

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL  
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 12  
DECEMBER, 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.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 (Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Ms N. Cowley (Manager, Corporate Services), Mr G. Gardner (Acting Manager, Planning & Environmental Services), Mr M. Lysaught (Manager, Property & Building), Mr A. Mitreski (Policy Officer), Mrs M. Sandell-Hay (PA to General Manager), 9 people in the public gallery and 1 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**

139 RESOLVED on the motion of Crs McNeill and Bailey 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**

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

The Minutes of the Ordinary Meeting held on 14 November 2017, and the Extra Ordinary Meeting held on 29 November 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 J. Eades** – Declared a pecuniary interest in Item 19.12. Cr Eades advised Council that the company she is employed by receives funding from Mt Arthur.

**Cr R. Scholes** – Declared a significant non-pecuniary interest in Item 12.2. Cr Scholes advised Council that he is a Committee Member of the Rugby Club.

**Cr M. Green** – Declared a pecuniary interest in Item 19.12. Cr Green advised Council that her husband is employed by BHP.

**Cr S. Bailey** – Declared a pecuniary interest in Item 10.2. Cr Bailey advised Council that his employer is a representative of the applicant. Cr Bailey also declared significant non-pecuniary interest in Item 19.5. Cr Bailey advised Council that he undertakes business with the owner of the property to be purchased.

## 6 PUBLIC PARTICIPATION

Cr Rush advised the meeting that it was his intention to move a motion to defer Item 10.1 to the February, 2018 Council meeting and inquired whether anyone present still wanted to address Council.

Mr Taylor indicated he would still like to address Council

141 RESOLVED on the motion of Crs McNeill and Bowditch that:

Mr Taylor be invited to address Council.

- i. **Granville Taylor** - Objecting item 10.1 – Development Application 72/2003 – Section 96 (1A) – Increase hours of operation to 24 hours.
- ii. **Mr Rob Booth (Wideland Motor Group)** – Supporting item 10.2 – Development Application 57/2017 – Construction of Ford and Isuzu showroom, vehicle display and signage, Maitland Street, Muswellbrook.

Cr Bailey declared a pecuniary interest in this item. Cr Bailey advised that his employer is a representative of the applicant. Cr Bailey left the meeting room at 6.08pm and therefore took no part in discussion on this item.

Cr Bailey returned to the meeting room at 6.09pm.

## 7 MAYORAL MINUTES

Nil

## 8 GENERAL BUSINESS

Nil

## 9 BUSINESS ARISING

Nil

## 10 ENVIRONMENTAL SERVICES

### 10.1 DEVELOPMENT APPLICATION 72/2003 - SECTION 96(1A) - INCREASE HOURS OF OPERATION TO 24 HOURS.

#### MOTION:

RECOMMENDED on the motion of Crs Rush and Bowditch that this item be deferred to the February 2018 Ordinary Council meeting.

General discussion took place.

The Motion was WITHDRAWN.

142 RESOLVED on the motion of Crs Eades and Foy that:

Council, as the consent authority, REFUSE Development Application No. 72/2003/2 proposing an amendment to Condition 1.11 to modify the hours of operation at Lot 100 DP 793194, Corner of Thompson and Maitland Street, Muswellbrook for the following reasons:

1. The proposed extension of trading hours is likely to have a significant impact on the amenity of adjoining residential properties with respect to acoustic privacy, traffic, headlight intrusion, odour, security and safety.
2. The proposed amendment to trading hours does not adequately address potential adverse social impacts such as increases in anti-social behaviour, criminal activity and public order incidents.
3. The subject site is not considered to be suitable for the proposed amendment to trading hours given its location adjacent to an established residential area and motel development.
4. The proposal is not considered to be in the public interest given the likely social and amenity impacts on the locality.

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

Against: Crs S. Bailey, M. Bowditch, G. McNeill and M. Rush.

