

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON WEDNESDAY 31 JANUARY, 2018 COMMENCING AT 6.00PM.

PRESENT: Cr M.L. Rush, 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.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 (Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Ms N. Cowley (Manager, Corporate Services), Mr E. (Manager Roads & Drainage) and Mrs M. Sandell-Hay (PA to General Manager).

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

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

The apologies for inability to attend the meeting submitted by Cr S.L. Bailey and Cr. S. 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 pecuniary interest in Item 9.2. Cr McNeill advised that his employer is a party of interest.

Cr S. Ward – Declared a significant non-pecuniary interest in Item 9.5. Cr Ward advised that his wife is employed in the Department that the report is about.

5 PUBLIC PARTICIPATION

Nil

6 COMMUNITY INFRASTRUCTURE

6.1 STORMWATER DRAINAGE PRIORITY PROGRAM

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

1. Council adopt the priorities for stormwater drainage management as per the attachment A.
2. Council consider annual allocation of \$40,000 for stormwater drainage asset condition data collection in future budgets.

7 CORPORATE AND COMMUNITY SERVICES

7.1 REVISED LONG TERM FINANCIAL PLAN

172 RESOLVED on the motion of Crs Scholes and Woodruff that:

Council adopt the 2018-19 to 2027-28 Long Term Financial Plan.

7.2 SPECIAL RATE VARIATION APPLICATION

Cr McNeill moved on behalf of Cr Reynolds who was absent that the this matter be deferred.

The motion was LOST for want of a seconder.

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

1. Council endorse the making of an application to the Independent Pricing and Regulatory Tribunal for a one-off Special Rate Variation increase of 14.7% (including 2.3% rate peg) for 2018/19, which amounts to approximately \$1,892,567 and remains permanently in the rate base, made up as follows:
 - (a) Residential, Business and Farmland rating revenue increase by 12.3% (including 2.3% rate peg) in 2018/19 which amounts to approximately \$940,758; and
 - (b) Mining rating revenue increase by 18.3% (including 2.3% rate peg) in 2018/19 which amounts to approximately \$951,809.
2. That the funds raised from this Special Rate Variation proposal are to be dedicated to the proposed drainage, parks and roads program; Olympic Park Master Plan projects; Entertainment Centre Project; jobs creation package; and to offset a shortfall in rating revenues arising from a change in NSW Government policy with respect to biodiversity offsets.

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

Against: Nil.

7.3 SPONSORSHIP REQUEST - MUSWELLBROOK AMATEUR RSL YOUTH SWIMMING CLUB INC

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

Council APPROVE the request for sponsorship of \$3,000 for the 2018 New England Northwest Area Long Course Qualifying Carnival hosted by Muswellbrook RSL Amateur Swimming Club to be funded from the Sundry Donations budget.

8 ADJOURNMENT INTO CLOSED COUNCIL

175 RESOLVED on the motion of Crs Bowditch 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:

9.1 AWARD OF CONTRACT 2017-2018-0317 - DESIGN AND INSTALLATION OF FIBRE OPTIC NETWORK

Item 9.1 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.

9.2 OPTION TO PURCHASE LAND

Item 9.2 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.

9.3 DELIVERY OF PLANNING AND REGULATORY SERVICES

Item 9.3 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.

9 CLOSED COUNCIL

9.1 AWARD OF CONTRACT 2017-2018-0317 - DESIGN AND INSTALLATION OF FIBRE OPTIC NETWORK

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

Council awards contract 2017-2018-0317 – Design and Installation of Fibre Optic Network to CitySmart Solutions for the amount of \$752,476.

9.2 OPTION TO PURCHASE LAND

Disclosure of Interest

Cr McNeill declared a pecuniary interest in this item. Cr McNeill advised that his employer is a potential investor in the project. At 06:31pm Cr McNeill left the Council Chambers and therefore took no part in discussion or voting on this matter.

177 RESOLVED on the motion of Clrs Woodruff and Green that:

Council

1. Council authorise the General Manager to execute all relevant documentation relating to the purchase of the option of the subject property by Council; and

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2. Authorise the Council Seal to be affixed to the Contract of Sale and Transfer document relating to the option by Council of the subject property;
3. The subject property be classified as "Operational" land within the meaning of Division 1, Part 2 of the Local Government Act 1993.

At 06:34 pm Councillor Graeme McNeill returned to Council Chambers.

All staff other than the General Manager, Director – Planning, community & Corporate Services left the meeting at this stage.

9.3 DELIVERY OF PLANNING AND REGULATORY SERVICES

Disclosure of Interest

Cr Ward declared a pecuniary interest in this item. Cr Ward advised that his wife works in the Department that the report is about. At 6:40pm Cr Ward left the Council Chambers and therefore took no part in discussion or voting on this item.

178 RESOLVED on the motion of Crs Rush and Bowditch that:

Council endorse the proposal in the report.

At 06:59 pm Councillor Stephen Ward returned to Council Chambers.

9.4 MAYORAL MINUTE

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

Council resolve in accordance with Annexure A

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

Against: Nil.

10 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

11 CLOSURE

The meeting was declared closed at 7.01 pm.

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Mr S. McDonald
General Manager

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Cr M. Rush
Chairperson