

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE LOXTON ROOM, ADMINISTRATION CENTRE, CAMPBELLS CORNER, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 14 JUNE, 2022 COMMENCING AT 5.00PM.

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

IN ATTENDANCE: **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 (VC)), Ms M. Cleary (Manager – Governance), Ms C. Middleton (Media & Communications Co-Ordinator), Ms A. Hathway (Corporate Lawyer), Miss K. Cotter (Governance Officer), Ms M. Sandell-Hay (PA to General Manager (VC)).

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

374 RESOLVED on the motion of Crs Mahajan and Marshall that:

1. The apologies for inability to attend the meeting submitted by B. Woodruff be ACCEPTED and the necessary Leave of Absence be GRANTED.
2. The application submitted by Cr J. Drayton to attend the Extra-Ordinary Council Meeting on 14 June, 2022 via Audio Visual Link due to work commitments be APPROVED.

In Favour: Crs A. Barry, M. Bowditch, D. Douglas, J. Drayton, L. Dunn, J. Lecky, R. Mahajan, D. Marshall, G. McNeill, S. Reynolds and R. Scholes.

Against: Nil.

4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr G. McNeill – Declared an insignificant pecuniary interest in Item 7.1. Cr McNeill advised Council that a change in location would reduce his travelling costs.

Cr G. McNeill – Declared a pecuniary interest in Item 9.1. Cr McNeill advised Council that depending on the outcome of negotiations between AGL and Council and the decision tonight it may have financial implications on his employer.

Cr M. Bowditch – Declared an insignificant pecuniary interest in Item 6.1. Cr Bowditch advised Council that he is the Manager of a Club that receives funding from Bengalla.

Cr A. Barry – Declared a pecuniary interest in item 9.1. Cr Barry advised Council that depending on the outcome of negotiations between AGL and Council and the decision tonight it may have financial implications on her employer.

Cr S. Reynolds – Declared an insignificant non-pecuniary interest In Item 6.1. Cr Reynolds advised Council that his nephew undertakes work experience through his university studies at Bengalla Mine.

Cr S. Reynolds – Declared an insignificant non-pecuniary interest in Item 9.1. Cr Reynolds that his nephew undertakes work experience through his university studies at Bengalla Mine..

5 PUBLIC PARTICIPATION

Nil

6 ENVIRONMENTAL SERVICES

6.1 BENGALLA MOD5 - DISPOSAL OF TYRES

Disclosure of Interest

Cr M. Bowditch declared an insignificant pecuniary interest in this item. Cr Bowditch advised Council that a Club that he manages receives funding from Bengalla.

At 5.03pm Cr Bowditch left the Council Chambers and therefore took no part in discussion or voting on this item.

375 RESOLVED on the motion of Crs Lecky and Marshall that:

Council accepts the commitments made by Bengalla by email dated 31 May 2022 and advise DPE that satisfactory arrangements have been made with Council regarding the disposal of off the road (OTR) tyres in-pit initially, and off-site disposal when technologically feasible and environmentally responsible.

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

Against: Cr J. Drayton.

At 5.13pm Cr Bowditch returned to Council Chambers and resumed his chair at the meeting table.

7 CORPORATE AND COMMUNITY SERVICES

7.1 LOCATION OF ORDINARY MEETINGS OF COUNCIL

Disclosure of Interest

Cr G. McNeill declared an insignificant pecuniary interest in this item. Cr McNeill advised Council that a change in location would reduce his travelling costs.

376 RESOLVED on the motion of Crs Barry and Mahajan that:

Council change the location of monthly ordinary meetings of council as follows:

28 June 2022 Muswellbrook Tertiary Education Centre

26 July 2022 Muswellbrook Tertiary Education Centre

23 August 2022 Sandy Hollow Hall

27 September 2022 Muswellbrook Tertiary Education Centre

25 October 2022 Denman Memorial Hall

29 November 2022 Muswellbrook Tertiary Education Centre

20 December 2022 Muswellbrook Tertiary Education Centre

In Favour: Crs A. Barry, M. Bowditch, D. Douglas, J. Drayton, L. Dunn, J. Lecky, R. Mahajan, D. Marshall, G. McNeill, S. Reynolds and R. Scholes.

Against: Nil.

8 ADJOURNMENT INTO CLOSED COUNCIL

377 RESOLVED on the motion of Crs McNeill and Barry 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 UPPER HUNTER ECONOMIC DEVELOPMENT CORPORATION

Item 9.1 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.

In Favour: Crs A. Barry, M. Bowditch, D. Douglas, J. Drayton, L. Dunn, J. Lecky, R. Mahajan, D. Marshall, G. McNeill, S. Reynolds and R. Scholes.

Against: Nil

9 CLOSED COUNCIL

9.1 UPPER HUNTER ECONOMIC DEVELOPMENT CORPORATION

Disclosure of Interest

Cr G. McNeill declared a pecuniary interest in this Item. Cr McNeill advised Council that depending on the outcome of negotiations between AGL and Council and the decision tonight it may have financial implications on his employer.

Cr A. Barry declared a pecuniary interest in this item. Cr Barry advised Council that depending on the outcome of negotiations between AGL and Council and the decision tonight it may have financial implications on her employer.

Cr S. Reynolds declared an insignificant non-pecuniary interest in this item. Cr Reynolds advised Council that his nephew undertakes work experience through his university studies at Bengalla Mine.

At 6:31pm Cr Barry and Cr McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

378 RESOLVED on the motion of Crs Lecky and Marshall that:

Council:

1. Endorses the Termination Agreement generally in accordance with the attached; and
2. Endorses the Deed of Novation generally in accordance with the attached.

In Favour: Crs M. Bowditch, D. Douglas, J. Drayton, L. Dunn, J. Lecky, R. Mahajan, D. Marshall, S. Reynolds and R. Scholes.

Against: Nil.

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At 5.17pm Cr Barry and Cr McNeill returned to Council Chambers and resumed their chairs at the meeting table.

10 RESUMPTION OF OPEN COUNCIL

379 RESOLVED on the motion of Crs Douglas and Mahajan that:

The meeting return to Open Council.

Cr Reynolds read out the resolutions of the Closed Council

11 CLOSURE

The meeting was declared closed at 5.18pm.

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Ms F. Plesman
General Manager

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Cr S. Reynolds
Chairperson