

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL  
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 8  
AUGUST, 2017 COMMENCING AT 6.00PM.**

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**PRESENT:** Cr M.L. Rush, Cr S.L. Bailey, Cr M. Bowditch, Cr J.F. Eades, Cr J.P. Foy, Cr M.I. Green, Cr J.L. Ledlin, Cr G.T. McNeill, Cr R.W. Scholes, Cr S.M. Reynolds and Cr S.J. Ward.

**IN ATTENDANCE:** Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Ms F. Plesman (Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Mr. Franklin (Acting Chief Financial Officer), Mr M. Lysaught (Manager, Property and Building Services), Mr J. Brown (Executive Services Co-Ordinator), Miss B. Wilton (Administration Officer), 1 people in the public gallery and 2 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**

34 RESOLVED on the motion of Clrs McNeill and Bailey that:

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

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

35 RESOLVED on the motion of Clrs Reynolds and Bowditch that:

**That the Minutes of the Ordinary Meeting held on 11 July 2017, and the Extra Ordinary Meeting held on 26 July 2017, 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 Mark Bowditch

Cr Bowditch declared a Pecuniary interest in item 11.3 – MACH ENERGY ROADS ACT SECTION 138 CONSENT – BENGALLA LINK ROAD INTERSECTION AND LEVEL CROSSING OF OLD BENGALLA LINK ROAD. Cr Bowditch advised that he is an employee of this mine.

## **6 PUBLIC PARTICIPATION**

Nil

## **7 MAYORAL MINUTES**

Nil

## **8 GENERAL BUSINESS**

Nil

## **9 BUSINESS ARISING**

Nil

## **10 ENVIRONMENTAL SERVICES**

### **10.1 ADOPTION OF REGIONAL CONTAMINATED LAND POLICY**

36 RESOLVED on the motion of Clrs Scholes and Ward that:

**The Regional Contaminated Land Policy be ADOPTED.**

## **11 COMMUNITY INFRASTRUCTURE**

### **11.1 ADOPTION OF ASSET MANAGEMENT POLICY**

37 RESOLVED on the motion of Clrs Scholes and Ward that:

1. Council adopt the Asset Management Policy - A40/1, including the following amendment to Paragraph 2 under Responsibility:

**The General Manager has responsibility for preparation of Integrated Planning and Reporting framework documentation in consultation with the mayor and governing body (councillors), and for its implementation after council adopts the IP & R documents.**

2. A report be prepared on the request to add the 1.15km section of Rouchel Gap Road to Council's maintenance responsibility.

### **11.2 GRANT FUNDING - ACTIVE TRANSPORT PROGRAM 2017-2018**

38 RESOLVED on the motion of Clrs Green and Foy that:

**Council accept the grant of \$53,000 which has been made available under the 2017/2018 Active Transport Program.**

At 06:02 PM Councillor Mark Bowditch left the Council Chambers.

### **11.3 MACH ENERGY ROADS ACT SECTION 138 CONSENT - BENGALLA LINK ROAD INTERSECTION AND LEVEL CROSSING OF OLD BENGALLA LINK ROAD**

39 RESOLVED on the motion of Clrs Reynolds and Ward that:

**Council delegate authority to the General Manager to issue a Section 138 Consent to MachEnergy in regard to Application 20018/0015 for: a Level Crossing on Old Bengalla Link Road across a proposed private rail loop; associated intersection works; and realignment of Bengalla Link Road.**

At 06:02 PM Councillor Mark Bowditch returned to Council Chambers.

