

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 28 JULY,
2020 COMMENCING AT 6.00PM.**

PRESENT: Cr M.L. Rush, Cr M. Bowditch, Cr J.F. Eades, Cr J.P. Foy (VC), Cr J.L. Ledlin (VC), Cr G.T. McNeill, Cr R.W. Scholes, Cr S.J. Ward (VC) and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director - Community Infrastructure), Ms S. Pope (Assistant Director – Planning & Community Service - VC), Mr P. Chambers (Shire Engineer – VC), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mr A. Willis (Corporate Lawyer – VC), Mrs M. Sandell-Hay (PA to General Manager) and 9 people in the public gallery.

1 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the General Manager.

2 CIVIC PRAYER

The Civic Prayer was read by Cr J. Eades.

3 APOLOGIES AND LEAVE OF ABSENCE

1 RESOLVED on the motion of Crs Scholes and Bowditch that:

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Minutes of the Ordinary Meeting held on 30 June 2020, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

ADJOURNMENT OF MEETING

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

The meeting adjourn for 5 minutes to allow Councillors experiencing technical difficulties to join the meeting.

The meeting adjourned at 6.04pm

The meeting recommenced at 6.09pm

5 DISCLOSURE OF ANY PECUNIARY AND NON PECUNIARY INTEREST

Cr G. McNeill – declared a significant non-pecuniary interest in Item 10.1. Cr McNeill advised Council that a close friend has submitted an objection to the proposal.

Cr G. McNeill – declared a pecuniary interest in item 11.2. Cr McNeill advised Council that a family member works for a major contractor to Bengalla.

Cr R. Scholes – declared a significant non-pecuniary interest in Item 10.1. Cr Scholes advised Council that the proponent is a long term friend and a number of the submitters are associates.

Cr B. Woodruff – declared a pecuniary interest in Item 11.2. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr B. Woodruff – declared a pecuniary interest in Item 11.3. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr B. Woodruff – declared a pecuniary interest in Item 11.4. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr M. Bowditch – declared a pecuniary interest in Item 10.1 Cr Bowditch advised Council that his employer undertakes work for the applicant and some of the members who have made submissions.

Cr M. Bowditch - declared a pecuniary interest in Item 11.2. Cr Bowditch advised Council that he undertakes work for the applicant.

Cr M. Bowditch - declared a pecuniary interest in Item 11.3. Cr Bowditch advised Council that he undertakes work for the applicant.

Cr M. Bowditch – declared a pecuniary interest in Item 11.4. Cr Bowditch advised Council that he undertakes work for the applicant.

Cr J. Foy - declared a non-pecuniary interest in Item 19.9. Cr Foy advised Council that this daughter is enrolled to attend the School.

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

6 PUBLIC PARTICIPATION

- i. **Fred Baker** – Spoke in opposition to Item 10.1
- ii. **Neil Pollard** – Spoke in opposition to Item 10.1
- iii. **Grant Lloyd** – Spoke in opposition to Item 10.1
- iv. **Shannon Foster** – Spoke in opposition to Item 10.1
- v. **Michael Cole** (MM Hyndes Bailey on behalf of applicant) – Spoke in support of Item 10.1

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

Nil

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 PP016 - REZONING - IRONBARK RIDGE

Disclosure of Interest

Cr G. McNeill declared a significant non-pecuniary interest in this Item. Cr McNeill advised Council that a close friend has submitted an objection to the proposal.

Cr M. Bowditch declared a pecuniary interest in this Item. Cr Bowditch advised Council that he undertakes work for the applicant.

Cr R. Scholes declared a significant non-pecuniary interest in this Item. Cr Scholes advised Council that the proponent is a long term friend and a number of the submitters are associates.

At 06:13pm Cr Mark Bowditch, Cr Graeme McNeill and Cr Rod Scholes left the Council

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

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

1. This matter be referred to the Development Assessment Committee to liaise with the proponent in more detail regarding the proposal.
2. Council so amend the delegation to the Committee to allow 1 above.

In Favour: Crs J. Eades, J. Foy, J. Ledlin, M. Rush, S. Ward and B. Woodruff.

Against: Nil.

At 06:21pm Cr Mark Bowditch, Cr Graeme McNeill and Cr Rod Scholes returned to Council Chambers.

10.2 UPDATE ON NEW SHIRE WIDE LEP AND DCP

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

The information contained in the report be noted.

