

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

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director, Community Infrastructure), Ms C. O'Brien (Acting 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), Ms S. Pope (Executive Manager - Planning Environment & Regulatory Services), Mr M. Lysaught (Manager, Property & Building), Mr J. Brown (Executive Services Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager), 29 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

1 RESOLVED on the motion of Crs Eades and Reynolds that:

The apologies for inability to attend the meeting submitted by Cr S.L. Bailey, Cr. M. Bowditch, Cr S.J. Ward and Cr B.N. Woodruff be ACCEPTED and the necessary Leave of Absence be GRANTED.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Minutes of the Ordinary Meeting held on 12 June 2018, and the Extra Ordinary Meeting held on 28 June 2018, 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 G. McNeill – Declared a non-pecuniary interest in Items 10.1 and 10.2. Cr McNeill advised Council that he is the part owner of a property opposite the development and is a co-objector.

Cr S. Reynolds – Declared an insignificant non-pecuniary interest in Item 12.1. Cr Reynolds advised Council that he is employed by an Industry Magazine although there is no relationship with APC.

Cr M. Green – Declared a pecuniary interest in Item 13.3. Cr Green advised Council that her husband is employed by Mt Arthur.

6 PUBLIC PARTICIPATION

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

The members of public wishing to address Council do so prior to consideration of the relevant

report.

7 BUSINESS ARISING

Nil

8 MAYORAL MINUTES

Nil

9 GENERAL BUSINESS

Nil

ORDER OF BUSINESS

- 4 RESOLVED on the motion of Crs Rush and Scholes that:

Standing Orders be suspended in order to allow Item 12.2 to be considered as the first item of Business

12.2 DRAFT MUSWELLBROOK AQUATIC CENTRE MASTER PLAN

PUBLIC PARTICIPATION

Ms K. Foot – spoke in opposition to Item 12.2

Mr R. Hartin – in opposition to Option 1 but supporting Option 3 to Item 12.2

- 5 RESOLVED on the motion of Crs Rush and Foy that:

Council adopt Option 3, the Shared Indoor and Refurbished Outdoor 50m Pool Design Concept Master Plan.

10 ENVIRONMENTAL SERVICES

Public Participation

Cr G. McNeill – in opposition to Items 10.1 & 10.2.

Ms H. Sheppard - in support of Items 10.1 & 10.2

10.1 DA20/2018 FIRST USE & FIT OUT TO EXISTING COMMERCIAL BUILDING FOR 'REPCO'

Disclosure of Interest

Cr G. McNeill declared a non-pecuniary interest in Items 10.1 and 10.2. Cr McNeill advised Council that he is the part owner of a property opposite the development and is a co-objector. At 06:46 pm Cr McNeill left the Council Chambers and therefore took no part in discussion or voting on this item and Item 10.2.

- 6 RESOLVED on the motion of Crs Rush and Reynolds that:

Development Application No. 20/2018 proposing First Use & Fit Out to Existing Commercial Building 'REPCO' at Lot A DP 332469, 4 Lorne Street Muswellbrook be approved subject the conditions in Appendix A to the report.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 10 JULY,
2018 COMMENCING AT 6.00PM.**

In Favour: Crs J. Eades, J. Foy, M. Green, J. Ledlin, S. Reynolds, M. Rush and R. Scholes.

Against: Nil.

10.2 DA110/2017 PROPOSED BUSINESS IDENTIFICATION SIGNAGE

7 RESOLVED on the motion of Crs Rush and Reynolds that:

Council determine DA No. 110/2017 for the installation of signs at Lot A DP 332469, 4 Lorne Street, Muswellbrook, by the granting approval, subject to the conditions outlined in Attachment A, amended as follows:

- a) Condition 1 to reference plans submitted 9 July, 2018 (marked revision 6) and to delete all signs proposed on Lorne Street façade except the awning signs.
- b) Condition 3 to require planting with appropriate climbing species that will be trained to cover the entire Lorne Street façade of the building.

Reasons for decision

Proposed signage on the Lorne Street façade will have an adverse impact on a local heritage item and residential area.

In Favour: Crs J. Eades, J. Foy, M. Green, J. Ledlin, S. Reynolds, M. Rush and R. Scholes.

Against: Nil.

