

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 24
NOVEMBER, 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.J. Ward and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Mr D. Hagger (Chief Financial Officer), Ms S. Pope (Executive Manager – Planning & Environment), Mr M. Lysaught (Manager – Works, Property & Building Services), Mrs M. Sandell-Hay (PA to General Manager).

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

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

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Minutes of the Ordinary Meeting held on 27 October 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 J. Eades – declared a pecuniary interest in Item 11.7. Cr Eades advised Council that her employer is mentioned in the item.

Cr G. McNeill – declared a pecuniary interest in Item 19.2. Cr McNeill advised Council that the report relates to his employer.

Cr S. Scholes – declared a significant non-pecuniary interest in Item 11.4. Cr Scholes advised Council that the Muswellbrook Rugby Club is mentioned in the report of which he is a Committee Member and Life Member.

Cr M. Bowditch – declared an insignificant non-pecuniary interest in Item 11.3. Cr Bowditch advised Council that his daughter is employed by a company that undertakes work at Mt Arthur.

Cr M. Bowditch – declared an insignificant non-pecuniary interest in Item 11.4. Cr Bowditch advised Council that he is a member on the Committee of the Netball Association who is mentioned in the report.

Cr M. Rush – declared an insignificant non-pecuniary interest in Item 11.6. Cr Rush advised Council that he had met with the applicant as Cr Spokesperson for Economic Development.

Cr S. Ward – declared a non-pecuniary interest in Item 12.8. Cr Ward advised Council that his children attend music lessons at the Upper Hunter Conservatorium of Music who are listed in the report.

6 PUBLIC PARTICIPATION

Nil

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

Nil

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 REFUND OF APPLICATION FEES POLICY AND PROCEDURE

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

Council rescinds the *Application Fee and Advertising Refund of Fees Policy* (Attachment A) and replaces it with the Refunding Fees Procedure (Attachment C).

10.2 MUSCLE CREEK ROAD REZONING REQUEST - PP013

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

Council write to the Minister for Planning and request that the Muscle Creek Road Planning Proposal (PP013) be withdrawn with the intention of resubmitting an amended Planning Proposal in the future for a Gateway Determination.

10.3 PLANNING AND ENVIRONMENTAL SERVICES

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

The information contained in this report be noted.

11 COMMUNITY INFRASTRUCTURE

11.1 TRANSPORT NSW 2020-2021 & 2021-22 FUNDING ACTIVE TRANSPORT PROGRAM

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

Council Allocates \$24,000 from the 2020-21 Capital Budget for New footpaths as the contribution for the approved 2 projects for the 2020-2021 Active Transport Program and staff be thanked for their efforts in obtaining the grant funding.

11.2 EASEMENT FOR ELECTRICITY KIOSK 24 CARRAMERE ROAD

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

Council approve the construction of a Kiosk Transformer for low voltage power supply to the Hunter Pilot Biorefinery facility and authorise Council's Seal to be affixed to:

1. The "Plan of Easements for Electricity and other Purposes over Lot 22 DP1131270" and
2. The associated 88B instrument.

11.3 EDDERTON ROAD B DOUBLE ROUTE FROM DENMAN ROAD TO SECONDARY MT ARTHUR SITE ACCESS ROAD

Disclosure of Interest

Cr M. Bowditch declared an insignificant non-pecuniary interest in this item. Cr Bowditch advised Council that his daughter is employed by a company that undertakes work on the site.

At 6.06pm Cr Bowditch left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council

1. Seek submissions from the public for a period of 28 days by advertising the proposed 25 metre B-Double Route on Edderton Road for a distance of 4.2 kilometres from the Denman Road intersection to the secondary Mt Arthur Mine Access;
2. Following the public consultation period, if no significant submissions are received, then concurrence be given by Council for the National Heavy Vehicle Regulator (NHVR) to assess the route following due process; and
3. The General Manager will determine the significance of any submissions received. Should any significant submissions be received, a further report will be submitted for the consideration of Council.

11.4 SPORT AND RECREATION SMALL AND LARGE CAPITAL GRANTS PROGRAMME 2020

Disclosure of Interest

Cr M. Bowditch declared an insignificant non-pecuniary interest in this item. Cr Bowditch advised Council that he is a Member on the Committee of the Muswellbrook Netball Association who are mentioned in the report.

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

Cr R. Scholes declared a significant non-pecuniary interest in this item. Cr Scholes advised Council that he is a Committee Member and Life Member of Muswellbrook Rugby Football Club who are mentioned in the report.

