

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 31
MARCH, 2020 COMMENCING AT 6.00PM.**

PRESENT: Cr M.L. Rush, Cr M. Bowditch, Cr J.F. Eades, Cr J.P. Foy (video-conferencing), Cr J.L. Ledlin (video-conferencing), Cr G.T. McNeill, Cr R.W. Scholes (video-conferencing), Cr S.M. Reynolds, Cr S.J. Ward (video-conferencing) and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director - Community Infrastructure), Ms N. Cowley (Executive Manager – Officer of the Chief Financial Officer), Ms S. Pope (Assistant Director – Planning & Community Service), Mr P. Chambers (Shire Engineer), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mr A. Mitreski (Co-Ordinator – Economic Development & Innovation) 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 Cr S. Reynolds.

3 APOLOGIES AND LEAVE OF ABSENCE

282 RESOLVED on the motion of Crs Bowditch 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

283 RESOLVED on the motion of Crs Woodruff and McNeill that:

The Minutes of the Ordinary Meeting held on 25 February 2020, 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 INTERESTS

Cr J. Eades – declared a non-pecuniary interest in Item 12.1. Cr Eades advised Council that that she through her employer will be helping run some of the challenge projects listed in the report.

Cr B. Woodruff – declared a pecuniary interest in Item 11.2. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr J. Foy – declared a pecuniary interest in Item 12.1. Cr Foy advised Council that his employer is a beneficiary of this program.

Cr S. Ward – declared a non-pecuniary interest in Item 12.1. Cr Ward advised Council that the Denman Lions Club would be assisting with cooking food for some of the projects and he is a member of the Denman Lions Club.

Cr M. Rush – declared a non-pecuniary interest in Item 11.1. Cr Rush advised Council that that he owns property along the Road subject of the application and successful grant.

6 PUBLIC PARTICIPATION

Nil

7 MAYORAL MINUTES

7.1 COVID-19 PANDEMIC CONTINGENCY FUND

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

Council authorise a \$2,000,000 General Fund loan to assist towards addressing future consequences arising from the COVID-19 pandemic on such terms as the General Manager may further authorise.

8 GENERAL BUSINESS

Nil

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

Nil

11 COMMUNITY INFRASTRUCTURE

11.1 SANDY CREEK ROAD SUCCESSFUL FUNDING GRANT - NSW SAFER ROADS PROGRAM

Disclosure of Interest

Cr Rush declared a non-pecuniary interest in this item. Cr Rush advised Council that he owns property along the Road subject of the application and successful grant.

At 06:10pm Cr Martin Rush left the Meeting and therefore took no part in discussion or voting on this matter.

Cr Scholes assumed the role of Chair for the conduct of this item.

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

1. Council accepts the funding amount of \$419,520 from the NSW Safer Roads Program for Sandy Creek Road curve improvements to be completed in the 2020-21 financial year;
2. The amount of \$419,520 will be included in Council's 2020-21 Capital Budget;
3. Council extends its thanks to the Regional Road Safety Officer on making the application and requests that the RMS consider Council's road strategies in future allocations.

At 06:13pm Cr Martin Rush returned to Meeting and resumed the role of Chair for the remainder of the meeting.

11.2 MACH ENERGY SECTION 138 ROADS ACT GEOTECHNICAL INVESTIGATION

Disclosure of Interest

Cr Woodruff disclosed a non-pecuniary interest in this item. Cr Woodruff advised the meeting that his employer undertakes work for the applicant.

At 06:15 pm Councillor Brett Woodruff left the Council Chambers and therefore took no part in discussion or voting on this matter.

286 RESOLVED on the motion of Crs Scholes and Eades that:

Council delegate to the General Manager authority to sign the subject Section 138 Roads Act 1993 approval specified in the report to carry out survey and geotechnical investigation of sections of Wybong Road, Overton Road and Logues Lane.

At 06:15pm Cr Brett Woodruff returned to Meeting.

11.3 TRANSFER OF FUNDS FOR WATER MAIN RENEWALS

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

Council approves the increase in overall budget for the 2019-2020-0383 Muswellbrook Water Main Renewal Program, and the requested transfer of funds to support the completion of these works.

11.4 WATER AND WASTEWATER LEVELS OF SERVICE FOR THE SECOND QUARTER OF 2019 -2020

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

The information contained in the report be noted.

11.5 RECOMMENDATIONS ARISING FROM MANEX MEETING HELD 26 MARCH 2020

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

Council endorses the recommendations detailed in the report.

12 CORPORATE AND COMMUNITY SERVICES

12.1 HEALTHY TOWNS CHALLENGE GRANT FUNDED PROJECT

Disclosure of Interest

Cr Eades declared a non-pecuniary interest in this item. Cr Eades advised the meeting that that she through her employer will be helping run some of the challenge projects listed in the report.

Cr Ward declared a non-pecuniary interest in this item. Cr Ward advised Council that the Denman Lions Club would be assisting with cooking food for some of the projects and he is a member of the Denman Lions Club.

At 6.12pm Cr Eades and Cr Ward left the Meeting room and therefore took no part in discussion or voting on this matter.

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

Council resolves to immediately release the funds, from the Healthy Towns grant, once it has been received by Council, for use by staff and the community as identified in the Grant application.

At 6.13pm Cr Eades and Cr Ward returned to the meeting.

