

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 16 JULY, 2018 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 J.L. Ledlin, Cr R.W. Scholes, Cr S.J. Ward and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director, Community Infrastructure), Ms C. O'Brien (Acting Director, Planning, Community & Corporate Services), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Ms N. Cowley (Manager, Corporate Services), Ms S. Pope (Executive Manager - Planning Environment & Regulatory Services), Mr J. Brown (Executive Services Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager) and 3 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

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

The apologies for inability to attend the meeting submitted by Cr. G. McNeill, Cr. M. Green and Cr. S. Reynolds be ACCEPTED and the necessary Leave of Absence be GRANTED.

4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr Bowditch – Declared a pecuniary interest in item 6.4. Cr Bowditch advised Council that the company he works for undertakes work at Mt Pleasant.

Cr Bowditch – Declared a pecuniary interest in Items 8.2 and 8.3. Cr Bowditch advised Council that his employer undertakes work at the site

Cr Woodruff – Declared a pecuniary interest in Item 6.4. Cr Woodruff advised Council that his employer has entered the tender process for the applicant.

5 PUBLIC PARTICIPATION

Nil

6 CORPORATE AND COMMUNITY SERVICES

6.1 MAKING OF THE RATES AND ANNUAL CHARGES FOR 2018-19

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

GENERAL FUND

RECOMMENDED that the following Ordinary Rates be NOW MADE for the 2018/19 Financial Year.

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 16 JULY, 2018 COMMENCING AT 6.00PM.

Rate Type	Category	Sub-Category	Ad Valorem Cents in \$	Base/Min \$	Base as % of Total Rate Levied
Ordinary	Residential	Residential General	0.4467857	\$240	22.77%
Ordinary	Residential	Muswellbrook & Denman	0.5933775	\$290	38.66%
Ordinary	Farmland	Farmland General	0.3496211	\$400	14.57%
Ordinary	Farmland	Affected Mining by	1.0223658	\$15,000	0%
Ordinary	Farmland	Irrigable	0.3788571	\$440	11.38%
Ordinary	Farmland	Offset	1.0223658	\$15,000	0%
Ordinary	Mining	Mining General	1.0223658	\$15,000	3.68%
Ordinary	Mining	Underground Coal Mining	26.9161393	\$15,000	3.37%
Ordinary	Business	Business General	1.1686422	\$250	10.06%
Ordinary	Business	Power Generation	7.8095063	\$25,000	19.93%
Ordinary	Business	Thomas Mitchell Drive Industrial Centre	1.1765032	\$275	12.83%
Ordinary	Business	Showground Release Area	0.2182791	\$250	2.36%

WATER CHARGES

RECOMMENDED that the Council do hereby prescribe and order under Section 552 of the Local Government Act 1993, the following water charges be NOW MADE for the 2018/19 Financial Year:-

1. A Water Service Availability Charge is charged for each service to the property in respect of land that is supplied with water from a water pipe of the Council and land that is situated

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 16 JULY, 2018 COMMENCING AT 6.00PM.

within 225 metres of a water pipe of the Council (whether or not actually supplied with water from any water pipe of the Council). The Water Service Availability Charge is based on the service size of the connection to the water supply line. The Water Service Availability Charges for the 2018/19 Financial Year are:

Water Service Charge

Availability Charge (Not Connected)	\$ 186
Availability Charge (Connected)	
- 20mm service	\$ 186
- 25mm service	\$ 291
- 32mm service	\$ 476
- 40mm service	\$ 744
- 50mm service	\$1,163
- 65mm service	\$1,965
- 80mm service	\$2,976
- 100mm service	\$4,650
- 150mm service	\$10,463

2. A Consumption Tariff is to be charged per kilolitre for all water supplied. The water consumption tariffs for the 2018/19 Financial Year are:

<u>Consumption Tariff</u>	<u>(\$/Kl)</u>
Residential	Tier 1 (1-350Kl per annum) \$1.87/kl Tier 2 (>350Kl per annum) \$2.70/kl
Non-Residential	\$2.35 per Kl

SEWERAGE CHARGES

RECOMMENDED that the Council do hereby prescribe and order under Section 501 of the Local Government Act 1993, the following sewer charges be NOW MADE for the 2018/19 Financial Year:-

An annual charge for sewer is applicable to each rateable assessment except:

- a) land which is more than 75 metres from a sewer of the Council and is not connected to the sewer; and
- b) land from which sewage could not be discharged into any sewer of the Council.

