

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 25 MAY,
2021 COMMENCING AT 6.00PM.**

PRESENT: Cr M.L. Rush, Cr M. Bowditch, Cr J.F. Eades, Cr J.L. Ledlin, Cr G.T. McNeill, 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 J. Hogan (Acting Chief Financial Officer), Ms S. Pope (Executive Manager – Planning & Environment), Mr M. Lysaught (Manager – Works, Property & Building Services), Mrs M. Sandell-Hay (PA to General Manager), 11 people in the public gallery, 9 people in the virtual 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 Cr Eades.

3 APOLOGIES AND LEAVE OF ABSENCE

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

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Minutes of the Ordinary Meeting held on 27 April 2021, and the Extra Ordinary Meeting held on 18 May 2021, 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 G. McNeill – Declared a pecuniary interest in item 8.2. Cr McNeill advised Council that the report refers to the closure of Liddell Power Station and AGL Macquarie who is his employer.

6 PUBLIC PARTICIPATION

Ms J. Richardson – Spoke in opposition to Item 8.1.

Ms R. Saunders – Spoke in opposition to Item 8.1.

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

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

Item 8.2 be considered as the first item of business.

8.2 LIDDELL POWER STATION CLOSURE - MEMORANDUM OF UNDERSTANDING

Disclosure of Interest

Cr McNeill declared a pecuniary interest in this item. Cr McNeill advised the meeting that he is employed by AGL Macquarie. At 6:05pm Cr McNeill left the Council Chambers and therefore took no part in discussion or voting on this matter.

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

Council resolves to execute the attached Memorandum of Understanding with AGL Macquarie Pty Ltd and authorises the General Manager to sign the document on its behalf.

At 06:05pm Cr McNeill returned to Council Chambers and resumed his chair at the meeting table.

8.1 DA 2019/2 - CONSTRUCTION OF MULTI-DWELLING HOUSING COMPRISING SIXTEEN (16) DWELLINGS AND ASSOCIATED SITE WORKS - 19 JOHN HOWE CIRCUIT, MUSWELLBROOK

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

The matter be considered at the June Ordinary Council Meeting to allow further discussions to be held with the developer.

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

Against: Nil.

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 PLANNING AND ENVIRONMENTAL SERVICES

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

The information contained in this report be noted.

11 COMMUNITY INFRASTRUCTURE

11.1 MAJOR PROJECTS STATUS REPORT

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

Council notes the information contained in the report.

**11.2 WATER AND WASTEWATER LEVELS OF SERVICE FOR THE THIRD QUARTER OF 2020
- 2021**

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

Council notes the information contained in the report.

**11.3 NATIONAL HEAVY VEHICLE REGULATOR STRATEGIC LOCAL GOVERNMENT ASSET
ASSESSMENT PROJECT**

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

Council notes the information contained in the report.

11.4 SPORTSGROUNDS, PARKS, AND RECREATION FACILITIES SPONSORSHIP

315 RESOLVED on the motion of Crs McNeill and Ledlin that Council:

1. Confirms that user group sponsorship on Council infrastructure should be temporary only;
2. Requests that a sponsorship policy for sportsgrounds, parks, and recreation facilities be drafted for Council's consideration; and
3. Approves the calling of Expressions of Interest for the naming sponsorship of major sportsgrounds.

12 CORPORATE AND COMMUNITY SERVICES

12.1 FUTURE FUND COMMITTEE

Cr McNeill requested that in regards to Item 10 in the Committee Policy that it include one Councillor on the Committee.

Cr Rush advised that it is critical the Committee has a separation of power. The Committee is a skills based advisory board, and advice needs to be fearless and independent as much as possible when dealing with commercial properties. All Councillors have their say as it is Council that makes the decision over every aspect of the Future Fund. A commitment was made to the Chamber of Commerce that the Committee would be independent from Council. Council should have no opportunity to use its local commercial landholdings in a way that could be perceived to be in any way competitive. In this particular enterprise, Council requires the particular skills set which Council staff may not have.

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

1. Council note the review of the Future Fund Policy.
2. Council adopt the amended Future Fund Policy.
3. Council advertise an Expression of Interest for the independent members of the Committee and report back to Council.

12.2 INTERNAL REPORTING AND PUBLIC INTEREST DISCLOSURES POLICY

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

Council ADOPTS the Internal Reporting and Public Interest Disclosures Policy provided in attachment A.

12.3 2020-2021 OPERATIONAL PLAN 31 MARCH QUARTERLY REVIEW

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

The 2020/21 Operational Plan Review dated 31 March 2021 be noted.

12.4 MARCH BUDGET REVIEW 2021

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

Council endorse the list of proposed changes for incorporation into the 2020/21 Budget.

12.5 REPORT ON COUNCIL GRANT FUNDING MAY 2021

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

Council notes the information contained in the report.

12.6 APRIL 2021 MONTHLY FINANCIAL REPORT

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

The Financial Report for the month ending 30 April 2021 be noted.

12.7 REPORT ON INVESTMENTS HELD AS AT 30 APRIL 2021

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

Information showing Council's investments as at 30 April 2021 be noted.

12.8 COMMUNITY SERVICES

323 RESOLVED on the motion of Crs Eades and Ward that:

The information contained in this report be noted.

