

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN TRAINING ROOM, UNIVERSITY OF NEWCASTLE - UPPER HUNTER CAMPUS, LEVEL1, TEC1 BUILDING, 87 LOWER HILL STREET, MUSWELLBROOK ON TUESDAY 23 APRIL 2024 COMMENCING AT 6.00PM.

PRESENT: Cr S.M. Reynolds (Mayor), Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr J.A. Lecky, Cr G.T. McNeill, Cr R. Mahajan, Cr D.E. Marshall 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 E. Lane (Manager – Governance & Risk), Mr J. Hogan (Chief Financial Officer), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms K. Hamm (EA to the Office of the Mayor & GM) and 2 people in the public gallery.

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 L. Dunn.

4. Apologies and Applications for a Leave of Absence

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

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

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

Against: Nil.



5. Confirmation of Minutes

Ordinary Council Meeting held in 26 March 2024

- 368** RESOLVED on the motion of Cr M. Bowditch and Cr B. Woodruff that:
- The Minutes of the Ordinary Council Meeting held on **26 March 2024**, 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 J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff
- Against: Nil

6. Disclosure of any Pecuniary or Non-Pecuniary Interests

Cr G. McNeill - Declared a pecuniary interest in Item 10.1.3 - Cr McNeill advised Council that his employer is the Applicant.

Cr A. Barry - Declared a pecuniary interest in Item 10.1.3 - Cr Barry advised Council that her employer is the Applicant.

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

Cr B. Woodruff – Declared a pecuniary interest in Item 10.2.2 – Cr Woodruff advised Council that his employer undertakes work for the Applicant.

Cr B. Woodruff – Declared a pecuniary interest in Item 17.2 – Cr Woodruff advised Council that his employer is the leasee of the of property mentioned in the report.

Cr D. Marshall – Declared a non-pecuniary interest in Item 10.2.1 – Cr Marshall advised Council that his daughter works for the Contractor.

Cr D. Marshall – Declared a non-pecuniary interest in Item 10.2.2 – Cr Marshall advised Council that his daughter works for the Contractor.

Cr D. Marshall – Declared a non-pecuniary interest in Item 10.2.3 – Cr Marshall advised Council that his daughter works for the Contractor.

Cr M. Bowditch – Declared a non-pecuniary interest in Item 10.1.6 – Cr Bowditch advised Council that he trained the Hunter Local Land Services Natural Resource Management Officer and he is a member of the Wanaruah Local Aboriginal Land Council.

Cr M. Bowditch – Declared a non-pecuniary interest in Item 10.2.1 – Cr Bowditch advised Council that his daughter works for the Contractor.

Cr M. Bowditch – Declared a non-pecuniary interest in Item 10.2.2 – Cr Bowditch advised Council that his daughter works for the Contractor.



Cr M. Bowditch – Declared a non-pecuniary interest in Item 10.2.3 – Cr Bowditch advised Council that his daughter works for the Contractor.

Cr D. Douglas - Declared a pecuniary interest in Item 10.1.6 - Cr Douglas advised Council that she is the CEO of Wanaruah Local Aboriginal Land Council.

Cr D. Douglas - Declared a pecuniary interest in Item 10.2.1 - Cr Douglas advised Council that her son works for Mangoola Coal.

Cr D. Douglas - Declared a pecuniary interest in Item 10.2.2 - Cr Douglas advised Council that her son works for Mangoola Coal.

Cr R. Mahajan – Declared a pecuniary interest in Item 10.1.7 – Cr Mahajan advised Council that he has a DA listed in the report.

7. Mayoral Minute

Nil.

8. Public Participation

Nil.

9. Business Arising (From Previous Meetings)

Nil.

10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. DA 2023-14 - Storage Complex, Turner Street Denman

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

This matter be deferred to enable further information to be provided on access to the property and pedestrian access.

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

Against: Nil



10.1.2 PP-2023-23 Additional Permitted uses - Camping ground - Muswellbrook Showground

370 RESOLVED on the motion of Cr G. McNeill and Cr J. Lecky that:

Council RESOLVES to:

1. Prepare a Planning Proposal, pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, for an amendment to the Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to permit the use of Lot 400 DP 578684, Lot 22 DP 616590, Lot 10 DP 843828 Maitland Street, Muswellbrook, for the purposes of a camping ground.
2. Request a Gateway Determination from the Department of Planning, Housing and Infrastructure, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the Environmental Planning and Assessment Act 1979;
3. Request that the Director General of the Department of Planning, Housing and Infrastructure issue a Written Authorisation to Council to exercise delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal; and
4. Issue the General Manager with Delegations to finalise the amendment to the LEP, unless submissions are received through the public exhibition of the Planning Proposal, in which case a further report to Council to consider the public submissions is to occur.

