

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN MEMORIAL HALL OGILVIE STREET, DENMAN ON THURSDAY 27 APRIL 2023 COMMENCING AT 6.00PM.**

---

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

**IN ATTENDANCE:** Mr D. Finnigan (General Manager), Ms S. Pope (Director – Planning & Environment), Ms S. Welchman (Director - Community & Economy), Mr M. Lysaught (Director – Property & Place), Ms M. Cleary (Manager – Governance), Mr J. Hogan (Acting Chief Financial Officer (VC), Mrs C. Middleton (Communications Co-Ordinator), Ms K. Manwarring (Manager - Community Services, (VC)), Mrs M. Sandell-Hay (Governance Officer), Ms K. McCann (Executive Assistant), Ms A. Cox (Corporate Planning & Reporting Officer), 2 people in the public gallery, 1 person in the virtual gallery and 1 media representative.

## **1. Applications for Attendance Via Audio Visual Link**

Nil.

## **2. Acknowledgement of Country**

The Acknowledgement of Country was read by Cr M. Bowditch.

## **3. Civic Prayer**

The Civic Prayer was read by Cr D. Marshall.

## **4. Apologies and Applications for a Leave of Absence**

342 RESOLVED on the motion of Cr G. McNeill and Cr R. Mahajan that:

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

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

Against: Nil.

## **5. Confirmation of Minutes**

### **Ordinary Council Meeting held in 28 March, 2023**

343 RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:

The Minutes of the Ordinary Council Meeting held on **28 March, 2023**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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

Against: Nil.



## 6. Disclosure of any Pecuniary or Non-Pecuniary Interests

**Cr G. McNeill** - Declared an insignificant non-pecuniary interest in Item 17.6. Cr McNeill advised Council that his employer is referenced in the report.

**Cr G. McNeill** - Declared an insignificant non-pecuniary interest in Item 17.6. Cr McNeill advised Council that his employer is referenced in the report.

**Cr B. Woodruff** - Declared a pecuniary interest in Item 10.1.4. Cr Woodruff advised Council that his Development Application is referenced in the report.

**Cr B. Woodruff** - Declared a pecuniary interest in Item 10.2.1. Cr Woodruff advised Council that his employer is undertakes work for the Applicant.

**Cr D. Douglas** - Declared a pecuniary interest in Item 10.1.4. Cr Douglas advised Council that her employer is referenced in the report.

**Cr D. Douglas** - Declared a pecuniary interest in Item 10.2.1. Cr Douglas advised Council that her employer receives funding from the Applicant.

**Cr A. Barry** - Declared an insignificant non-pecuniary interest in Item 17.4. Cr Barry advised Council that her employer is referenced in the report.

**Cr A. Barry** - Declared an insignificant non-pecuniary interest in Item 17.6. Cr Barry advised Council that her employer is referenced in the report.

## 7. Mayoral Minute

Nil

## 8. Public Participation

**Greg Tischljar & David Walker** - in support of Item 10.1.2 - Muswellbrook Battery (BESS) revised Planning Agreement General Terms.

344 RESOLVED on the motion of Cr G. McNeill and Cr B. Woodruff that:

Mr Tischljar and Mr Walker allowed a further 5 minutes to address Council.

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

Against: Nil.

**Granville Taylor** - in support of Item 12.1 - Notice of Motion.

## 9. Business Arising (From Previous Meetings)

Nil



## 10. Business (Specific Reports)

### 10.1. Planning and Environment

#### 10.1.1. Rating Sub-Category Amendments

345 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:

Council:

1. Supports, in principle, amendments to two rating subcategories: *Business – Power Generation* and *Business – Mine Rehabilitation*; and
2. Supports the next step of staff seeking legal advice on the proposed changes and notifying proposed changes as part of the 2024-25 budget process.

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

Against: Nil.

#### 10.1.2. Muswellbrook Battery (BESS) revised Planning Agreement General Terms

##### MOTION

RECOMMENDED on the motion of Cr R. Scholes and Cr D. Marshall that:

Council:

1. Notes the principles of the draft Community and Economic Development Fund Policy and the revised Planning Agreement Policy;
2. Supports the following key elements of the Muswellbrook Battery Energy Storage System (BESS) Planning Agreement:
  - a. Based on the comparative residual impact of the BESS, accept the offer of contributions to the value of \$300 per megawatt (MW) of installed capacity, provided every year of operation.
  - b. Funds will be managed as part of Council's proposed Community and Economic Development Fund (CEDF), or in the interim where the CEDF is not in place, funds will be paid to Council, managed in accordance with the Environmental Planning and Assessment Act Regulations, and allocated via a committee involving Council, the Proponent and community. The proponent will retain veto rights in the event of breach of their mandatory ethics and compliance requirements.
  - c. Expenditure of contributions will be in the following ratios: 15% Environmental Officer and 85% Community and Economic Development benefit.

