

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 26 MAY,
2020 COMMENCING AT 6.00PM.**

PRESENT: Cr M.L. Rush, 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 and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director - Community Infrastructure - VC), Ms N. Cowley (Executive Manager – Officer of the Chief Financial Officer - VC), Ms S. Pope (Assistant Director – Planning & Community Service – VC), Ms C. O'Brien (Manager - Community Services- VC), Mr J. Brown (Manager – Integrated Planning, Risk & Governance - VC), Mr M. Lysaught (Manager – Works, Property & Building Services), Mrs M. Sandell-Hay (PA to General Manager - VC), Miss M. Meadows (PA to Mayor), 3 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

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

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

344 RESOLVED on the motion of Crs Ledlin and McNeill that:

The Minutes of the Ordinary Meeting held on 28 April 2020, 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 a pecuniary interest in Item 11.1. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore.

Cr M. Bowditch – Declared a pecuniary interest in Item 11.2. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore.

Cr M. Bowditch – Declared a pecuniary interest in Item 11.3. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore.

Cr M. Bowditch – Declared an insignificant non-pecuniary interest in Item 12.9. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore who has provided a submission.

Cr M. Bowditch – Declared an insignificant non-pecuniary interest in Item 12.10. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore who has provided a submission.

Cr M. Bowditch – Declared an insignificant non-pecuniary interest in Item 12.11. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore who has provided a submission.

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Cr M. Bowditch – Declared a significant non-pecuniary interest in Item 13.5. Cr Bowditch advised Council that he undertakes contract work with Bengalla Mine.

Cr M. Bowditch – Declared an insignificant non-pecuniary interest in Item 19.3. is a member of the Land Council.

Cr M. Bowditch – Declared a significant non-pecuniary interest in Item 19.4. Cr Bowditch advised Council that he undertakes contract work with three of the mines mentioned in the report.

Cr J. Eades – Declared a pecuniary interest in Item 19.3. Cr Eades advised Council that she works on projects in the community with the business named in the report.

Cr J. Foy – Declared a non-pecuniary interest in Item 12.9. Cr Foy advised Council that he is a member of the Muswellbrook Swimming Club.

Cr J. Foy – Declared a non-pecuniary interest in Item 19.2. Cr Foy advised Council that he is a member of the Muswellbrook Swimming Club.

Cr G. McNeill - Declared a significant non-pecuniary interest in Item 19.5. Cr McNeill advised Council that the Future Projects Group of AGL had signed a non-disclosure agreement with Ethec.

Cr G McNeill - Declared a significant non-pecuniary interest in Item 11.6. Cr McNeill advised Council that the report involved his place of work.

Cr S. Reynolds - Declared a significant non-pecuniary interest in Item 11.4. Cr Reynolds advised Council that he is currently in legal proceedings with a company mentioned in the report.

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in Item 12.9. Cr Reynolds advised Council that his brother is an employee of Glencore who have provided a submission.

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in item 12.10. Cr Reynolds advised Council that his brother is an employee of Glencore who have provided a submission.

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in Item 12.11. Cr Reynolds advised Council that his brother is an employee of Glencore who have provided a submission.

Cr S. Reynolds - Declared a significant non-pecuniary interest in Item 13.5. Cr Reynolds advised Council that his nephew is employed at Bengalla as part of his University scholarship.

Cr S. Reynolds - Declared a significant non-pecuniary interest in Item 19.4. Cr Reynolds advised Council that he is currently in legal proceedings with a company mentioned in the report.

Cr B. Woodruff – Declared a pecuniary interest in Item 11.1. Cr Woodruff advised Council that his employer undertakes work for the mine.

Cr B. Woodruff – Declared a pecuniary interest in Item 11.3. Cr Woodruff advised that his employer undertakes work at Mt Pleasant mine.

Cr B. Woodruff – Declared a pecuniary interest in Item 13.5. Cr Woodruff advised that his employer undertakes work at the mine.

6 PUBLIC PARTICIPATION

Cr Rush advised that each participant would receive 5 minutes to address Council in public participation.

i) **Mr Nigel Wood** – spoke in opposition to the Bio-Refinery report

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

More time be provided to Mr Wood to address Council.

ii) **Mr Granville Taylor** – spoke in opposition to the Bio-Refinery report

iii) **Mr Mike Kelly** – spoke in opposition to the Bio-Refinery report

7 BUSINESS ARISING

Nil

8 MAYORAL MINUTES

Nil

9 GENERAL BUSINESS

Nil

10 ENVIRONMENTAL SERVICES

10.1 DA 2019/87 - REPLACEMENT DWELLING - LOT 413 BUREEN ROAD, DENMAN

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

Council approve DA No. 2019/87, for the erection of a replacement dwelling at Lot 413 DP 1251003, Bureen Road, Denman, subject to the recommended conditions of consent contained in Attachment B.

