

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 2 FEBRUARY, 2021 COMMENCING AT 6.00PM.

PRESENT: Cr M.L. Rush, Cr J.F. Eades, Cr J.P. Foy (VC), Cr J.L. Ledlin, Cr R.W. Scholes, Cr S.J. Ward and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Mr M. Plumridge (Chief Financial Officer), Ms S. Pope (Executive Manager – Planning & Environment), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr A. Mitreski (Policy Analyst – Economic Transition & Innovation), 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 Eades.

3 APOLOGIES AND LEAVE OF ABSENCE

215 RESOLVED on the motion of Crs Scholes and Ward that:

The apologies for inability to attend the meeting submitted by Cr G. McNeill, Cr M. Bowditch and Cr S. Reynolds be ACCEPTED and the necessary Leave of Absence be GRANTED.

4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Ms F Plesman – Declared a significant non-pecuniary interest in Item 9.5 and 9.6. Ms Plesman advised Council that she is a Director on the Board of the Upper Hunter Economic Development Corporation who are mentioned in the reports.

Mr D. Finnigan – Declared a significant non-pecuniary interest in Item 9.7. Mr Finnigan advised Council that his wife's brother's in-laws own property in the vicinity of the proposed Muswellbrook Civic space.

5 PUBLIC PARTICIPATION

Nil

6 COMMUNITY INFRASTRUCTURE

6.1 RECONSTRUCTION OF PART WYBONG ROAD FROM THE MOUNT PLEASANT MINE ENTRANCE TO OVERTON ROAD

216 RESOLVED on the motion of Crs Scholes and Ward that:

Council approves the temporary closure of Wybong Road East from the Mount Pleasant Mine Entrance to Overton Road to allow for road reconstruction works to be undertaken.

7 CORPORATE AND COMMUNITY SERVICES

7.1 MEMBERSHIP OF THE JOINT REGIONAL PLANNING PANEL

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

Council replace the Deputy General Manager as Council's representative on the Joint Regional Planning Panel with the following appropriately qualified Councillors:

- (i) Cr Rod Scholes
- (ii) Cr Stephen Ward (Alternate member)

8 ADJOURNMENT INTO CLOSED COUNCIL

218 RESOLVED on the motion of Crs Eades and Woodruff 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 TENDER 2020-2021-0439 - WATER MAIN REPLACEMENT MUSWELLBROOK

Item 9.1 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.

9.2 TENDER 2018-2022-0179 - EDDERTON ROAD UPGRADE WORKS CH6.0-CH7.0 AND CH7.0-CH8.0

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 TENDER 2018-2019-0347 - DESIGN AND CONSTRUCTION OF MUSCLE CREEK BRIDGE AND ASSOCIATED ROAD WORKS

Item 9.3 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.

9.4 TENDER 2020-2021-0446 - PROCUREMENT OF BIOSOLIDS

Item 9.4 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.

9.5 TRANSFER OF INDUSTRIAL LAND

Item 9.5 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

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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.

9.6 2020-2021-0448 UPPER HUNTER INNOVATION CENTRE STAGE 2 - CONSTRUCTION TENDER (NEGOTIATIONS)

Item 9.6 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.

9.7 CAPITAL EXPENDITURE REVIEW - MUSWELLBROOK CIVIC SQUARE

Item 9.7 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.

9 CLOSED COUNCIL

9.1 TENDER 2020-2021-0439 - WATER MAIN REPLACEMENT MUSWELLBROOK

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

Council:

1. Approves the tender from Knock Contracting for Water Main Renewals in Sowerby Street and Hill Street, Muswellbrook, for the amount of \$496,800 (exclusive of GST) be accepted; and
2. Approves the provisional allowance and contingency amounts as detailed in the financial implications section of the report.

9.2 TENDER 2018-2022-0179 - EDDERTON ROAD UPGRADE WORKS CH6.0-CH7.0 AND CH7.0-CH8.0

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

Council:

1. Accepts the Tender submitted by KCE Pty Ltd for Contract 2018-2022-0179 Edderton Road upgrade works, for a price of \$2,851,200, exclusive of GST, subject to a satisfactory financial assessment;
2. Approves the contingency and management overhead allowance amounts specified in the Financial Implications section of the report.;
3. Delegates to the General Manager authority to sign and affix Council's seal to Contract 2018-2022-0179.

9.3 TENDER 2018-2019-0347 - DESIGN AND CONSTRUCTION OF MUSCLE CREEK BRIDGE AND ASSOCIATED ROAD WORKS

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

Council:

1. Accepts the Tender submitted by Saunders Civilbuild Pty Ltd for Contract 2018-2019-0347 Design and construction of Muscle Creek bridge and associated road works, for a price of \$1,615,062.75, exclusive of GST, subject to a satisfactory financial assessment;
2. Approves the contingency and management overhead allowance amounts specified in the Financial Implications section of the report; and
3. Delegates to the General Manager authority to sign and affix Council's seal to Contract 2018-2019-0347.

9.4 TENDER 2020-2021-0446 - PROCUREMENT OF BIOSOLIDS

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

Council accepts the tender of Loop Organics for Contract 2020-2021-0446 Procurement of Biosolids for the collection and reuse of biosolids produced at the Muswellbrook Recycled Water Treatment Works for a period of two years, with the option of 2 x 1-year extensions.

9.5 TRANSFER OF INDUSTRIAL LAND

Disclosure of Interest

Ms Plesman declared a significant non-pecuniary interest in this item. Ms Plesman advised Council that she is a Director on the Board of Upper Hunter Economic Development Corporation. At 6.03pm Ms Plesman left the meeting and therefore no part in discussion on this item.

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

The land at Lot 22 in DP1131270 otherwise known as 24 Carramere Road, Muswellbrook, be transferred to the Upper Hunter Economic Development Corporation Limited in consideration of the amount set out in the report.

9.6 2020-2021-0448 UPPER HUNTER INNOVATION CENTRE STAGE 2 - CONSTRUCTION TENDER (NEGOTIATIONS)

Disclosure of Interest

Ms Plesman declared a significant non-pecuniary interest in this item. Ms Plesman advised Council that she is a Director on the Board of Upper Hunter Economic Development Corporation. Ms Plesman remained absent from meeting and therefore no part in discussion on this item.

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

1. Council continues to finalise negotiations with the preferred tenderers following completion of clarification and cost savings with a view to select the lowest priced contractor.
2. Council delegates authority to the General Manager, or Acting General Manager, for determination of the award of the contract up to the amount identified in the report, inclusive of contingencies, following negotiations with the lowest priced tenderer(s).
3. Council approves allocation up to the amount identified in the report additional capital funding in the 2021/22 capital budget and adjusts the Long Term Financial Plan accordingly.

At 6.06pm Ms Plesman returned to the meeting room.

9.7 CAPITAL EXPENDITURE REVIEW - MUSWELLBROOK CIVIC SQUARE

Disclosure of Interest

Mr Finnigan declared a significant non-pecuniary interest in this item. Mr Finnigan advised that his wife's brother's in-laws own property in the vicinity of Muswellbrook Civic Square. At 6.06pm Mr Finnigan left the meeting and therefore no part in discussion on this item.

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

Council:

1. Endorses the Capital Expenditure Review for the Muswellbrook Civic Square;
2. Resolves that the Office of Local Government be notified of Council's intention to proceed with the project; and
3. Provide a Civic Square precinct plan for public presentation.

At 6.07pm Mr Finnigan returned to the meeting room.

10 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

11 CLOSURE

The meeting was declared closed at 6.07pm.

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Ms F. Plesman
General Manager

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Cr M. Rush
Chairperson