

PRESENT: Cr M.L. Rush, Cr S.L. Bailey, Cr M. Bowditch, 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: Ms F. Plesman (General Manager), Mr D. Finnigan (Director, Community Infrastructure), Ms C. O'Brien (Acting Director, Planning, Community & Corporate Services), Ms N. Cowley (Manager, Corporate Services), Ms S. Pope (Executive Manager – Planning, Environment & Regulatory Services), Mr M. Lysaught (Manager, Property & Building), Ms L. Payne (Coordinator, Financial Services), Mr J. Brown (Executive Services Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager) and 4 people in the public gallery.

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

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

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

4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr G. McNeill – Declared a non-pecuniary interest in item 6.1 and 6.2. Cr McNeill advised Council that he is the part owner of a property opposite the development and is a co-objector.

Ms F. Plesman – Declared a pecuniary interest in Item 10.2. Ms Plesman advised Council that the report concerned the position she is currently undertaking.

5 PUBLIC PARTICIPATION

Cr G. McNeill – Items 6.1 and 6.2 - objection

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

Public Participation be deferred until consideration of Items 6.1 and 6.2 is held.

6 ENVIRONMENTAL SERVICES

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

Disclosure of Interest

Cr McNeill declared a non-pecuniary interest in this item and Item 6.2. Cr McNeill advised Council that he is part owner of a property opposite the development and also objected to the proposed development.

At 06:06pm Councillor Graeme McNeill left the Council Chambers.

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON THURSDAY 28 JUNE, 2018 COMMENCING AT 6.00 PM.

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

This matter be deferred to the Ordinary Council Meeting scheduled to be held on 10 July, 2018 to allow staff, Councillors and the proponent to review the late expert Heritage Report provided by Mr and Mrs McNeill to Council on 28/06/18.

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

Against: Nil.

6.2 DA110/2017 PROPOSED BUSINESS IDENTIFICATION SIGNAGE

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

This matter be deferred to the Ordinary Council Meeting scheduled to be held on 10 July, 2018 to allow staff, Councillors and the proponent to review the late expert Heritage Report provided by Mr and Mrs McNeill to Council on 28/06/18.

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

Against: Nil.

At 06:09 pm Cr Graeme McNeill returned to Council Chambers

7 COMMUNITY INFRASTRUCTURE

7.1 DENMAN TOWN CENTRE UPGRADE WORKS CONCEPT

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

Council:

1. Endorse the Concept Designs for the Denman Town Centre Upgrade Project as detailed in this report and attached as C, D and E.
2. Endorse Option 1 for the Southern Carpark Layout
3. Authorise the General Manager to enter into negotiations with the property owners of 35, 33 and 31 Ogilvie St to obtain an agreement to construct integrated parking over a portion of their land as detailed on Option 3 of the Southern Carpark Layout.
4. Authorise the use of unspent funds in the Investigation and Design allocation to undertake further investigation and designs of the Denman Masterplan works.

8 CORPORATE AND COMMUNITY SERVICES

8.1 MUSWELLBROOK SHIRE LOCAL STRATEGIC PLANNING STATEMENT

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

This matter be deferred to the Ordinary Council Meeting scheduled to be held on 10 July, 2018 to allow a workshop to be provided to Councillors prior to consideration of the document.

8.2 2018/2019 COUNCILLOR FEES

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

1. Council approve the annual fee of \$11,860 for Councillors for 2018/2019; and
2. Council approval an additional fee of \$25,880 for the position of Mayor for 2018/2019.

9 ADJOURNMENT INTO CLOSED COUNCIL

312 RESOLVED on the motion of Crs Bailey and Ledlin 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:

10.1 Administrative Amendment to Muswellbrook Local Environmental Plan 2009 - Muswellbrook Bypass

Item 10.1 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.

10.2 GENERAL MANAGERS APPOINTMENT

Item 10.2 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.

10 CLOSED COUNCIL

10.1 ADMINISTRATIVE AMENDMENT TO MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009 - MUSWELLBROOK BYPASS

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

Council:

1. Requests a Gateway determination from the Department of Planning & Environment, pursuant to the Environmental Planning and Assessment Act 1979, in relation to the Planning Proposal in Attachment B;
2. Advises the Department of Planning & Environment that Council is requesting an authorisation to exercise its delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979;
3. Places the Planning Proposal on public exhibition, subject to the outcome of the Gateway Determination; and
4. Notifies stakeholders and affected landowners of the Gateway determination and public exhibition period, as required.

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON THURSDAY 28 JUNE, 2018 COMMENCING AT 6.00 PM.

All Staff members except for Mr Brown and Mrs Sandell-Hay left the meeting at this stage.

10.2 GENERAL MANAGERS APPOINTMENT

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

1. Council appoint Fiona Plesman for a four year term commencing 1 July 2018 subject to entering into a formal contract; and
2. A panel consisting of Crs Scholes (Chair), Crs Woodruff, Ledlin and Bailey prepare a draft Performance Agreement in consultation with the General Manager for consideration by Council.

11 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

Ms Plesman returned to the meeting room. Councillors congratulated her on her appointment as General Manager.

12 CLOSURE

The meeting was declared closed at 6.31pm.

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Ms F. Plesman
General Manager

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Cr M. Rush
Chairperson