10.3 NATIVE BIRD PUBLIC ART DENMAN

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

Council approves:

1. The Installation of the Kookaburra sculpture in the Denman Memorial and Remembrance Park; and
2. The commissioning of two further sculptures (Magpie and Frog-mouth Owl) and:
 - a. Installation of the Magpie at Simpson Park to identify the starting point of the Muscle Creek Nature Trail; and
 - b. Installation of the Tawny Frog-mouth Owl in the park on the corner of the Golden Hwy and Goulburn Drive, Sandy Hollow.

11 COMMUNITY INFRASTRUCTURE

11.1 EDDERTON ROAD STAGE 1 PRACTICAL COMPLETION

7 RESOLVED on the motion of Crs Scholes and Bowditch that:

Council resolves:

1. That it is satisfied that Practical Completion of the Edderton Road Stage 1 Works has been achieved;
2. In consultation with Transport for NSW, to grant approval for the newly constructed portion (temporary road portion) of Edderton Road to be opened for use by the general public;
3. To delegate to the General Manager to grant consent to the s.138 *Roads Act 1993* application, generally in accordance with the Special Conditions attached to this report, to deny public access to part of the existing alignment of Edderton Road (proposed

closed road portion) to allow for the transition of traffic to the realigned Edderton Road;
and

4. To propose the closure of the proposed closed road portion in accordance with Division 3 Part 4 of the *Roads Act 1993* and to approve staff to proceed with the statutory road closure process, including advertising the proposed closure.

11.2 PROPOSED COUNCIL PUBLIC ROAD CLOSURES - BENGALLA MINE CONTINUED OPERATIONS PROJECT

Disclosure of Interest

Cr G. McNeill declared a pecuniary interest in this Item. Cr McNeill advised Council that a family member works for a major contractor to Bengalla.

Cr B. Woodruff declared a pecuniary interest in this Item. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr M. Bowditch declared a pecuniary interest in this Item. Cr Bowditch advised Council that he undertakes work for the applicant.

At 6.22pm Cr Mark Bowditch, Cr Graeme McNeill and Cr Brett Woodruff left the Council Chambers and therefore took no part in discussion or voting on this matter.

- 8 RESOLVED on the motion of Crs Rush and Eades that:

This matter be deferred for consideration at the Ordinary Council meeting to be held in August.

At 6.23pm Cr Graeme McNeill returned to Council Chambers.

11.3 CROWN ROADS PROPOSED TO BE CLOSED AT WYBONG

Disclosure of Interest

Cr M. Bowditch declared a pecuniary interest in this Item. Cr Bowditch advised Council that he undertakes work for the applicant.

Cr B. Woodruff declared a pecuniary interest in this Item. Cr Woodruff advised Council that his employer undertakes work for the applicant.

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

- 9 RESOLVED on the motion of Crs Rush and Eades that:

Council advises the Department of Planning, Industry and Environment that Council does not support the closure of Crown Roads providing access to the Crown Land being Lot 224 DP750968 and that due consideration be given to the matters raised by the local Aboriginal Groups consulted in relation to the matter.

11.4 MT PLEASANT MODIFICATION 4 - RAIL LOOP S138 ROAD ACT 1993 PERMIT AMENDMENTS

Disclosure of Interest

Cr B. Woodruff declared a pecuniary interest in Item 11.4. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr M. Bowditch declared a pecuniary interest in this Item. Cr Bowditch advised Council that he undertakes work for the applicant.

Cr Woodruff and Bowditch remained absent from the Meeting room and therefore took no part in discussion or voting on this item.

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

Council delegates to the General Manager authority to sign the amended s.138 *Roads Act 1993* approval generally in accordance with the revised Special Conditions set out below:

