

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 29
OCTOBER, 2019 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.M. Reynolds, Cr S.J. Ward and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director - Community Infrastructure), Mr A. Irving (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), Mrs M. Sandell-Hay (PA to General Manager), Miss M. Meadows (PA to the Mayor) and 1 person in the public gallery.

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 S. Reynolds.

3 APOLOGIES AND LEAVE OF ABSENCE

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

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Minutes of the Ordinary Meeting held on 24 September 2019, and the Extra Ordinary Meeting held on 8 October 2019, 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 M. Green - Declared a pecuniary interest in item 11.3. Cr Green advised Council that her husband is employed by the company in the report.

Cr M. Green - Declared a pecuniary interest in item 19.2. Cr Green advised Council that she and her husband are employed by the company mentioned in the report.

Cr M. Green - Declared a pecuniary interest in item 19.6. Cr Green advised Council that her husband is employed by the company mentioned in the report.

Cr S. Reynolds - Declared a pecuniary interest in item 11.3. Cr Reynolds advised Council that he is involved in legal matters with the company mentioned in the report.

Cr S. Reynolds - Declared a pecuniary interest in item 19.2. Cr Reynolds advised Council that he is involved in legal matters with the company mentioned in the report.

Cr J. Eades - Declared a pecuniary interest in item 12.3. Cr Eades advised Council that she is employed by the organisation mentioned in the report.

Cr J. Foy - Declared a pecuniary interest in item 11.3. Cr Foy advised Council that a Family friend works for one of the companies that tendered.

Cr J. Foy – Declared a non-pecuniary interest in Item 19.4. Cr Foy advised Council that his daughter is a member of Muswellbrook Netball.

Cr J. Foy – Declared a Non-Pecuniary interest in Item 19.6. Cr Foy advised Council that a family friend is one of the tenderers.

Cr M. Bowditch - Declared a Pecuniary interest in item 11.3. Cr Bowditch advised Council that he is employed by the company in the report.

Cr M. Bowditch - Declared a Pecuniary interest in item 19.4. Cr Bowditch advised Council that he is employed by the company in the report.

Cr M. Bowditch - Declared a Pecuniary interest in item 19.2. Cr Bowditch advised Council that he is employed by the company in the report.

Cr G. McNeill - Declared a Pecuniary interest in item 10.1. Cr McNeill advised Council that a family member is employed by the company mentioned in the report.

Cr M. Rush – Declared an insignificant non-pecuniary interest in Item 19.5. Cr Rush advised Council that he is a potential appointee of the Committee.

6 PUBLIC PARTICIPATION

Nil

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

Nil

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 DA 47/2019 - SCHOOL - EARLY EDUCATION CENTRE

Disclosure of Interest

Cr McNeill declared a pecuniary interest in this item. Cr McNeill advised Council that a family member is employed by the company mentioned in the report.

At 06:08pm Cr McNeill left the Council Chambers and therefore took no part in discussion or voting on this matter.

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

Council:

1. Approve Development Application No. 47/2019, for the construction of a centre-based child care facility and the subdivision of one (1) Lot into two (2), on Lot 1 DP 1070178, subject to the recommended conditions of consent contained in Attachment B.
2. Refuse the applicant's request that contributions and charges under Section 7.12 (formerly Section 94A) of the EP&A Act, and Section 64 under the Water Management Act, be waived.

3. Prior to the issuing of the Occupational Certificate, the construction of a footpath along Ironbark Road for 215m. The footpath is to be constructed from Adams Street in the direction of Rutherford Road to Councils satisfaction.
4. Replacement to recommended condition Item 7, Section 7.12 contributions, with the new condition as per below:

(7) Section 7.12 Contributions

Prior to the issuing of any Occupation Certificate, the construction of a footpath along Ironbark Road for a length of 215m from Adams Street in the direction of Rutherford Road is to be completed to Councils Satisfaction.

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

Against: Nil.

At 06:19 pm Cr McNeill returned to Council Chambers and resumed his usual chair at the meeting table.

10.2 DA44/2019 NEW RECREATIONAL BUILDING COMPRISING TWO SQUASH COURTS AND AMENITIES A GOLF PRO SHOP

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

Council approve Development Application No. 44/2019, proposing a new Recreational Building comprising Two (2) Squash Courts, Amenities and a Golf Pro Shop, at Lot 265 DP 1030447 Bell Street Muswellbrook, subject the conditions in Appendix C to this report including the following amendment:

Replacement to the recommended condition 26 with the new condition as per below:

26. Construction of Parking Areas

Prior to the issue of any Occupation Certificate, all parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall be fully constructed, line marked, sign posted in accordance with AS.2890.1-2004 Off – street Car Parking for People with Disabilities, and provisions of AS1428.1 and AS1428.4 Design for Access and Mobility.

