



**muswellbrook  
shire council**

**Muswellbrook Shire Council**  
**EXTRA ORDINARY COUNCIL  
MEETING**

**BUSINESS PAPER**  
**14 APRIL 2020**



**EXTRA ORDINARY COUNCIL MEETING, 14 APRIL 2020**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122  
MUSWELLBROOK  
11 April, 2020

Councillors,

You are hereby requested to attend the Extra Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **14 April, 2020** commencing at 6:00pm.

Fiona Plesman  
**GENERAL MANAGER**

# Order of Business

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8.2	EXECUTION OF \$2M GENERAL FUND LOAN <i>Item 8.2 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.</i>	
8.3	DUE DILIGENCE REPORT <i>Item 8.3 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.</i>	
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## MUSWELLBROOK SHIRE COUNCIL

# AGENDA

### **1 ACKNOWLEDGEMENT OF COUNTRY**

### **2 CIVIC PRAYER**

### **3 APOLOGIES AND LEAVE OF ABSENCE**

### **4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Section 451 of the Local Government Act requires that if a councillor or member of a council or committee has a pecuniary interest in any matter before the council or committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

### **5 PUBLIC PARTICIPATION**

## 6 CORPORATE AND COMMUNITY SERVICES

### 6.1 PUBLIC EXHIBITION OF THE 2020/21 OPERATIONAL PLAN, REVENUE POLICY, BUDGET AND FEES AND CHARGES

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Fiona Plesman - General Manager
<b>Author:</b>	Melissa Cleary - Co-Ordinator - Integrated Planning
<b>Community Plan Issue:</b>	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
<b>Community Plan Goal:</b>	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
<b>Community Plan Strategy:</b>	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

#### PURPOSE

This report details the proposed timetable and procedure for the public exhibition and adoption of the Draft 2020/21 Operational Plan including the Revenue Policy, Budget and Fees and Charges.

#### OFFICER'S RECOMMENDATION

**Council endorse the Draft 2020/21 Operational Plan including the Revenue Policy, Budget and Fees and Charges for public exhibition for a period of at least 28 days, with details of all public submissions, received by close of the exhibition period, reported to Council for consideration.**

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### BACKGROUND

Annually, pursuant to section 405 of the New South Wales *Local Government Act 1993*, Council is required to prepare an Operational Plan outlining the activities to be undertaken for the following financial year. A draft Operational Plan must be placed on public exhibition for at least 28 days and, after consideration of any submissions, the final draft must be adopted prior to the beginning of the financial year.

#### CONSULTATION

Councillors, Manex, Managers and Council officers

#### CONSULTATION WITH COUNCILLOR SPOKESPERSON

All Councillors have been consulted during development of the Draft 2020/21 Operational Plan (including the Revenue Policy, Budget and Fees and Charges).

#### REPORT

The Draft 2020/21 Operational Plan (including the Revenue Policy, Budget and Fees and Charges) is attached under separate cover.

Council is required to place the Draft 2020/21 Operational Plan on public exhibition for at least 28 days.

The following timetable is suggested for the exhibition of the document:

**Tuesday 14 April 2020** – Extraordinary Council Meeting seeking approval that the Draft 2020/21 Operational Plan be placed on public exhibition;

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- Wednesday 15 April 2020** – Draft 2020/21 Operational Plan placed on public exhibition on Council's website;
- Draft 2020/21 Operational Plan public exhibition promoted on Council's Facebook page;
- Friday 15 May 2020** – Draft 2020/21 Operational Plan public exhibition period closes;
- Tuesday 26 May 2020** – Council Meeting to consider submissions and determine the 2020/21 Operational Plan.

## OPTIONS

Under Section 405 of the New South Wales Local Government Act 1993, Council is required to place its annual Draft Operational Plan on public exhibition for at least 28 days.

## CONCLUSION

It is recommended that the Draft 2020/21 Operational Plan (including the Revenue Policy, Budget and Fees and Charges) be placed on public exhibition for 28 days, with details of all public submissions, received by close of the exhibition period, reported to Council for consideration at an ordinary meeting scheduled for 26 May 2020.

## SOCIAL IMPLICATIONS

None identified.

## FINANCIAL IMPLICATIONS

The 2020/21 Operating and Capital Budget is also on exhibition.

## POLICY IMPLICATIONS

None identified.

## STATUTORY IMPLICATIONS

Council is required under Section 405 of the Local Government Act, 1993 to prepare a plan (its **operational plan**) that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year which includes a statement of the council's revenue policy for the year covered by the operational plan. The Draft Operational Plan must be placed on public exhibition for a period of at least 28 days.

## LEGAL IMPLICATIONS

Hard copies of the Draft 2020/21 Operational Plan will not be made available to the community on this occasion in order to comply with social distancing requirements provided for by the *NSW Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020* under the *Public Health Act 2010*. Section 405(4) of the *Local Government Act 1993* requires that during the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies. Consequently, the map will still be made available for inspection at the administration building. Staff will make arrangements for the maps to be available, subject to precautions for COVID-19 (pre-booking inspections of the map, only one person may view the map at a time, no one may view the map if presenting with flu-like symptoms etc.).

## OPERATIONAL PLAN IMPLICATIONS

The Draft Operational Plan is required to be prepared each year and placed on public exhibition for a period of 28 days.

## RISK MANAGEMENT IMPLICATIONS

None identified.

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## **7 ADJOURNMENT INTO CLOSED COUNCIL**

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

### **RECOMMENDATION**

**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:**

#### **8.1 REVIEW OF MINE AFFECTED ROADS NETWORK PLAN**

Item 8.1 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.

#### **8.2 EXECUTION OF \$2M GENERAL FUND LOAN**

Item 8.2 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.

#### **8.3 DUE DILIGENCE REPORT**

Item 8.3 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.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

## **8 CLOSED COUNCIL**

**9 RESUMPTION OF OPEN COUNCIL**

**10 CLOSURE**