

**MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 8 SEPTEMBER, 2020 COMMENCING AT 6.00PM.**

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**PRESENT:** Cr M.L. Rush, Cr J.P. Foy, Cr J.L. Ledlin (phone), Cr G.T. McNeill, Cr R.W. Scholes, Cr S.M. Reynolds, Cr S.J. Ward (VC) and Cr B.N. Woodruff.

**IN ATTENDANCE:** Mr D. Finnigan (Acting General Manager), Ms N. Cowley (Executive Manager – Officer of the Chief Financial Officer), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr A. Mitreski (Policy Analyst – Economic Development & Innovation) and 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 Steven Reynolds.

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

62 RESOLVED on the motion of Crs Rush and Reynolds that:

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

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

**Cr S. Reynolds** – declared an insignificant non-pecuniary interest in item 6.1. Cr Reynolds advised Council that he is currently in legal proceedings with the applicant.

## **5 PUBLIC PARTICIPATION**

Nil

## **6 COMMUNITY INFRASTRUCTURE**

### **6.1 EDDERTON ROAD CONSOLIDATED S 138 ROADS ACT, 1993 APROVAL**

#### **Disclosure of Interest**

Cr Reynolds declared an insignificant non-pecuniary interest in this item. Cr Reynolds advised Council that he is currently in legal proceedings with the applicant. At 6.02pm Cr Steven Reynolds left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council:

1. Delegates authorisation to the General Manager to grant consent to the consolidated s. 138 Roads Act 1993 Application generally in accordance with the Special Conditions attached to the report, for the dual purposes of:
  - (a) prohibiting access to the part of the existing alignment of Edderton Road (proposed closed road portion) to allow for the transition of traffic to the realigned Edderton Road; in conjunction with

- (b) the approval for Hunter Valley Energy Coal Pty Ltd to excavate the Proposed Closed Road Portion in accordance with s.6.4 of the Deed.

At 6.03pm Cor Steven Reynolds returned to Council Chambers.

## **7 CORPORATE AND COMMUNITY SERVICES**

### **7.1 FINANCE REVIEW AND ADVISORY COMMITTEE**

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

1. A Standing Finance Review and Advisory Committee of Council be endorsed
2. The Committee's functions are to consider and make recommendations to Council relating to financial management matters referred to it by Council or the General Manager;
3. The Committee be constituted by the following:
  - Mayor; and
  - Deputy Mayor;
  - Councillor Spokesperson Finance, (Chair);
  - General Manager; and
  - Chief Financial Officer.
4. The General Manager may appoint members of staff to attend meetings of the Committee in an advisory capacity.

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

Against: Crs G. McNeill and S. Reynolds.

## **8 ADJOURNMENT INTO CLOSED COUNCIL**

65 RESOLVED on the motion of Crs McNeill and Scholes 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 ECONOMIC DEVELOPMENT SERVICES**

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 PROPERTY PURCHASE**

Item 9.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) and 10A(2)(d)(i) 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 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.

### **9.3 EXECUTION OF \$4.9M FUTURE FUND LOAN**

Item 9.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) and 10A(2)(d)(i) 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 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 CLOSED COUNCIL**

### **9.1 ECONOMIC DEVELOPMENT SERVICES**

66 RESOLVED on the motion of Crs McNeill and Scholes that:

Council invites tenderers for the provision of economic development services as set out in this report.

### **9.2 PROPERTY PURCHASE**

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

1. Council authorise the Council Seal to be affixed to the Contract of Sale and Transfer document relating to the purchase by Council of the property from the Vendor.
2. Council authorise the General Manager to execute all other relevant documentation relating to the purchase of the subject property by Council.
3. Council proceed with the purchase of the property at the negotiated price and generally in those terms identified in the report.

### **9.3 EXECUTION OF \$4.9M FUTURE FUND LOAN**

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

Council accepts the principal and interest loan from the Australia and New Zealand Banking Group Ltd for an amount of AUD\$4,900,000 on a fixed term of 5 years, amortising over 15 years and otherwise in accordance with the terms offered by the Australia and New Zealand Banking Group Ltd for the purchase of 26-30 Lawley St, Kedron, QLD. Council delegates to the General Manager the authority to execute this loan.

## **10 RESUMPTION OF OPEN COUNCIL**

69 RESOLVED on the motion of Crs McNeill and Scholes that:

The meeting return to Open Council.

## 11 CLOSURE

The meeting was declared closed at 6.31pm.

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Mr D. Finnigan

**Acting General Manager**

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Cr M. Rush

**Chairperson**