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

Against: Nil.

10.2 AMENDMENT TO MUSWELLBROOK DCP 2009 - SECTION 25 - STORMWATER MANAGEMENT AND COUNCIL'S RIVERS AND DRAINAGE CHANNELS POLICY

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

Council adopts:

1. Muswellbrook DCP 2009, Section 25 – Stormwater Management, as provided in attachment A, but with tracking of changes removed; and
2. Muswellbrook Shire Council Rivers and Drainage Channels Policy, as provided in attachment B, but with tracking of changes removed.

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

Against: Nil.

10.3 AMENDMENT OF DELEGATIONS - GENERAL MANAGER AND DEVELOPMENT ASSESSMENT COMMITTEE

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

Council resolves to amend:

- A. The Delegation of Authority to General Manager to determine matters under the Environmental Planning and Assessment Act 1979 as provided in attachment A; and
- B. The Delegation of Authority to the Development Assessment Committee to determine matters under the Environmental Planning and Assessment Act 1979 as provided in attachment B.

10.4 COUNCIL OPTIONS UNDER THE NSW BIODIVERSITY OFFSETS SCHEME

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

The information contained in this report be noted.

11 COMMUNITY INFRASTRUCTURE

11.1 MT PLEASANT EXTENSION OF S.138 PERMITS FOR SKIPPENS ROAD AND ROSEBROOK LANE

Disclosure of Interest

Cr M Bowditch– Declared a pecuniary interest in this Item. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore.

Cr Woodruff - Declared a pecuniary interest in this Item. Cr Woodruff advised Council that his employer undertakes work for the mine.

Crs Bowditch and Woodruff left the meeting at this stage and therefore took no part in discussion or voting on this matter.

350 RESOLVED on the motion of Crs Scholes and Ledlin that:

1. Council delegates to the General Manager authority to extend the s.138 Road Permits for Skippens Road (2018-0072) and Rosebrook Lane (2019-0066) for a 12 month period to 1 April 2021.
2. Council negotiates the closure and sale of Skippens Road and Rosebrook Lane within the timeframe of the twelve month extension of the s138 road permit.

Cr Woodruff returned to Council Chambers.

11.2 MT PLEASANT MOD 4 RAIL LOOP - S138 ROAD OPENING

Disclosure of Interest

Cr M. Bowditch – Declared a pecuniary interest in this Item. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore.

Cr Bowditch remained absent from the Chambers for the conduct of this item and therefore took no part in discussion or voting on this item.

351 RESOLVED on the motion of Crs Scholes and Eades that:

1. Council delegates to the General Manager authority to sign the S.138 Roads Act 1993 approval generally in accordance with the draft Special Conditions set out in the report
2. The Consent be provisional on a suitable form of security to be agreed with the General

Manager prior to the commencement of construction of the mine owned asset infrastructure within Council road reserves and the use of Council road reserves to access construction sites.

3. As outlined in the draft Special Conditions, insurance, detailed design and Traffic Management Plans are to be submitted and certified by suitably qualified consultants and accepted by the General Manager.

11.3 BELGRAVE ROAD WORKS S138 ROADS ACT 1993 APPROVAL

Disclosure of Interest

Cr M. Bowditch declared a pecuniary interest in this Item. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore.

Cr B Woodruff declared a pecuniary interest in this Item. Cr Woodruff advised that his employer undertakes work at Mt Pleasant mine.

Cr Woodruff left the meeting at this time while Cr Bowditch remained absent from the meeting and therefore took no part in discussion or voting on this matter.

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

Council delegate to the General Manager authority to sign the s.138 Roads Act 1993 approvals for the following works on Belgrave Road:

- grading and minor road works; and
- removal and disposal of the redundant power line poles.

Crs Bowditch and Woodruff returned to the Council Chambers.

11.4 EDDERTON ROAD STAGE 2 UPGRADE SECTION 138 ROAD ACT 1993 APPROVAL

Disclosure of Interest

Cr S. Reynolds declared a significant non-pecuniary interest in this Item. Cr Reynolds advised Council that he is currently in legal proceedings with a company mentioned in the report.

Cr Reynolds left the meeting at this stage and therefore took no part in discussion or voting on this matter.

