eades that:

Council allocate a budget of \$10,000 to initiate a 12-month trial of the effectiveness of increased radio advertising for the aquatic centres, arts centre and libraries.

## **20 RESUMPTION OF OPEN COUNCIL**

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

That the meeting return to Open Council.

## **11 COMMUNITY INFRASTRUCTURE**

### **S.1 DENMAN TOWN CENTRE UPGRADE WORKS CONCEPT**

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

This item be placed on public exhibition for a period of 14 days.

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

The Extra-Ordinary Council Meeting be held at 6.00pm on Thursday 28 June, 2018.



## 21 CLOSURE

The meeting was declared closed at 7:07 pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 9) WERE CONFIRMED AT THE ORDINARY  
COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 10  
JULY, 2018 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE  
MEETING HELD ON TUESDAY 12 JUNE, 2018

.....  
Ms F. Plesman

**Acting General Manager**

.....  
Cr M. Rush

**Chairperson**