1) Residential Sewer Charges

A Sewer Service Availability Charge is charged in respect of each Residential assessment for which the service is provided or is proposed to be provided. The Sewer Service Availability Charges for the 2018/19 Financial year are:-

Sewer Service Charge

Residential Sewer Availability Charge (Vacant)	\$270.00
--	----------

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 16 JULY, 2018 COMMENCING AT 6.00PM.

Residential Sewer Charge (Occupied) \$675.00

2) Non-Residential Sewerage Charges

Non-Residential Sewer Charges will be based on the following formula:

$$SC = SDF \times (AC + (C \times UC))$$

SC = Sewerage Charge

SDF = Sewerage Discharge Factor

AC = Availability Charge

C = Total water consumption for meter

UC = Sewer Usage Charge

The Sewer Service Availability Charges for the year commencing 1 July 2018 are:-

Sewer Service Availability Charge

Availability Charge (Not Connected) \$270.00

Availability Charge (Connected)

- 20mm service	\$270.00
- 25mm service	\$421.89
- 32mm service	\$691.20
- 40mm service	\$1,080.00
- 50mm service	\$1,687.50
- 65mm service	\$2,851.89
- 80mm service	\$4,320.00
- 100mm service	\$6,750.00
- 150mm service	\$15,187.50

The Sewer Usage Charge for the 2018/19 Financial Year is:-

<u>Sewer Usage Charge</u>	<u>(\$/Kl)</u>
Non-Residential Sewer Usage Charge	\$2.35

Discharge Factors required for non-residential properties will be determined on an individual property basis.

WASTE CHARGES

RECOMMENDED that the Council do hereby prescribe and order under Section 496 of the Local Government Act 1993, for rateable land categorised for rating purposes as Residential and situated within the urban area in which a Domestic Waste Management Service is able to be provided, that the following waste charges be NOW MADE for the 2018/19 Financial Year:-

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 16 JULY, 2018 COMMENCING AT 6.00PM.

Domestic Waste Management Service Charge

Urban Domestic Waste Management Availability Charge ^(a)	\$96.00
Urban Domestic Waste Management Service Charge ^(b)	\$390.00
Additional Urban Domestic Waste Management Service Charge	\$100.00
Additional Urban Domestic Waste Management Recycling Service Charge	\$70.00
Additional Urban Domestic Waste Management Green Waste Service Charge	\$30.00

- a) Charge applies to vacant rateable land categorised for rating purposes as Residential and situated within the urban area in which a Domestic Waste Management Service is able to be provided.
- b) Each premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material and one fortnightly collection of green waste for each Urban Domestic Waste Management Service Charge.

RECOMMENDED that the Council do hereby prescribe and order under Section 496 of the Local Government Act 1993, for rateable land categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Domestic Waste Management Service is able to be provided, that the following waste charges be NOW MADE for the 2018/19 Financial Year:-

Rural Domestic Waste Management Service Charge

Rural Domestic Waste Management Availability Charge ^(a)	\$96.00
Rural Domestic Waste Management Service Charge ^(b)	\$360.00
Additional Rural Domestic Waste Management Service Charge	\$100.00
Additional Rural Domestic Waste Management Recycling Service Charge	\$70.00
Rural Domestic Waste Management Green Waste Service Charge	\$30.00

- a) Charge applies to vacant rateable land categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Rural Domestic Waste Management Service is able to be provided.
- b) Each premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Rural Domestic Waste Management Service Charge.

