

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, Cr S.J. Ward and Cr B.N. Woodruff.

IN ATTENDANCE: Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Ms F. Plesman (Acting Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Mr Mrs C. O'Brien (Manager, Community Services), Mr M. Lysaught (Manager, Property & Building), Mr D. Finnigan (Manager, Muswellbrook Works), Ms K. Long (Commercial Officer), Mrs M. Sandell-Hay (PA to General Manager), 2 people in the public gallery and 2 media representatives.

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

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

294 RESOLVED on the motion of Cs Bailey and McNeill that:

The Minutes of the Ordinary Meeting held on 11 April 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 S. Bailey - declared a significant non-pecuniary interest in item 19.4 – Minutes of the Mt Arthur Community Funding Investment Committee. Cr Bailey advised Council that he is the President of the Upper Hunter Conservatorium of Music which is mentioned in the Minutes.

Cr M. Bowditch – declared a pecuniary interest in Item 11.2 – Mt Pleasant Rail Bridge. Cr Bowditch advised Council that he is currently working on site at Mt Pleasant.

Cr J. Eades – declared a pecuniary interest in Item 12.2 – Hunter Park Playground Equipment. Cr Eades advised Council that she works for Upper Hunter Community Services which is mentioned in the item as becoming a partner in the application.

Cr M. Green - declared a pecuniary interest in Item 19.4 – Minutes of the Mt Arthur Community Funding Investment Committee. Cr Green advised Council that her husband is employed at Mt Arthur Coal Mine.

Cr G. McNeill – declared a significant non-pecuniary interest in item 19.3 – Minutes of the Mangoola Coal Community Funding Investment Committee. Cr McNeill advised Council that he owns property adjacent to the mine.

Cr S. Reynolds – declared a pecuniary interest in Item 19.4 - Minutes of the Mt Arthur Community Funding Investment Committee. Cr Reynolds advised Council that he is employed at Mt Arthur Coal Mine.

Cr B. Woodruff – declared a pecuniary interest in Item 19.3 – Minutes of the Bengalla Mining Company Community Funding Investment Committee. Cr Woodruff advised Council that his employer provides services to Bengalla Mining Company.

6 PUBLIC PARTICIPATION

295 RESOLVED on the motion of Crs Rush and Bailey that:

Council move into Closed Council to allow Mr Shewan to address Council.

Members of the Media and public, other than Mr Shewan left the meeting at this stage.

Mr Shewan stood in the public gallery and refused to address Council in closed Council.

The Mayor issued Mr Shewan his first warning

Mr Shewan continued speaking from the public gallery.

The Mayor issued Mr Shewan his second warning.

Mr Shewan left the meeting at 6.03pm

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

The meeting return to Open Council

Members of the public and media returned to the meeting.

7 BUSINESS ARISING

Nil

8 MAYORAL MINUTES

Nil

9 GENERAL BUSINESS

Nil

10 ENVIRONMENTAL SERVICES

Nil

11 COMMUNITY INFRASTRUCTURE

11.1 COMMUNITY INFRASTRUCTURE CONSTRUCTION WASTE MANAGEMENT STRATEGY 2017/18 TO 2020/21

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

Council adopts the strategic objectives and implementation action plan listed in the attached 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21'.

11.2 MOUNT PLEASANT RAIL BRIDGE

Disclosure of Interest

Cr Bowditch declared a pecuniary interest in this item. Cr Bowditch advised Council that he is currently working at the Mt Pleasant site.

At 06:04 PM Councillor Mark Bowditch left the Council Chambers and therefore took no part in discussion or voting on this matter..

298 RESOLVED on the motion of Crs Rush and Ward that:

Council delegate to the General Manager the responsibility to determine the item.

At 06:05pm Cr Mark Bowditch returned to Council Chambers.