In Favour: Cr A. Barry, Cr D. Douglas, Cr D. Marshall and Cr R. Scholes.

Against: Cr S. Reynolds, Cr M. Bowditch, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr B. Woodruff.



**THE MOTION WAS PUT TO THE VOTE AND LOST**

**FURTHER MOTION**

- 346           RESOLVED on the motion of Cr J. Drayton and Cr B. Woodruff that:
- This matter be deferred until such time as the proponent's mandatory ethics and compliance requirements are provided.
- In Favour:   Cr S. Reynolds, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.
- Against:     Nil.

**10.1.3.   Council Development Conflict of Interest Management Policy for ADOPTION**

- 347           RESOLVED on the motion of Cr A. Barry and Cr M. Bowditch that:
- Council ADOPTS the attached *Council Development Conflict of Interest Management Policy*.
- In Favour:   Cr S. Reynolds, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.
- Against:     Nil.

**10.1.4.   Monthly Report to Council - Planning, Environment and Regulatory Services**

**Disclosure of Interest**

Cr Woodruff declared a pecuniary interest in this Item. Cr Woodruff advised Council that his Development Application is referenced in the report.

Cr Douglas declared a pecuniary interest in this Item. Cr Douglas advised Council that her employer is referenced in the report.

At 6:41 pm Cr Woodruff and Cr Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

- 348           RESOLVED on the motion of Cr J. Drayton and Cr D. Marshall that:
- The information contained in this report be noted.
- In Favour:   Cr S. Reynolds, Cr A. Barry, Cr M. Bowditch, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.
- Against:     Nil.



## 10.2. Community Infrastructure

### 10.2.1. Mount Pleasant Operations Access to Remove Underbores Section 138 Roads Act 1993 Approval

#### Disclosure of Interest

Cr B. Woodruff declared a pecuniary interest in this Item. Cr Woodruff advised Council that his Employer is referenced in the report.

Cr D. Douglas declared a pecuniary interest in this Item. Cr Douglas advised Council that her employer is referenced in the report.

Cr Woodruff and Cr Douglas remained absent from the Council Chambers and therefore took no part in discussion or voting on this item.

- 349        RESOLVED on the motion of Cr D. Marshall and Cr M. Bowditch that:  
Council delegates to the General Manager authority to sign the Section 138 Roads Act 1993 approval generally in accordance with the special conditions set out in the attachment to this report.

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

Against:        Nil.

At 6:42 pm Cr Woodruff and Cr Douglas returned to the Meeting Room and resumed their chairs at the meeting table.

### 10.2.2. Improvements to the Sandy Creek Road/New England Highway Intersection

- 350        RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:  
Council:
1. NOTES the information provided in the report.
  2. Delegates to the General Manager to provide written comments to Transport for NSW including, but not restricted to, the following aspects of the design:
    - a. confirm the required queue lane length for the northbound turning lane based on traffic modelling (including predicated Bypass construction traffic movements);
    - b. if a Safer by Design process has been applied to the design; and
    - c. requests modifications to the proposed design to mitigate any noncompliance if the queue lane modelling determines additional queue lane length is required.

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

Against:        Nil.



### **10.2.3. Denman to Sandy Hollow Water Pipeline Project - Council Funding Contribution**

- 351 RESOLVED on the motion of Cr M. Bowditch and Cr D. Douglas that:  
Council approves:
1. \$7,000,000 funding to be allocated from Council's s64 Developer Contributions Reserve as Council's financial contribution to the Denman to Sandy Hollow water pipeline project; and
  2. Council continues to seek grant funding sufficient to enable Council's \$7,000,000 funding contribution to be returned to the s64 Developer Contributions Reserve.

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

Against: Nil.

## **10.3. Property and Place**

### **10.3.1. Major Projects Status Report**

- 352 RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:  
Council NOTES the report.

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

Against: Nil.