## **10.2 DEVELOPMENT APPLICATION NO. 57/2017 - CONSTRUCTION OF FORD AND ISUZU SHOWROOM, VEHICLE DISPLAY AND SIGNAGE, MAITLAND STREET, MUSWELLBROOK**

### **Disclosure of Interest**

Cr Bailey declared a pecuniary interest in this item. Cr Bailey advised that his employer is a representative of the applicant. At 06:12 PM Cr Scott Bailey left the Council Chambers and therefore took no part in discussion or voting on this item.

**143** RESOLVED on the motion of Crs Rush and Woodruff that:

DEFERRED to the February 2018 Council meeting.

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

Against: Nil.

At 06:13 PM Cr Scott Bailey returned to Council Chambers.

## **11 COMMUNITY INFRASTRUCTURE**

### **11.1 BROOK STREET BUS STOP LOCATIONS**

**144** RESOLVED on the motion of Crs Rush and Scholes that:

1. The Bus Stop in Brook Street (on southern side) be relocated back to the permanent location existing prior to the temporary relocation during the construction project.
2. The CBD street specifications be amended to include the design of Bus Shelters to ensure uniformity of these structures across the CBD.

## **11.2 ACCELERATED DEPLOYMENT OF LED STREET LIGHTS ON RESIDENTIAL STREETS**

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

Council

1. Agree to the Ausgrid proposal of accelerated replacement of pre 2009 street lights with LED lights;
2. Delegate authority to the General Manager to negotiate internal/external loan funding arrangements for the capital required to implement the accelerated replacement of the above lights.

## **12 CORPORATE AND COMMUNITY SERVICES**

### **12.1 FLYING FOX CAMP MANAGEMENT PLAN**

146 RESOLVED on the motion of Crs Green and Woodruff that:

Council adopt the Flying Fox Camp Management Plan.

### **12.2 SPORT AND RECREATION GRANTS PROGRAMME - THIRD ROUND**

#### **Disclosure of Interest**

Cr Scholes declared a non-pecuniary interest in this item. Cr Scholes advised that he is a Committee Member of the Rugby Club which has submitted an application. At 06:15pm Cr Rod Scholes left the Council Chambers and therefore took no part in discussion or voting on this item.

147 RESOLVED on the motion of Crs McNeill and Green that:

Council allocate funds as identified in the report subject to an amendment correcting \$42,000 to \$24,000 being the amount of unallocated funds.

At 06:16pm Cr Rod Scholes returned to Council Chambers.

### **12.3 FINDINGS OF THE COMMUNITY PANEL COMMUNITY ENGAGEMENT PROGRAM**

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

Council consider the recommendations made by the Community Panel.

### **12.4 ESTABLISHMENT OF AN UPPER HUNTER ECONOMIC DEVELOPMENT CORPORATION**

149 RESOLVED on the motion of Crs Ward and Bailey that:

1. Council endorse the establishment of an Upper Hunter Economic Development Corporation and in accordance with section 358 of the Local Government Act, direct Council officers to make application to the Minister of Local Government for approval to establish an entity.

2. A Constitution and funding agreement be presented to Council in a future report.

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

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

The information contained in this report be noted.

## **12.6 DRAFT VOLUNTARY PLANNING AGREEMENT BETWEEN MUSWELLBROOK MINING COMPANY LIMITED AND MUSWELLBROOK SHIRE COUNCIL**

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

1. Council endorse the Draft Voluntary Planning Agreement between Muswellbrook Shire Council and Muswellbrook Mining Company Limited for public exhibition for 28 days; and
2. Any public submission(s) received during the period of public exhibition, be considered in a report to Council prior to Council's adoption of the Voluntary Planning Agreement.

## **13 REPORTS FROM COMMITTEES**

### **13.1 LOCAL TRAFFIC COMMITTEE - 21/11/2017**

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

The Minutes of the Local Traffic Committee Meeting held on Tuesday 21 November 2017 be received and the recommendations contained therein ADOPTED.