12 CORPORATE AND COMMUNITY SERVICES

12.1 DOG PARKS OFF LEASH PROPOSAL

299 RESOLVED on the motion of Crs Green and Foy that:

1. Council support the two nominated locations of Karoola Park and Kurrajong Reserve for fenced off the leash dog parks; and
2. Consultation be undertaken with stakeholders to develop designs for Councils consideration.

12.2 HUNTER PARK PLAYGROUND EQUIPMENT

Disclosure of Interest

Cr Eades declared a pecuniary interest in this item. Cr Eades advised that she is employed by Upper Hunter Community Services which is mentioned in the report as becoming a partner in the application.

At 06:06 PM Councillor Janelle Eades left the Council Chambers and therefore took no part in discussion or voting on this matter.

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

1. An application of \$50K is made towards the Social Housing Improvement Fund by Muswellbrook Shire Council for suitable playground equipment at Hunter Park and;
2. A working partnership is entered into with both Compass Housing and Upper Hunter Community services to ensure that through community engagement, suitable equipment will be included in the renewal of Hunter Park and;
3. A review of all Council playgrounds is completed over the next six months to ensure that the play equipment is meeting the demographic needs of the community, with a report back to Council that describes these findings by December, 2017.

At 6.07pm Cr Janelle Eades returned to the Council Chambers.

12.3 DISABILITY INCLUSION

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

Council endorse the actions in the Integrated Disability Inclusion Plan.

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

302 RESOLVED on the motion of Crs Bailey and McNeill that:

The information contained in this report be noted.

12.5 SPORT AND RECREATION LARGE CAPITAL GRANTS ROUND 1

303 RESOLVED on the motion of Crs McNeill and Ward that:

Council:

1. Award funding to applicants as described in the report.
2. Provide a letter of 'In Principle Support' for the matched funding requested by Denman Sandy Hollow Junior Rugby League Football Club.
3. The General Manager meet with the Early Arms Rifle and Pistol Club to facilitate a solution and report to Council.

12.6 HALF DAY PUBLIC HOLIDAY 2017

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

Council make application to the Minister for Industrial Relations for the approval of a half day public holiday for the Muswellbrook Cup Day from noon on Friday, 8 December 2017.

13 REPORTS FROM COMMITTEES

13.1 LOCAL TRAFFIC COMMITTEE - 18/04/2017

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

The Minutes of the Local Traffic Committee Meeting held on Tuesday 18 April 2017 be received and the recommendations contained therein ADOPTED with the amendment that Cr Reynolds be listed as an apology.

13.2 INFRASTRUCTURE COMMITTEE - 26/04/2017

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

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

13.3 CORPORATE POLICY AND PLANNING COMMITTEE - 26/04/2017

307 RESOLVED on the motion of Crs Bailey and Woodruff that:

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

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

16.1 ANZAC DAY CEREMONY DENMAN

Cr Stephen Ward reported that he attended the Anzac Day Ceremony in Denman and was impressed with the wreath.

16.2 EASTER HAT PARADE AT DENMAN LIBRARY

Cr Stephen Ward reported that he attended the Easter Hat Parade at Denman Library which was also very well organised.

16.3 NORTHERN REGION ABORIGINAL ALLIANCE MEETING

Cr Jacinta Ledlin reported that she attended the Northern Region Aboriginal Alliance Meeting which has been developed in response to the NSW Government's Aboriginal Affairs Strategic Plan. Cr Ledlin suggested that a Memorandum of Understanding with Northern Region Aboriginal Alliance be developed to formalise Council's relationship with the group.

16.4 SANDY HOLLOW CHARITY HORSE RIDE

Cr Jacinta Ledlin reported that she attended the Sandy Hollow Charity Horse Ride that was held on 22 May, 2017 which saw over 150 riders and raised over \$17,000 for the Westpac Rescue Helicopter. Cr Ledlin asked that a letter congratulating the Committee for their efforts be provided by Council.