12.2 SPONSORSHIP FOR HUNTERWISE OUTREACH PROGRAM FOR 2020

Disclosure of Interest

Cr Foy declared a non-pecuniary interest in this item. Cr Foy advised Council that his employer is a beneficiary of this program.

At 6.19pm Cr Foy left the meeting and therefore took no part in discussion or voting on this item.

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

Council approves \$20,000 from the Job Creation Fund for a sponsorship of the HunterWiSE Outreach program for 2020.

At 6.19pm Cr Foy returned to the meeting.

12.3 INTERNAL AUDIT CHARTER

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

Council adopts the Muswellbrook Shire Council Internal Audit Charter.

12.4 REPORT ON INVESTMENTS HELD AS AT 29 FEBRUARY 2020

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

The information showing Council's investments as at 29 February 2020 be noted.

12.5 FEBRUARY 2020 MONTHLY FINANCIAL REPORT

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

The Financial Report for the month ending 29 February 2020 be noted.

12.6 PLANNING, ENVIRONMENT AND REGULATORY SERVICES

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

The information contained in this report be noted.

12.7 COMMUNITY SERVICES

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

The information contained in this report be noted.

13 REPORTS FROM COMMITTEES

13.1 DEVELOPMENT ASSESSMENT COMMITTEE - 24/02/2020

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

The Minutes of the Development Assessment Committee Meeting held on Monday 24 February 2020 be received and the recommendations contained therein ADOPTED.

13.2 DEVELOPMENT ASSESSMENT COMMITTEE - 9/03/2020

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

The Minutes of the Development Assessment Committee Meeting held on Monday 9 March 2020 be received and the recommendations contained therein ADOPTED.

13.3 LOCAL TRAFFIC COMMITTEE - 10-MAR-20

299 RESOLVED on the motion of Crs Reynolds and Scholes that:

The Minutes of the Local Traffic Committee Meeting held on Tuesday 10 March 2020 be received and the recommendations contained therein ADOPTED except for the following Items:

5.1 Road Closure to Conduct Soap Box Derby; and

5.3 Road Closures to Conduct Anzac Day March and Ceremony

As both of these events have been cancelled for 2020 due to the COVID-19 Pandemic.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

Nil

17 QUESTIONS FOR NEXT MEETING

Nil

18 ADJOURNMENT INTO CLOSED COUNCIL

300 RESOLVED on the motion of Crs Woodruff 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

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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 2019-2020-0409 - MEMORIAL PARK AMENITIES

Item 19.1 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.

19.2 TENDER 2019-2020-0409 - LANDSCAPING MEMORIAL PARK

Item 19.2 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.

19.3 TENDER 2019-2020-0412 - BYLONG VALLEY WAY CH7KM - ROAD AND DRAINAGE UPGRADE WORKS

Item 19.3 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.

19.4 TENDER 2019-2020-0406 - MUSWELLBROOK AQUATIC CENTRE UPGRADE (RE-ISSUE)

Item 19.4 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.

19 CLOSED COUNCIL

19.1 TENDER 2019-2020-0409 - MEMORIAL PARK AMENITIES

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

Council endorses the Tender Evaluation Panel's recommendation to accept the Tender from Pureblue, for the Lump Sum Price of \$280,945 for the design and construction of an amenities block in Memorial Park Denman.

19.2 TENDER 2019-2020-0409 - LANDSCAPING MEMORIAL PARK

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

1. Council endorses the Tender Evaluation Panel's recommendation to accept the tender submitted by Regal Innovations, for the Lump Sum Price of \$969,711.09 for the construction of landscaping at Memorial Park Denman subject to a satisfactory financial assessment;
2. The General Manager be delegated authority to sign and seal the contract; and

3. Council notes the advice from State Government of the successful funding application for receipt of \$200,000 funding from the 'Stronger Country Communities Fund Round 3 to put toward the construction of the playground.

19.3 TENDER 2019-2020-0412 - BYLONG VALLEY WAY CH7KM - ROAD AND DRAINAGE UPGRADE WORKS

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

1. Option 2 as presented in the report be endorsed; and
2. The General Manager be delegated authority to sign and affix Council's seal to the Contract 2019-2020-0412.

19.4 TENDER 2019-2020-0406 - MUSWELLBROOK AQUATIC CENTRE UPGRADE (RE-ISSUE)

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

1. In accordance with S178 of the Local Government (General) Regulation 2005, Council decline to accept any tenders for 2019-2020-0406 Muswellbrook Aquatic Centre Upgrade (Re-issue) as all tenders received are non-conforming as they exceed the project budget.
2. In accordance with Section 178 (3)(e) of the Local Government (General) Regulation 2005, it is recommended that –
 - (i) Council decline to invite fresh tenders or applications as referred to in subclause (3) (b)-(d) as it would delay the project; and
 - (ii) Council determines to enter into direct negotiations with the preferred tenderer as it most likely to achieve the best value outcome.
3. Council delegates to the General Manager the determination of the award of the contract following negotiations.

20 RESUMPTION OF OPEN COUNCIL

305 RESOLVED on the motion of Crs Reynolds and Bowditch that:

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 6.28pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 7) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 28 APRIL, 2020 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 31 MARCH, 2020

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Ms F. Plesman
General Manager

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Cr M. Rush
Chairperson