353 RESOLVED on the motion of Crs Scholes and Ledlin that:

Council

1. Delegates to the General Manager authority to sign the subject Section 138 Roads Act approval generally in accordance with the draft special conditions specified in the report for the Edderton Road Stage 2 Upgrade Works;
2. Consent be provisional on a suitable form of security in the form of a cash bond or bank guarantee for an amount to be agreed with the General Manager prior to commencement of the road works; and
3. As per the conditions, fees are to be paid, insurances provided and the work carried out in accordance with the detailed design plans accepted by Council at the 29 October 2019 Ordinary Council Meeting.

Cr Reynolds returned to the Council Chambers.

11.5 NEW STREET TREE PLANTING PROGRAMME

354 RESOLVED on the motion of Crs Rush and Bowditch that:

Determination of this matter be delegated to the General Manager

11.6 COUNCIL STANDING COMMITTEE ON INDUSTRIAL CLOSURES

Disclosure of Interest

Cr G McNeill declared a significant non-pecuniary interest in this Item. Cr McNeill advised Council that the report involved his place of work.

Cr McNeill left the meeting and therefore took no part in discussion or voting on this matter.

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

1. The MUSWELLBROOK Coal Closure Committee and the Liddell closure Advisory Committee resolved to be constituted on 10 September 2019 be combined as the Council Standing Committee on Industrial Closures (the Closure Committee); and
2. The Function of the Closure Committee be to advise Council on how it should assist in the orderly closure of significant industries within the Shire of Muswellbrook.
3. The Closure Committee be constituted by:
 - (a) The Hunter Region Employment Facilitator, Federal Department of Employment, Skills, Small and Family Business (as Chair);
 - (b) The Council spokesperson for Innovation and Industry;
 - (c) The General Manager (or delegate);
 - (d) The Federal Member for Hunter (or delegate);
 - (e) A representative of the State Department of Regional NSW;
 - (f) A representative of the CFMMEU or such other or further union representation as the Committee thinks fit;
 - (g) Such employer delegates as the Committee thinks fit provided that, during the Muswellbrook Coal and Liddell industrial closures, each shall be entitled to two representatives each;
 - (h) A representative of the Muswellbrook Business Chamber;
 - (i) Such representatives of other local councils as the Committee thinks fit provided that, during the Muswellbrook Coal and Liddell industrial closures, Singleton and Upper Hunter councils shall be entitled each to a representative;
 - (j) A representative of the Australian Transitions Academy; and
 - (k) A representative of Samaritans or such other or further welfare organisation as the Committee thinks fit.
4. Any funding provided to any of the committees now being combined, be for the use of the Closure Committee.

Cr McNeill returned to the Council Chambers.

**11.7 REPLACEMENT OF SOUTHERN (ULAN LINE) RAIL BRIDGE CROSSING BRIDGE STREET,
MUSWELLBROOK: BRIDGE CONCEPT DRAWINGS**

356 RESOLVED on the motion of Crs Reynolds and Bowditch that:

1. Council NOTES the information contained in the report.
2. Council recommends treatment Option 4 in the report be further developed, with a further report to be provided to Council providing detailed structure treatment options.

12 CORPORATE AND COMMUNITY SERVICES

12.1 LOAN OF BLUE HEELER STATUE

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

Council endorse for a period of twelve (12) months, the loaning of the original fibre glass Blue Heeler Statue as a display item, to Hunter Relics & Co on Aberdeen St Muswellbrook, a photograph of which, is provided in attachment A.

12.2 GOVERNANCE POLICY REVIEW

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

Council adopt the revised Governance Policy provided in attachment A.

12.3 2019-2020 OPERATIONAL PLAN 31 MARCH QUARTERLY REVIEW

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

The 2019/20 Operational Plan Review dated 31 March 2020 be noted.

12.4 MARCH BUDGET REVIEW 2020

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

Council adopt the list of proposed changes and incorporate them into the 2019/20 Budget.

12.5 MARCH 2020 MONTHLY FINANCIAL REPORT

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

The Financial Report for the month ending 31 March 2020 be noted.

12.6 REPORT ON INVESTMENTS HELD AS AT 30 APRIL 2020

362 RESOLVED on the motion of Crs Ledlin and Scholes that:

The information showing Council's investments as at 30 April 2020 be noted.

12.7 PLANNING AND ENVIRONMENT SERVICES

363 RESOLVED on the motion of Crs Eades and Foy that:

The information contained in this report be noted.

12.8 COMMUNITY SERVICES

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

The information contained in this report be noted.

12.9 2020/21 OPERATIONAL PLAN, BUDGET, REVENUE POLICY AND FEES AND CHARGES

Disclosure of Interest

Cr M. Bowditch declared an insignificant non-pecuniary interest in Item. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore who has provided a submission.