## **12 CORPORATE AND COMMUNITY SERVICES**

### **12.1 TEMPORARY LIFTING OF THE ALCOHOL FREE ZONE IN THE AREA OCCUPIED BY THE 'BOTTOM'S UP MUSIC AND CRAFT BEER FESTIVAL 2017' AND WAIVER OF HIRE FEE OF SIMPSON PARK FOR THIS EVENT.**

40 RESOLVED on the motion of Clrs Green and Reynolds that:

**Council;**

- 1. Approves the closure of Simpson Park in accordance with the Simpson Park Plan of Management from 7am on Friday 20 October, until 11pm on Saturday, 21 October 2017 for the purpose of setting up and delivering the 2017 Bottoms Up Music and Craft Beer Festival; and,**
- 2. Approve the temporary suspension of the Alcohol Free Zone and the Alcohol Prohibited Area with regard to the footpath adjacent to Simpson Park precinct (as defined by the map attached) for the purposes of the Bottoms Up Festival on Saturday 21 October 2017 from 1.30pm to 10.30pm.**
- 3. Waive the hire fee for the use of Simpson Park for the duration of the set up and pull down of the event which is equivalent to \$2,000.00 to be funded from the Sundry Donations Budget.**

### **12.2 REPORT ON INVESTMENTS HELD AS AT 31 JULY 2017**

41 RESOLVED on the motion of Clrs Bailey and Ward that:

**The information showing Council's investments as at 31 July 2017 be noted.**

### **12.3 UPPER HUNTER REGIONAL CULTURAL DEVELOPMENT STRATEGY**

42 RESOLVED on the motion of Clrs Rush and Foy that:

- 1. The policy be adopted on an interim basis; and**
- 2. It be endorsed for exhibition.**

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

43 RESOLVED on the motion of Clrs Reynolds and Eades that:

The information contained in this report be noted.

## 13 REPORTS FROM COMMITTEES

### 13.1 INFRASTRUCTURE COMMITTEE - 26/07/2017

- 44 RESOLVED on the motion of Cirs Reynolds and Ward that:

**The Minutes of the Infrastructure Committee Meeting held on Wednesday 26 July 2017 be received and the recommendations contained therein ADOPTED.**

### 13.2 CORPORATE POLICY AND PLANNING COMMITTEE - 26/07/2017

- 45 RESOLVED on the motion of Cirs Bailey and Foy that:

**The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 26 July 2017 be received and the recommendations contained therein ADOPTED.**

## 14 NOTICES OF MOTION / RESCISSION

Nil

## 15 QUESTIONS WITH NOTICE

### 15.1 GRANDPARENTS DAY

- 46 Cr Steven Reynolds asked the following question which was taken on notice for the Council Meeting on 11 July 2017, as follows:

*Has Council submitted any grant applications for Grandparents Day as submissions would be closing soon?*

#### **RESPONSE BY GENERAL MANAGER**

Council lodged an application for funding of \$3,000 under the NSW Grandparents Day Grants 2017 on 15 July 2017 to support Muswellbrook Shire Grandparents Day events.

The Muswellbrook and Denman Libraries are hosting on 28 and 29 October respectively, events that will provide an opportunity for grandparents and other older people to join with children from a range of ages to participate in joint reading activities and for young people (over 12 years) to teach interested grandparents how to use an Xbox or PlayStation with appropriate games and to experience virtual gaming together using high end virtual reality headsets and games. The interactions between older and young people will help foster lifelong intergenerational respect and understanding and celebrate the vital role of older people in the development and wellbeing of children in the Shire's communities.

RESOLVED on the motion of Cirs Reynolds and Foy that:

**The information be noted.**

## 15.2 GAZZARD SHELDON REPORTS

- 47 Cr Scott Bailey asked the following question which was taken on notice for the Council Meeting on 11 July 2017, as follows:

*Are the Gazzard Sheldon reports able to be digitised and made available to Councillors?*

### RESPONSE BY GENERAL MANAGER

Council has received advice in relation to its obligations under the *Copyright Act* 1968 (Cth) and is seeking clarification with respect to its rights to publish the document in a digitised format on Council's website.

Subject to any necessary permissions that need to be in place to meet Council's copyright obligations, the Gazzard Sheldon documents relating to streetscape heritage will be made available on Council's website and the link circulated to Councillors.

