

**MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 10 SEPTEMBER, 2019 COMMENCING AT 6.00PM.**

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**PRESENT:** Cr M.L. Rush, 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 and Cr S.J. Ward.

**IN ATTENDANCE:** Mr D. Finnigan (Acting General Manager), Ms S. Pope (Assistant Director – Planning & Community Service), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr A. Mitreski (Manager – Economic Innovation & Transition) and Mrs M. Sandell-Hay (PA to General Manager).

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The Acknowledgement of Country was read by the Mayor, Councillor M. Rush.

## **2 CIVIC PRAYER**

The Civic Prayer was read by Cr S. Reynolds.

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

79 RESOLVED on the motion of Crs Bowditch and Foy that:

The apologies for inability to attend the meeting submitted by Cr S.L. Bailey, Cr J.L. Ledlin, Cr. B. Woodruff be ACCEPTED and the necessary Leave of Absence be GRANTED.

## **4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

**Cr M Green** – Declared a Pecuniary Interest in Item 6.5. Cr Green advised Council that her Husband's company contracts to Muswellbrook Coal.

**Cr G. McNeill** – Declared an Insignificant Non-Pecuniary Interest in item 6.4. Cr McNeill advised Council that is an employee of AGL and is located at Liddell.

## **5 PUBLIC PARTICIPATION**

Nil

## **6 COMMUNITY INFRASTRUCTURE**

### **6.1 AUGMENTATION OF CAR PARKING IN LOWER BROOK STREET, HUNTER TERRACE, AND LOWER WILLIAM STREET, MUSWELLBROOK**

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

Council endorse the civic augmentation parking plan to enable public consultation to be carried out with businesses and residents subject to the inclusion of 5 disabled parking spaces being allocated.

### **6.2 DA 11/2019 - ALTERATIONS AND ADDITIONS TO MUSWELLBROOK AQUATIC AND LEISURE CENTRE AND VARIATION TO GYMNASIUM OPERATING HOURS**

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

Council approve Development Application No. 11/2019, involving alterations and additions to the Muswellbrook Aquatic and Leisure Centre and change to operating hours at Lot 1 DP 9038390,

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Lot 7010 DP 93327, Lot 11 DP 1058170 and Lot 1 DP 364120, subject to the conditions in Appendix B to the report.

**6.3 MUSWELLBROOK BYPASS ADVISORY COMMITTEE**

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

1. Council establish a Muswellbrook Bypass Advisory Committee with the function of facilitating community feedback on the design of a Muswellbrook Bypass and building upon the opportunities created by the Bypass.
2. For the purposes of such Committee:
  - (i) the Committee be constituted by:
    - a. The President, for the time being, of the Muswellbrook Business Chamber (as Chair);
    - b. An impacted business which is not a member of the Muswellbrook Business Chamber (by expression of interest);
    - c. The Mayor;
    - d. Deputy Mayor;
    - e. The General Manager (or representative);
    - f. the Director of Infrastructure (or representative);
    - g. The State Member or his or her representative;
    - h. The Federal Member or his or her representative;
    - i. A representative of the RMS;
    - j. A representative of each of the Area Commander of the NSW Police.
  - (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.

**6.4 LIDDELL CLOSURE ADVISORY COMMITTEE**

**Disclosure of Interest**

Cr G. McNeill declared an insignificant non-pecuniary interest in this item. Cr McNeill advised Council that he is employed by AGL at the Liddell site. At 06:01pm Cr McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

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

1. Council establish a Liddell Closure Advisory Committee with the function of providing advice to Council on how it should assist in the orderly closure of the Liddell Power Station.
2. For the purposes of such Committee:
  - (i) the Committee be constituted by:

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---

- a. The Council Spokesperson for Innovation and Industry (as Chair);
  - b. The General Manager (or representative);
  - c. A representative of each of the CFMMEU, ETU and PSA;
  - d. Two representatives from AGL Energy;
  - e. A representative of Muswellbrook Chamber of Commerce;
  - f. A representative of Singleton Council;
  - g. A representative of the Australian Transitions Academy; and
  - h. The Hunter Region Employment Facilitator, Department of Employment, Skills, Small and Family Business;
- (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.

At 06:02pm Cr McNeill returned to Council Chambers and resumed his usual Chair at the meeting table.

#### **6.5 MUSWELLBROOK COAL CLOSURE COMMITTEE**

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

Cr Green declared a pecuniary interest in this item. Cr Green advised that her husband's company contracts to Muswellbrook Coal. At 06:02pm Cr Green left the Council Chambers and therefore took no part in discussion or voting on this item.

**84** RESOLVED on the motion of Crs Scholes and Bowditch that:

1. Council establish a Muswellbrook Coal Closure Committee with the function of providing advice to Council on how it should assist in the orderly closure of the Muswellbrook Coal Mine.
2. For the purposes of such Working Group:
  - (i) the Committee be constituted by:
    - a. The Council Spokesperson for Innovation and Industry (as Chair);
    - b. The General Manager (or representative);
    - c. Two representatives of the CFMEU;
    - d. Two representatives from Muswellbrook Coal;
    - e. A representative of the Australian Transitions Academy;
    - f. The Hunter Region Employment Facilitator, Department of Employment, Skills, Small and Family Business;
    - g. A representative of Muswellbrook Chamber of Commerce;
    - h. A representative of Upper Hunter Community Services; and
    - i. A representative of Samaritans
  - (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.

At 06:02pm Cr Green returned to Council Chambers and resumed her usual Chair at the meeting table.