Draft Special Conditions

1. Prior to commencement of any construction activity, all proposed temporary construction and permanent accesses are to be located, designed and constructed to meet minimum requirements of Muswellbrook Shire Council's rural property access drawing 0041/1 revision A dated 16/7/2012. Approved accesses are to be in accordance with those stipulated on Table 1 Construction and Permanent Access Gates.
2. All constructed temporary accesses are to be removed and decommissioned upon completion of construction and boundary fencing reinstated and all areas of disturbances within the road reserve to be reestablished to Auspec standard including top soiling, grass seeding, reshaping of table drains and scour protection where required to Council's satisfaction.
3. Gate 2- The use of gate 2 for access by general construction traffic is not permitted. Access to gate 2 from Wybong Road will only be permitted under traffic control for the purposes of facilitating access for large loads such as the delivery of train load out bin segments. The applicant is to give Council at least 48 hours prior notice of any proposed access.
4. Any oversize/overmass loads must have gained prior approval either through NHVR or directly to Council to travel on any local road.
5. The consent holder is required to facilitate other OSOM loads that have gained Council approval to travel on Wybong Road.
6. An approved Construction Traffic Management Plan (and Vehicle Movement Plan) has been approved by DPIE, post consultation with council. The permit holder is to discuss details of Traffic Management, including construction traffic volumes, staging, timing and Traffic Guidance Schemes with Council's Technical Officer, Roads & Drainage prior and during the period of construction. This information is to be provided and accepted by Council prior to commencement of construction and during the period of construction.
7. All works impacting public roads will require a Traffic Guidance Scheme (TGS). All TGS plans are to be developed as per RMS "Traffic Control at Worksites Conditions" and to be accepted by Council prior to use. Any changes to the TGS's will require submission to council prior to the implementation of the changes. MACH Energy are to coordinate with other adjacent MSC Section 138 permit holders for access requirements and coordination of TGS's, to Council's Satisfaction.
8. Maintenance Management Plan: The applicant must, at its sole risk and expense, carry out a maintenance regime, in accordance with its RMP (as modified) and to Council's satisfaction, for:
 - a. Wybong Road from Gates 21, 21 to 150m east of Logues Lane; and

b. the section of Logues Lane which is subject to the applicant's works,

during construction of the works authorised by this consent and until 2 years after the completion of the Stage 2 Rail Project.

With the written agreement of the applicant, the Council may waive or alter the above requirements should the Council be satisfied that one or more of those requirements (in whole or in part) are no longer required.

9. 8A. During the period of construction of the works authorised by this approval, the consent holder must maintain Overton Road to the satisfaction of Council.
10. Dilapidation report: A dilapidation report which records the conditions of the road pavement, drainage structures and other road related infrastructure must be compiled in consultation with Council MRD&TS for Wybong Road west of the main access of the MTP to Logues Lane, including Overton Road & Logues Lane prior to commencement of any site work. On practical completion of the project, the dilapidation report must be undertaken again and all defects identified. Any defects identified will be rectified to the pre-work conditions or better at the full cost to the applicant or in accordance with clause 14 of the general condition of the 138 approval covered under "Restoration Fees". MACH Energy are to coordinate with other adjacent MSC Section 138 permit holders for dilapidation management of Council assets affected by both work parties, to Council's Satisfaction.
11. Time frames: A schedule of works will be provided to Council in the form of a Gant chart detailing individual key work activities associated with the overall work project and completion of work stages. Specifically, where this works impacts Council's road reserve. This is to be updated every 4 weeks and made available to Council. A liaison meeting should be scheduled as required.
12. To facilitate access to the interface of the rail, the applicant is required to construct Access 11 off Logues Lane. Prior to undertaking any construction of the access, the applicant will submit a design which addresses the following to Council's satisfaction:
 - a) confirms the appropriate location of the access to conform with Austroads standards for sight distance and Council's standard drawing for Rural Road Access,
 - b) stormwater drainage at the location.
13. Bonds for the construction and removal of the infrastructure within Skippens Road, Wybong Road and Logues Lane.

Prior to the commencement of any construction works or ancillary works within any of Council's road reserves, the consent holder must provide to Council unconditional bank guarantee(s) that are:

 - (i) in favour of Muswellbrook Shire Council;
 - (ii) for the amount(s) specified in the Schedule;
 - (iii) unlimited in time;
 - (iv) issued by a bank licensed to carry out business in Australia; and
 - (v) otherwise to Council's satisfaction.

The bank guarantees provided pursuant to this condition in respect of Logues Lane and Skippens Road will be held until such time as the road is legally closed and transferred to the applicant or the infrastructure is removed from the road reserve to Council's satisfaction. The bank guarantee for Wybong Road rail bridge infrastructure will be held until such time as the infrastructure is removed from the Wybong Road reserve to

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 28 JULY,
2020 COMMENCING AT 6.00PM.**

Council's satisfaction.

