

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 14 APRIL, 2020 COMMENCING AT 6:00PM.

PRESENT: Cr M.L. Rush, Cr M. Bowditch, Cr J.F. Eades, Cr J.P. Foy (via Video Conference), Cr J.L. Ledlin, Cr G.T. McNeill (via Video Conference), Cr R.W. Scholes (via Video Conference), Cr S.M. Reynolds, Cr S.J. Ward (via Video Conference) 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 - via Video Conference), Mr P Chambers (Chief Engineer - via Video Conference), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mr A. Mitreski (Policy Analyst – Economic Transition & Innovation), Mrs M. Sandell-Hay (PA to General Manager - via Video Conference), 1 person 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

306 RESOLVED on the motion of Crs Woodruff and Bowditch 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 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr S. Reynolds – Declared a pecuniary interest in Item 8.1. Cr Reynolds advised Council that the report involves a company that he is currently involved in a legal matter with.

Cr B. Woodruff – Declared a non-pecuniary interest in Item 8.1. Cr Woodruff advised Council that his employer undertakes work at the various companies mentioned in the report.

Cr M. Bowditch - Declared a non-pecuniary interest in Item 8.1. Cr Bowditch advised Council that his employer undertakes work for the various companies mentioned in the report.

Cr G. McNeill – Declared a pecuniary interest in Item 8.3. Cr McNeill advised Council that he believes his employer is a potential investor.

5 PUBLIC PARTICIPATION

Granville Taylor – spoke in opposition to Council providing any funding towards a bio-refinery proposal.

6 CORPORATE AND COMMUNITY SERVICES

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

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

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.

7 ADJOURNMENT INTO CLOSED COUNCIL

308 RESOLVED on the motion of Crs Ledlin 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:

8.1 REVIEW OF MINE AFFECTED ROADS NETWORK PLAN

Item 8.1 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.

8.2 EXECUTION OF \$2M GENERAL FUND LOAN

Item 8.2 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.

8.3 DUE DILIGENCE REPORT

Item 8.3 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.

Members of the public left the meeting at this stage.

8 CLOSED COUNCIL

8.1 REVIEW OF MINE AFFECTED ROADS NETWORK PLAN

Disclosure of Interest

Cr S. Reynolds – declared a pecuniary interest in this item. Cr Reynolds advised Council that he is currently involved in a legal matter with one of the companies mentioned in the report.

Cr B. Woodruff – declared a non-pecuniary interest in this item. Cr Woodruff advised Council that his employer undertakes work for the various companies mentioned in the report.

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 14 APRIL, 2020 COMMENCING AT 6:00PM.

Cr M. Bowditch – declared a non-pecuniary interest in this item. Cr Bowditch advised Council that his employer undertakes work for the various companies mentioned in the report.

At 06:20pm Crs S. Reynolds B. Woodruff and M. Bowditch left the Council Chambers and therefore took no part in discussion or voting on this item.

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

1. Council endorses placing the review of the Mine Affected Roads Network Plan on public exhibition for a period of 28 days; and
2. Council ADOPTS the review of the Mine Affected Roads Network Plan at the conclusion of the public exhibition period subject to receiving no public comment that materially affects the intent or application of the plan.

At 06:28pm Crs M. Bowditch, S. Reynolds and B. Woodruff returned to Council Chambers.

8.2 EXECUTION OF \$2M GENERAL FUND LOAN

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

1. Council delegates to the General Manager the authority to negotiate the lowest fixed interest rate with one of the four major banks for an amount of AUD\$2 million on a fixed term of 3 years, amortising over 15 years, with a start date of 15 April 2020 and otherwise in accordance with the terms offered by the selected bank.
2. Council delegates to the General Manager the authority to execute this loan agreement to be used for COVID-19 initiatives with Westpac Banking Corporation.

8.3 DUE DILIGENCE REPORT

Disclosure of Interest

Cr McNeill declared a non-pecuniary interest in this item. Cr McNeill advised Council that his employer is a prospective investor. At 06:30pm Cr McNeill left the Council Chambers and therefore took no part in discussion or voting on this matter.

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

Council

1. Notes the due diligence report.
2. Endorses the bio-refinery as a critical part of its economic development strategy and endorses the recommended grant as part of its IP&R strategy.
3. Authorises the General Manager to proceed in accordance with the advice of 18 February 2020 and issue an Expression of Interest for providing a grant for the purpose of constructing and operating a pilot bio-refinery for second generation ethanol.

At 07:27pm Cr McNeill returned to Meeting.

9 RESUMPTION OF OPEN COUNCIL

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

The meeting return to Open Council.

10 CLOSURE

The meeting was declared closed at 7.27pm.

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Ms F. Plesman

General Manager

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Cr M. Rush

Chairperson