## **7 CORPORATE AND COMMUNITY SERVICES**

### **7.1 EXHIBITION OF DRAFT MUSWELLBROOK COMMUNITY PARTICIPATION PLAN**

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

Council

1. Places the Draft Community Participation Plan (Attachment A) on exhibition for a period of 28 days; and
2. Receives a report back following the public exhibition period, unless no public submissions are received, in which case the Plan is to be finalised and adopted as exhibited.

### **7.2 MODEL CODE OF MEETING PRACTICE**

86 RESOLVED on the motion of Crs Reynolds and Green that:

1. Council endorse the revised Code of Meeting Practice as attached as Appendix A for public exhibition for a period of 28 days.
2. Council adopt the revised Code of Meeting Practice on an interim basis until consideration of any public submissions.
3. Future ordinary meetings of Council commence at 6.00pm.

### **7.3 INVESTMENT (FINANCIAL SECURITIES) POLICY REVIEW**

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

1. Council endorses the reviewed Investment (Financial Securities) Policy to be placed on public exhibition for a period of 28 days.
2. In the event that no substantive objections are received at the conclusion of the period of public exhibition, the Investment (Financial Securities) Policy be adopted.

### **7.4 AUSTRALIA DAY 2020**

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

1. Muswellbrook Shire Council host an Awards Ceremony, on Saturday 25 January 2020, in the Memorial Hall, Ogilvie Street, Denman to present the following awards:
  - Young Citizen School achiever,
  - Young Citizen; and,
  - Citizen of the year

The Awards Ceremony to commence at 6:00pm. The awards ceremony will be a ticketed event, tickets will be distributed to the nominees and their families, as well as official guests.

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2. The 2020 Australia Day Ceremony be held in Memorial Hall, Ogilvie Street, Denman on Sunday, 26 January 2020. The ceremony will include a presentation of the following awards:

- Junior Sports person,
- Senior Sports person,
- Services to Sport,
- Youth Cultural Award,
- Cultural Contributor Award,
- Northoak Award for Primary Production,
- Environmental Award,
- Education Award; and,
- Social Inclusion Award
- Junior Team / Group

The Official Ceremony to commence at 9:00am and include a citizenship ceremony, presentation of awards and various performances from local groups. The Wakagetti Dance Group be invited to open the ceremony with a performance.

3. All invitations are to include a dress code of "Smart Casual" for the events.
4. The Denman Rotary and Denman Lions Clubs be invited to host a free BBQ Lunch at the Denman Aquatic Centre;
5. Muswellbrook Apex Club be invited to jointly host a family fun afternoon be held at the Muswellbrook Aquatic Centre;
6. The Wanaruah Land Council be invited to make presentation of the Aboriginal Flag to the new Australian Citizen;
7. Council register for the 2020 ambassador program;
8. The recipients of the 2019 Citizen and Young Citizen of the Year Award, be invited to give an address at the 2020 Official Australia Day Ceremony;
9. Council liaise with Brooke Boney regarding availability to act as the Master of Ceremonies for the 2020 Awards Ceremony on 25 January, 2020;
10. Council liaise with XXXX regarding availability to act as the Master of Ceremonies for the 2020 Official Australia Day Ceremony;
11. A Nominations Committee be established consisting of 2 Councillors, and such Staff as appointed by the General Manager;
12. A 2020 Australia Day Sunset committee be established consisting of 2 councillors, a representative from the Wanaruah Land Council and such staff as appointed by the General Manager;
13. An allocation of \$25,000 be considered as part of the 2019/2020 Budget;
14. The draft program outlined in the report be endorsed.

## 8 ADJOURNMENT INTO CLOSED COUNCIL

89 RESOLVED on the motion of Crs Bowditch and Green 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:

### 9.1 TERTIARY EDUCATION CENTRE - STAGE 2 AND COMMERCIAL AND EDUCATION BUILDING

Item 9.1 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.

### 9.2 2018-2019-0368 PROVISION OF WET AND DRY HIRE OF PLANT, TRUCKS AND EQUIPMENT

Item 9.2 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.

## 9 CLOSED COUNCIL

### 9.1 TERTIARY EDUCATION CENTRE - STAGE 2 AND COMMERCIAL AND EDUCATION BUILDING

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

1. Council accept the proposal and award the Architectural Services for the 'Tertiary Education Centre - Stage 2' to Collins & Turner Pty Ltd for the amount of \$87,700 (Exclusive of GST);
2. Council approve and allocate separate funding for the 'Commercial and Education Building' project; and
3. Engage Collins & Turner Pty Ltd for the provision of Architectural Services for the 'Commercial and Education Building' for the amount of \$ 94,940 (Ex. GST).
4. The funding for dot point 3 is sourced from the Economic Development Operational Expenditure.

### 9.2 2018-2019-0368 PROVISION OF WET AND DRY HIRE OF PLANT, TRUCKS AND EQUIPMENT

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

1. Council award the contract panel for tender 2018-2019-0368 Provision of Wet and Dry Hire of Plant, Trucks and Equipment as recommended in the report; and

2. A provision be allowed for a 12 month extension based on performance.

## 10 RESUMPTION OF OPEN COUNCIL

92 RESOLVED on the motion of Crs Reynolds and Foy that:

The meeting return to Open Council.

## 11 CLOSURE

The meeting was declared closed at 6.19pm.

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Mr D. Finnigan

**Acting General Manager**

.....  
Cr M. Rush

**Chairperson**