14. The Consent Holder is to enter into a Deed of Agreement with Council for:
 - a. the construction of the Rail Over Bridge on Wybong Road and associated infrastructure to be constructed within the road reserve of Wybong and Overton Roads;
 - b. the applicant to, as soon as practicable after the execution of the Deed of Agreement and prior to peak traffic loadings associated with the rail infrastructure construction, design and reconstruct the Wybong Road pavement only from the MTP entrance to Overton Road to meet the Council's RC1M standard to the Council's satisfaction; and
 - c. design the sealed section of Overton Road to Council's RS1M standard and to Council's satisfaction to ensure that Council's intended road works in respect of Overton Road in accordance with the Mine Affected Road Network Plan are not impeded.
15. School bus times Construction traffic is not to operate on Wybong Road during the school bus times. School bus times are to be confirmed by the applicant in consultation with the relevant bus companies and documented in the CTMP.
16. Inclement weather: Council as the road authority reserves the right to automatically suspend or decrease the construction traffic activity in the event of heavy or prolonged rain affecting their roads. Construction traffic movements are not permitted on public roads when fog conditions prevail and sight distances are compromised.
17. Prior to the use of Access 1 for the movement of Earthmoving Equipment across Wybong Road, the applicant is to submit the following to Council's satisfaction:
 - a. Geometrical Design for the temporary Access 1;
 - b. Pavement design to be constructed for the impacted section of Wybong Road to facilitate the road crossing by 40t Articulated Dump Trucks;
 - c. A road maintenance plan to be implemented on the impacted section of Wybong Road at the crossing for the duration of its use for construction purposes; and
 - d. A pavement design for the permanent reinstatement of the affected section of Wybong Road at the crossing.
18. Culvert: The use of Wybong Road in relation to the Culvert at 2.7km from Kayuga Road requires a Structural Engineer's assessment of the culvert giving the load capacity of the structure and certifying its suitability for the nominated type and volume of construction traffic proposed.
19. The consent Holder is to advise Council's Technical Officer, Roads & Drainage on 0418 110010 fourteen days prior to commencing work to confirm inspections regime.
20. The Consent Holder is to advise directly affected residents and property owners of the program of Works that may affect access etc. at least one week in advance and incorporate reasonable access needs for those properties. The Consent Holder is to advise the general public of the Works by variable message board in the local area of the Works and advertisement in the local newspaper at least a week prior to site works.
21. The occupation of the Road should be undertaken in a safe manner, with adequate dust control.
22. The Consent Holder shall check for other services and is responsible for any damage to services and Council Infrastructure. Dial before you dig 1100.
23. The Consent does not constitute approval of any environmental impacts and the Consent

Holder is responsible for any such impacts and any approval that may be required in relation to the Works.

24. The Consent Holder must ensure that mud and dust from the Works is not carried on to the Road. It is recommended that a device (from the Soil Management book) be used to remove such materials prior to entering the roads.
25. This Consent does not activate until all fees listed on the Schedule of Details and the Bond amounts and terms in the Schedule are specified in writing by Council.
26. Council reserves the right to reconsider and review the special conditions relating to the movement of construction vehicles on public roads.
27. MACH Energy is committed to limiting Over Size Over Mass vehicle movements in Wybong Road to:
 - (a) delivery of power poles to support the relocation of Ausgrid assets to the east of the Bengalla Mine;
 - (b) delivery of Super T sections for the rail bridges; and
 - (c) one-off delivery of bin sections to the relocated Skippens entry.All such movements will be undertaken in accordance with the Council's traffic control requirements.

At 6.24pm Cr Mark Bowditch and Cr Brett Woodruff returned to Council Chambers.

11.5 CONCEPT DESIGN WILLIAMS BRIDGE MARTINDALE RD

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

1. Council endorse the Concept Design attached as Attachment A to the report prepared by Waeger Construction for the construction of Williams Bridge at chainage 17.0km on Martindale Road.
2. Council note the submitted program for the works, attached as Attachment B to the report.
3. Council acknowledge the sources of funding received and endorse the amendment of the 2020-21 Capital Budget for Williams Bridge to the amount of \$1,472,232, less amounts spent in 2019-20 financial year, to be funded from the sources nominated in the 'Financial Implication' section of the report.

11.6 2020-21 CAPITAL WORKS PROGRAM ROADS AND DRAINAGE

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

1. Council endorses the following priority lists of work and the undertaking of the 2020-21 Capital Works Programs to the extent of funding under the various programs:
Footpath Renewals as per attachment A and Pram Ramps as per attachment B;
Kerb and Gutter Renewals as per attachment C;
Road Resealing as per attachment D;
New Footpath construction as per attachment E with the missing link in Maitland St from

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 28 JULY,
2020 COMMENCING AT 6.00PM.**

Bell to Thompson St, to be constructed using the current allocation;

Urban Road Renewal Program as per attachment F with the rehabilitation of Brook St (King to Carl) undertaken as priority 1;

Heavy Patching as per attachment G;

Safety Devices as per attachment H; and

Carparks as per attachment I with works in Hill St carpark undertaken as priority 1.

