

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 30
MARCH, 2021 COMMENCING AT 6.00PM.**

PRESENT: Cr M.L. Rush, Cr J.F. Eades, Cr J.P. Foy (VC), Cr J.L. Ledlin (VC), Cr G.T. McNeill, Cr S.M. Reynolds, Cr S.J. Ward and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Mr M. Plumridge (Chief Financial Officer), Ms S. Pope (Executive Manager – Planning & Environment (VC)), Ms K. Manwarring (Manager – Community Services), Mr M. Lysaught (Manager – Works, Property & Building Services), Mrs M. Sandell-Hay (PA to General Manager) and Mrs R. Nicholls (PA to the Mayor).

1 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the General Manager.

2 CIVIC PRAYER

The Civic Prayer was read by Cr Reynolds.

3 APOLOGIES AND LEAVE OF ABSENCE

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

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Minutes of the Ordinary Meeting held on 23 February 2021, 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 .Ward – declared a non- pecuniary interest in Item 10.1. Cr Ward advised Council that his son attends St Joseph's School in Denman, which is an applicant for the funding.

Cr J. Foy – declared a non-pecuniary interest in Item 10.1. Cr Foy advised Council that the Richard Gill School is an applicant for the funding and he is a Board Member of the School.

6 PUBLIC PARTICIPATION

Nil

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

Nil

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 WAR ON WASTE GRANTS FOR COUNCIL APPROVAL

Disclosure of Interest

Cr S. Ward declared a non-pecuniary interest in this item. Cr Ward advised Council that his son attends St Joseph's Denman, which is an applicant for the funding.

Cr J. Foy declared a non-pecuniary interest in this item. Cr Foy advised that the Richard Gill School is an applicant for the funding and he is a member of the Board of the School.

At 6.02pm Cr Foy and Cr Ward left the Council Chambers and therefore took no part in discussion or voting on this item.

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

1. Council approves the allocation of funds as set out in the report for the Community War on Waste Program.
2. The allocation of the Business War on Waste program be deferred for consideration at the April Ordinary Council Meeting.

At 6.04pm Cr Foy and Cr Ward returned to Council Chambers and resumed their chairs at the meeting table.

10.2 PLANNING AND ENVIRONMENTAL SERVICES

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

The information contained in this report be noted.

11 COMMUNITY INFRASTRUCTURE

11.1 MAJOR PROJECTS STATUS REPORT

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

Council notes the information contained in the report.

11.2 REDUCING MANDATORY WATER RESTRICTIONS FROM LEVEL TWO TO LEVEL ONE FOR MUSWELLBROOK, DENMAN AND SANDY HOLLOW TOWN WATER SUPPLY

259 RESOLVED on the motion of Crs McNeill and Reynolds that:

1. Council approves reducing the mandatory water restrictions for Muswellbrook, Denman, and Sandy Hollow town water supply from Level Two to Level One, commencing 3 May 2021, following notification of the downgrading of the water restrictions in a local newspaper and provision of information through Council's website and social media platforms;
2. Council's revision of the mandatory water restrictions will align with both Singleton Council and Upper Hunter Shire Council, through the Upper Hunter Water Alliance, to ensure consistent communication across the three Councils.

3. Mandatory Level One water restrictions will remain in place until the water level at Glenbawn Dam rises to a level against which Council may, with confidence, revoke mandatory water restrictions.
4. Council maintains legislative enforcement of the mandatory Level One water restrictions.

11.3 MARCH 2021 BULKY WASTE COLLECTION CAMPAIGN

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

The information contained in this report be noted.

12 CORPORATE AND COMMUNITY SERVICES

12.1 REVIEW OF AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

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

Section 4.5 (p.5) of the Audit Risk and Improvement Committee Charter be amended to state that the Audit Risk and Improvement Committee will:

Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and endorse the plan for the determination of Council;

12.2 REPORT ON COUNCIL GRANT FUNDING MARCH 2021

Cr McNeill inquired whether the grant funding would cover the shortfall?

Cr Rush advised Council that the shortfall was proposed to be covered by VPA funding as well as grant funding.