At 6:06pm Cr Scholes left the Council Chambers and therefore took no part in discussion or voting on this matter.

158 RESOLVED on the motion of Crs McNeill and Eades that:

The matter be deferred for consideration at the December Ordinary Council Meeting.

At 6:07pm Cr Bowditch and Cr Scholes returned to Council Chambers.

11.5 CAPITAL WORKS STATUS REPORT

159 RESOLVED on the motion of Crs Woodruff and Foy that:

The information contained in this report be noted.

11.6 OWNER'S CONSENT FOR DEVELOPMENT APPLICATION

Disclosure of Interest

Cr M. Rush – declared an insignificant non-pecuniary interest in this Item. Cr Rush advised Council that he had met with the applicant as Cr Spokesperson for Economic Development.

At 6:08 pm Cr Rush left the Council Chambers and therefore took no part in discussion or voting on this matter.

Cr Scholes assumed the role of Chair for the conduct of this item.

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

Council approves:

1. owner's consent for the lodgement of a Development Application for 14 Haydon Street, Muswellbrook; and
2. the development of options for the dedication of public road and precinct development, which will be the subject of a subsequent report to Council.

At 6:09pm Cr Rush returned to Council Chambers and resumed the role of Chair for the remainder of the meeting.

11.7 BUILDING WORKS - RECORDS STORAGE AND LOCAL EMERGENCY OPERATIONS CENTRE

Disclosure of Interest

Cr J. Eades – declared a pecuniary interest in this Item. Cr Eades advised Council that her employer is mentioned in the report. At 6.09pm Cr Eades left the Council Chambers and therefore took no part in discussion or voting on this matter.

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

Council approves the building works for the Records Storage and Local Emergency Operations Centre.

At 6.10pm Cr Eades returned to Council Chambers.

12 CORPORATE AND COMMUNITY SERVICES

12.1 2020-2021 OPERATIONAL PLAN 30 SEPTEMBER QUARTERLY REVIEW

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

The 2020/21 Operational Plan Review dated 30 September 2020 be noted.

12.2 STRATEGIC INTERNAL AUDIT PLAN 2020-2023

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

Council notes the FINAL Strategic Internal Audit Plan 2020-2023.

12.3 REPORT ON COUNCIL GRANT FUNDING NOVEMBER 2020

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

1. The report be noted.
2. Council accept the offer of grant funding for the amount of \$425,000 from the Federal Government's Heavy Vehicle Safety and Productivity Program (HVSP) for the replacement of the culvert on Rosemount Road adjacent to the Explosive Ordnance Depot Myambat and further that funding opportunities be sought for the additional \$425,000 needed to complete the project.

12.4 COUNCIL REPRESENTATION ON MUSWELLBROOK HOSPITAL LOCAL HEALTH COMMITTEE

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

Cr Spokesperson for Social Inclusion be appointed as Council's representative on the Muswellbrook Hospital Local Health Committee.

12.5 REPORT ON INVESTMENTS HELD AS AT 31 OCTOBER 2020

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

The information showing Council's investments as at 31 October 2020 be noted.

12.6 OCTOBER 2020 MONTHLY FINANCIAL REPORT

The Mayor welcome Mr Daryl Hagger, Council's Acting Chief Financial Officer to his first Council meeting.

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

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

12.7 COMMUNITY SERVICES

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

The information contained in this report be noted.

12.8 SEPTEMBER BUDGET REVIEW 2020

Disclosure of Interest

Cr S. Ward – declared a non-pecuniary interest in this item. Cr Ward advised Council that his children attend music lessons at the Upper Hunter Conservatorium of Music who are listed in the report.

At 6.13pm Cr Ward left the Council Chambers and therefore took no part in discussion or voting on this matter.

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

Council adopt the list of proposed changes and incorporate them into the 2020/21 Budget.

At 6.14pm Cr Ward returned to Council Chambers.

13 REPORTS FROM COMMITTEES

13.1 DENMAN HERITAGE MUSEUM ADVISORY COMMITTEE - 16/07/2020

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

The Minutes of the Denman Heritage Museum Advisory Committee Meeting held on Thursday 16 July 2020 be received and the recommendations contained therein ADOPTED.

13.2 DENMAN HERITAGE MUSEUM ADVISORY COMMITTEE - 13/08/2020

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

The Minutes of the Denman Heritage Museum Advisory Committee Meeting held on Thursday 13 August 2020 be received and the recommendations contained therein ADOPTED.