Car parking basecourse and wearing surfaces to be reconstructed as per AS3727-1993 Australian Standards Guide to Residential Pavements, using a good crushed rock or gravel basecourse as per sections 6.2 and 7.2 and wearing surface of an Asphaltic Concrete design of appropriate thickness in accordance with AS2150.

Car park lighting is also to be installed in accordance with the approved lighting plan and AS 1158 and AS 4282-1997.

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

Against: Nil.

10.3 DEVELOPMENT ASSESSMENT COMMITTEE

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

Council adopt amended Terms of Reference for the Development Assessment Committee in the following terms:

Committee functions:

- (i) To determine development applications;
- (ii) To delegate the determination of certain development application to the General Manager;
- (iii) To monitor the progress of development applications not yet determined;
- (iv) To recommend to Council the need to develop or amend policies in relation to planning related matters – including strategic planning.

Delegation

Council delegates to the Development Assessment Committee the determination of development applications under the *Environmental Planning and Assessment Act 1979* not otherwise delegated to the General Manager except where:

- (i) the development application is for, or in any way related to:
 - (a) power stations;
 - (b) mines; or
 - (c) subdivisions into more than five lots.
- (ii) the Committee is satisfied that, by reason of any perceived, anticipated or actual controversy, notoriety or opposition, the development application should in the Committee's view be determined by Council.

The Committee may sub-delegate the determination of development applications within its delegated authority, to the General Manager

Membership

The Planning and Development Assessment Committee be constituted as follows:

- (i) the Councillor Spokesperson for Planning (as Chair);
- (ii) the Councillor Spokesperson for Infrastructure;
- (iii) the Councillor Spokesperson for Utilities; and
- (iv) in the absence of any of the councillors set out in (i) to (iii) any other councillor nominated by the Committee Chair or Acting Chair (as the case may be).

10.4 AMENDMENT OF GENERAL MANAGER'S DELEGATIONS

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

This item be deferred for consideration at the November Ordinary Council Meeting.

**10.5 AMENDMENT TO MUSWELLBROOK DCP 2009 - SECTION 25 - STORMWATER
MANAGEMENT AND COUNCIL'S RIVERS AND DRAINAGE CHANNELS POLICY**

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

Council resolves to publicly exhibit amendments to:

1. *Muswellbrook DCP 2009, Section 25 – Stormwater Management*, as provided in attachment A; and
2. *Muswellbrook Shire Council Rivers and Drainage Channels Policy*, as provided in attachment B.

11 COMMUNITY INFRASTRUCTURE

11.1 CROWN LAND MANAGEMENT ACT

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

The information contained in this report be NOTED.

11.2 2019-20 WATER & WASTEWATER CAPITAL WORKS PROGRAMME

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

Council endorses the prioritised lists of work and the undertaking of the 2019-2020 Capital Works programmes for Water & Wastewater to the extent of funding available under each of the various programmes.

11.3 DESIGN FOR EDDERTON ROAD STAGE 2 UPGRADE WORKS

Disclosure of Interest

Cr M. Bowditch declared a pecuniary interest in this item. Cr Bowditch advised Council that he is employed by the company listed in the report.

Cr J. Foy declared a pecuniary interest in this item. Cr Foy advised Council that a family friend works for one of the companies that tendered.

Cr S. Reynolds advised Council that he is involved in legal matters with the company mentioned in the report.

Cr M. Green declared a pecuniary interest in this item. Cr Green advised Council that her husband is employed by the company mentioned in the report.

At 06:31pm Crs Bowditch, Foy Reynolds and Green left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council acknowledges receipt of the Edderton Road (Stage 2 Works – Upgrade Works) – Design Drawings Revision J and advise Hunter Valley Energy Coal that Council is satisfied with the plans.

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At 06:32pm Crs Bowditch, Foy, Green and Reynolds returned to Council Chambers and resumed their usual chairs at the meeting table.

11.4 ESTABLISHMENT OF MANDATORY LEVEL 1 WATER RESTRICTIONS AT SANDY HOLLOW

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

1. Council approves the establishment of mandatory level 1 water restrictions for Sandy Hollow town water supply from Monday 11 November 2019, following notification of the restrictions in a local newspaper; and
2. The mandatory level 1 water restrictions will apply until Council may with confidence revoke the restrictions.

