

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 11 FEBRUARY, 2020 COMMENCING AT 6.00PM.

PRESENT: Cr M.L. Rush, Cr S.L. Bailey, 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), Ms C. O'Brien (Manager - Community Services), Ms N. Cowley (Executive Manager – Officer of the Chief Financial Officer), Ms S. Pope (Assistant Director – Planning & Community Service, Mr M. Lysaught (Manager – Works, Property & Building Services), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mr A. Mitreski (Policy Analyst Economic Development and Innovation) Miss A. Morris (Administration Officer), Miss M. Meadows (PA to the Mayor), 2 people in the public gallery and 1 media representative.

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 Reynolds.

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr J. Foy - Declared a pecuniary interest in Item 9.1. Cr Foy advised the meeting that the Richard Gill Academy will impact his place of employment.

Cr M. Green declared a pecuniary interest in Item 6.5. Cr Green advised the meeting that the applicant is her husband's employer.

Cr M. Green - Declared a pecuniary interest in Item 6.6. Cr Green advised the meeting that the applicant is her husband employer.

Cr S. Reynolds - Declared a pecuniary interest in Item 6.5. Cr Reynolds advised the meeting that he is involved in legal proceedings with the applicant.

Cr S. Reynolds – Declared a pecuniary interest in Item 6.6. Cr Reynolds advised the meeting that he is involved in legal proceedings with the applicant.

5 PUBLIC PARTICIPATION

Nil

5A MAYORAL MINUTES

MAX WATTERS OAM

240 RESOLVED on the motion of Crs Foy and Bowditch that:

1. Council recognise the remarkable life of former Shire Citizen of the Year, Max Watters OAM, his extraordinary generosity, and the significant contribution he made to the arts in Muswellbrook and across New South Wales.

2. A permanent memorial be established in memory of Max Watters, to be funded from the Public Art allocation in the 2020/21 Budget.

6 COMMUNITY INFRASTRUCTURE

6.1 ESTABLISHMENT OF MANDATORY LEVEL 2 WATER RESTRICTIONS

MOTION

Cr McNeill proposed a motion to defer the decision to the next Ordinary Council Meeting to be concurrent with the Upper Hunter Shire Council once reported to the Council Meeting of the Upper Hunter Shire Council.

THE MOTION LAPSED FOR WANT OF A SECONDER

Cr Reynolds requested that a Marketing campaign be created to advise that Muswellbrook Shire Council are implementing Mandatory Level 2 Water Restrictions and the restrictions are in line with Hunter Water in the Lower Hunter Region.

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

1. Council approves the establishment of mandatory level 2 water restrictions for Muswellbrook, Denman, and Sandy Hollow town water supply from 2 March 2020, following notification of the restrictions in a local newspaper and provision of information through Council's web site and engagement with social media;
2. Council adopts a policy of aligning the substance of water restriction levels with those established by Hunter Water;
3. Council adopts a policy of timing future changes in mandatory water restrictions for Muswellbrook, Denman, and Sandy Hollow town water supply to those applied by Hunter Water when the conditions applied by Hunter Water are more conservative of water usage than those detailed in Council's Drought Management and Emergency Response Plan (September 2014);
4. The Drought Management Emergency Response Plan that applies to Muswellbrook be amended accordingly; and
5. Council places a moratorium on the legislative enforcement of the mandatory level 2 water restrictions until 6 April 2020.

6.2 REPLACEMENT OF FIRE-DAMAGED LANDFILL LIDS

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

Council temporarily allocates \$207,440 from the waste reserve to enable the replacement of seven landfill lids at the Muswellbrook waste and recycling facility.

6.3 REVISED DRAFT OLYMPIC PARK MASTER PLAN - PUBLIC EXHIBITION

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

The information contained in the report be noted.

6.4 INSTALLATION OF TWO VALVES: NORTH MUSWELLBROOK 375MM WATER MAIN

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

Council approves the transfer of \$100,000 from the water reserve to enable the installation of two stop valves in the 375mm north Muswellbrook water main.

6.5 EDDERTON ROAD SECTION 138 ROADS ACT APPROVAL - COMPLETION OF STAGE 1 WORKS.

Disclosure of Interest

Cr M. Green declared a pecuniary interest in this item. Cr Green advised that her husband is employed by the applicant.

Cr S. Reynolds declared a pecuniary interest in this item. Cr Reynolds advised the meeting that he is currently in legal proceedings with the applicant.

At 06:21pm Cr Reynolds and Cr Green left the Council Chambers and therefore took no part in discussion or voting on this item.

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

The matter be deferred to the March Ordinary Council Meeting.

6.6 EDDERTON ROAD STAGE 2 UPGRADE SECTION 138 ROAD ACT 1993 APPROVAL.

Disclosure of Interest

Cr M. Green declared a pecuniary interest in this item. Cr Green advised that her husband is employed by the applicant.

Cr S. Reynolds declared a pecuniary interest in this item. Cr Reynolds advised the meeting that he is currently in legal proceedings with the applicant.

At 06:21pm Cr Reynolds and Cr Green left the Council Chambers and therefore took no part in discussion or voting on this item.