## **10.4. Corporate Services**

### **10.4.1. Sustainable Water, Wastewater & Waste Environment Grants Policy POL35/1 for recommended rescission**

- 353 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:  
Council RESCINDS the Sustainable Water, Wastewater & Waste Environment Grants Policy.

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

Against: Nil.



#### **10.4.2. DRAFT 2023/2024 Operational Plan - For Public Exhibition**

354

RESOLVED on the motion of Cr D. Douglas and Cr A. Barry that:

1. Council endorses the Draft 2023/2024 Operational Plan 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.
2. Include "Investigate access opportunities to Wollemi National Park" during the public exhibition period.

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

Against: Nil.

#### **10.4.3. 2023/24 Budget Estimates - For Public Exhibition**

355

RESOLVED on the motion of Cr B. Woodruff and Cr R. Mahajan that:

Council APPROVES placing the draft 2023-24 Operational and Capital budgets on public exhibition for a period of 28 days.

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

Against: Nil.

#### **10.4.4. 2023/24 Revenue Policy - For Public Exhibition**

356

RESOLVED on the motion of Cr G. McNeill and Cr B. Woodruff that:

Council APPROVES the placing of the draft 2023/24 Revenue Policy on public exhibition.

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

Against: Nil.



#### **10.4.5. 2023/24 Fees & Charges - For Public Exhibition**

- 357 RESOLVED on the motion of Cr S. Reynolds and Cr D. Douglas that:
1. Council resolves to place the 2023/24 Fees & Charges schedule on Public Exhibition for a period of 28 days and any submissions received reported back to Council.
  2. Review of Gym membership fees and charges be undertaken during the public exhibition period.

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

Against: Nil.

#### **10.4.6. FY22 Local Government Performance Excellence Program Final Report**

- 358 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:  
The information contained in this report be noted.

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

Against: Nil.

#### **10.4.7. Appointment of General Manager's Performance Panel**

- 359 RESOLVED on the motion of Cr L. Dunn and Cr G. McNeill that:  
Council delegates the General Manager's performance review to a panel comprising:

1. The Mayor
2. The Deputy Mayor
3. A councillor nominated by Council: Cr B. Woodruff
4. A councillor nominated by the General Manager: Cr R. Scholes

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

Against: Nil.





#### **10.4.8. Monthly Financial Report - March 2023**

- 360 RESOLVED on the motion of Cr B. Woodruff and Cr D. Douglas that:  
Council notes the Financial Reports for the month ending 31 March 2023.
- In Favour: Cr S. Reynolds, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton,  
Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and  
Cr B. Woodruff.
- Against: Nil.

#### **10.4.9. Report on Investments held as at 31 March 2023**

- 361 RESOLVED on the motion of Cr R. Scholes and Cr R. Mahajan that:  
Council notes Council's Investments as at 31 March 2023.
- In Favour: Cr S. Reynolds, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton,  
Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and  
Cr B. Woodruff.
- Against: Nil.

#### **10.4.10. Report on Council Grant Funding and Community Engagement**

- 362 RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:  
Council notes the information contained in this report.
- In Favour: Cr S. Reynolds, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton,  
Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and  
Cr B. Woodruff.
- Against: Nil.

### **10.5. Community and Economy**

#### **10.5.1. Community Services**

- 363 RESOLVED on the motion of Cr J. Drayton and Cr A. Barry that:  
The information contained in this report be noted.
- In Favour: Cr S. Reynolds, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton,  
Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and  
Cr B. Woodruff.
- Against: Nil.



## 11. Minutes of Committee Meetings

### 11.1. **Event Steering Committee Meetings - 13 December, 2022 and 11 April, 2023**

364 RESOLVED on the motion of Cr S. Reynolds and Cr J. Drayton that:  
This matter be deferred to allow a further report to be submitted to Council on Rock'n the Brook expenditure.

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

Against: Nil.

### 11.2. **Finance Review Advisory Committee - 21 March, 2023**

365 RESOLVED on the motion of Cr R. Mahajan and Cr R. Scholes that:  
The minutes for the Finance Review Advisory Committee meeting held on 21 March, 2023 be NOTED.

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

Against: Nil.

### 11.3. **Sport and Recreation Committee - 29 March, 2023**

366 RESOLVED on the motion of Cr G. McNeill and Cr A. Barry that:  
The minutes for the Sport and Recreation Committee Meeting held on 29 March 2023 be NOTED.

