

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL  
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 25  
FEBRUARY, 2020 COMMENCING AT 6.00PM.**

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**PRESENT:** Cr R.W. Scholes (Chair), Cr M. Bowditch, Cr J.F. Eades, Cr J.P. Foy, Cr J.L. Ledlin, Cr G.T. McNeill 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 Services), Ms N. Cowley (Executive Manager – Officer of the Chief Financial Officer), Ms S. Pope (Assistant Director – Planning & Community Service), Mr P. Chambers (Chief Engineer), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr A. Mitreski (Policy Analyst – Economic Development & Innovation), Mr A. Pirillo (Policy Officer), Miss A. Morris (Administrational Officer and PA to General Manager), Miss M. Meadows (PA to the Mayor), 3 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 Cr Bowditch.

## **3 APOLOGIES AND LEAVE OF ABSENCE**

259 RESOLVED on the motion of and that:

The apologies for inability to attend the meeting submitted by Cr Rush, Cr Reynolds and Cr Ward be ACCEPTED and the necessary Leave of Absence be GRANTED.

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

260 RESOLVED on the motion of Crs Bowditch and Ledlin that:

The Minutes of the Ordinary Meeting held on 17 December 2019, the Extra Ordinary Meeting held on 23 January 2020, and the Extra Ordinary Meeting held on 11 February 2020, 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**

Nil

## **6 PUBLIC PARTICIPATION**

Nil

## **7 BUSINESS ARISING**

Nil

## **8 MAYORAL MINUTES**

Nil

## **9 GENERAL BUSINESS**

Nil

## **10 ENVIRONMENTAL SERVICES**

### **10.1 RED CEDAR MOTEL - 12 MAITLAND STREET, MUSWELLBROOK - FIRE SAFETY COMPLIANCE**

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

1. Council Issue the owner of the Red Cedar Motel, 12 Maitland Street, Muswellbrook (Lot 1 DP 308828, Lot 1 DP 330104 and Lot A DP 340931), a Notice of Intention to Issue an Order under Schedule 5 Part 2(1) of Environmental Planning and Assessment Act 1979 to require a Building Code of Australia Assessment to be carried out by an appropriately qualified person in relation to the premises and be submitted to Council.
2. Council Officers provide a memo to Councillors providing information on the final outcome of this matter once it has been resolved to the satisfaction of the General Manager.

### **10.2 LOCAL HERITAGE ASSISTANCE FUND 2019-2020**

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

Council approve the request for a one-off cash contribution, from the Local Heritage Assistance Fund, of:

1. \$2000 Re-putty and painting of eight (8) upstairs wooden windows at 33 Brentwood Street, Muswellbrook; and
2. \$2000 for Chimney conservation work at 5 Midanga Avenue, Muswellbrook.

### **10.3 DA 109/2019 - CHANGE OF USE - TATTOO SHOP TO MASSAGE PREMISES- 1/26 BRIDGE STREET, MUSWELLBROOK**

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

Council approve Development Application No. 109/2019, Change of Use from Tattoo Shop to Massage Premises, at 1/26 Bridge Street, Lot 7 DP 1124521, except for the proposed window signs, subject to the conditions in Appendix B of the report.

### **10.4 REVISED ENVIRONMENTAL SUSTAINABILITY POLICY**

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

Council adopt the revised Environmental Sustainability Policy provided in Attachment A.

## **11 COMMUNITY INFRASTRUCTURE**

### **11.1 2019/20 FLOODPLAIN MANAGEMENT PROGRAM FUNDING OFFER**

265 RESOLVED on the motion of Crs Bowditch and Foy that:

Council accept the grant funding offer of \$26,666,66 from NSW Department of Planning, Industry and Environment, and provide the required contribution amount of \$13,333.33 funded from the 2019-20 Design and Investigation budget for the development stage of the Muscle Creek Flood Warning System.

### **11.2 RESOURCES FOR REGIONS ROUND 5 PROGRAM ALLOCATION**

266 RESOLVED on the motion of Crs Woodruff and Eades that:

Council endorses:

1. The allocation of the remaining Resources for Regions Round 5 funding of \$2,810,000 to the remaining program projects;
2. The amount of \$1,231,063 from the Edderton Road Reserve to be used as the co-contribution for the Resources for Regions Round 5 project; and
3. To consolidate the current Resources for Regions Round 5 Capital Projects into the one line item in the General Ledger, which is the Resources for Regions Round 5 budget line.

