

**MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN LOXTON ROOM, ADMINISTRATION CENTRE, CAMPBELLS CORNER, 60-82 BRIDGE STREET MUSWELLBROOK ON TUESDAY 31 MAY, 2022 COMMENCING AT 4.00PM.**

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**PRESENT:** Cr S.M. Reynolds (Mayor), Cr M. Bowditch (VC), Cr D. Douglas, Cr L. Dunn, Cr J.A. Lecky, Cr G.T. McNeill, Cr R. Mahajan, Cr D.E. Marshall, Cr R.W. Scholes and Cr B.N. Woodruff.

**IN ATTENDANCE:** Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Mr D. Walsh (Director – Corporate Services & Chief Financial Officer), Ms S. Pope (Director – Planning & Environment), Mr M. Lysaught (Director – Property & Place), Mr P. Chambers (Chief Engineer), Ms K. Manwarring (Manager – Community Services), Ms M. Cleary (Manager – Governance), Mrs M. Sandell-Hay (PA to General Manager), 10 people in the public gallery and 1 media representative.

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The Acknowledgement of Country was read by Cr D. Douglas.

## **2 CIVIC PRAYER**

The Civic Prayer was read by Cr L. Dunn.

## **3 APOLOGIES, LEAVE OF ABSENCE AND ATTENDANCE VIA AUDIO VISUAL LINK**

**369** RESOLVED on the motion of Crs McNeill and Mahajan that:

The apologies for inability to attend the meeting submitted by Cr A Barry and Cr J. Drayton be ACCEPTED and the necessary Leave of Absence be GRANTED.

**370** RESOLVED on the motion of Crs Marshall and Woodruff that:

The application submitted by Cr M. Bowditch and Cr J. Drayton to attend the Extra-Ordinary Council Meeting on 31 May, 2022 via Audio Visual Link due to work commitments be APPROVED.

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

**Cr M. Bowditch** – Declared an insignificant non-pecuniary interest in item 8.1. Cr Bowditch advised Council that his daughter is undertaking work experience with one of the companies that tendered for the Hunter Beach project.

## **5 PUBLIC PARTICIPATION**

Joseph & Angela Kapernick – Provided Council with an overview of the proposal to purchase land in regards to Item 8.1.

## **6 NOTICES OF MOTION / RESCISSION**

### **6.1 NOTICE OF RESCISSION**

Cr Reynolds stepped down as Chair for consideration of this item

Cr Lecky assumed the role of Chair for this item.

Cr Bowditch arrived at 4.24pm

## **MOTION**

Moved by Crs Woodruff and Scholes that

“Council seeks tenders of expressions of interest for the lease and management of the current gallery café by external operators to councils existing function.”

Be RESCINDED.

The motion was put to the vote and LOST.

In Favour: Crs L. Dunn, G. McNeill, R. Scholes and B. Woodruff.

Against: Crs M. Bowditch, D. Douglas, J. Lecky, R. Mahajan, D. Marshall and S. Reynolds.

Cr Reynolds resumed the role of Chair for the remainder of the meeting.

## **7 ADJOURNMENT INTO CLOSED COUNCIL**

**371** RESOLVED on the motion of Crs Marshall and Lecky 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 OFFER TO PURCHASE COUNCIL LAND**

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.

Members of the public left the meeting at 4.33pm

## **8 CLOSED COUNCIL**

### **8.1 OFFER TO PURCHASE COUNCIL LAND**

#### **Disclosure of Interest**

Cr M. Bowditch declared an insignificant non-pecuniary interest in this Item. Cr Bowditch advised Council that his daughter is undertaking work experience with one of the companies that tendered for the Hunter Beach project.

At 4.36pm Cr Bowditch left the meeting and therefore took no part in discussion or voting on this item.

**372** RESOLVED on the motion of Crs Lecky and Scholes that:

The Council's resolution of 10 March 2014 that:

1. The General Manager be authorised to arrange for the sale or lease of the land identified in the report at a price determined by an independent valuer;
2. The General Manager be authorised to complete all necessary legal documentation (including the fixing of the seal) if required;

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BE RESCINDED.

As the land Lot 1 DP 590991 has been identified as a key area required for future infrastructure associated with the development of Hunter Beach it is not available for sale or lease.

In Favour: Crs L. Dunn, J. Lecky, R. Mahajan, D. Marshall, G. McNeill, S. Reynolds, R. Scholes and B. Woodruff.

Against: Cr D. Douglas.

Cr Bowditch returned to the meeting room at 4.43pm

## **9 RESUMPTION OF OPEN COUNCIL**

**373** RESOLVED on the motion of Crs Scholes and McNeill that:

The meeting return to Open Council.

Members of the public returned to the meeting.

Cr Reynolds read out the resolutions from Closed Council.

## **10 CLOSURE**

The meeting was declared closed at 4.50pm.

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Ms F. Plesman  
**General Manager**

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Cr S. Reynolds  
**Chairperson**