RECOMMENDED that the Council do hereby prescribe and order under Section 501 of the Local Government Act 1993, for land not categorised for rating purposes as residential and situated within the urban area in which a Waste Management Service is able to be provided, that the following waste charges be NOW MADE for the 2018/19 Financial Year:-

Waste Management Service Charge

Urban Waste Management Availability Charge – Non-Domestic ^(a)	\$96.00
Waste Management Service Charge ^(b)	\$360.00

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 16 JULY, 2018 COMMENCING AT 6.00PM.

Additional Waste Management Service Charge	\$100.00
Additional Waste Management Recycling Service Charge	\$70.00
Waste Management Green Waste Service Charge	\$30.00

- a) Charge applies to vacant rateable land not categorised for rating purposes as Residential and situated within the urban area in which a Waste Management Service is able to be provided.
- b) Each premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge.

RECOMMENDED that the Council do hereby prescribe and order under Section 501 of the Local Government Act 1993, for land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Waste Management Service is able to be provided, that the following waste charges be NOW MADE for the 2018/19 Financial Year:-

Rural Waste Management Service Charge

Rural Waste Management Availability Charge – Non-Domestic ^(a)	\$96.00
Rural Waste Management Service Charge ^(b)	\$360.00
Additional Rural Waste Management Service Charge	\$100.00
Additional Rural Waste Management Recycling Service Charge	\$70.00
Rural Waste Management Green Waste Service Charge	\$30.00

- a) Charge applies to vacant rateable land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Rural Waste Management Service is able to be provided.
- b) Each premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Rural Waste Management Service Charge.

STORMWATER MANAGEMENT CHARGE

RECOMMENDED that the Council do hereby determine and order, in accordance with Section 496A of the Local Government Act 1993 to levy a Stormwater Management Charge for land within the Muswellbrook and Denman urban areas and included in the Town Planning Zones of R1 General Residential, B2 Local Centre, SP2 Infrastructure, IN2 Light Industrial, IN1 General Industrial and RU5 Village, except where exemption or variation to the charge is provided in accordance with the document "Stormwater Management Service Charge Guidelines" issued by the Division of Local Government in July 2006, be NOW MADE for the 2018/19 Financial Year at a rate of \$25.00 per assessment and \$12.50 per residential strata unit.

Where a non-residential assessment exists with an impervious land area falling within the ranges outlined below the charge will be levied in accordance with table established below:-

Area of Impervious Land	Charge
0- 1,199 sqm	\$ 25.00
1,200- 4,999 sqm	\$100.00
5,000- 9,999 sqm	\$375.00

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 16 JULY, 2018 COMMENCING AT 6.00PM.

Greater than 10,000 sqm \$725.00

INTEREST ON OVERDUE ACCOUNTS

RECOMMENDED that the Council do hereby determine and order, in accordance with Section 566 of the Local Government Act 1993, that if rates and charges are unpaid at the due date, the amount shall be increased by a sum calculated at seven point five per cent (7.5%) per annum simple interest, calculated daily for the Financial Year.

HUNTER CATCHMENT CONTRIBUTION

RECOMMENDED that the Council do hereby determine and order, in accordance with Clauses 36 and 40, Part 4 of the Local Land Services Regulation 2014 as advised by Hunter Local Land Services in 2018/19, a rate of 0.0111 (zero point zero one one one) cents in the dollar on the current Land Value of the land within the Council area. By virtue of the provisions of the above regulation, the Council is authorised, empowered and required to levy the said Catchment contribution rate in respect of the lands.