### **13.2 INFRASTRUCTURE COMMITTEE - 29/11/2017**

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

The Minutes of the Infrastructure Committee Meeting held on Wednesday 29 November 2017 be received and the recommendations contained therein ADOPTED.

### **13.3 CORPORATE POLICY AND PLANNING COMMITTEE - 29/11/2017**

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

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 29 November 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 SPUR HILL CONSULTATIVE COMMITTEE**

Cr Stephen Ward reported that he attended the Spur Hill Consultative Committee meeting recently. Spur Hill is trying to acquire Drayton South's lease to use for underground mining only.

### **16.2 MANGOOLA COMMUNITY CONSULTATIVE COMMITTEE**

Cr Stephen Ward that he attended the Mangoola Coal Consultative committee recently. Cr Ward advised that the rehabilitation onsite is looking good and that they are going to drill 19 exploration holes.

### **16.3 ST JOSEPHS DENMAN ANNUAL PRESENTATION DAY**

Cr Stephen Ward reported that he attended the St Joseph's Primary School Denman's Presentation Day held recently.

### **16.4 MARTINDALE PUBLIC SCHOOL ANNUAL PRESENTATION DAY**

Cr Stephen Ward reported that he attended the Martindale Public School Presentation Night and Christmas Tree held recently.

### **16.5 SOUTH MUSWELLBROOK PUBLIC SCHOOL ANNUAL PRESENTATION DAY**

Cr Rod Scholes reported that he attended the Muswellbrook South Public School's Presentation Day held recently.

### **16.6 DENMAN PUBLIC SCHOOL ANNUAL PRESENTATION DAY**

Cr Rod Scholes reported that he attended the Denman Public School Presentation Day held recently.

### **16.7 GIRLS ACADEMY EVENT**

Cr Rod Scholes reported that he attended the Girls Academy Launch held at the Muswellbrook High School held recently. Cr Scholes advised that the Girls Academy is aimed at Aboriginal girls in high school to maintain their attendance levels as well as providing cultural and personal support. Cr Scholes also advised the meeting that there are currently 50 girls enrolled in the program which was founded by Ricky Grace who is a well-known basketball player in the USA.

### **16.8 MUSWELLBROOK PUBLIC SCHOOL PRESENTATION DAY**

Cr Michelle Green reported that she attended the Muswellbrook Public School Presentation Day held recently.

### **16.9 MUSWELLBROOK RACE CLUB**

Cr Michelle Green congratulated the Muswellbrook Race Club for their work in organising the three day extravaganza that included the Muswellbrook Cup, a Golf Day and the Christmas Spectacular.

**16.10 EMERGENCY SERVICES BBQ**

Cr Mark Bowditch reported that he attended a joint BBQ of the SES and RFS. Cr Bowditch advised that having these two essential services working closely and communicating will be very useful for both parties going forward.

**16.11 SENIORS CHRISTMAS LUNCH**

Cr Scott Bailey reported that he attended the Senior's Christmas Lunch held recently which was well attended and received.

**16.12 LEGACY CHRISTMAS FUNCTION**

Cr Scott Bailey reported that he attended the Legacy Christmas Function held recently.

**16.13 UPPER HUNTER PALLIATIVE CARE INITIATIVE**

Cr Scott Bailey reported that he attended the launch of the Upper Hunter Palliative Care initiative. Cr Bailey advised Council that the event was well attended and that there are currently 8 trained volunteers operating within the Upper Hunter and asked that a letter of appreciation be provided to the Cancer Council for this important service.

**17 QUESTIONS FOR NEXT MEETING**

**17.1 DUST EXCEEDANCES AND MONITORING**

Cr Mcneill advised that a number of residents have spoken to him regarding the number of dust exceedances and inquired whether council plays a part in seeking answers from the appropriate authorities on how they will be managed in the future to reduce the incidents?

Ms Plesman advised council that after receiving a number of exceedances council wrote to the EPA and Department of Planning seeking advice regarding applying controls for dust management. council has also been invited to attend meetings with the various authorities and has also written a letter of complaint regarding air quality in Muswellbrook but is yet to receive a response.