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

Against: Nil.



#### **11.4. Local Traffic Committee Meeting - 11 April 2023**

367 RESOLVED on the motion of Cr D. Marshall and Cr G. McNeill that:  
The minutes for the Local Traffic Committee meeting held on 11 April 2023 be received and the recommendations contained therein be ADOPTED.

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

Against: Nil.

### **12. Notices of Motion**

#### **12.1. Notice of Motion - Cr McNeill**

368 RESOLVED on the motion of Cr G. McNeill and Cr L. Dunn that:  
In relation to Resolution Number 222, I move the following alterations:  
Council approves a rate of pay for community representatives on the Regional Planning Panel as:

- a. A base fee of \$600.00 per determination;
- b. An hourly rate of \$80.00 (plus GST) for each hour of meeting preparation and attendance time required, payable following the completion of the determination; and
- c. An allowance for vehicle use based on the cents per kilometre expense calculation method published by the ATO.
- d. Expenditure supplied to Council in the Monthly Financial Report.

In Favour: Cr A. Barry, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr R. Scholes and Cr B. Woodruff.

Against: Cr S. Reynolds, Cr M. Bowditch, Cr J. Drayton and Cr D. Marshall.

### **13. Councillors Reports**

#### **13.1 Liddell Power Station**

Cr McNeill advised the meeting that tomorrow would be the last day of power generation for Liddell Power Station, with the last unit being taken out of service. Cr McNeill also advised that a celebration of life for the Power Station was being held on Saturday. Cr McNeill acknowledged the contribution that Liddell Power Station has made to our local community in providing employment and revenue etc.

#### **13.2 Denman ANZAC Services**

Cr Woodruff advised that he attended the ANZAC day dawn service in Denman and raised concerns that the number of returned servicemen are declining and



that the service may not proceed in coming years and enquired if Council could assist to ensure the provision of this service continues.

Cr Woodruff also advised that he attended the Main ANZAC Day service in Denman where a former Councillor, Stephen Ward laid a wreath with the Mayor on behalf of Council.

### **13.3 Accommodation**

Cr Drayton thanked the General Manager and staff for their assistance in providing housing for Doctors in Muswellbrook.

### **13.4 Easter Family Fun Day and ANZAC Day Service**

Cr Reynolds advised that he attended the ANZAC Day services in Muswellbrook which saw a large crowd of people attend and congratulated Tim Seymour for his efforts in organising a successful event.

Cr Reynolds congratulated staff on providing an excellent Easter Family Fun day at Highbrook Park.

## **14. Written Questions**

Nil

## **15. Questions for Next Meeting**

### **15.1 Accommodation at Denman Recreation Area**

Cr Woodruff advised Council that the Dust & Diesel Truck Show held on the weekend was a huge success, which brought both local and interstate travellers to Denman for the event. Cr Woodruff enquired whether accommodation at Denman Recreation Area could now be progressed for future events?

### **15.2 Promotional Video of Local Government Area**

Cr McNeill advised that a few months ago discussion was held regarding a promotional video for the Local Government Area and asked if an update could be provided?

### **15.3 Intersection of Cousin Street and Humphries Street**

Cr Bowditch advised that concerns have been raised regarding the tree plantings in Cousins Street and line of sight for drivers at this intersection. Cr Bowditch enquired whether trimming of the trees could be undertaken?

### **15.4 Northview Estate**

Cr Bowditch advise the meeting that a number of people had purchased blocks of land in this subdivision off the plan in 2018 and were advised that they would be available to build on in 2019/2020. Cr Bowditch further explained that at this point those people were still unable to access the blocks of land they had purchased and enquired whether Council could assist in obtaining access to those sites to undertake soil testing etc?

Ms Pope advised Council that if the subdivision hasn't been registered with the Land Titles Office, Council is unable to sign off on the subdivision and that those people would need to contact the developer of the subdivision to gain access to the parcels of land.



## 16. Adjournment into Closed Council

369 RESOLVED on the motion of Cr D. Douglas and Cr J. Drayton 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 provisions outlined in Section 17 below.

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

Against: Nil.

Members of the public left the meeting at this stage.