At 06:51pm Cr McNeill returned to Council Chambers.

10.3 S 96(2) DA 17/2017 ADD SATELLITE DISH, EXTERNAL MAST STRUCTURE AND EMERGENCY GENERATOR

Public Participation

Mr M. Morris – made himself available for questions relating to Item 10.3

8 RESOLVED on the motion of Crs Rush and Eades that:

The s4.55(2) modification requested for Development Application No. 017/2017, proposing to add a Satellite Dish, External Mast Structure and Emergency Generator to the Commercial Radio Station at 56 Brook Street Muswellbrook Lot 2 & 3 DP 539301, be approved subject to amended conditions in Attachment A to this report.

In Favour: Crs J. Eades, J. Foy, M. Green, J. Ledlin, G. McNeill, S. Reynolds, M. Rush and R. Scholes.

Against: Nil.

11 COMMUNITY INFRASTRUCTURE

Nil

12 CORPORATE AND COMMUNITY SERVICES

12.1 MODIFICATION TO DARTBROOK COAL MINE

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

Council delegates authority to the General Manager to prepare a submission on behalf of Council regarding proposed Modification 7 of DA 231-7-2000 (Dartbrook Mine).

12.3 APPOINTMENT OF THE LOCAL EMERGENCY MANAGEMENT OFFICER AND DEPUTY

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

1. The Director – Community Infrastructure be appointed as the Local Emergency Management Officer.
2. Council appoint 2 Officers to support the LEMO role as Deputy LEMO's. The Acting Director – Planning, Community & Corporate Services and the Manager Property and Building be appointed as Deputy Local Emergency Management Officer's.

12.4 INFORMATION SERVICES STRATEGY UPDATE

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

The information contained in this report be noted.

12.5 FIBRE OPTIC EXTENSION TO ANIMAL SHELTER SITE

12 RESOLVED on the motion of Crs Green and Ledlin that:

Council approve funding of \$135,000 for the construction of fibre optic connectivity to the proposed new animal care facility to be funded as recommended by the CFO from the Fibre Optic Contingency Fund (\$20k), the Corporate Community Services Capital General Program (\$153k) and the Capital Contingency Budget (\$200k).

12.6 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2018

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

1. The General Manager or her nominee be authorised to attend the 2018 Annual Local Government NSW Conference in Albury to be held 21-23 October 2018.
2. Councillors Rush and Scholes be elected voting delegates.
3. Arrangements be made for registration, accommodation and travel to the Conference.

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

14 RESOLVED on the motion of Crs Ledlin and Green that:

1. The information contained in this report be noted, and
2. An Extra-Ordinary meeting of Council take place on 16 July, 2018.

12.8 2017/18 CARRYOVER PROJECTS

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

1. The attached lists of Operating and Capital Carryovers be adopted.
2. The final value, based on the adjusted actual 2017/18 expenditure, be incorporated into the 2018/19 Budget prior to the September 2018 Budget Review.

13 REPORTS FROM COMMITTEES

13.1 INFRASTRUCTURE COMMITTEE - 28/06/2018

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

The Minutes of the Infrastructure Committee Meeting held on Thursday 28 June 2018 be received and the recommendations contained therein ADOPTED.

13.2 CORPORATE POLICY AND PLANNING COMMITTEE - 28/06/2018

17 RESOLVED on the motion of Crs McNeill and Ledlin that:

The Minutes of the Corporate Policy And Planning Committee Meeting held on Thursday 28 June 2018 be received and the recommendations contained therein ADOPTED.

13.3 MT ARTHUR COMMUNITY FUNDING INVESTMENT COMMITTEE - 7/06/2018

Disclosure of Interest

Cr M. Green declared a pecuniary interest in this Item. Cr Green advised that her husband is an employee of Mt Arthur.

Cr S. Reynolds declared a non-pecuniary interest in this item. Cr Reynolds advised that he is a previous employee of Mt Arthur.

At 06:56 pm Cr Green and Cr Reynolds left the Council Chambers and therefore took no part in discussion or voting on this item.

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

This item be deferred to the next meeting of Council.