REASONS

1. Given the matters raised in sections 8 and 536 of the Local Government Act and all other relevant matters Council is obliged to consider, it is appropriate that that Council levy the approved Special Variation to fund the key community projects identified in Council's Delivery Program.
2. Given concerns relating to equity and affordability and that the Shire is experiencing a prolonged and severe drought, the Farmland rates will be isolated from the burden of the Special Variation.
3. Given the feedback during the consultation undertaken during the Special Variation application process, in order to address increasing costs of living, the impact on residents should be reduced to a 5.0% increase rather than the full 10.0% granted by the Independent Pricing and Regulatory Tribunal.
4. Further to that feedback, the pensioner rebate will be increased to fully offset the approved Special Variation and the Muswellbrook Showground will receive an exemption from the increase.
5. The creation of a new Business (Energy Generation) sub-category addresses an anomaly whereby the power generation industry paid considerably less rates than the mining industry, despite the significant impact that that industry has on the community's infrastructure.
6. As a matter of equity, underground mining will see an increase in its rating to bring it into parity with open cut mining.
7. A new sub-category for farming land capable of being irrigated will be introduced to help ensure that the Shire's floodplains are being more intensively used.
8. The new rates will not yield additional rating revenue above the approved rate peg determined by IPART despite several submissions suggesting otherwise.
9. Council very carefully considered the submissions lodged with respect to the Revenue Policy.

6.2 2017-2021 DELIVERY PROGRAM REVIEW

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

The revised 2017 – 2021 Delivery Program be adopted.

6.3 FUTURE FUND COMMITTEE

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

The matter be considered at the next Ordinary Council Meeting.

6.4 MT PLEASANT MODIFICATION 3 SUBMISSION

Disclosure of Interest

Cr M. Bowditch declared a pecuniary interest in this item. Cr Bowditch advised Council that the company he is employed by undertakes work on the Mt Pleasant site.

Cr B. Woodruff declared a pecuniary interest in this item. Cr Woodruff advised Council that his employer has entered the tender process for the applicant.

At 06:15 pm Cr Bowditch and Cr Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

30 RESOLVED on the motion of Crs Bailey and Eades that:

Council endorse the submissions to the NSW Independent Planning Commission with respect to the proposed Mt Pleasant Coal Mine Modification 3 Application.

At 06:16pm Cr Bowditch and Cr Woodruff returned to Council Chambers.

SUSPENSION OF STANDING ORDERS

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

Subject to that part of the report that concerns legal opinions remaining confidential the Item on the Revenue Policy be dealt with in Open Council.

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

At 6.26pm the meeting adjourn for 15 minutes to allow Councillors the opportunity to review the legal advice Council had received on this matter.

The meeting reconvened at 6.35pm

8.1 2018-2019 REVENUE POLICY

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

The 2018/2019 Revenue Policy be adopted.

- 34 RESOLVED on the motion of Crs Rush and Bailey that:

Residential - General

Council determines the sub-category for the category "Residential" called "Residential – General" for each parcel of rateable land valued as one assessment and its dominant use is residential (other than hotel, motel, guesthouse, boarding house, lodging house or nursing home) and is not connected to Council's sewer main.

- 35 RESOLVED on the motion of Crs Rush and Bailey that:

Residential – Muswellbrook & Denman

Council determines a sub-category for the category "Residential" called "Residential – Muswellbrook and Denman" for each parcel of rateable land valued as one assessment and its dominant use is residential (other than hotel, motel, guesthouse, boarding house, lodging house or nursing home), and is within the urban area of Muswellbrook and Denman townships and is either connected to Council's sewer main or is liable for a collection fee.

- 36 RESOLVED on the motion of Crs Rush and Bailey that:

Farmland - General

Council determines the sub-category for the category "Farmland" called "Farmland – General" for each parcel of rateable land valued as one assessment, if its dominant use is for farming and which:

- a) has a significant and substantial commercial purpose or character, and
- b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made),

and cannot be sub-categorised as:

- Farmland - Offset
- Farmland – Affected by Mining
- Farmland - Irrigable

- 37 RESOLVED on the motion of Crs Rush and Bailey that:

Farmland – Offset

Council determines a sub-category for the category "Farmland" called "Farmland - Offset" for each parcel of rateable land valued as one assessment ("the parcel") if its dominant use is for farming and which:

- a) has a significant and substantial commercial purpose or character, and
- b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made),
and
by reason of a planning law or a condition of a planning approval,

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 16 JULY, 2018 COMMENCING AT 6.00PM.

