

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 12 NOVEMBER, 2019 COMMENCING AT 6.00PM.

PRESENT: Cr M.L. Rush, Cr M. Bowditch, Cr J.F. Eades, Cr M.I. Green, Cr J.L. Ledlin, Cr G.T. McNeill and Cr R.W. Scholes.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director - Community Infrastructure), Ms N. Cowley (Executive Manager – Officer of the Chief Financial Officer), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mr A. Mitreski (Policy Analyst Economic Transition & Innovation), Mr A. Pirillo (Policy Officer), Mrs M. Sandell-Hay (PA to General Manager) and Miss M. Meadows (PA to Mayor).

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 G. McNeill.

3 APOLOGIES AND LEAVE OF ABSENCE

154 RESOLVED on the motion of Crs Scholes and McNeill that:

The apologies for inability to attend the meeting submitted by Cr. J. Foy, Cr. S. Bailey, Cr. S. Ward, Cr. S. Reynolds and Cr B.N. Woodruff be ACCEPTED and the necessary Leave of Absence be GRANTED.

4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

5 PUBLIC PARTICIPATION

Nil

6 MAYORAL MINUTE

7 COMMUNITY INFRASTRUCTURE

7.1 ROADS & MARITIME SERVICES PROPOSAL FOR NEW ROUTINE MAINTENANCE COUNCIL CONTACT

155 RESOLVED on the motion of Crs Scholes and Bowditch that:

1. Council accepts the offer of a new Routine Maintenance Council Contract; and
2. The General Manager be authorised to negotiate and execute all relevant contract documentation.

7.2 MUSWELLBROOK AQUATIC CENTRE UPGRADE - EARLY AND INVESTIGATION WORKS PROGRAMME

156 RESOLVED on the motion of Crs Scholes and Bowditch that:

The information contained in this report be noted.

8 CORPORATE AND COMMUNITY SERVICES

8.1 PROPOSED CHANGE OF ESTABLISHMENT TO FACILITATE HOSPITALITY FUNCTIONS WITHIN COUNCIL

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

1. Endorse the proposed Change of Establishment described in the report; and
2. Adopt changes to associated budgets to support the establishment of the position.

8.2 SECTION 4.55(2) MODIFICATION OF DA 78/2018 INVOLVING ALTERATIONS TO THE DESIGN OF THE RESTAURANT AND PARKING AREA - 147 – 153 BRIDGE STREET, MUSWELLBROOK

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

Council approve the Section 4.55(2) modification of DA 78/2018, subject to the recommended amended conditions of consent set out in Schedule 2 of Attachment B.

In Favour: Crs M. Bowditch, J. Eades, M. Green, J. Ledlin, G. McNeill, M. Rush and R. Scholes.

Against: Nil.

8.3 HALF DAY PUBLIC HOLIDAY 2020

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

Council make application to the Minister for the Public Service and Employee Relations for the approval of a half day public holiday for the Muswellbrook Cup Day from noon on Friday, 27 March 2020.

8.4 CHRISTMAS SPECTACULAR

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

Council support the Christmas Spectacular for 2019 as a sponsor with a contribution of \$5,000 allocated from the sundries donation budget.

9 ADJOURNMENT INTO CLOSED COUNCIL

161 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:

10.1 HUNTER PILOT BIOREFINERY

Item 10.1 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.

10.2 APPLICATION FOR A POSSESSORY TITLE

Item 10.2 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.

10.3 CONTRACT 2018-2019-0376 WATER DISPENSING POINTS FOR MUSWELLBROOK AND DENMAN

Item 10.3 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.

10.4 CONTRACT 2018-2019-0341 DESIGN AND CONSTRUCT SPS 5 RISING MAIN: REQUEST FOR FUNDING ADJUSTMENT

Item 10.4 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.

10.5 MUSWELLBROOK ANIMAL CARE FACILITY COST ESTIMATE

Item 10.5 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.

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

Item 10.6 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.

10.7 HUNTER JOINT ORGANISATION

Item 10.7 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.

10 CLOSED COUNCIL

10.1 HUNTER PILOT BIOREFINERY

FORESHADOWED MOTION (Cr McNeill)

This matter be deferred to the November Ordinary Council meeting.

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

\$30,000 from the Economic Development Operational Budget is set aside to conduct a due diligence process into Ethanol Technologies Limited.

10.2 APPLICATION FOR A POSSESSORY TITLE

163 RESOLVED on the motion of Crs Eades and Green that:

1. Council make a Possessory Application for the property as outlined in the report;
2. Outstanding rates and expenses to be funded from the Section 94 - Open Space Reserve; and
3. A further report be provided to Council following application.

10.3 CONTRACT 2018-2019-0376 WATER DISPENSING POINTS FOR MUSWELLBROOK AND DENMAN

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

1. Council accepts the tender submitted by TCM Pty Ltd under Contract 2018-2019-0376 for the construction of two water dispensing points, for the price of \$282,303;
2. Council approves the transfer of funds from General Ledger 5310.4560.504 to General Ledger 5310.4405.504, as recommended in the financial impacts section of the report, for project management and contingencies; and
3. A further report, providing detail of the progress of the project, is to be submitted to Council.

10.4 CONTRACT 2018-2019-0341 DESIGN AND CONSTRUCT SPS 5 RISING MAIN: REQUEST FOR FUNDING ADJUSTMENT

165 RESOLVED on the motion of Crs Scholes and Bowditch that:

Council approves the funding adjustment for Contract 2018-2019-0341 Design and construct SPS 5 rising main as detailed in the report.

10.5 MUSWELLBROOK ANIMAL CARE FACILITY COST ESTIMATE

MOTION

Moved by Cr Rush that

1. Council resolve to proceed with the project in accordance with option 2 - straw bale construction.
2. Council consider the budget implications as part of the September Budget Review

The motion LAPSED for want of a seconder.

MOTION

Moved by Crs Green and McNeill

The matter be deferred to the November Ordinary Council meeting to allow more information to be provided on more accurate cost estimates and the impact of flooding considering the location.

The motion was put the vote and LOST

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

1. Council resolve to proceed with the project.
2. Council consider the budget implications as part of the September Budget Review and the construction materials to be used at the Ordinary Council meeting scheduled for 26 November, 2019.

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

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

The determination of this matter be delegated to the General Manager.

10.7 HUNTER JOINT ORGANISATION

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

Council not become a member of the Committee for the Hunter or hold membership or participate in in any organisation that holds such membership.

11 RESUMPTION OF OPEN COUNCIL

169 RESOLVED on the motion of Crs McNeill and Ledlin that:

The meeting return to Open Council.

12 CLOSURE

The meeting was declared closed at 6.45pm.

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Ms F. Plesman

General Manager

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Cr M. Rush

Chairperson