246 RESOLVED on the motion of Crs Ledlin and Foy that:

The matter be deferred to the March Ordinary Council Meeting.

AT 06:23pm Cr Green and Cr Reynolds returned to Council Chambers and resumed their usual chairs at the meeting table.

7 CORPORATE AND COMMUNITY SERVICES

7.1 DECEMBER 2019 MONTHLY FINANCIAL REPORT

247 RESOLVED on the motion of Crs Ledlin and Bailey that:

The Financial Report for the month ending 31 December 2019 be noted.

7.2 ELECTION OF COUNCILLOR SPOKESPERSON (VACANCIES)

248 RESOLVED on the motion of Crs Rush and Bailey that:

1. Council elect Councillor Ledlin as Councillor Spokesperson for Finance, Corporate Services and Integrated Planning.
2. Recreation and Wellbeing be included in the Sport Portfolio, and Events be included in the Innovation portfolio.

7.3 REPORT ON INVESTMENTS HELD AS AT 31 DECEMBER 2019.

249 RESOLVED on the motion of Crs Ward and Green that:

The information showing Council's investments as at 31 December 2019 be noted.

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

Council adjourn for 5 minutes before closed Council to thank both Cr Bailey and Cr Green for their valued contributions to the Community during their time as Councillors.

251 RESOLVED on the motion of Cirs Rush and Scholes that:

Cr Bailey and Cr Green be thanked for the significant contribution to the Muswellbrook Shire Community and their service as Councillors.

8 ADJOURNMENT INTO CLOSED COUNCIL

252 RESOLVED on the motion of Crs Foy and Reynolds 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 RICHARD GILL NATIONAL MUSIC ACADEMY

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 2018-2019-0374 RELOCATION OF COUNCIL ADMINISTRATION CENTRE - REFURBISHMENT AND FIT OUT

Item 9.2 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.

9.3 COMMUNITY PROPERTY PURCHASE - DUE DILIGENCE

Item 9.3 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.

9.4 TERTIARY EDUCATION CENTRE - STAGE 2 - DRAFT DESIGN

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 2018-2019-0374 RELOCATION OF COUNCIL ADMINISTRATION CENTRE - REFURBISHMENT AND FIT-OUT - TENDER ASSESSMENT

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 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 RICHARD GILL NATIONAL MUSIC ACADEMY

Disclosure of Interest

Cr Jason Foy declared a pecuniary interest in this item. Cr Foy advised Council that the Academy will impact his place of employment.

At 07:08pm Cr Foy left the Council Chambers and therefore took no part in discussion or voting on this item.

253 RESOLVED on the motion of Crs Rush and Bailey that:

Council authorises the General Manager to enter into a contract to provide ongoing funding of \$250,000 per annum (indexed) for a period of five (5) years together with a single year of \$350,000 to the completion of the arranged agreement from the financial year 2020/21 to 2024/25 for the establishment of the Richard Gill National Music Academy and to provide a base from which STEM education can be advanced throughout the Upper Hunter.

At 07:23pm Cr Jason Foy returned to Council Chambers and resumed his usual chair at the meeting table.

9.2 2018-2019-0374 RELOCATION OF COUNCIL ADMINISTRATION CENTRE - REFURBISHMENT AND FIT OUT

254 RESOLVED on the motion of Crs Eades and Bowditch that:

The information contained in the report be noted.

9.3 COMMUNITY PROPERTY PURCHASE - DUE DILIGENCE

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

Council:

1. Proceed with the purchase of the property as identified in the report.
2. Authorise the General Manager to sign all documents associated with the conveyancing transaction, including a Client Authorisation Form to Local Government Legal to effect the transaction.
3. The subject property be classified as "Community" land within the meaning of Division 1, Part 2 of Chapter 6 of the Local Government Act 1993.

9.4 TERTIARY EDUCATION CENTRE - STAGE 2 - DRAFT DESIGN

256 RESOLVED on the motion of Crs Rush and Bailey that:

Council endorses the amended design to proceed to development application submission.

9.5 2018-2019-0374 RELOCATION OF COUNCIL ADMINISTRATION CENTRE - REFURBISHMENT AND FIT-OUT - TENDER ASSESSMENT

257 RESOLVED on the motion of Crs Green and Scholes that:

1. In accordance with S178 of the Local Government (General) Regulation 2005, Council declines to accept any tender for 2018-2019-0374 Relocation of Council Administration Centre Project, as all the tenders received are non-conforming as they exceed the project budget.
2. In accordance with Section 178 (3)(b) 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) (c) & (d) as it would delay the project; and
 - (ii) Council determines to enter into direct negotiations with the preferred tenderer with the intention to enter into a contract in relation to the subject matter of the tender.
3. Council delegates to the General Manager the determination of the award of the contract following negotiations.

10 RESUMPTION OF OPEN COUNCIL

258 RESOLVED on the motion of Crs Bailey and Green that:

The meeting return to Open Council.

11 CLOSURE

The meeting was declared closed at 7.24 pm.

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Ms F. Plesman
General Manager

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Cr M. Rush
Chairperson