Mr McDonald further advised Council that staff have met with compliance officers to discuss this matter.

Cr Rush further advised Council that there are two investigations being undertaken which originated from complaints from Council.

**17.2 MERRY CHRISTMAS**

Cr Brett Woodruff thanked everyone for an exceptional year and wished Councillors and staff a very Merry Christmas.

At 06:29 PM Councillor Jason Foy left the Council Chambers.

**18 ADJOURNMENT INTO CLOSED COUNCIL**

**155** RESOLVED on the motion of Crs Bailey and Bowditch 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 AWARD OF CONTRACT NO 2016-2017-0280 C1 - UPGRADE OF ELECTRICAL SWITCH GEAR AT MUSWELLBROOK WATER TREATMENT 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 BUSINESS CASE FOR DOMESTIC WASTE COLLECTION**

Item 19.2 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 PANEL SOURCE TENDER FOR THE PROVISION OF LINEMARKING**

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 VICTORIA PARK - TELSTRA LEASE**

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 CIVIC PRECINCT - PURCHASE OF PROPERTY**

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.

**19.6 AWARD OF CONTRACT 2017-2018-0321 - PHOTOCOPIER AND PRINT MANAGEMENT SOLUTION**

Item 19.6 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.

**19.7 CAPITAL EXPENDITURE REVIEW - REGIONAL ENTERTAINMENT AND CONFERENCE CENTRE**

Item 19.7 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.



**19.8 CAPITAL EXPENDITURE REVIEW - OLYMPIC PARK PRECINCT UPGRADE**

Item 19.8 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.

**19.9 COUNCILS GRANT APPLICATION PROGRAM**

Item 19.9 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.

**19.10 PLANNING AND REGULATORY SERVICES**

Item 19.10 is classified CONFIDENTIAL under the provisions of Section10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.11 PROVISION AND MANAGEMENT OF COMPANION ANIMAL IMPOUNDING FACILITY (ANIMAL SHELTER)**

Item 19.11 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.

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

Item 19.12 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 AWARD OF CONTRACT NO 2016-2017-0280 C1 - UPGRADE OF ELECTRICAL SWITCH GEAR AT MUSWELLBROOK WATER TREATMENT WORKS**

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

Council

1. Approve the acceptance of the tender submitted by Itech Corporation Pty Ltd, in the amount of \$ 449,691 (excl. GST and Contingencies) for the Switch Gear Upgrade at the Muswellbrook Water Treatment plant, Contract 2016-2017-0280 C1;
2. Approve the contingency provision allocation as detailed in the report.

## **19.2 BUSINESS CASE FOR DOMESTIC WASTE COLLECTION**

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

Council resolve to proceed in accordance with Option 2 as described in the report.

## **19.3 PANEL SOURCE TENDER FOR THE PROVISION OF LINEMARKING**

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

Council:

1. Award this Contract to the following contractors as panel for engagement in the provision of linemarking service to our Council for the period 1 October 2017 to 30 September 2019:
  - WorkForce Road Services
  - Complete Linemarking Services
  - Oz Linemarking NSW Pty Ltd
  - J & M Road Marking Pty Ltd
2. Agrees that a provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 30 September 2020.

## **19.4 VICTORIA PARK - TELSTRA LEASE**

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

Council proceed with the Heads of Agreement for proposed the Lease with Telstra Corporation Limited.

## **19.5 CIVIC PRECINCT - PURCHASE OF PROPERTY**

### **Disclosure of Interest**

Cr Bailey declared a significant non-pecuniary interest in this item. Cr Bailey advised Council that he undertakes business with the owner of the property proposed to be purchased. At 06:30pm Cr Scott Bailey left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council:

1. Proceed with the purchase of the property as identified in the report.
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 if necessary for the Council Seal to be affixed to the Contract of Sale and

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Transfer document relating to the purchase by Council of the subject property.