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

Council:

1. Notes the information contained in the report.
2. Endorses the construction of public domain/curtilage works at the TEC II (Donald Horne Building) project for funding under the Local Roads and Community Infrastructure (LRCI) Program Extension with \$565,765 allocated to the project, in addition to the \$250,000 already proposed for the shared pathway at Ironbark Road, between Adams Street and Rutherford Road.
3. Endorses the Muswellbrook Regional Entertainment and Conference Centre as the preferred project for funding from the 2021 NSW Resources for Regions, with grant funding likely to be in the vicinity of \$3.8 million.

12.3 FEBRUARY 2021 MONTHLY FINANCIAL REPORT

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

The Financial Report for the month ending 28 February 2021 be noted.

12.4 REPORT ON INVESTMENTS HELD AS AT 28 FEBRUARY 2021

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

Information showing Council's investments as at 28 February 2021 be noted.

12.5 COMMUNITY SERVICES

Cr Woodruff inquired about progress on the Local Aboriginal Treaty.

Cr Ledlin advised Council that an initial meeting had been held with Trinity Two Rivers. Ms Manwarring further advised Council that a further meeting was scheduled for next week to progress this matter.

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

The information contained in this report be noted.

13 REPORTS FROM COMMITTEES

13.1 LOCAL TRAFFIC COMMITTEE - 09-MAR-21

Cr Reynolds inquired whether a Working group had been established to consider traffic control along Wilkinson Avenue during the Anzac Day Ceremony in Muswellbrook.

Mr Finnigan advised that this has occurred.

266 RESOLVED on the motion of Crs Reynolds and McNeill that:

The Minutes of the Local Traffic Committee Meeting held on Tuesday 9 March 2021 be received and the recommendations contained therein ADOPTED.

13.2 ABORIGINAL RECONCILIATION COMMITTEE - 17/02/2021

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

The Minutes of the Aboriginal Reconciliation Committee Meeting held on Wednesday 17 February 2021 be received and the recommendations contained therein ADOPTED.

13.3 AUDIT, RISK AND IMPROVEMENT COMMITTEE - 15/12/2020

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

The Minutes of the Audit, Risk and Improvement Committee Meeting held on Tuesday 15 December 2020 be noted.

13.4 AUDIT, RISK AND IMPROVEMENT COMMITTEE - 17/12/2020

269 RESOLVED on the motion of Crs Rush and McNeill that:

The Minutes of the Audit, Risk and Improvement Committee Meeting held on Thursday 17 December 2020 be noted.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

16.1 MEETING WITH WILDER STREET RESIDENTS

Cr Reynolds expressed Council's appreciation to staff who attended a meeting with residents of Wilder Street Muswellbrook in regards to the Upgrade of Olympic Park.

16.2 NAIDOC WEEK

Cr Woodruff advised Council that he had officiated at the NAIDOC Exhibition Opening and it was pleasing to note the unacquired section from participating schools and it wasn't only the artwork on display but the story told by the artist that was fascinating. Cr Woodruff encouraged anyone who hadn't been to view the current exhibition at the Arts Centre to do so.

Cr Woodruff further advised Council that the Youth Section was fantastic and suggested that some funding be put aside in the future which might include a workshop which allows the younger children to participate.

16.3 GOVERNOR OF NSW VISIT TO MUSWELLBROOK

Cr Rush advised Council that the Governor of NSW, The Hon. Margaret Beazley AC, QC visited Muswellbrook on Monday 15 March, 2021 for a range of events which included a Wreath Laying Ceremony, Morning Tea with the Veterans and some Aboriginal inmates from St Heliers and the Laying of the Foundation Stone for the Donald Horne Building which is part of the Tertiary Education Centre Stage 2 Project.

Cr Rush further advised Council that feedback from St Heliers had been very positive .

Cr Ledlin thanked staff involved for reaching out to St Heliers which has inspired the inmates as they felt very supported.

17 QUESTIONS FOR NEXT MEETING

17.1 ACCESS TO THE NETBALL COURTS

Cr Reynolds advised that at a recent Sports and Recreation Meeting access to the Muswellbrook Netball Courts was discussed and inquired as to whether any progress had been made in regards to this?