2. Council endorses the reallocation of already budgeted amounts and sources of funding for Council's co contributions for grant funded projects as detailed in the "Financial Implications" section of the report.

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

Against: Cr G. McNeill.

11.7 LIQUID TRADE WASTE REVIEW FOR 2019-2020

- 13 RESOLVED on the motion of Crs Ledlin and Scholes that:

Council notes the information contained in the report.

11.8 REGIONAL TENDER MATTRESS RECYCLING

- 14 RESOLVED on the motion of Crs Foy and Scholes that:

Subject to Australian Consumer & Competition Commission approval, Council approves participating in the Hunter Joint Organisation Regional Tender for mattress recycling as detailed in the report.

12 CORPORATE AND COMMUNITY SERVICES

12.1 2019/20 ANNUAL FINANCIAL STATEMENTS

- 15 RESOLVED on the motion of Crs Ledlin and Woodruff that:

Council Authorise:

1. The submission of the 2019/20 General Purpose Financial Reports, Special Purpose Financial Reports and Special Schedules for Muswellbrook Shire Council to the Auditor; and
2. The Mayor, one other Councillor, General Manager and Responsible Accounting Officer be authorised to sign the reports upon completion of the audit.

12.2 AUTHORISATION PURSUANT TO SECTION 226 OF THE LOCAL GOVERNMENT ACT 1993

- 16 RESOLVED on the motion of Crs Scholes and Woodruff that:

Council note the information provided.

12.3 POLICY REVIEW

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

1. Council endorse the Draft Councillor Meeting with Property Developers and Lobbyists Policy for public exhibition for a period of not less than twenty-eight (28) days.
2. Council adopt the Draft Councillor Meeting with Property Developers and Lobbyists Policy at the conclusion of the public exhibition period if no substantive changes are recommended in any submissions received.

12.4 AMENDMENT TO COUNCIL'S GOVERNANCE POLICY AND CODE OF CONDUCT

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

1. Council endorse the revised Governance Policy and addendum to the Model Code of Conduct for public exhibition for a period of not less than twenty-eight (28) days.
2. Council adopt the revised Governance Policy and addendum to the Model Code of Conduct at the conclusion of the public exhibition period if no substantive changes are recommended in any submissions received.

12.5 REPORT ON INVESTMENTS HELD AS AT 30 JUNE 2020

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

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

12.6 PLANNING AND ENVIRONMENT SERVICES

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

The information contained in this report be noted.

12.7 COMMUNITY SERVICES

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

The information contained in this report be noted.

13 REPORTS FROM COMMITTEES

Nil

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

Nil

17 QUESTIONS FOR NEXT MEETING

17.1 VOLUNTEER PARK

Cr Bowditch advised Council that the Rubbish at Volunteer Park is becoming more apparent and asked if the schedule of rubbish removal could be investigated?

Cr Rush advised that this would be undertaken.

17.2 WYBONG ROAD

Cr Bowditch advised that he had been receiving a number of enquiries as to why the new section of Wybong Road now had double yellow lines which means no overtaking?

This matter was taken on notice.

18 ADJOURNMENT INTO CLOSED COUNCIL

22 RESOLVED on the motion of Crs Bowditch 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 TENDER NO 2019-2020-0426 CONCRETE AND MINOR ROAD WORKS

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 MEMORANDUM OF UNDERSTANDING WITH UPPER HUNTER SHIRE COUNCIL FOR ACCEPTANCE AND DISPOSAL OF MIXED WASTE

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 REQUEST TO REMOVE WASTE MANAGEMENT CHARGE FROM ASSESSMENT

Item 19.3 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.

19.4 MUSWELLBROOK INDOOR SPORTS CENTRE - MUSWELLBROOK YOUTH VENUE

Item 19.4 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.

19.5 FUTURE FUND COMMITTEE MINUTES

Item 19.5 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.

