

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 S.J. Ward and Cr B.N. Woodruff.

IN ATTENDANCE: Mr S.J. McDonald (General Manager), Mr P. Higgins (Acting Director, Community Infrastructure), Ms F. Plesman (Acting Director, Planning, Community & Corporate Services), Ms O. Harris (Manager, Planning & Environmental Services), Mr J. Brown (Executive Services Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager), 6 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

274 RESOLVED on the motion of Crs Eades and Bowditch that:

The apologies for inability to attend the meeting submitted by Cr S.M. Reynolds and Cr R. Scholes be ACCEPTED and the necessary Leave of Absence be GRANTED.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Minutes of the Ordinary Meeting held on 14 March 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 S. Bailey – declared a significant non-pecuniary interest in Item 12.2. Cr Bailey advised Council that he is the chair of the Upper Hunter Conservatorium of Music.

Cr G. McNeill – declared a significant non-pecuniary interest in Item 12.1. Cr McNeill advised Council that he owns property subject to a Muswellbrook Coal Company mining lease.

Cr J. Foy – declared a significant non-pecuniary interest in Item 12.5. Cr Foy advised Council that Muswellbrook High School is his workplace.

6 PUBLIC PARTICIPATION

Nil

7 BUSINESS ARISING

Nil

8 MAYORAL MINUTES

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 DEVELOPMENT APPLICATION 256/2013 - SECTION 96 - RECONFIGURATION OF EXISTING TANKS

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

Resolution of this matter be delegated to the General Manager subject to the General Manager being satisfied there is no inconsistency in the conditions in the five parent consents (as modified) attached to the site.

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

Against: Nil.

10.2 DEVELOPMENT APPLICATION 85/2016 - MOBILE CONCRETE BATCHING PLANT, 8440 NEW ENGLAND HIGHWAY MUSWELLBROOK

277 RESOLVED on the motion of Crs Ward and McNeill that:

Development Application No. 85/2016 proposing a mobile concrete batching plant at Lot 30 DP 815308, 8440 New England Highway, Muswellbrook be APPROVED subject the conditions in Appendix A to the report.

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

Against: Nil.

11 COMMUNITY INFRASTRUCTURE

Nil

12 CORPORATE AND COMMUNITY SERVICES

12.1 MUSWELLBROOK COAL COMMUNITY CONSULTATIVE COMMITTEE MEMBERSHIP

Disclosure of Interest

Cr McNeill declared a significant non-pecuniary interest this item. Cr McNeill advised that he owns property subject to a Muswellbrook Coal Company mining lease. Cr McNeill left the meeting at 6.03pm and therefore took no part in discussion or voting on this item.

278 RESOLVED on the motion of Crs Bowditch and Green that:

1. Council acknowledge that Muswellbrook Coal's community representatives on the Community Consultative Committee (CCC) is to be determined by Council;
2. Council acknowledge Muswellbrook Coal has 2 existing members wishing to remain on the CCC and 3 new members have applied;
3. Council accept the applications of the 3 community members, together with the 2 existing

members, so that Muswellbrook Coal has 5 community members eligible to sit on the CCC;

4. The community membership of the Muswellbrook Coal CCC consist of the following, unless terminated by mutual agreement of the mine and the member:

John Madden
Noel Downes
Jennifer Lecky
Malcolm Ogg
Garry Chapman

At 6.03 PM Cr Graeme McNeill returned to Meeting Room.

12.2 UPPER HUNTER REGIONAL CULTURAL DEVELOPMENT STRATEGY

Disclosure of Interest

Cr Bailey declared a significant non-pecuniary interest in this item. Cr Bailey advised the meeting that he is the Chair of the Upper Hunter Conservatorium of Music. Cr Bailey left the meeting room at 6.03pm and therefore took no part in discussion or voting on this item.

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

1. Council endorse the creation of the Upper Hunter Regional Cultural Development Strategy as a joint project with Upper Hunter Shire Council and;
2. Endorse \$40K from the general fund in the 2017/18 budget to allow for the design of stage two of the Upper Hunter Conservatorium of Music.

At 6.04 PM Cr Scott Bailey returned to Meeting Room.

12.3 SECTION 226 OF THE LOCAL GOVERNMENT

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

The Committee consider the framing of the function and report back to Council with a view including any other interested Councillors or key stakeholders.

12.4 ACCESS TO MOUNT DENMAN RADIO SITE

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

The General Manager negotiate licence agreements with the NSW Police and Telstra for access to Reg Thorton Memorial Drive (Lot 7002 DP 94059).

12.5 SPONSORSHIP REQUEST - MUSWELLBROOK HIGH SCHOOL ROBOTICS TEAM

Disclosure of Interest

Cr Foy declared a significant non-pecuniary interest in this item. Cr Foy advised that Muswellbrook High School is his workplace. Cr Foy left the meeting at 6.06pm and therefore took no part in discussion or voting on this item.

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

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE DENMAN RSL CLUB, PAXTON STREET, DENMAN ON TUESDAY 11 APRIL, 2017
COMMENCING AT 6:00PM.**

Council approve the request for an **additional one-off \$10,000 for the Muswellbrook High School Robotics Team to be funded from the Sam Adams College budget.**

At 6.07 PM Cr Jason Foy returned to the Meeting Room.