16.5 MT ARTHUR COAL COMMUNITY CONSULTATIVE COMMITTEE

Disclosure of Interest

Cr Reynolds declared a pecuniary interest in this item. Cr Reynolds advised Council that he is employed at Mt Arthur Coal Mine.

Cr Green declared a pecuniary interest in this item. Cr Green advised Council that her husband is employed at Mt Arthur Coal Mine.

At 6.18pm Cr S. Reynolds and Cr M. Green left the Council Chambers at this time and therefore took no part in discussion of this item.

Cr Mark Bowditch reported that he had recently attended the Mt Arthur Coal Community Consultative Committee which included a tour of the rehabilitation site and was quite impressed with the rehabilitation work being undertaken at the mine site. Cr Bowditch indicated that 13.5 hectares had been rehabilitated to date with a further 29 hectares to be rehabilitated by February 2019.

At 6.20pm Crs Reynolds and Green returned to Council Chambers.

16.6 PRIMARY HEALTH NETWORK FORUM

Cr Michelle Green reported that she had attended the Primary Health Network Forum which focussed on Mental Health Services recently. Cr Green advised that one of the issues raised at the forum was with transportation in the local area. Cr Green also thanked the community members who addressed the forum and talked about their issues.

16.7 DRAINAGE ISSUES - ST HELIERS STREET, MUSWELLBROOK

Cr Graeme McNeill reported that the General Manager and staff had met with residents affected by drainage issues in St Heliers Street recently and those residents had asked that Cr McNeill pass on their appreciation for meeting with them to discuss the issue.

17 QUESTIONS FOR NEXT MEETING

17.1 MEETING WITH SOUTH MUSWELLBROOK PRECINCT RESIDENTS

Cr McNeill inquired when a meeting with staff and residents of South Muswellbrook Precinct area who had raised concerns with infrastructure would occur?

17.2 FOOTPATH ISSUES - KING STREET

Cr Bowditch advised that a resident had fallen due to roots on the footpath area in King Street and inquired whether Council could undertake rectification works and if so when the rectification works might take place?

17.3 ANIMAL SHELTER

Cr Green inquired whether Council could issue some positive media relating to the animal shelter especially with regard to all the negative comments being received recently?

Cr Rush indicated that this would occur in the coming weeks. Cr Rush also indicated that the Muswellbrook Shelter has the highest rehoming rate for animals in the Upper Hunter

308 RESOLVED on the motion of Crs Green and Rush that:

Council's Rangers be congratulated on how they have dealt with this matter.

17.4 OGILVIE STREET DENMAN

Cr Woodruff inquired about the timeframe for Ogilvie Street Reconstruction now that Council had been unsuccessful in obtaining the Special Rate Variation?

Cr Rush advised that it was proposed to have this included in the draft 2017/2018 Budget.

18 ADJOURNMENT INTO CLOSED COUNCIL

309 RESOLVED on the motion of Crs McNeill and Woodruff 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 CONTRACT NO.: 2016-2017-0271 SUPPLY AND DELIVERY OF A 6 X 4 10 CUBIC METRE TIPPER WITH TOW HITCH

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 MANGOOLA COAL COMMUNITY FUNDING INVESTMENT COMMITTEE - 20/04/2017

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 BENGALLA MINING COMPANY COMMUNITY FUNDING INVESTMENT COMMITTEE - 21/04/2017

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.

19.4 MT ARTHUR COMMUNITY FUNDING INVESTMENT COMMITTEE - 20 APRIL 2017, 2 MAY 2017 and 4 MAY 2017

Item 19.4 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.

19.5 FUTURE FUND ACQUISITION - DUE DILIGENCE

Item 19.5 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.

Members of the public and media left the meeting at this time.

19 CLOSED COUNCIL

19.1 CONTRACT NO.: 2016-2017-0271 SUPPLY AND DELIVERY OF A 6 X 4 10 CUBIC METRE TIPPER WITH TOW HITCH

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

For Contract 2016-2017-0271 Supply & Delivery of a 6x4 10 cubic metre tipper with tow hitch, the tender of Volvo Commercial Vehicles for the supply and delivery of a Volvo FM13 500HP with Sloanebuilt tipper, in the net sum of \$252,104.00, be accepted.