4. The subject property be classified as "Operational" land within the meaning of Division 1, Part 2 of the Local Government Act 1993.
5. such funds to be sourced from the Future fund in diminution of the amount set aside for loan repayment.

At 06:32pm Cr Scott Bailey returned to Council Chambers.

**19.6 AWARD OF CONTRACT 2017-2018-0321 - PHOTOCOPIER AND PRINT MANAGEMENT SOLUTION**

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

1. Council awards contract 2017-2018-0321 – Photocopier and Print Management Solution to ColourWorks Australia's proposal of all inclusive print plan at a term of 60 months as the single source supplier to Muswellbrook Shire Council commencing 1 January 2018.
2. A provision be allowed for a 12 month extension based on satisfactory supplier performance.

**19.7 CAPITAL EXPENDITURE REVIEW - REGIONAL ENTERTAINMENT AND CONFERENCE CENTRE**

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

1. Council endorse the Capital Expenditure Review for the Regional Entertainment and Conference Centre.
2. Resolve that the Office of Local Government be notified of Council's intention to proceed with the project.

**19.8 CAPITAL EXPENDITURE REVIEW - OLYMPIC PARK PRECINCT UPGRADE**

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

1. Council endorse the Capital Expenditure Review for the Olympic Park Precinct Upgrade.
2. Resolve that the Office of Local Government be notified of Council's intention to proceed with the project.
3. Investigate the alternatives for traffic management as outline in the Capital Expenditure Review to achieve a functional outcome within financial constraints.

**19.9 COUNCILS GRANT APPLICATION PROGRAM**

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

Council notes the 2017 grant application program and that the program has budget implications.

**19.10 PLANNING AND REGULATORY SERVICES**

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

This item be considered after 19.12.

**19.11 PROVISION AND MANAGEMENT OF COMPANION ANIMAL IMPOUNDING FACILITY  
(ANIMAL SHELTER)**

166 RESOLVED on the motion of Crs Woodruff and Green that:

1. Council supports Option 2, being purchase of the subject land, building a new facility and running the facility in-house.
2. The General Manager considers further utilisation of the site by other Council units.

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

**Disclosure of Interest**

Cr J. Eades declared a pecuniary interest in this item. Cr Eades advised Council that her company received funding from Mt Arthur.

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

Ms N. Bobsien declared a pecuniary interest in this item. Ms Bobsien advised that her partner is employed by BHP.

At 06:34pm Cr Janelle Eades, Cr Michelle Green and Ms G. Bobsien left the Council Chambers and therefore took no part in discussion or voting on this item.

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

1. Council consider the terms of the offer from Hunter Valley Energy Coal Pty Limited in its letter dated 11 December 2017;
2. Delegate to the General Manager authority to finalise negotiations consistent with the terms of Annexure B 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;
3. For the purpose of the negotiations, the matters in the Annexure be disclosed to Mt Arthur; and
4. Council authorise the affixing of Council's Seal to the Deed, if required, in accordance with the regulations.

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At 06:36pm Cr Janelle Eades, Cr Michelle Green returned to Council Chambers.

Staff, other than the General Manager, Director – Planning, Community & Corporate Services and PA to the General Manager left the meeting at 6.36pm.

**19.10 PLANNING AND REGULATORY SERVICES**

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

A further report be provided to the February 2018 Council meeting.

**20 RESUMPTION OF OPEN COUNCIL**

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

The meeting return to Open Council.

**21 CLOSURE**

The meeting was declared closed at 6.49pm.

**THE MINUTES OF THE MEETING (PAGES 1 TO 13) WERE CONFIRMED AT THE  
ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON  
TUESDAY 13 FEBRUARY, 2018 AND ARE A FULL AND ACCURATE RECORD OF  
PROCEEDINGS OF THE MEETING HELD ON TUESDAY 12 DECEMBER, 2017**

.....  
Mr S. McDonald  
**General Manager**

.....  
Cr M. Rush  
**Chairperson**