19.6 EXECUTION OF REFINANCING OF \$13.3M FUTURE FUND LOAN

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 OPTIMISING THE RETURN ON COUNCIL'S CASH INVESTMENTS

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 INSURANCE BUDGET 2020/2021

Item 19.8 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(l) 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 RICHARD GILL NATIONAL MUSIC ACADEMY

Item 19.9 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 CLOSED COUNCIL

19.1 TENDER NO 2019-2020-0426 CONCRETE AND MINOR ROAD WORKS

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

1. Council accepts the Tenders submitted by PS & KE Wear, Hunter Wide Civil Pty Ltd, Wild Engineering Pty Ltd, Digian Company Pty Ltd and Accurate Asphalt and Road Repairs Pty Ltd as a panel of contractors to undertake concrete and minor road works for a period of two (2) years, and for the provision of a 12 month extension of the contract, subject to satisfactory performance.
2. The General Manager be authorised to sign and affix Council's seal to the Contract.

**19.2 MEMORANDUM OF UNDERSTANDING WITH UPPER HUNTER SHIRE COUNCIL FOR
ACCEPTANCE AND DISPOSAL OF MIXED WASTE**

Disclosure of Interest

Mr J. Brown declared a pecuniary interest in this item. Mr Brown advised Council that he is a Councillor of the Upper Hunter Shire Council.

Mr Brown left the meeting at 6.37pm.

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

1. Council approves Price B as the price to be applied to the 2020-21 Memorandum of Understanding with Upper Hunter Shire Council for the acceptance and disposal of 240 litre mobile garbage bin mixed waste generated from its kerbside waste collection service; and
2. The future annual charge will comply with that applying to Council's adopted Fees and Charges for the disposal of mixed waste at the Muswellbrook Waste & Recycling Centre.

Mr Brown returned to the meeting at 6.38pm

19.3 REQUEST TO REMOVE WASTE MANAGEMENT CHARGE FROM ASSESSMENT

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

Council authorises removal of the Waste Management Service Charge from Assessment Number 80283 and instructs the Waste Services Contractor to remove the 3-bin service from the premises.

19.4 MUSWELLBROOK INDOOR SPORTS CENTRE - MUSWELLBROOK YOUTH VENUE

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

Council:

1. Endorses the revised Muswellbrook Youth Venue concept plan to progress to Development Application; and
2. Considers options identified to enable provision of the required additional project funding.

19.5 FUTURE FUND COMMITTEE MINUTES

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

Council notes the information contained in this report subject to minor corrections in the Minutes.

19.6 EXECUTION OF REFINANCING OF \$13.3M FUTURE FUND LOAN

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

Council accepts the principal and interest loan from Commonwealth Bank of Australia Ltd for an amount of AUD\$13,276,500.01 on a fixed term of 3 years, amortising over 20 years and

otherwise in accordance with the terms offered by Commonwealth Bank of Australia Ltd. Council delegates to the General Manager the authority to execute the refinancing of this loan.

19.7 OPTIMISING THE RETURN ON COUNCIL'S CASH INVESTMENTS

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

1. Council adopts in principle the defensive financial investment strategy, as outlined in the report, to improve Council's return on investment for a portion of Council's investment portfolio while continuing to exercise a high level of risk mitigation.
2. The strategy be incorporated in document for publication in due course.

19.8 INSURANCE BUDGET 2020/2021

30 RESOLVED on the motion of Crs Ledlin and Bowditch that:

Council:

1. Proceed with payment of insurances for 2020/2021 as per the attached asset insurance schedule;
2. Adjust respective increases as part of the September 2020 Budget Review; and
3. Investigate alternative options for insurance for 2021/2022.

19.9 RICHARD GILL NATIONAL MUSIC ACADEMY

Disclosure of Interest

Cr Foy declared a non-pecuniary interest in this item. Cr Foy advised Council that his daughter is enrolled to attend the school next year.

At 6:42pm Cr Jason Foy left the meeting and therefore took no part in discussion or voting on this matter.

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

Council resolves as follows:

1. Council grants, pursuant to s 356(1) of the *Local Government Act 1993*, financial assistance to the Richard Gill National Music Academy in a total sum of \$1,250,000.00 for the establishment of the Richard Gill School for the purposes of economic development in the Shire, the furtherance of education in the Shire and diversification of economic activity in the Shire;
2. The source of that grant is to be the Job Creation Fund as part of the September Review.
3. Council revokes any authorisation given to the General Manager by the resolution referred to in paragraph 1 above.

At 7.12pm Cr Jason Foy returned to the Meeting.

20 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 7.13pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 16) WERE CONFIRMED AT THE
ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON
TUESDAY 25 AUGUST, 2020 AND ARE A FULL AND ACCURATE RECORD OF
PROCEEDINGS OF THE MEETING HELD ON TUESDAY 28 JULY, 2020

.....
Ms F. Plesman
General Manager

.....
Cr M. Rush
Chairperson