

**MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 7 FEBRUARY, 2017 COMMENCING AT 6:00PM.**

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**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 R.W. Scholes, Cr S.M. Reynolds, Cr S.J. Ward and Cr B.N. Woodruff.

**IN ATTENDANCE:** Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Ms F. Plesman (Acting Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Mr M. Lysaught (Manager, Property & Building), Mr J. Brown (Executive Services Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager), 6 people in the public gallery and 2 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**

Nil

## **4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **5 PUBLIC PARTICIPATION**

**Gus Mather** – Spoke in support of the projects in regards to Item 6.2, the Special Rate Variation but raised concerns with hurriedness of preparing the submission including undertaking community consultation over the Christmas period when a large number of people are away and therefore not aware that they needed to make comment. Mr Mather suggested that the projects be put on hold due diligence on the projects can be undertaken to ensure that expenditure and revenue gained from the three projects can be provided.

**John Shewan** – spoke in opposition of Item 6.2. Mr Shewan raised concerns with the assessment of the community responses Council received. Mr Shewan suggested that Council should have undertaken the community consultation as a bipartisan vote utilising the Electoral Commission. Mr Shewan also raised concerns that the community consultation was undertaken during the Christmas Holiday period and therefore lacked transparency due to a large percentage of the Shire being away during this time. Mr Shewan commented on the need for Youth Services in the Shire and named some businesses that he intimated were undertaking illegal activities.

### **5.1 ADJOURNMENT OF MEETING**

The Mayor warned Mr Shewan to cease with his inappropriate comments. Mr Shewan continued.

**197** RESOLVED on the motion of Crs Rush and Ward that:

The meeting be adjourned for 5 minutes.

At 6.15pm Councillors and staff left the Meeting Chambers.

At 6.20pm Councillors and staff returned to the Meeting Chambers and resumed the meeting.

## **6 CORPORATE AND COMMUNITY SERVICES**

### **6.1 & 6.2 DRAFT COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM & SPECIAL RATE VARIATION**

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

Item 6.1 & 6.2 be considered together.

Cr Bailey commended Cr Foy and Staff on the work undertaken in preparing these documents.

General discussion took place with regard to the community consultation, the online survey and possible deferral of this item.

The meeting was advised that these projects were in line with the Hunter Regional Plan and transforming Muswellbrook into a Regional Centre and that deferring the item would mean a 12 month deferral period.

The Mayor warned Mr Shewan, who was in the public gallery, to be quiet and refrain from making derogatory comments. Mr Shewan continued. The Mayor provided 2 more warnings to Mr Shewan before adjourning the meeting for another 5 minutes.

#### **ADJOURNMENT OF MEETING**

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

The meeting be adjourned for 5 minutes.

At 6.41pm Councillors and staff left the Meeting Chambers.

Police escorted Mr Shewan from the building.

At 6.46pm Councillors and staff returned to the Meeting Chambers and resumed the meeting.

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

1. The Draft Community Strategic Plan be endorsed;
2. The Draft Delivery Program be endorsed;
3. Councils Long Term Financial Plan be endorsed; and
4. Council apply to IPART for a permanent rate increase of 10% over four years for the purpose set out in the IPRF Document.

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

Against: Crs M. Bowditch, S. Reynolds and S. Ward.

Cr Rush also thanked staff for the enormous effort and work undertaken in regards to these two items in particular Fiona Plesman, Samantha Marsh, Matt Lysaught, Joshua Brown and the Executive Services Team

Cr Rush also thanked Cr Foy for his leadership with regards to the Performance Venue Proposal.

## **7 ADJOURNMENT INTO CLOSED COUNCIL**

201 RESOLVED on the motion of Crs Bailey 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:

### **8.1 CAPITAL EXPENDITURE REVIEW - REGIONAL CONVENTION AND PERFORMANCE CENTRE**

Item 8.1 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.

### **8.2 CAPITAL EXPENDITURE REVIEW - AQUATIC CENTRE UPGRADE AND EXPANSION**

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.

Members of the public and media left the Chambers at this stage.

## **8 CLOSED COUNCIL**

### **8.1 CAPITAL EXPENDITURE REVIEW - REGIONAL CONVENTION AND PERFORMANCE CENTRE**

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

Council endorse the Capital Expenditure Review and resolve that the Office of Local Government be notified of Council's intention to proceed with the project.

### **8.2 CAPITAL EXPENDITURE REVIEW - AQUATIC CENTRE UPGRADE AND EXPANSION**

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

Council endorse the Capital Expenditure Review and resolve that the Office of Local Government be notified of Council's intention to proceed with the project.

## 9 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

## 10 CLOSURE

The meeting was declared closed at 7.27 pm.

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Mr S. McDonald  
**General Manager**

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Cr M. Rush  
**Chairperson**