- c) the intensity of land use as farmland on the parcel or any part of it is limited by reason of one or more of the factors described in the schedule; and/or
- d) the productive capacity of the land for use as farmland on the parcel or any part of it is limited by reason of one or more of the factors described in the schedule

THE SCHEDULE

- i The parcel is used as an offset, including but not limited to and environmental offset, agricultural offset or aboriginal heritage or cultural offset.
- ii The parcel is used for the establishment or re-establishment of:
 - (a) significant and/or threatened plant communities;
 - (b) significant and/or threatened plant species;
 - (c) significant and/or threatened animal species.
- iii The parcel is used for the generation or regeneration of grassland.
- iv The parcel is used for:
 - a. enhancing the quality of existing vegetation and fauna habitat;
 - b. creating native vegetation and fauna habitat and rehabilitation through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary);
 - c. maximising the salvage of resources – including vegetative and soil resources – for beneficial reuse;
 - d. minimising the risk of *Phytophthora cinnamomi* spread;
 - e. collecting and propagating seed;
 - f. protecting vegetation and fauna habitat;
 - g. minimising the impacts on fauna, including undertaking pre-clearance surveys;
 - h. managing any potential conflicts enhancement works and any Aboriginal heritage values (both cultural and archaeological);
 - i. managing salinity;
 - j. controlling weeds and feral pests;
 - k. controlling erosion;
 - l. managing grazing and agriculture on site.
- v One or more parts of the parcel is not used for grazing or is only used for controlled stock movement to prevent incidental impacts to the cultural heritage values of the parcel or any part of it.
- vi One or more parts of the parcel is used in such a way as to exclude all domestic stock.

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

Farmland – Affected by Mining

Council determines a sub-category for the category “Farmland” called “Farmland - Affected by

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 16 JULY, 2018 COMMENCING AT 6.00PM.

Mining” for each parcel of rateable land valued as one assessment (“the parcel”) if its dominant use is for farming and:

- a) cannot be rated as “Farmland – Offset”; and
- b) on which the intensity of land use or productive capacity as farmland on the parcel or any part of it is limited by reason of one or more of the factors described in the schedule; and
- c) which has a significant and substantial commercial purpose or character, and
- d) which is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made),

THE SCHEDULE

- (i) The parcel’s productive capacity as farmland and/or market value is affected by dust emanating from one or more coal mine whether or not such coal mine shares a boundary with the parcel. Such dust cumulatively more than:
 - A. 15µg/m³ a day (annual averaging applying) at any farm residence; or
 - B. 30µg/m³ a day (24-hour averaging applying) on any part of the farm.
- (ii) The parcel’s productive capacity as farmland and/or market value is affected by noise emanating from one or more coal mine whether or not such coal mine shares a boundary with the parcel. Such noise being more than:
 - A. 3dB(A) above either:
 - the project noise trigger level for the mine causing noise affectation, as described in the Noise Policy for Industry (EPA 2017); or
 - the project specific noise level for the mine causing noise affectation, as described in the NSW Industrial Noise Policy (EPA 2000) as is applicable to the nearest mine, at any farm residence; or
 - B. 5dB(A) above either:
 - the project noise trigger level for the mine causing noise affectation, as described in the Noise Policy for Industry (EPA 2017); or
 - the project specific noise level for the mine causing noise affectation, as described in the NSW Industrial Noise Policy (EPA 2000)as is applicable to the nearest mine, on any part of the farm.
- (iii) The parcel’s productive capacity as farmland and/or market value is affected by it being used to satisfy a condition of consent granted in respect of a mine; for example (but not necessarily) as an environmental offset, agricultural offset or aboriginal heritage or cultural offset.

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

Farmland – Irrigable

Council determines a sub-category for the category “Farmland” called “Farmland – Irrigable” for each parcel of rateable land valued as one assessment if its dominant use is for farming which:

- a) is not affected by the economic and/or intensity of land use factors rendering it rateable as “Farmland – Affected by Mining; and

- b) cannot be rated as “Farmland – Offset”; and
- c) has a significant and substantial commercial purpose or character, and
- d) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made), and
- e) where the assessment or any part of the assessment:
 - (i) is irrigated for any farming purpose; or
 - (ii) has established irrigation reticulation capable of being used for any farming purpose; or
 - (iii) is wholly or partly within 100m of the Hunter River.