## 17. Closed Council

### 17.1. Tender 2021-2022-0499 - Design, Supply and Installation of Replacement Fluoride Dosing System at Muswellbrook Water Treatment Plant

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

370 RESOLVED on the motion of Cr R. Scholes and Cr J. Drayton that:

Council:

1. APPROVES the awarding of Contract 2021-2022-0499 for the Design, Supply, and Installation of a Fluoride Dosing System at the Muswellbrook Water Treatment Plant, replacing the existing fluoride dosing system, to Prominent Fluid Controls, for a price of \$144,419, exclusive of GST; and
2. APPROVES the provision of additional contingency funding as detailed in the report.

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

Against: Nil.



**17.2. Tender 2022-2023-0547 - Design, Construction and Installation of Bus Shelters Muswellbrook**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

371 RESOLVED on the motion of Cr S. Reynolds and Cr J. Drayton that:

This matter be deferred to allow a Councillor Workshop to be held to allow further information to be provided regarding design options for bus shelters and a further report submitted to Council.

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

Against: Nil.

**17.3. Contract 2021-2022-0500 - Design and Construction of Denman Heritage Village - Variations**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

372 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:

1. Council APPROVES acceptance of the essential variations only for Contract 2021-2022-500 Design and Construction of Denman Heritage Village, in the sum of \$79,018, exclusive of GST, as specified in the report.

2. Addition of fans be included as part of the variation

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

Against: Nil.

**17.4. Options to Tender following EOI for Organics Processing**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Disclosure of Interest**

**Cr Barry** declared an insignificant non-pecuniary interest in this Item. Cr Barry advised Council that her employer is referenced in the report.

**Cr McNeill** declared an insignificant non-pecuniary interest in this Item. Cr McNeill advised Council that his employer is referenced in the report.

373 RESOLVED on the motion of Cr S. Reynolds and Cr B. Woodruff that:

This matter be deferred to the next Council Meeting to allow a Councillor Workshop to be undertaken.

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

Against: Nil.

**17.5. Bush Fire Protection Zones Northview Estate - Maintenance Requirements**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

374 RESOLVED on the motion of Cr D. Marshall and Cr B. Woodruff that:

Council:

1. APPROVES providing a vegetation management level of service to Northview Estate consistent with that provided to equivalent passive areas maintained by Council; this level of service being subject to the availability of safe ease of access to the site; and
2. Delegates to the General Manager authority to advise the property developer that additional controls required for bushfire risk management as specified in the attached Draft Bushfire Management Plan will be the responsibility of the developer or relevant property owner(s).

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

Against: Nil.

**17.6. Cleantech Ecosystem Development Grant**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Disclosure of Interest**

Cr Barry - Declared an insignificant non-pecuniary interest in this Item. Cr Barry advised Council that her employer is referenced in the report.

Cr McNeill - Declared an insignificant non-pecuniary interest in this Item. Cr McNeill advised Council that his employer is referenced in the report.

375 RESOLVED on the motion of Cr J. Drayton and Cr D. Douglas that:

1. The General Manager be delegated to enter into the co-contribution agreement with Melt Hunter Valley Operations for the delivery of the Upper Hunter Cleantech Accelerator and Pilot Enabler Program outlining the obligations of each party under the grant.
2. Council's commitments to providing funds of \$150,000 and in-kind support of \$113,280 over four years from the Community and Economy Directorate budget GL 0370.0204.500.

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

Against: Nil.

**17.7. Outcome of Refinanced \$1.64M General Fund Loan**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

376 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:

Council NOTES the acceptance of a Commonwealth Bank of Australia 2 year fixed \$1.64M loan with interest rate of 4.30%.

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

Against: Nil.





## 17.8. Legal Matter

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(g) of the Local Government Act 1993, as it relates to advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

377 RESOLVED on the motion of Cr B. Woodruff and Cr R. Scholes that:

Council:

1. NOTES the information contained in the report; and
2. APPROVES the actions taken to progress the matter described in the report.

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

Against: Nil.

## 18. Resumption of Open Council

378 RESOLVED on the motion of Cr R. Mahajan and Cr D. Marshall that:

The meeting return to Open Council.

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

Against: Nil.

Members of the public were invited to return to the meeting.

The Mayor read the resolutions of the Closed Council.

## 19. Closure

The meeting was declared closed at 7.41pm.

**THE MINUTES OF THE MEETING (PAGES 1 to 17) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 23 MAY 2023 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON THURSDAY 27 APRIL, 2023.**

.....  
Mr D. Finnigan  
General Manager

.....  
Cr S. Reynolds  
Chairperson