11.5 OLYMPIC PARK MASTER PLAN REVISION

131 RESOLVED on the motion of Crs Reynolds and Green that:

1. Council endorse the inclusion of the cycling criterium track in a revised Olympic Park Master Plan to be placed on public exhibition for a period of 28 days.
2. At the conclusion of the period of public exhibition, the revised Olympic Park Master Plan be resubmitted to Council for consideration.
3. A revised program of works and cost estimate for the Olympic Park Project be prepared and reported to Council.

11.6 COMMUNITY INFRASTRUCTURE CAPITAL WORKS STATUS REPORT FOR FIRST QUARTER OF 2019-2020

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

The information contained in the report be NOTED.

12 CORPORATE AND COMMUNITY SERVICES

12.1 REGISTER OF PECUNIARY INTERESTS

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

The tabling of the Register of Pecuniary Interests for the period 1/7/2018 to 30/6/2019 be NOTED.

12.2 ADMINISTRATION CENTRE CLOSURE

134 RESOLVED on the motion of Crs Reynolds and Ledlin that:

Council endorses the closure of Council offices on Friday 6 December, 2019 for the Staff Christmas Function.

12.3 HUNTER PARK FAMILY CENTRE COMMUNITY HUB UPDATE

Disclosure of Interest

Cr Janelle Eades declared a pecuniary interest in this item. Cr Eades advised Council that she is employed by the organisation mentioned in the report.

At 06:38pm Cr Eades left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council endorse the continuing funding to support the Hunter Park Family Centre of up to \$20,000 from the General Fund in the 2019/20 budget as an operational carryover from the last financial year.

At 06:42pm Cr Eades returned to Council Chambers and resumed her usual chair at the meeting table.

12.4 CONDUCT OF 2020 ELECTION

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

Council resolves:

1. Pursuant to s296(2) and (5) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer the 2020 election of the Council.
2. Pursuant to s296(2) and (5) of the Act, as applied and modified by s18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council conducted simultaneously with the 2020 election of the Council.
3. Pursuant to s296(2) and (5) of the Act, as applied and modified by s18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council, conducted simultaneously with the 2020 election of the Council.

12.5 REPORT ON INVESTMENTS HELD AS AT 30 SEPTEMBER 2019

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

The information showing Council's investments as at 30 September 2019 be noted and the exceeded trading limits of two issuers be accepted.

12.6 SEPTEMBER 2019 MONTHLY FINANCIAL REPORT

138 RESOLVED on the motion of Crs Rush and Green that:

The Financial Report for the month ending 30 September 2019 be noted.

12.7 DIRECTOR'S REPORT - ENVIRONMENT AND COMMUNITY SERVICES

139 RESOLVED on the motion of Crs Reynolds and Green that:

The information contained in this report be noted.

12.8 LIDDELL CLOSURE ADVISORY COMMITTEE DELEGATION

140 RESOLVED on the motion of Crs Ledlin and Reynolds that:

Council resolves that:

1. There be a Liddell Power Station Closure Committee Restricted Reserve (the Reserve) in the Restricted Cash Asset Reserve of the General Fund;
2. The delegations and functions of the Liddell Power Station Closure Committee (the Committee) be amended, by expansion, to include:
 - (a) subject to 4 and 5, the delegation and function to expend from time to time such funds as have been paid into the Reserve on such terms as the Committee thinks fit; and
 - (b) a delegation to commission a study on the best practice measures of success for the closure of a thermal coal fired power station and thermal coal mine.
3. A delegation be provided to the Chairperson of the Liddell Power Station to exercise the following further functions:
 - (a) the authorisation of any media associated with the work of the Committee;
 - (b) after consultation with the Committee, any function which has been delegated to the Committee.
4. Notwithstanding 2(a):
 - (a) Funds which have been provided by Council may only be expended in accordance with:
 - (i) the *Local Government Act*, 1993;
 - (ii) any Council policy or restriction; and
 - (iii) Law.
5. Notwithstanding 2(a):
 - (a) Funds which have been paid into the Reserve by a third party (Council permitting) may only be expended in accordance with:
 - (i) the *Local Government Act*, 1993;
 - (ii) any restriction imposed by the third party which provided the funding; and
 - (iii) Law.
6. \$40,000 from the Economic Development Operational Budget be restricted for the purpose of 2(b) and provided that such funding is expended on a study furnished to Council by no later than February 2019.