13.3 DENMAN HERITAGE MUSEUM ADVISORY COMMITTEE - 24/09/2020

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

The Minutes of the Denman Heritage Museum Advisory Committee Meeting held on Thursday 24 September 2020 be received and the recommendations contained therein ADOPTED.

13.4 DEVELOPMENT ASSESSMENT COMMITTEE - 16/11/2020

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

The Minutes of the Development Assessment Committee Meeting held on Monday 16 November 2020 be received and the recommendations contained therein ADOPTED.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

16.1 DEPUTY PRIME MINISTER VISIT

Cr Martin Rush reported that he along with the General Manager, Councillor Eades, and the Deputy General Manager met with the Deputy Prime Minister and Senator Davey today. Cr Rush advised Council that the Deputy Prime Minister was pleased with Council's process towards economic diversification.

16.2 CIVIC RECEPTION FOR JOHN ROGERS

Cr Rod Scholes reported that he had attended the Civic Reception for Dr John Rogers held last night at the Muswellbrook Regional Arts Centre. Cr Scholes advised Council that the night was very successful and well run.

16.3 MINE TOURS

Cr Graeme McNeill reported that he along with Cr Scholes, Cr Reynolds and Cr Ward undertook a tour of Mangoola Mine and Malabar Coal last week specifically to view rehabilitation works. Cr McNeill advised Council that the visits provided Councillors that attended with a better understanding of the scope of works being undertaken.

17 QUESTIONS FOR NEXT MEETING

17.1 GREYHOUND FACILITY AT MARTINDALE

Cr Woodruff inquired whether an update could be provided to the December Council Meeting on the proposed Greyhound Facility at Martindale.

Ms Plesman advised that this would be undertaken.

17.2 NOTICE OF MOTION

Cr McNeill advised that he had submitted a Notice of Motion to the Council Meeting which didn't appear on the Business Paper. The Mayor indicated that he thought there was another Notice of Motion and offered Cr McNeill the opportunity to move on the motion despite it not being in the Business Paper given that it was given with notice. Cr McNeill declined to take up the opportunity on the basis that the substance of the motion was the subject of a separate report in the Business Paper.

CLOSED COUNCIL

- 174** RESOLVED on the motion of Crs Rush and Bowditch that:

The meeting moved into Closed Council to allow further discussion on this matter.

At 6.33pm the meeting adjourned for five minutes.

The meeting reconvened at 6.38pm

At 6.40pm the meeting adjourned.

At 6.40pm Cr McNeill left the building.

The meeting reconvened at 6.42pm

OPEN COUNCIL

- 175** RESOLVED on the motion of Crs Ledlin and Foy that:

The meeting return to Open Council.

18 ADJOURNMENT INTO CLOSED COUNCIL

- 176** RESOLVED on the motion of Crs Rush and Foy 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 CIVIC PRECINCT PROJECT

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 LIDDELL POWER STATION CLOSURE

Item 19.2 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.

19.4 FUTURE FUND COMMITTEE ANNUAL REPORT

Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 MUSWELLBROOK GOLF CLUB LTD - REQUEST FOR SPONSORSHIP

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial

advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19 CLOSED COUNCIL

19.1 CIVIC PRECINCT PROJECT

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

Council prepare a Capital Expenditure Review for the Civic Precinct project.

19.2 LIDDELL POWER STATION CLOSURE

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

Council engage a suitably qualified expert to prepare a report setting out:

1. Leading practice structural adjustment services and associated costs, including local economic development stimulus programs, that should be delivered to effectively and efficiently manage the effects of Liddell Power Station's anticipated 2023 closure to the local community and economy.
2. A review of Council's rating and, particularly, the energy generation sub-category of the business rating taking into account:
 - a) Legislative requirements and any relevant guidelines;
 - b) Parity with other rating categories; and
 - c) The services anticipated to be required as a result of 1.

19.4 FUTURE FUND COMMITTEE ANNUAL REPORT

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

Council notes the information contained in this report.

19.3 MUSWELLBROOK GOLF CLUB LTD - REQUEST FOR SPONSORSHIP

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

The General Manager write to Muswellbrook Golf Club thanking them for their request and advising that Council is not in a position to provide the funding at this point but will consider the request when preparing the 2021/2022 Budget.

20 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 7.35pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 10) WERE CONFIRMED AT THE
ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON
TUESDAY 22 DECEMBER, 2020 AND ARE A FULL AND ACCURATE RECORD OF
PROCEEDINGS OF THE MEETING HELD ON TUESDAY 24 NOVEMBER, 2020

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Ms F. Plesman

General Manager

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Cr M. Rush

Chairperson