Cr Foy declared a non-pecuniary interest in this item. Cr Foy advised Council that he is a member of the Muswellbrook Swimming Club.

Cr S. Reynolds declared an insignificant non-pecuniary interest in this Item. Cr Reynolds advised Council that his brother is an employee of Glencore who have provided a submission.

Crs Bowditch, Foy and Reynolds left the meeting at this stage and therefore took not part in discussion or voting on this matter.

365 RESOLVED on the motion of Crs Rush and Ledlin that:

1. The 2020/2021 Operational Plan, including the statement of Council's Revenue Policy, Budget and Fees and Charges be adopted except as provided by 2.
2.
 - a) with respect to the Budget, the Future Fund Education Division incorporate an amount of \$50,000 for the Upper Hunter Conservatorium of Music and the operational results adjusted accordingly.
 - b) An amount of \$50,000 be allocated from the \$2M COVID-19 loan funds for Denman Golf Course.

Cr Bowditch and Cr Reynolds returned to the Council Chambers.

366 RESOLVED on the motion of Crs Reynolds and Bowditch that:

- 2
 - c) Additionally, that an amount of \$577,898 be included in the Capital Expenditure program for the Muswellbrook Aquatic Centre upgrade works, such funding being

sourced from the Federal Government's recently announced grants package.

Cr Foy returned to the Council Chambers.

12.10 DETERMINATION OF SUB-CATEGORIES OF THE RATES

Disclosure of Interest

Cr M. Bowditch declared an insignificant non-pecuniary interest in Item 12.10. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore who has provided a submission.

Cr S. Reynolds declared an insignificant non-pecuniary interest in this item. Cr Reynolds advised Council that his brother is an employee of Glencore who have provided a submission.

Crs Bowditch and Reynolds remained absent from the Chambers for the conduct of this item and therefore took no part in discussion or voting on this matter.

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

Council DETERMINES as follows:

Farmland – General

Council determines the sub-category for the category "Farmland" called "Farmland - General" for each parcel of rateable land valued as one assessment, if its dominant use is for farming and which:

- a) has a significant and substantial commercial purpose or character, and
- b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made

and the land cannot be sub-categorised as "Farmland – Irrigable".

Farmland – Irrigable

Council determines a sub-category for the category "Farmland" called "Farmland – Irrigable" for each parcel of rateable land valued as one assessment if its dominant use is for farming which:

- a) has a significant and substantial commercial purpose or character; and
- b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made); and
- c) is subject of a water right within the meaning of the Valuation of Land Act 1916; and
- d) where the assessment or any part of the assessment:
 - (i) is irrigated for any farming purpose; or
 - (ii) has established irrigation reticulation capable of being used for any farming purpose; or
 - (iii) is wholly or partly within 100m of the Hunter River.

Note: a water right means a right or authority (however described) under the Water Management Act 2000, the Water Act 1912, or any other Act, being a right or authority to construct, install or use works of irrigation, or to use water supplied by works of irrigation.

Business – General

Council determines the sub-category for the category of "Business" called "Business

- General” for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and cannot be sub-categorised as:
 - Business – Power Generation;
 - Business – Thomas Mitchell Drive Industrial Centre;
 - Business – Showground Release Area; or
 - Business – Mine Rehabilitation.

Business – Power Generation

Council determines a sub-category for the category “Business” called “Business – Power Generation” for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and if its dominant use is as a centre of any of the following activities:

- a) the generation of, or capacity to generate, more than 5 megawatts of electricity; or
- b) the storage of, or capacity to store, more than 10 megawatts of electricity;

and the land cannot be sub-categorised as “Business – Mine Rehabilitation”.

Business – Mine Rehabilitation

Council determines a sub-category for the category “Business” called “Business – Mine Rehabilitation” for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and if its dominant use is as a centre of any of the following activities:

- a) the rehabilitation of land that is or has been disturbed by mining operations

For the purposes of this sub-category, “rehabilitation” includes:

- a) the treatment or management of disturbed land or water for the purpose of establishing and maintaining a safe and stable environment; and
- b) the design and construction of landforms as well as the establishment of sustainable ecosystems or alternative vegetation.

For the purposes of this sub-category, “mining operations” means operations carried out in the course of mining.

Council confirms all other sub-categories determined for the 2019/20 financial year.

12.11 MAKING OF THE RATES AND ANNUAL CHARGES FOR 2020- 21

Disclosure of Interest

Cr M. Bowditch declared an insignificant non-pecuniary interest in Item 12.11. Cr Bowditch advised Council that he undertakes contract work with Mt Pleasant/Glencore who has provided a submission.