Mr Finnigan advised Council that the Masterplan had been adopted by Council and reiterated the importance of ensuring the safety of those using this facility by separating pedestrian traffic and vehicular traffic. Mr Finnigan further advised Council that this would be raised again at the next Sport and Recreation Meeting.

17.2 DENMAN POOL HEATING

Cr Reynolds also advised that the provision of heating the Denman Pool was also raised at a recent Sports and Recreation meeting and inquired whether this had been progressed?

Cr Rush advised Council that this would form part of the Sports and Recreation Needs Study which is being prepared.

17.3 MUSWELLBROOK AQUATIC CENTRE

Cr Reynolds inquired whether communication of the opening date for the Heated Pool at Muswellbrook could be included on Council's Website?

Cr Rush advised that this would be undertaken.

17.4 OLYMPIC PARK TENNIS CLUB

Cr McNeill advised Council that at the recent Sports and Recreation Meeting the Olympic Park Tennis Club inquired the removal of a concrete section on the left coming into their carpark and inquired whether there had been any progress in regards to this matter?

Mr Finnigan advised Council that the matter was being investigated by Council staff, and that advice would be provided to Councillors in relation to the matter.

18 ADJOURNMENT INTO CLOSED COUNCIL

270 RESOLVED on the motion of Crs Woodruff and McNeill 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 2020-2021-0458 - BYLONG VALLEY WAY CH13.77KM - CH14.52KM ROAD AND DRAINAGE UPGRADE WORKS

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.2 TENDER 2020-2021-0454 - PROVISION OF CLEANING SERVICES FOR VARIOUS
COUNCIL COMMERCIAL PROPERTIES**

Item 19.2 is classified CONFIDENTIAL under the provisions of Section10A(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 TENDER 2020-2021-0445 - MUSWELLBROOK MARKETPLACE AIR
CONDITIONING REPLACEMENT**

Item 19.3 is classified CONFIDENTIAL under the provisions of Section10A(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 TENDER (PANEL) T412021HUN PROVISION OF ROAD SAFETY BARRIER
SYSTEMS**

Item 19.4 is classified CONFIDENTIAL under the provisions of Section10A(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 TENDER 2020-2021-0458 - BYLONG VALLEY WAY CH13.77KM - CH14.52KM ROAD AND
DRAINAGE UPGRADE WORKS**

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

1. Council accepts the Tender submitted by Hunter Wide Civil Pty Ltd for Contract 2020-2021-0458 Bylong Valley Way Ch13.77 – Ch14.52 km Road and Drainage upgrade works, for a price of \$622,020.00, exclusive of GST, subject to a satisfactory financial assessment;
2. The General Manager be delegated authority to sign and affix Council's seal to Contract 2020-2021-0458.

**19.2 TENDER 2020-2021-0454 - PROVISION OF CLEANING SERVICES FOR VARIOUS
COUNCIL COMMERCIAL PROPERTIES**

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

Council delegates authority to the General Manager for the awarding of Tender 2020-2021-0454 – Provision of cleaning Services for various Council commercial properties.

19.3 TENDER 2020-2021-0445 - MUSWELLBROOK MARKETPLACE AIR CONDITIONING REPLACEMENT

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

Council accepts the tender of Warren Ward Refrigeration for the 2020-2021-0445 Muswellbrook Marketplace Air Conditioning Replacement for a price of \$372,026, exclusive of GST.

19.4 TENDER (PANEL) T412021HUN PROVISION OF ROAD SAFETY BARRIER SYSTEMS

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

1. Council accepts the tenders of the following contractors as a Panel for Supply & Installation of Road Safety Barrier Systems (Category 1) for the period from 1 April 2021 to 31 March 2023:
 - a. Guard Rail Infrastructure
 - b. D & P Fencing Contractors
 - c. Guardrail System
 - d. Irwin Fencing
2. A provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 March 2024.

20 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 6.27pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 8) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 27 APRIL, 2021 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 30 MARCH, 2021

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Ms F. Plesman
General Manager

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Cr M. Rush
Chairperson