

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON WEDNESDAY 29 NOVEMBER, 2017 COMMENCING AT 6.00PM.

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 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), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Ms N. Cowley (Manager, Corporate 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

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

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

4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr J. Eades – Declared a pecuniary interest in item 7.1 and 7.3. Cr Eades advised Council that the organisation she works for recently received grant funding from Mt Arthur.

Cr M. Green – declared a pecuniary interest in item 7.1 & 7.3. Cr Green advised Council that her husband is employed by BHP. Cr Green also declared a pecuniary interest in item 7.2. Cr Green advised that her husband's business FFR uses the Innovation Hub at Loxton House.

Cr S. Reynolds – declared a pecuniary interest in item 7.1 and 7.3. Cr Reynolds advised Council that he is employed by BHP.

Ms G. Bobsien – Declared a pecuniary interest in item 7.1 and 7.3. Ms Bobsien advised that her partner is employed by BHP.

5 PUBLIC PARTICIPATION

Mt Arthur representatives provided a presentation on Item 7.1

6 ADJOURNMENT INTO CLOSED COUNCIL

133 RESOLVED on the motion of Crs Reynolds and Green 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:

7.1 MT ARTHUR'S PROPOSAL TO TEMPORARILY CLOSE EDDERTON ROAD AND PROVIDE AN ALTERNATIVE ROUTE FOR THE DURATION OF MINING

Item 7.1 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.

7.2 UPPER HUNTER INNOVATION PRECINCT STAGE 2 - DESIGN TENDER

Item 7.2 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.

7.3 ADDITIONAL BUDGET ALLOCATION - SEPTEMBER REVIEW

Item 7.3 is classified CONFIDENTIAL under the provisions of Section10A(2)(e) of the local government act 1993, as it deals with information that would, if disclosed, prejudice the maintenance of law, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

7 CLOSED COUNCIL

7.1 MT ARTHUR'S PROPOSAL TO TEMPORARILY CLOSE EDDERTON ROAD AND PROVIDE AN ALTERNATIVE ROUTE FOR THE DURATION OF MINING

Disclosure of Interest

Cr Eades declared a pecuniary interest in this item. Cr Eades advised that she works for an organisation that just received a funding grant from BHP.

Cr Green declared a pecuniary interest in this item. Cr Green advised that her husband is employed by BHP.

Cr Reynolds declared a pecuniary interest in this item. Cr Reynolds advised that he is employed by BHP.

At 6.04pm Cr Eades, Cr Green and Cr Reynolds left the meeting and therefore took no part in discussion or voting on this item.

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

1. Council Delegate to the General Manager authority to finalise negotiations consistently in accordance with the terms of Annexure A with Mt Arthur with a view to entering into a Deed of Agreement (the Deed) on consequential matters arising from any Application by Council pursuant to the Roads Act 1993;
2. For the purpose of the negotiations, the matters in the Annexure be disclosed to Mt Arthur; and
3. Council authorise the affixing of Council's Seal to the Deed, if required, in accordance with the regulations.

At 06:27pm Cr Eades and Cr Reynolds returned to Council Chambers.

7.2 UPPER HUNTER INNOVATION PRECINCT STAGE 2 - DESIGN TENDER

Disclosure of Interest

Cr Green declared a pecuniary interest in this item. Cr Green advised that her husband's

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business FFR utilises the Innovation Hub at Loxton House. Cr Green remained absent from the Chambers for consideration of this item.

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

1. In accordance with S178 of the Local Government (General) Regulation 2005, decline to accept any tender for 2017-2018-0319 Consultancy Services for Upper Hunter Innovation Precinct (Tertiary Education Centre Stage 2) as it is not clear that accepting a tender will provide the most advantageous outcome to Council, and following advice from NSW Public Works Advisory enter into negotiations with Stephen Rose Architects.
2. In accordance with Section 178 (3)(e) of the Local Government (General) Regulation 2005:
 - (a) Council declines to invite fresh tenders or applications as referred to in subclause (3) (b)–(d) as it would delay the project, and
 - (b) Council determines to enter into negotiations with Stephen Rose Architects in consideration of performance on similar projects.

7.3 ADDITIONAL BUDGET ALLOCATION - SEPTEMBER REVIEW

Disclosure of Interest

Cr Eades declared a pecuniary interest in this item. Cr Eades advised that she works for an organisation that just received a funding grant from BHP.

Cr Green declared a pecuniary interest in this item. Cr Green advised that her husband is employed by BHP. Cr Green remained absent from the Chambers and therefore took no part in discussion or voting on this item.

Cr Reynolds declared a pecuniary interest in this item. Cr Reynolds advised that he is employed by BHP.

At 6.04pm Cr Eades and Cr Reynolds left the meeting and therefore took no part in discussion or voting on this item.

136 RESOLVED on the motion of Crs Bailey and Foy that:

Council provide additional funds of \$63,000 for the Legal Budget as part of the September 2017/2018 Budget Review and an additional \$50,000 to continue matters in regard to the Mt Arthur Coal Rehabilitation Strategy.

At 06:29pm Crs Eades, Reynolds and Green returned to Council Chambers.

8 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

9 CORPORATE AND COMMUNITY SERVICES

S.1 SEPTEMBER 2017 BUDGET REVIEW

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

Council adopt the list of proposed changes and incorporate them into the 2016/17 Budget.

10 CLOSURE

The meeting was declared closed at 6.30 pm.

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Mr S. McDonald

General Manager

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Cr M. Rush

Chairperson