Cr S. Reynolds declared an insignificant non-pecuniary interest in Item 12.11. Cr Reynolds advised Council that his brother is an employee of Glencore who have provided a submission.

Crs Bowditch and Reynolds remained absent from the Chambers for the conduct of this item and therefore took no part in discussion or voting on this matter.

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

GENERAL FUND

RECOMMENDED that Council resolves as follows:

Council MAKES the following ordinary rates for the 2020/21 Financial Year.

Rate Type	Category	Sub-Category	Ad Valorem Cents in \$	Base/ Min \$	Base % of Total Rate Levied	Estimated Yield
Ordinary	Residential	Residential – General	0.4885966	\$240	21.15%	\$1,048,507
Ordinary	Residential	Residential – Muswellbrook & Denman	0.6696105	\$290	35.95%	\$4,556,529
Ordinary	Farmland	Farmland – General	0.2658096	\$400	18.21%	\$757,998
Ordinary	Farmland	Farmland – Irrigable	0.3965020	\$440	11.22%	\$446,958
Ordinary	Mining	Mining – General	1.2945043	\$15,000	2.37%	\$11,378,515
Ordinary	Mining	Mining – Underground Coal Mining	0.1011338	\$7,000	43.45%	\$16,112
Ordinary	Mining	Mining – Metallurgical Coal Mining	26.8834480	\$15,000	0%	\$0
Ordinary	Business	Business – General	0.5729576	\$250	16.28%	\$721,903
Ordinary	Business	Business – Power Generation	8.5492416	\$25,000	18.56%	\$269,459
Ordinary	Business	Business – Thomas Mitchell Drive Industrial Centre	1.2321427	\$275	11.94%	\$345,416
Ordinary	Business	Business – Showground Release Area	0.0000248	\$1	45.95%	\$2
Ordinary	Business	Business – Mine Rehabilitation	1.2945043	\$15,000	0	\$0

WATER CHARGES

The Council MAKES the following water charges for the 2020/21 Financial Year:-

1. A Water Service Availability Charge is charged for each service to the property in respect of land that is supplied with water from a water pipe of the Council and land that is situated within 225 metres of a water pipe of the Council (whether or not actually supplied with water from any water pipe of the Council). The Water Service Availability Charge is based on the service size of the connection to the water supply line. The Water Service Availability Charges for the year commencing 1 July 2020 are:

Water Service Charge Category	Amount
Availability Charge (Not Connected)	\$195
Availability Charge (Connected)	

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- 20mm service	\$195
- 25mm service	\$305
- 32mm service	\$499
- 40mm service	\$780
- 50mm service	\$1,219
- 65mm service	\$2,060
- 80mm service	\$3,120
- 100mm service	\$4,875
- 150mm service	\$10,969

2. A Consumption Tariff is to be charged per kilolitre for all water supplied. The water consumption tariffs proposed for the year commencing 1 July 2020 are:

<u>Consumption Tariff</u>	<u>(\$/Kl)</u>
Residential	Tier 1 (1-350Kl per annum) \$1.91 Tier 2 (>350Kl per annum) \$2.72
Non-Residential	\$2.37 per kilolitre

SEWERAGE CHARGES

The Council MAKES the following sewer charges for the 2020/21 Financial Year:-

An annual charge for sewer is applicable to each rateable assessment except:

- Land which is more than 75 metres from a sewer of the Council and is not connected to the sewer; and
- Land from which sewage could not be discharged into any sewer of the Council.

1) Residential Sewer Charges

A Sewer Service Availability Charge is charged in respect of each Residential assessment for which the service is provided or is proposed to be provided. The Sewer Service Availability Charges for the year commencing 1 July 2020 are:

Sewer Service Charge

Residential Sewer Availability Charge (Vacant)	\$288.00
Residential Sewer Charge (Occupied)	\$723.00

2) Non-Residential Sewerage Charges

Non-Residential Sewer Charges will be based on the following formula:

SC	=	SDF x (AC + (C x UC)) where:-
SC	=	Sewerage Charge
SDF	=	Sewerage Discharge Factor
AC	=	Availability Charge
C	=	Total water consumption for meter
UC	=	Sewer Usage Charge

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The Sewer Service Availability Charges for the year commencing 1 July 2020 are:

Sewer Service Charge Category	Amount
Availability Charge (Not Connected)	\$288.00
Availability Charge (Connected)	
- 20mm service	\$288.00
- 25mm service	\$450.00
- 32mm service	\$737.28
- 40mm service	\$1,152.00
- 50mm service	\$1,800.00
- 65mm service	\$3,042.00
- 80mm service	\$4,608.00
- 100mm service	\$7,200.00
- 150mm service	\$16,200.00

The Sewer Usage Charge for the year commencing 1 July 2020 is:

Sewer Usage Charge (\$/KI)

Non-Residential Sewer Usage Charge \$2.37

Discharge Factors required for non-residential properties will be determined on an individual property basis.