At 06:56pm Cr Green and Cr Reynolds returned to Council Chambers.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

16.1 NAIDOC WEEK

Cr Ledlin advised Council that this year's NAIDOC Celebrations were currently being undertaken and that the theme for this year's Celebrations is "Because Of Her We Can". Cr Ledlin advised that there had already been a number of Flag Raising Ceremonies including the one held at Simpson Park on Monday which saw significant women of the NAIDOC Committee raising the Flag. Cr Ledlin also advised Council that there was another Flag Raising Ceremony being held on Wednesday at the Muswellbrook Hospital and that the NAIDOC Awards Ceremony was being held at Muswellbrook RSL Club on Friday 13 July, 2018

16.2 KARoola DOG PARK OPENING

Cr Michelle Green advised Council that she attended the Grand Opening of the Karoola Dog Park and thanked staff for their efforts in upgrading the Dog Park and co-ordinating the Opening as she had only received positive feedback concerning the upgrade.

16.3 FLAG RAISING CEREMONY

Cr Scholes advised Council that he had also attended an Aboriginal Flag Raising Ceremony at the Local Aboriginal Land Council last week.

17 QUESTIONS FOR NEXT MEETING

17.1 PLANNING STRUCTURE DOCUMENT

Cr Reynolds inquired whether a copy of an early draft version of a document relating to the restructure of Council's Planning Department could be provided to Councillors?

19 RESOLVED on the motion of Crs Rush and Eades that:

The meeting move into Closed Council for discussion on this item.

Members of the public left the meeting at this stage.

Cr Rush advised that Councillors were provided with a final version and that the draft version of the document would not be provided. Further Cr Rush advised that draft reports concerning employment matters were generally matters for the General Manager and sought clarification as to why the document was being requested. Cr Reynolds denied that he had been asked by a former councillor for the document.

Cr Reynolds withdrew his request.

RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

17.2 MT PLEASANT MINE MODIFICATION 3 APPLICATION

Cr Reynolds asked whether an update could be provided regarding the meeting held with the Planning Assessment Commission last week concerning the Mt Pleasant Mine Modification 3 Application. Cr Reynolds also inquired whether Councillors would be provided the opportunity to comment on the submission?

Cr Rush advised the meeting that Council delegated the making of a submission to the General Manager at a meeting in 2017.

Cr Rush also advised that Council would be providing Conditional Support.

Ms Plesman advised the meeting that the submission was being finalised and would be circulated to Councillors prior to it being submitted.

17.3 DIARY INVITES

Cr Reynolds inquired whether all Councillors could be invited to/advised of the various committee meetings being held, eg the Sporting Groups etc?

Ms Plesman advised that this would occur.

18 ADJOURNMENT INTO CLOSED COUNCIL

21 RESOLVED on the motion of Crs Foy 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:

19.1 TENDER NO. 2017-2018-0272 - STRENGTHENING OF SPRING CREEK BRIDGE

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 EXECUTION OF \$7M LOAN FOR RWTW

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.

19.3 MUSWELLBROOK SHIRE COUNCIL PROPOSED NEW ORGANISATIONAL STRUCTURE

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(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.

Members of the public left the meeting at this stage.

19 CLOSED COUNCIL

19.1 TENDER NO. 2017-2018-0272 - STRENGTHENING OF SPRING CREEK BRIDGE

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

The tender submitted by Saunders Civilbuild Pty Ltd. for the strengthening of Spring Creek Bridge be accepted and the General Manager be delegated authority to sign the tender documents.

19.2 EXECUTION OF \$7M LOAN FOR RWTW

23 RESOLVED on the motion of Crs Rush and Foy that:

This item be deferred to the Extra-Ordinary Council Meeting being held on Monday 16 July, 2018.

Members of staff except for Ms Plesman, Mr Brown and Mrs Sandell-Hay left the meeting at this stage.

19.3 MUSWELLBROOK SHIRE COUNCIL PROPOSED NEW ORGANISATIONAL STRUCTURE

24 RESOLVED on the motion of Crs Rush and Foy that:

Council endorse the proposed organisation structure.

20 RESUMPTION OF OPEN COUNCIL

25 RESOLVED on the motion of Crs Eades and Reynolds that:

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 7.16 pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 8) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 14 AUGUST, 2018 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 10 JULY, 2018

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Ms Fiona Plesman

General Manager

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Cr M. Rush

Chairperson