12.9 ABORIGINAL TREATY

141 RESOLVED on the motion of Crs Ledlin and Reynolds that:

Council;

1. Endorse the Uluru Statement from the Heart as a guiding principal statement for future work with our Aboriginal and Torres Strait Community, and;
2. Endorse investigation into the development of a Local Treaty, informed by the Uluru Statement, that that begins with conversations and consultation to scope a final Draft Treaty that reflects the needs of the local community.
3. Approve a budget of \$27K (GST Exclusive) from the General Fund to progress the initial stages of work towards the development of a Draft Treaty.

13 REPORTS FROM COMMITTEES

13.1 DEVELOPMENT ASSESSMENT COMMITTEE - 23/09/2019

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

The Minutes of the Development Assessment Committee Meeting held on Monday 23 September 2019 be received and the recommendations contained therein ADOPTED.

13.2 DEVELOPMENT ASSESSMENT COMMITTEE - 8/10/2019

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

The Minutes of the Development Assessment Committee Meeting held on Tuesday 8 October 2019 be received and the recommendations contained therein ADOPTED.

13.3 LOCAL TRAFFIC COMMITTEE - 8/10/2019

144 RESOLVED on the motion of Crs Reynolds and Ledlin that:

The Minutes of the Local Traffic Committee Meeting held on Tuesday 8 October 2019 be received and the recommendations contained therein ADOPTED.

13.4 ABORIGINAL RECONCILIATION COMMITTEE - 19/06/2019

145 RESOLVED on the motion of Crs Ledlin and Scholes that:

The minutes for the Aboriginal Reconciliation Committee meeting held on Wednesday 19 June 2019 be NOTED.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

16.1 COUNCILLORS REPORT

Cr Jacinta Ledlin reported that she attending the Women in Local Government leadership Summit on the 10 and 11 of October, 2019 along with Council staff, Ms C. O'Brien, Ms K. Scholes, Ms I. Chetty and Ms F. Plesman. Cr Ledlin advised the meeting that the summit had quality presentations which entailed cultural innovation and elevation communication. Cr Ledlin praised Ms Plesman on her presentation at the summit and thanked Council for the opportunity to attend.

17 QUESTIONS FOR NEXT MEETING

17.1 EMPLOYMENT OF LOCAL COUNCIL STAFF

Cr McNeill referred to a previous question asked on whether a review of the ratio of Council employees who live locally could be provided to Councillors as he is concerned with the number of people who travel to Muswellbrook for work in various industries and asked if an update could be provided?

17.2 REQUEST FOR MINE MANAGERS MEETING

Cr McNeill inquired whether a meeting had been organised with the Mine Managers in the local LGA to answer questions regarding local employment?

Ms Plesman advised Cr McNeill that invitations will be sent to the Mine Managers requesting their attendances to advise on such matters.

17.3 LUSKINS LANE

Cr McNeill referred to his previous question concerning the identification of Luskins Lane and inquired whether this had been undertaken?

Ms Plesman advised the meeting that Mr Finnigan will follow up the matter prior to the next Ordinary Council Meeting to be held in November.

18 ADJOURNMENT INTO CLOSED COUNCIL

146 RESOLVED on the motion of Crs Foy 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:

19.6 CONTRACT NO. 2018-2019-0375 DENMAN LOOKOUT NATURE TRAIL

Item 19.6 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.

**19.1 TRIAL OF ALTERED HOURS OF OPERATION AT THE MUSWELLBROOK
WASTE MANAGEMENT FACILITY AND THE DENMAN WASTE TRANSFER
STATION**

Item 19.1 is classified CONFIDENTIAL under the provisions of Section10A(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.

**19.2 CONTRACT 2018-2019-0366 REVIEW OF MINE AFFECTED ROADS NETWORK
PLAN: COMPLETION OF STAGE 1 OF THE REVIEW**

Item 19.2 is classified CONFIDENTIAL under the provisions of Section10A(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.

**19.3 CONTRACT 2019-2020-0383 MUSWELLBROOK WATER MAIN RENEWAL
PROGRAM**

Item 19.3 is classified CONFIDENTIAL under the provisions of Section10A(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.

**19.4 CONTRACT 2019-2020-0392 - CONSTRUCTION OF TWO NEW NETBALL
COURTS**

Item 19.4 is classified CONFIDENTIAL under the provisions of Section10A(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.

19.5 FUTURE FUND COMMITTEE AND POLICY

Item 19.5 is classified CONFIDENTIAL under the provisions of Section10A(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.

19 CLOSED COUNCIL

**19.1 TRIAL OF ALTERED HOURS OF OPERATION AT THE MUSWELLBROOK WASTE
MANAGEMENT FACILITY AND THE DENMAN WASTE TRANSFER STATION**

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

The information contained in the report be NOTED.