19.2 MANGOOLA COAL COMMUNITY FUNDING INVESTMENT COMMITTEE - 20/04/2017

Disclosure of Interest

Cr McNeill declared a significant non-pecuniary interest in this item. Cr McNeill advised the meeting that he owns property adjacent to the Mine.

At 6.23pm Cr Graeme McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

311 RESOLVED on the motion of Crs Ward and Green that:

The Minutes of the Mangoola Coal Community Funding Investment Committee Meeting held on Thursday 20 April 2017 be received and the recommendations contained therein ADOPTED.

At 6.23pm Councillor Graeme McNeill returned to Council Chambers.

19.3 BENGALLA MINING COMPANY COMMUNITY FUNDING INVESTMENT COMMITTEE - 21/04/2017

Disclosure of Interest

Cr Woodruff declared a pecuniary interest in this item. Cr Woodruff advised the meeting that his employer provides services to Bengalla Coal Mine.

At 6.24pm Cr Brett Woodruff left the Council Chambers and therefore took no part in discussion or voting on this matter.

312 RESOLVED on the motion of Crs Scholes and Green that:

The Minutes of the Bengalla Mining Company Community Funding Investment Committee Meeting held on Friday 21 April 2017 be received and the recommendations contained therein ADOPTED.

At 6.24pm Cr Woodruff returned to Council Chambers.

19.4 MT ARTHUR COMMUNITY FUNDING INVESTMENT COMMITTEE - 20 APRIL 2017, 2 MAY 2017 AND 4 MAY 2017

Disclosure of Interest

Cr Green declared a pecuniary interest in this item. Cr Green advised the meeting that her husband is employed by Mt Arthur Coal.

Cr Reynolds declared a pecuniary interest in this item. Cr Reynolds advised the meeting that he is employed at Mt Arthur Coal.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 9 MAY,
2017 COMMENCING AT 6:00PM.**

Cr Bailey declared a significant non-pecuniary interest in this item. Cr Bailey advised the meeting that he is president of the Upper Hunter Conservatorium of Music which is mentioned in the minutes.

At 06:24pm Cr Green, Cr Reynolds and Cr Bailey left the Council Chambers and therefore took no part in discussion or voting on this matter.

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

The Minutes of the Mt Arthur Community Funding Investment Committee Meetings held on 20 April, 2017, 2 May, 2017 and 4 May, 2017 be received and the recommendations contained therein ADOPTED.

At 06:26 PM Cr Bailey, Cr Green and Cr Reynolds returned to Council Chambers.

19.5 FUTURE FUND ACQUISITION - DUE DILIGENCE

314 RESOLVED on the motion of Crs Rush and Bailey that:

Council:

1. Proceed with the purchase of the property as identified in the report, up to the value stated in the report and subject to the General Manager being satisfied with the outcome of purchase negotiations.
2. Authorise the General Manager to negotiate and execute all other relevant documentation relating to the purchase of the subject property by Council.
3. Authorise the Council Seal to be affixed to the Contract of Sale and Transfer document relating to the purchase by Council of the subject property.
4. Endorse the Capital Expenditure Review and resolve that the Office of Local Government be notified of Council's intention to proceed with the project.
5. Allocate the budget as detailed under financial implications.

20 RESUMPTION OF OPEN COUNCIL

315 RESOLVED on the motion of Crs Bailey and Bowditch that:

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 6.28 pm.

**THE MINUTES OF THE MEETING (PAGES 1 TO 9) WERE CONFIRMED AT THE ORDINARY
COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 13
JUNE, 2017 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE
MEETING HELD ON TUESDAY 9 MAY, 2017**

.....
Mr S. McDonald
General Manager

.....
Cr M. Rush
Chairperson