### **11.3 COMMUNITY INFRASTRUCTURE CAPITAL WORKS STATUS REPORT FOR THE SECOND QUARTER OF 2019-2020**

267 RESOLVED on the motion of Crs Woodruff and Eades that:

The information contained in the report be noted.

## **12 CORPORATE AND COMMUNITY SERVICES**

### **12.1 DISASTER RELIEF FUND**

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

Council:

1. Establishes a Disaster Relief Fund for the purposes of receiving donations and disbursing financial assistance in times of natural disaster;
2. Makes an application to the Australian Taxation Office for tax deductibility status for donations received by the Fund; and
3. Transfers all residual funds from the Drought Relief allocation to the new Disaster Relief Fund and that applications for drought relief be considered through the Disaster Relief Fund.

**12.2 AUTHORISATION UNDER SECTION 226 OF THE LOCAL GOVERNMENT ACT**

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

Council note the information provided.

**12.3 COUNCILLOR CASUAL VACANCIES**

270 RESOLVED on the motion of Crs Woodruff and McNeill that:

Council make an application pursuant to s294(1) and (2)(a) of the Local Government Act 1993 to the Minister for Local Government seeking an order that the two (2) casual vacancies in the office of councillor of Muswellbrook Shire Council not be filled.

**12.4 2019-2020 OPERATIONAL PLAN 30 DECEMBER QUARTERLY REVIEW**

271 RESOLVED on the motion of Crs Ledlin and Foy that:

The 2019/20 Operational Plan Review dated 30 December 2019 be noted.

**12.5 SERVICE DELIVERY REVIEW OF WATER AND WASTEWATER**

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

Council notes the attached Service Delivery Review of Water and Wastewater

**12.6 REPORT ON INVESTMENTS HELD AS AT 31 JANUARY 2020**

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

The information showing Council's investments as at 31 January 2020 be noted.

**12.7 JANUARY 2020 MONTHLY FINANCIAL REPORT**

274 RESOLVED on the motion of Crs Ledlin and Foy that:

The Financial Report for the month ending 31 January 2020 be noted.

**12.8 DECEMBER BUDGET REVIEW 2019**

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

Council adopt the list of proposed changes and incorporate them into the 2019/20 Budget.

## **12.9 PLANNING, ENVIRONMENT AND COMMUNITY SERVICES**

**276** RESOLVED on the motion of Crs Woodruff and Bowditch that:

The information contained in this report be noted.

## **13 REPORTS FROM COMMITTEES**

### **13.1 DEVELOPMENT ASSESSMENT COMMITTEE - 20/01/2020**

**277** RESOLVED on the motion of Crs Woodruff and Bowditch that:

The Minutes of the Development Assessment Committee Meeting held on Monday 20 January 2020 be received and the recommendations contained therein ADOPTED.

### **13.2 DEVELOPMENT ASSESSMENT COMMITTEE - 10/02/2020**

**278** RESOLVED on the motion of Crs Bowditch and Woodruff that:

The Minutes of the Development Assessment Committee Meeting held on Monday 10 February 2020 be received and the recommendations contained therein ADOPTED.

## **14 NOTICES OF MOTION / RESCISSION**

Nil

## **15 QUESTIONS WITHOUT NOTICE**

### **16.1 FOOTPATH CONSTRUCTION - ADAMS STREET AND RUTHERFORD ROAD, MUSWELLBROOK**

Cr McNeill requested information regarding a previous motion of Council to construct a section of footpath from Adams Street to Rutherford Road in Muswellbrook. Cr McNeill asked the meeting if there is allocated funding to complete the construction of the footpath.

Mr D. Finnigan advised the meeting that no budget has been allocated to the construction of the footpath, however, a grant application has been submitted to complete works.

## **16 COUNCILLORS REPORTS**

Nil

## **17 QUESTIONS FOR NEXT MEETING**

Nil

## 18 ADJOURNMENT INTO CLOSED COUNCIL

279 RESOLVED on the motion of Crs Ledlin and Foy 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 MUSWELLBROOK INDOOR SPORTS CENTRE - MUSWELLBROOK YOUTH VENUE

Item 19.1 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 CLOSED COUNCIL

### 19.1 MUSWELLBROOK INDOOR SPORTS CENTRE - MUSWELLBROOK YOUTH VENUE

280 RESOLVED on the motion of Crs Eades and McNeill that:

Council endorses the final Muswellbrook Youth Venue concept plan to progress to Development Application.

## 20 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

## 21 CLOSURE

The meeting was declared closed at 6:18 pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 6) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 31 MARCH, 2020 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 25 FEBRUARY, 2020

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Ms F. Plesman  
**General Manager**

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