13 REPORTS FROM COMMITTEES

13.1 FINANCE REVIEW AND ADVISORY COMMITTEE - 1/04/2021

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

The Minutes of the Finance Review and Advisory Committee Meeting held on Thursday 1 April 2021 be received and the recommendations contained therein ADOPTED.

13.2 FINANCE REVIEW AND ADVISORY COMMITTEE - 23/04/2021

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

The Minutes of the Finance Review and Advisory Committee Meeting held on Friday 23 April 2021 be received and the recommendations contained therein ADOPTED.

13.3 FINANCE REVIEW AND ADVISORY COMMITTEE - 27/04/2021

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

The Minutes of the Finance Review and Advisory Committee Meeting held on Tuesday 27 April 2021 be received and the recommendations contained therein ADOPTED.

13.4 FINANCE REVIEW AND ADVISORY COMMITTEE - 13/05/2021

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

The Minutes of the Finance Review and Advisory Committee Meeting held on Thursday 13 May 2021 be received and the recommendations contained therein ADOPTED.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

15.1 QUESTIONS WITH NOTICE

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

The information be noted.

16 COUNCILLORS REPORTS

15.2 BY-ELECTION

Cr Martin Rush reported that as a result of the recent By-Election Council has received around \$105m of Government commitments. Councillor Rush thanked the General Manager and staff for their work in regards to this.

17 QUESTIONS FOR NEXT MEETING

17.1 WASTE SERVICES

Cr Bowditch provided a written question inquiring if there a reason why garbage is not collected for approximately 11 residences between the bridges at Sandy Hollow and Gungal given that the garbage truck travels to the Gungal Rest Stop to collect the garbage bins located at the rest stop?

Cr Rush advised that this would be taken on notice and a response provided to the next meeting.

17.2 MANGOOLA CONTINUED OPERATIONS

Cr McNeill asked the following:

1. Can the General Manager provide detailed explanation (in writing) of what constitutes a "position of Council"? Including the necessary requirements for such to beformed.
2. When & how was the authority given to staff or Councillor to provide a submission to the IPC? As opposed to the authority given for the GM to prepare a submission to the DPIE.
3. Under who's authority did the General Manager engage the services of Mr Jim Griffiths & Mr Greg Legget to represent Council before the IPC on the 24 February, 2021? When & how was the budget allocation provided, and what was the cost of this engagement?
4. Under what process & what authority was the position of outright rejection of the Mangoola Continued Operations project, as present to the IPC reached & authorised? Can the General Manager provide minutes of the meeting where this occurred?
5. How, and under who's authority, did the position of Council change from one of "Not objecting" to Mangoola Coal Continued Operations, as detailed in a referral letter from the DPIE (29/01/2021) to one of outright objection as presented to the IPC on the 24/02/2021?

Cr Rush advised that the questions would be taken on notice and a response provided to the next meeting.

18 ADJOURNMENT INTO CLOSED COUNCIL

329 RESOLVED on the motion of Crs McNeill 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:

19.1 MUSWELLBROOK GOLF CLUB RECYCLED WATER PRICING OPTIONS

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 CEMETERY PLANNING - POTENTIAL LOCATION AND PRELIMINARY CONCEPT

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

19.3 REQUEST FOR QUOTES FOR LIGHT FLEET

Item 19.3 is classified CONFIDENTIAL under the provisions of Section10A(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 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY

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

Members of the public left the meeting at this stage.

19 CLOSED COUNCIL

19.1 MUSWELLBROOK GOLF CLUB RECYCLED WATER PRICING OPTIONS

330 RESOLVED on the motion of Crs Woodruff and Ward that Council:

1. Approves pricing Option 2 as specified in the report for the sale of recycled water from the Muswellbrook recycled water treatment works to the Muswellbrook Golf Club for approved irrigation purposes for a period of five years from 1 July 2021 to 30 June 2026; and that
2. The approved recycled water price is to be formalised in a Deed of Agreement with the Muswellbrook Golf Club.

19.2 CEMETERY PLANNING - POTENTIAL LOCATION AND PRELIMINARY CONCEPT

331 RESOLVED on the motion of Crs Scholes and Eades that Council:

1. Endorse the identified potential location and preliminary concept for a new Muswellbrook Lawn Cemetery; and
2. Progress the preparation of concept plan to be reported back to Council.

19.3 REQUEST FOR QUOTES FOR LIGHT FLEET

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

Council accepts the price increase of \$1,997.28 for RFQ 001-2021 and RFQ 002-2021.

19.4 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY

333 RESOLVED on the motion of Crs Scholes and Woodruff that Council:

1. Approves placing the draft Integrated Water Cycle Management Strategy on public exhibition for a period of twenty eight days:
2. Requests a further report be submitted to Council following the period of public exhibition of the draft Integrated Water Cycle Management Strategy.

20 RESUMPTION OF OPEN COUNCIL

334 RESOLVED on the motion of Crs Eades and McNeill that:

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 6.56pm.

**THE MINUTES OF THE MEETING (PAGES 1 TO 8) WERE CONFIRMED AT THE ORDINARY
COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 29
JUNE, 2021 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE
MEETING HELD ON TUESDAY 25 MAY, 2021**

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Ms F. Plesman

General Manager

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Cr M. Rush

Chairperson