RESOLVED on the motion of Clrs Bailey and Ledlin that:

**The information be noted.**

## 16 COUNCILLORS REPORTS

### Cr Stephen Ward

Cr Ward advised that the stuffed toy sleep over at the Denman Library was a success. Cr Ward advised that he attended and took his Grizzly Bear.

### Cr Janelle Eades

Cr Eades represented Muswellbrook Shire Council at the Education Week Awards, which took place on Thursday 3 August 2017. Cr Eades found it most encouraging and commended the Community on a wonderful evening.

- 48 RESOLVED on the motion of Clrs Rush and Eades that:

**The General Manager to send letter of congratulations be sent to the organisers of the Education Week Awards.**

## 17 QUESTIONS FOR NEXT MEETING

### 18.1 ESTABLISHMENT OF COMMUNITY CONSULTATIVE COMMITTEE

Cr Stephen Reynolds asked the following question which was taken on notice:

Can a report be prepared for the next Ordinary Council Meeting regarding the establishment of a Community Consultative Committee?

Mayor, Martin Rush advised that a report will be prepared for the next Council Meeting.

**18.2 AUDIENCE RESPONSE SYSTEM**

Cr Stephen Reynolds asked the following question which was taken on notice:

Can Council purchase an Audience Response System which would could be made available at events to survey the Community?

**18.3 DISABILITY PARKING**

Cr Stephen Reynolds asked the following question which was taken on notice:

Can the Rangers develop a program to monitor the use of disabled parking?

**18.4 DENMAN NO. 1 CRICKET OVAL**

Cr Graeme McNeill asked the following question which was taken on notice:

Can the Denman No. 1 Cricket Oval be mowed to a height of 18mm – 20mm?

Can the specifications be changed to reflect this?

Cr Martin Rush welcomed Mrs G. Bobsien – Executive Manager, Economic Development and Innovation to Muswellbrook Shire Council.

Cr Rush also thanked Mr Franklin for all the work he has completed during the period he has been with Muswellbrook Shire Council.

**18 ADJOURNMENT INTO CLOSED COUNCIL**

49 RESOLVED on the motion of Clrs Bailey 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 COMPOSTING OF FOOD ORGANICS / GARDEN ORGANICS AT THE MUSWELLBROOK WASTE AND RECYCLING FACILITY - FEASIBILITY STUDY**

Item 19.1 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.

**19.2 PROJECT MANAGEMENT - RESOURCES FOR REGIONS CBD PROJECTS**

Item 19.2 is classified CONFIDENTIAL under the provisions of Section10A(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 CLOSED COUNCIL

### 19.1 COMPOSTING OF FOOD ORGANICS / GARDEN ORGANICS AT THE MUSWELLBROOK WASTE AND RECYCLING FACILITY - FEASIBILITY STUDY

50 RESOLVED on the motion of Clrs Scholes and Ward that:

#### Council

1. Note the contents of the attached report – Feasibility Study – Organics Recycling Facility Options.
2. Support the development of an enclosed system FOGO recycling facility with a capacity of up to 10,000 tonne per year.
3. Prepare a submission to NSW Planning & Environment to obtain the Secretary's Environmental Assessment Requirements (SEARS) for a FOGO processing facility.
4. Allocate a budget of \$15,000 for preparation of the SEARS submission.
5. Support the submission of a Waste Less Recycle More (WLRM) Organics Infrastructure (Large and Small) grant application.

### 19.2 PROJECT MANAGEMENT - RESOURCES FOR REGIONS CBD PROJECTS

51 RESOLVED on the motion of Clrs McNeill and Bowditch that:

The information contained in this report be noted.

## 20 RESUMPTION OF OPEN COUNCIL

52 RESOLVED on the motion of Clrs Foy and Bailey that:

The meeting return to Open Council.

## 21 CLOSURE

The meeting was declared closed at 6:16 pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 7) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 12 SEPTEMBER, 2017 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 8 AUGUST, 2017

.....  
General Manager

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Chairperson