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

Mining - General

Council determines the sub-category for the category “Mining” called Mining - General for each parcel of rateable land valued as one assessment if its dominant use is for a coal mine or metalliferous mine and cannot be sub-categorised as:

- Mining – Underground Coal Mining

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

Mining – Underground Coal Mining

Council determines a sub-category of for the category “Mining” called “Mining – Underground Coal Mining” for each parcel of rateable land valued as one assessment if its dominant use is for a coal mine and where the dominant kind of mining involved is longwall mining or bord-and-pillar mining or both.

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

Business - General

Council determines the sub-category for the category of “Business” called “Business – General” for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and cannot be sub-categorised as:

- Business – Power Generation
- Business – Thomas Mitchell Drive Industrial Centre
- Business – Showground Release Area

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

Business – Power Generation

Council determines a sub-category for the category “Business” called “Business – Power Generation” for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and if its dominant use is as a centre for any of the following activities:

- a) the generation of, or capacity to generate, more than 5 megawatts of electricity;

- b) the storage of, or capacity to store, more than 50 megawatts of electricity.

- 44 RESOLVED on the motion of Crs Rush and Bailey that:

Business – Thomas Mitchell Drive Industrial Centre

Council determines a sub-category for the category “Business” called “Business – Thomas Mitchell Drive Industrial Centre” for each parcel of rateable land valued as one assessment located wholly or partly within the Thomas Mitchell Drive Industrial Centre more particularly depicted in Figure 1.

- 45 RESOLVED on the motion of Crs Rush and Bailey that:

Business – Showground Release Area

Council determines a sub-category for the category “Business” called “Business – Showground Release Area” for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and is located wholly or partly within the Showground Release Area more particularly depicted in Figure 2.

7 ADJOURNMENT INTO CLOSED COUNCIL

- 46 RESOLVED on the motion of Crs Ledlin 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:

8.2 EXECUTION OF \$7M RWTW LOAN

Item 8.2 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.

8.3 CONTINGENCY ALLOCATION TOWARDS CONTRACT NO. 1401012 (MSC 2010-2011-0032-C2)

Item 8.3 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.

Members of the public left the meeting at this stage.

8 CLOSED COUNCIL

8.2 EXECUTION OF \$7M RWTW LOAN

Disclosure of Interest

Cr Bowditch declared a pecuniary interest in this item. Cr Bowditch advised that his employer undertakes work at this site. At 06:43 pm Cr Bowditch left the Council Chambers and therefore took no part in discussion or voting on this item.

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

1. Council accepts the principal and interest loan from Australia and New Zealand Banking Group Limited (ANZ) for an amount of AUD\$7 million on a fixed term of 20 years and otherwise in accordance with the terms offered by ANZ. Council delegates to the General Manager the authority to execute this loan agreement to fund the second and third tranches of the Recycle Water Treatment Works with ANZ.
2. The budget be adjusted in light of point 1 above and that capital renewals be reduced in the budget so that the sum of the loan capital repayments and the capital renewals does not exceed the amount for operational depreciation.

8.3 CONTINGENCY ALLOCATION TOWARDS CONTRACT NO. 1401012 (MSC 2010-2011-0032-C2)

Disclosure of Interest

Cr Bowditch declared a pecuniary interest in this item. Cr Bowditch advised that his employer undertakes work at this site. Cr Bowditch remained absent from the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council approves inclusion of the \$289,309 reported contingency amount in the overall loan being sought for enablement of the Recycled Water Treatment Works.

At 6.50pm Cr Bowditch returned to the meeting room.

9 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

10 CLOSURE

The meeting was declared closed at 6.51pm.

.....

Ms F. Plesman
General Manager

.....

Cr M. Rush
Chairperson