DOMESTIC WASTE MANAGEMENT CHARGES

The Council MAKES for rateable land categorised for rating purposes as Residential and situated within the urban area in which a Domestic Waste Management Service is able to be provided, the following waste charges for the 2020/21 Financial Year:-

Domestic Waste Management Service Charges

Urban Domestic Waste Management Availability Charge (1)	\$97.00
Urban Domestic Waste Management Service Charge (2)	\$422.00
Additional Urban Domestic Waste Management Service Charge	\$105.00
Additional Urban Domestic Waste Management Recycling Service Charge	\$72.00
Additional Urban Domestic Waste Management Green Waste Service Charge	\$31.00

- (1) This charge applies to vacant rateable land categorised for rating purposes as Residential and situated within the urban area in which a Domestic Waste Management Service is able to be provided

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- (2) Each habitable premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material and one fortnightly collection of green waste for each Urban Domestic Waste Management Service Charge.

The Council MAKES for rateable land categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Domestic Waste Management Service is able to be provided, the following waste charges for the 2020/21 Financial Year:-

Rural Domestic Waste Management Service Charge

Rural Domestic Waste Management Availability Charge ^(a)	\$97.00
Rural Domestic Waste Management Service Charge ^(b)	\$390.00
Additional Rural Domestic Waste Management Service Charge	\$105.00
Additional Rural Domestic Waste Management Recycling Service Charge	\$72.00
Rural Domestic Waste Management Green Waste Service Charge	\$31.00

- a) This charge applies to vacant rateable land categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Rural Domestic Waste Management Service is able to be provided.
- b) Each habitable premise is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Rural Domestic Waste Management Service Charge.

The Council MAKES for land not categorised for rating purposes as residential and situated within the urban area in which a Waste Management Service is able to be provided, the following waste charges for the 2020/21 Financial Year:-

Waste Management Service Charge

Urban Waste Management Availability Charge – Non-Domestic ^(a)	\$97.00
Waste Management Service Charge ^(b)	\$390.00
Additional Waste Management Service Charge	\$105.00
Additional Waste Management Recycling Service Charge	\$72.00
Waste Management Green Waste Service Charge	\$31.00

- a) This charge applies to vacant rateable land not categorised for rating purposes as Residential and situated within the urban area in which a Waste Management Service is able to be provided.
- b) Each premise is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge.

The Council MAKES for land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Waste Management Service is able to be provided, the following waste charges for the 2020/21 Financial Year:-

Rural Waste Management Service Charge

Rural Waste Management Availability Charge – Non-Domestic ^(a)	\$97.00
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**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 26 MAY,
2020 COMMENCING AT 6.00PM.**

Rural Waste Management Service Charge ^(b)	\$390.00
Additional Rural Waste Management Service Charge	\$105.00
Additional Rural Waste Management Recycling Service Charge	\$72.00
Rural Waste Management Green Waste Service Charge	\$31.00

- a) This charge applies to vacant rateable land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Rural Waste Management Service is able to be provided.
- b) Each premise is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Rural Waste Management Service Charge.

STORMWATER MANAGEMENT CHARGE

The Council hereby MAKES a Stormwater Management Charge for land within the Muswellbrook and Denman urban areas and included in the Town Planning Zones of R1 General Residential, B2 Local Centre, SP2 Infrastructure, IN2 Light Industrial, IN1 General Industrial and RU5 Village, except where exemption or variation to the charge is provided in accordance with the document "Stormwater Management Service Charge Guidelines" issued by the Division of Local Government in July 2006, for the 2020/21 Financial Year at a rate of \$25.00 per assessment and \$12.50 per residential strata unit.

Where a non-residential assessment exists with an impervious land area falling within the ranges outlined below the charge will be levied in accordance with table established below:-

Area Sqm	Charge
0 - 1,199	\$25.00
1,200 - 4,999	\$100.00
5,000 - 9,999	\$375.00
>10,000	\$725.00

INTEREST ON OVERDUE ACCOUNTS

The Council hereby determines and orders that, in accordance with Section 566 of the Local Government Act 1993, the interest to be applied to unpaid rates and charges after they become due and payable is the maximum rate of interest specified for the time being by the Minister pursuant to s 566(3) of the Act.