**19.2 CONTRACT 2018-2019-0366 REVIEW OF MINE AFFECTED ROADS NETWORK PLAN:
COMPLETION OF STAGE 1 OF THE REVIEW**

Disclosure of Interest

Cr M. Green declared a pecuniary interest in this item. Cr Green advised Council that her husband is employed by the Company mentioned in the report.

Cr S. Reynolds declared a pecuniary interest in this item. Cr Reynolds advised Council that he is involved in legal matters with the company mentioned in the report.

Cr M. Bowditch declared a pecuniary interest in this item. Cr Bowditch advised Council that he is an employee of a company mentioned in the report.

At 6.53pm Crs Green, Reynolds and Bowditch left the Council Chambers and therefore took no part in discussion or voting on this item.

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

1. Council NOTES Stage 1 of the review of the Mine Affected Roads Network Plan; and
2. Council approves further development of the review of the Mine Affected Roads Network Plan towards inclusion of Stage 3: Apportionment of costs and contributions.

At 6.55pm Crs Green, Reynolds and Bowditch returned to the meeting room and resumed their usual chairs at the meeting table.

19.3 CONTRACT 2019-2020-0383 MUSWELLBROOK WATER MAIN RENEWAL PROGRAM

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

Council approves:

1. The acceptance of the tender submitted by HL Mullane & Co Pty Ltd, in the amount of \$715,075 (excl. GST sums and Contingencies) for Contract 2019-2020-0383 Muswellbrook Water Main Renewal Program;
2. The contingency provision allocation as detailed in the report.
3. The budget from the water reserve be increased by \$70k to accommodate the Hill Street project in the program.

19.4 CONTRACT 2019-2020-0392 - CONSTRUCTION OF TWO NEW NETBALL COURTS

Disclosure of Interest

Cr Jason Foy declared a non-pecuniary interest in this item. Cr Foy advised Council that his daughter is a member of Muswellbrook Netball.

Cr Mark Bowditch declared a pecuniary interest in this item. Cr Bowditch advised Council his wife is a Board Member of the Muswellbrook Netball Association.

At 6.53pm Crs Foy and Bowditch left the Council Chambers and therefore took no part in discussion or voting on this item.

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

1. Council decline to accept the tender as it exceeds available budget.

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2. In accordance with Section 178 (3)(e) of the Local Government (General) Regulation 2005:
 - (a) Invite, in accordance with clause 169 fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract; and
 - (b) In accordance with clause 171 for a shortened tender period of 7 days due to funding requirements.
3. A further report be provided to Council at an Extraordinary Council meeting to be held in 12 November, 2019.

At 06:55pm Crs Jason Foy and Bowditch returned to the meeting room and resumed their usual chairs at the meeting table.

19.5 FUTURE FUND COMMITTEE AND POLICY

Disclosure of Interest

Cr M. Rush declared an insignificant non-pecuniary interest in this item. Cr Rush advised Council that he is a potential appointee to the Committee.

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

- 1) Council adopt as amended the reviewed Future Fund Policy.
- 2) Council appoints
 - a) Ross Peasley for a period of 1 year
 - b) Martin Rush for a period of 2 years
 - c) John Flood as the Chair & member of the Committee for a period of 3 years
 - d) Natalia Cowley for a period of 4 years
 - e) Fiona Plesman for a period of 5 years

19.6 CONTRACT NO. 2018-2019-0375 DENMAN LOOKOUT NATURE TRAIL

Disclosure of Interest

Cr Michelle Green declared a pecuniary interest in this item. Cr Green advised Council that her husband's company is one of the tenderers.

Cr Mark Bowditch declared a pecuniary interest in this item. Cr Bowditch advised Council that he is employed one of the Company's that has tendered.

Cr Jason Foy declared a non-pecuniary interest in this item. Cr Foy advised Council that a family friend was one of the tenderers.

At 06:59pm Cr Green, Cr Bowditch and Cr Foy left the Council Chambers and therefore took no part in discussion or voting on this matter.

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

The matter be delegated to the General Manager to determine.

At 07:03pm Crs Foy, Green and Bowditch returned to Council Chambers.

20 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 7.03 pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 14) WERE CONFIRMED AT THE
ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON
TUESDAY 12 NOVEMBER, 2019 AND ARE A FULL AND ACCURATE RECORD OF
PROCEEDINGS OF THE MEETING HELD ON TUESDAY 29 OCTOBER, 2019

.....
Ms F. Plesman
General Manager

.....
Cr M. Rush
Chairperson