

**MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON WEDNESDAY 26 JULY, 2017 COMMENCING AT 6.00PM.**

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**PRESENT:** Cr M.L. Rush, Cr J.F. Eades, Cr J.P. Foy, Cr M.I. Green, Cr R.W. Scholes and Cr B.N. Woodruff.

**IN ATTENDANCE:** Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Ms F. Plesman (Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Mr R. Franklin (Chief Financial Officer), Mrs M. Sandell-Hay (PA to General Manager) 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 Mayor.

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

25 RESOLVED on the motion of Crs Woodruff and Foy that:

The apologies for inability to attend the meeting submitted by Cr J.L. Ledlin, Cr. G. McNeill, Cr. S. Bailey, Cr. S. Ward and Cr. S. Reynolds be ACCEPTED and the necessary Leave of Absence be GRANTED.

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

Cr R. Scholes – declared a non-pecuniary interest in item 10.3. Cr Scholes advised Council that the Muswellbrook Rugby Club is mentioned in the report and he is a Life Member.

## **5 PUBLIC PARTICIPATION**

Nil

## **6 ENVIRONMENTAL SERVICES**

### **6.1 STRATEGIC HERITAGE PROJECTS UPDATE**

26 RESOLVED on the motion of Crs Rush and Green that:

That:

1. Cr Rush be appointed as Councillor Spokesperson for Innovation, Land Use Planning and Heritage and removed as Councillor Spokesperson for Integrated Planning; and
2. The title of Councillor Spokesperson for Finance and Corporate Services be amended to Councillor Spokesperson for Finance, Corporate Services and Integrated Planning.
3. Council establish the Innovation, Industry, Land Use Planning and Heritage Committee with the function:
  - a. Advising Council in the area of Innovation, Industry, Land Use Planning and Heritage, with the following membership
  - b. Accepting and discharging any delegation provided by Council
  - c. The establishment of any Sub-Committee within the functions of the Committee

4. The Committee shall be constituted by the following persons:
  - a. the Councillor Spokesperson for Innovation, Industry, Land Use Planning and Heritage (as Chair);
  - b. Such councillors that may nominate to be on the Committee by 5.00pm Friday 4 August, 2017
  - c. Such Council staff officers as the General Manager may wish to appoint (as advisors).

## **7 CORPORATE AND COMMUNITY SERVICES**

### **7.1 RESERVE TRUST MANAGEMENT OF SKELLATAR TRAVELLING STOCK ROUTE**

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

Council delegate to the General manager negotiations around the management of the reserve trust identified in the report and report back to Council.

## **8 NOTICES OF MOTION / RESCISSION**

### **8.1 DOMESTIC WASTE FUND - COLLECTION SERVICES**

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

1. The General Manager prepare, in consultation with such others as he/or she may determine -- provided that such consultation include Upper Hunter Shire Council -- a business case for the administration of Domestic Waste Collection Services (and such further or other waste collection services as he/or she thinks fit) by Council;
2. Council allocate \$40,000 from the Domestic Waste Reserve for the purpose of 1.

## **9 ADJOURNMENT INTO CLOSED COUNCIL**

29 RESOLVED on the motion of Crs Foy and Green 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:

### **10.1 ADDITIONAL SHORT TERM BORROWING FACILITIES AND ACCEPTANCE OF OFFERS OF LOAN FUNDING**

Item 10.1 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.

### **10.2 MARKETPLACE - TENDER FOR SHOPPING CENTRE LEASING**

Item 10.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local

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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.

**10.3 GRANT FUNDING OPPORTUNITIES**

Item 10.3 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.

**10 CLOSED COUNCIL**

**10.1 ADDITIONAL SHORT TERM BORROWING FACILITIES AND ACCEPTANCE OF OFFERS OF LOAN FUNDING**

30 RESOLVED on the motion of Crs Rush and Foy that:

1. Council adopt the recommendations contained in the report.
2. To accept the letter of offer from the ANZ bank dated 17 July 2017 and any subsequent letter of offer to include a further \$10,000,000 one year facility and the terms contained therein relating to the provision of loan facilities to Muswellbrook Shire Council.
3. To accept the letter of offer from the CBA bank dated 17 July 2017.
4. Authorise the affixing of the common seal to the letters of offer and any associated loan documents for the facilities outlined in this report.

**10.2 MARKETPLACE - TENDER FOR SHOPPING CENTRE LEASING**

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

Council:

1. In accordance with S178 of the Local Government (General) Regulation 2005, declines to accept any tenders for Tender for Shopping Centre Leasing for the reason that:
  - a) All tenders are not within the budget allocation.
2. In accordance with Section 178 (3)(e) of the Local Government (General) Regulation 2005 enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.

**10.3 GRANT FUNDING OPPORTUNITIES**

**Disclosure of Interest**

Cr Scholes declared a non-pecuniary interest in this item. Cr Scholes advised Council that he is a Life Member of the Muswellbrook Rugby Club which is mentioned in the report. At 06:06pm Cr Rod Scholes left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Delegate the making of the applications to the General Manager.

At 06:07pm Cr Rod Scholes returned to Council Chambers.

## 11 RESUMPTION OF OPEN COUNCIL

33 RESOLVED on the motion of Crs Woodruff and Foy that:

That the meeting return to Open Council.

## 12 CLOSURE

The meeting was declared closed at 6.08 pm.

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Mr S. McDonald

**General Manager**

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Cr M. Rush

**Chairperson**