HUNTER CATCHMENT CONTRIBUTION

The Council hereby determines and orders that in accordance with Clauses 36 and 40, Part 4 of the Local Land Services Regulation 2014, the rate to be levied will be set at the rate to be specified by Hunter Local Land Services for 2020/21, on the current Land Value of the land within the Council area. By virtue of the provisions of the above regulation, the Council is authorised, empowered and required to levy the said Catchment contribution rate in respect of the lands.

Crs Bowditch and Reynolds returned to the Council Chambers.

13 REPORTS FROM COMMITTEES

13.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE - 3/03/2020

369 RESOLVED on the motion of Crs Scholes and Ledlin that:

The Minutes of the Audit, Risk and Improvement Committee Meeting held on Tuesday 3 March 2020 be received and the recommendations contained therein ADOPTED.

13.2 DEVELOPMENT ASSESSMENT COMMITTEE - 4/05/2020

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

The Minutes of the Development Assessment Committee Meeting held on Monday 4 May 2020 be received and the recommendations contained therein ADOPTED.

13.3 LOCAL TRAFFIC COMMITTEE – 12/05/2020

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

The Minutes of the Local Traffic Committee Meeting held on Tuesday 12 May 2020 be received and the recommendations contained therein ADOPTED.

13.4 DEVELOPMENT ASSESSMENT COMMITTEE - 18/05/2020

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

The Minutes of the Development Assessment Committee Meeting held on Monday 18 May 2020 be received and the recommendations contained therein ADOPTED.

13.5 BENGALLA MINING COMPANY COMMUNITY FUNDING INVESTMENT COMMITTEE - 15/05/2020

Disclosure of Interest

Cr M. Bowditch declared a significant non-pecuniary interest in this Item. Cr Bowditch advised Council that he undertakes contract work with Bengalla Mine.

Cr S. Reynolds declared a significant non-pecuniary interest in Item 13.5. Cr Reynolds advised Council that his nephew is employed at Bengalla as part of his University scholarship.

Cr B. Woodruff declared a pecuniary interest in Item 13.5. Cr Woodruff advised that his employer undertakes work at the mine.

Crs Bowditch, Reynolds and Woodruff left the meeting and therefore took no part in discussion or voting on this item.

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

The Minutes of the Bengalla Mining Company Community Funding Investment Committee Meeting held on Friday 15 May 2020 be received and the recommendations contained therein ADOPTED.

Crs Bowditch, Reynolds and Woodruff returned to the Council Chambers

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

Nil

17 QUESTIONS FOR NEXT MEETING

17.1 REG THORNTON DRIVE

Cr Woodruff inquired who is responsible for Reg Thornton Drive?

Mr Finnigan advised that Telstra now has control of this road.

Cr Woodruff also inquired whether Council was working with Telstra to resolve the serviceability of the road?

Mr Finnigan advised that Council is in discussions with Telstra concerning the serviceability of the road. Further information will be provided to Councillors at the next Council meeting.

17.2 RECENT MEETING WITH SWIMMING CLUB

Cr McNeill inquired why the Spokesperson for Sport and Recreation was not invited to a recent meeting held with the Swimming Club to discuss the redevelopment?

Ms Plesman advised the meeting that it was a matter of timing and apologised for this.

18 ADJOURNMENT INTO CLOSED COUNCIL

374 RESOLVED on the motion of Crs Reynolds and Eades 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 EXECUTION OF REFINANCING OF \$3.2M FUTURE FUND LOAN

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 MUSWELLBROOK AQUATIC CENTRE - OUTDOOR 50M POOL

Item 19.2 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.

19.3 REQUEST FOR REDUCTION IN SEWER CHARGES

Item 19.3 is classified CONFIDENTIAL under the provisions of Section10A(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 2018-2019-0366 REVIEW OF MINE AFFECTED ROADS NETWORK PLAN

Item 19.4 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.

19.5 GRANT FOR A PILOT BIOREFINERY

Item 19.5 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.

Members of the public left the meeting at this stage.

The Mayor recognised Cr James Burns from Upper Hunter Shire Council who had joined the public gallery to view the proceedings.

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

The meeting adjourn for 10 minutes.

The meeting ADJOURNED at 7.01pm.

The meeting RECONVENED at 7.11pm

19 CLOSED COUNCIL

19.1 EXECUTION OF REFINANCING OF \$3.3M FUTURE FUND LOAN

376 RESOLVED on the motion of Crs Ledlin and Scholes that:

Council accepts the principal and interest loan from Australia and New Zealand Banking Corporation for an amount of AUD\$3.3 million on a fixed term of 5 years, amortising over 20 years and otherwise in accordance with the terms offered by Australia and New Zealand Banking Corporation. Council delegates to the General Manager the authority to execute the refinancing of this loan.