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

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

The information contained in this report be noted.

13 REPORTS FROM COMMITTEES

13.1 LOCAL TRAFFIC COMMITTEE - 21/03/2017

284 RESOLVED on the motion of Crs Green and Bowditch that:

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

13.2 INFRASTRUCTURE COMMITTEE - 29/03/2017

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

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

13.3 CORPORATE POLICY AND PLANNING COMMITTEE - 29/03/2017

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

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 29 March 2017 be received and the recommendations contained therein ADOPTED.

13.4 EVENTS PLANNING SUNSET COMMITTEE - 27/03/2017

287 RESOLVED on the motion of Crs Bailey and Green that:

1. The Minutes of the Events Planning Sunset Committee Meeting held on Monday 27 March 2017 and recommendations made by the committee are ADOPTED; and
2. Funds be made available for the 2017 Blue Heeler Film Festival (\$3,000) and the 2017 Bottoms Up Festival (\$20,000) for event management purposes to the 2016/17 Budget with any unspent operational funds carried over into the 2017/18 budget.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

16.1 SPORT AND RECREATION MEETINGS

Cr Graeme McNeill reported that he had attended meetings of the Sport and Recreation Committee and thanked staff with regard to the various works that have been undertaken to date.

16.2 WOLLOMBI ROAD PRECINCT

Cr McNeill advised Council that he has met with a number of residents to discuss matters relating to the Wollombi precinct, mainly regarding operational issues which staff have been very helpful with, and the General Manager has agreed to discuss further at a convenient time. During those discussions with the residents the issue of a footpath at Hunter Park was raised as being important to allow mothers with babies to be pushed in a pram whilst their older siblings played in the park.

16.3 MATS PERFORMANCE

Cr Michelle Green reported that she had attended the "Whatever Gets You Through the Night" performance and congratulated the cast and crew on their performance.

16.4 MINE REHABILITATION CONFERENCE

Cr Michelle Green reported that she had attended the Mine Rehabilitation Conference Welcome event held at the Upper Hunter Conservatorium of Music which was greatly welcomed by the Organisers of the Mine Rehabilitation Conference organisers. Cr Green also thanked staff for the work undertaken in co-ordinating this event.

16.5 MUSWELLBROOK CRICKET AWARDS

Cr Martin Rush reported that he had attended the Muswellbrook Cricket Association's Awards Ceremony and congratulated Cr McNeill on receiving Life Membership.

17 QUESTIONS FOR NEXT MEETING

17.1 CARRY OVER OF FUNDING

Cr McNeill inquired whether there is any reason why the sporting grounds water budget cannot be rolled over from year to year, i.e. when the budget is not fully utilised, can that unused allocation be carried over on an ongoing basis?

17.2 PEER REVIEW OF SPORTING FACILITIES

Cr McNeill also inquired whether the peer review of the shires sporting grounds / facilities has been completed, as per the 2016 operational plan? If not when would this be expected?

Mr McDonald advised that the matter had been discussed with staff and that a report will be submitted to the next meeting.

17.3 HUNTER PARK FOOTPATH

Cr McNeill inquired whether council has allocated any funding in the upcoming footpath capital budget for the construction of a path alongside Hunter Park? If not can this path be considered as a priority for 2017/18 budget?

Mr McDonald advised the meeting that this would be taken on notice.

18 ADJOURNMENT INTO CLOSED COUNCIL

288 RESOLVED on the motion of Crs Rush 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:

**19.1 TENDER - CBD STAGE 6 FOOTPATH RECONSTRUCTION BROOK STREET
MUSWELLBROOK**

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 ANIMAL SHELTER

Item 19.2 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.

19.3 DUE DILIGENCE UPDATE

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 DENMAN MEMORIAL HALL

Item 19.6 is classified CONFIDENTIAL under the provisions of Section 10A(2)(g) of the local government act 1993, as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, 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 time.

19 CLOSED COUNCIL

19.1 TENDER - CBD STAGE 6 FOOTPATH RECONSTRUCTION BROOK STREET MUSWELLBROOK

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

Council endorse the recommendations contained in Annexure A of the Minutes.

19.2 ANIMAL SHELTER

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

1. Council note the report.
2. A tender specification be prepared for the provision of a companion animal impounding facility servicing Muswellbrook Shire.

19.3 DUE DILIGENCE UPDATE

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

The information contained in this report be noted.

19.4 DENMAN MEMORIAL HALL

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

1. Council note the report
2. The reallocation of Investigation and Design Development program budget to progress restoration concept drawings and planning.

20 RESUMPTION OF OPEN COUNCIL

293 RESOLVED on the motion of Crs McNeill and Foy that:

The meeting return to Open Council.

Members of the public returned to the meeting and the Mayor provided an update on the outcome of Closed Council.

21 CLOSURE

The meeting was declared closed at 6.23 pm.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE DENMAN RSL CLUB, PAXTON STREET, DENMAN ON TUESDAY 11 APRIL, 2017
COMMENCING AT 6:00PM.**

**THE MINUTES OF THE MEETING (PAGES 1 TO 8) WERE CONFIRMED AT THE ORDINARY
COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 9
MAY, 2017 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE
MEETING HELD ON TUESDAY 11 APRIL, 2017**

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Mr S. McDonald
General Manager

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Cr M. Rush
Chairperson