19.2 MUSWELLBROOK AQUATIC CENTRE - OUTDOOR 50M POOL

Disclosure of Interest

Cr J. Foy declared a non-pecuniary interest in Item 19.2. Cr Foy advised Council that he is a member of the Muswellbrook Swimming Club.

Cr Foy left the meeting and therefore took no part in discussion or voting on this matter.

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

Council call tenders for the refurbishment of the 50-metre outdoor pool as described in the report.

Cr Foy returned to the Council Chambers.

19.3 REQUEST FOR REDUCTION IN SEWER CHARGES

Disclosure of Interest

Cr M. Bowditch declared an insignificant non-pecuniary interest in this Item. is a member of the Land Council.

Cr J. Eades declared a pecuniary interest in this Item. Cr Eades advised Council that she works on projects in the community with the business named in the report.

Cr Bowditch and Cr Eades left the meeting at this stage and did not take part in discussion or voting on this matter.

378 RESOLVED on the motion of Crs Rush and Reynolds that:

Council does not waive or re-credit the non-residential sewer charges as requested in the report.

Cr Eades returned to the Meeting.

19.4 2018-2019-0366 REVIEW OF MINE AFFECTED ROADS NETWORK PLAN

Disclosure of Interest

Cr M. Bowditch declared a significant non-pecuniary interest in Item 19.4. Cr Bowditch advised Council that he undertakes contract work with three of the mines mentioned in the report.

Cr S. Reynolds declared a significant non-pecuniary interest in Item 19.4. Cr Reynolds advised Council that he is currently in legal proceedings with a company mentioned in the report.

Cr Reynolds left while Cr Bowditch remained absent from the meeting for the conduct of this item and therefore took no part in discussion or voting on this matter.

379 RESOLVED on the motion of Crs Scholes and Foy that:

1. Council ADOPTS the review of the Mine Affected Roads Network Plan as appended to the report.
2. A Contributions Plan is developed towards progressive realisation of the Road Network Plan.

Crs Bowditch and Reynolds returned to the meeting

19.5 GRANT FOR A PILOT BIOREFINERY

Disclosure of Interest

Cr G. McNeill declared a significant non-pecuniary interest in this Item. Cr McNeill advised Council that the Future Projects Group of AGL had signed a non-disclosure agreement with Ethec.

Cr McNeill left the meeting at this stage and therefore took no part in discussion or voting on this matter.

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

1. Council decline to accept any of the tenders pursuant to regulation 178(1)(b) of the Local Government (General) Regulation 2005 (the Regulation) as the submitted tender offer, as its presently stands, does not represent good value for money and does not provide sufficient legal protection to achieve the desired outcomes.
2. Pursuant to s178(3)(e) of the Regulation, Council enter into negotiations with Ethanol Technologies Pty Limited (ETHTEC) and Apace Research Limited (Apace) with a view to entering into a contract in relation to the subject matter of the tender and declines to invite fresh tenders as Council is satisfied that:
 - (a) because of the proprietary and innovative nature of sole tenderer's bid, that it is considered unlikely that other competitive technologies have advanced to pilot scale research, its receipt of substantial grant funding from other levels of government and that it holds a development approval for a shared-access biorefinery, that a fresh tender process would not improve the competitiveness of any outcome; and
 - (b) as the funding is proposed for a shared-access bio-refinery managed independently of the sole tenderer, any other proponent of competing or other technologies would be able to make use of the facility on a cost basis.
3. For the purposes of s178(4)(b) of the Regulation, Council is satisfied, in addition to the reasons set out in 2(a) and 2(b) above, that negotiations with the sole tenderer are likely to overcome the issues that give rise to Council's decision to decline to accept all tenders.
4. The General Manager be authorised to negotiate to finality any agreement with Ethtec and Apace not generally inconsistent with the amounts and terms set out in the Report.

In Favour: Crs J. Eades, J. Foy, J. Ledlin, M. Rush, R. Scholes and B. Woodruff.

Against: Crs M. Bowditch and S. Reynolds.

Cr McNeill returned to the Council Chambers.

20 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 7.32pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 21) WERE CONFIRMED AT THE
ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON
TUESDAY 30 JUNE, 2020 AND ARE A FULL AND ACCURATE RECORD OF
PROCEEDINGS OF THE MEETING HELD ON TUESDAY 26 MAY, 2020

.....

Ms F. Plesman

General Manager

.....

Cr M. Rush

Chairperson