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

Against: Nil



10.1.3. **Planning Proposal - Additional Permitted Uses - Liddell and Bayswater (Stage 2)**

Disclosure of Interest

Cr G. McNeill declared a pecuniary interest in this item. Cr McNeill advised Council that his employer is the Applicant.

Cr A. Barry declared a pecuniary interest in this item. Cr Barry advised Council that her employer is the Applicant.

At 6:10 pm Cr Barry and Cr McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

371 RESOLVED on the motion of Cr M. Bowditch and Cr B. Woodruff that:

Council RESOLVES to:

1. Prepare a Planning Proposal, pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, for an amendment to the Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to allow additional permitted uses on part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 as outlined in Attachment A;
2. Request a Gateway Determination from the Department of Planning and Environment, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the Environmental Planning and Assessment Act 1979; and Request that the Director General of the Department of Planning and Environment issues a Written Authorisation to Council to exercise delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.

In Favour Cr S. Reynolds, Cr J. Lecky, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff

Against: Nil

At 6:12 pm Cr Barry and Cr McNeill returned to Council Chambers and resumed their chairs at the meeting table.

10.1.4. **Association of Mining and Energy Related Councils NSW**

372 RESOLVED on the motion of Cr G. McNeill and Cr M. Bowditch that:

Council defers consideration of applying for membership of the Association of Mining & Energy Related Councils NSW until the two-year initial period of membership of the Coalition of Renewable Energy Mayors expires at the end of 2024/2025.

In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall

Against: Cr D. Douglas, Cr L. Dunn and Cr B. Woodruff



10.1.5. Draft Community Benefit Fund Policy for Public Exhibition

MOTION

Moved on the motion of Cr D. Marshall and Cr J. Lecky that:

1. The Draft Community Benefit Fund (CBF) Policy and CBF Terms of Reference be placed on public exhibition for a period of 28 days; and
2. The Planning Agreement Policy (P10/1) be revised and updated in the context of the Draft Energy Policy Framework (DPHI, 2023)

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

Against: Nil

RECOMMITTMENT OF ITEM

Due to a change in the name of the Community Benefit Fund (CBF) Policy to include Muswellbrook Shire, this motion was recommitted and proceeded as follows:

373 RESOLVED on the motion of Cr D. Marshall and Cr J. Lecky that:

1. The Draft Muswellbrook Shire Community Benefit Fund (CBF) Policy and CBF Terms of Reference be placed on public exhibition for a period of 28 days; and
2. The Planning Agreement Policy (P10/1) be revised and updated in the context of the Draft Energy Policy Framework (DPHI, 2023)

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

Against: Nil

**10.1.6. Cultural Burn Project****Disclosure of Interest**

Cr M. Bowditch declared a non-pecuniary interest in this Item. Cr Bowditch advised Council that he trained the Hunter Local Land Services Natural Resource Management Officer and he is a member of the Wanuarah Local Aboriginal Land Council.

Cr D. Douglas declared a pecuniary interest in this item. Cr Douglas advised Council that she is the CEO of Wanuarah Local Aboriginal Land Council.

At 6:21 pm Cr M. Bowditch and Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council APPROVES a cultural burn to be carried out on Wanuarah Local Aboriginal Land Council land at the Muswellbrook Common, with funding for the cultural burn to be allocated from the Major Landcare Projects budget.

In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff

Against: Nil

At 6:22 pm Cr M. Bowditch and Cr D. Douglas returned to Council Chambers and resumed their chairs at the meeting table.

10.1.7. Monthly Report to Council - Planning, Environment and Regulatory Services**Disclosure of Interest**

Cr R Mahajan declared a pecuniary interest in this item. Cr Mahajan advised Council that he has a DA listed in the report.

At 6:22 pm Cr R. Mahajan left the Council Chambers and therefore took no part in discussion or voting on this item.

375 RESOLVED on the motion of Cr D. Marshall and Cr J. Lecky that:

The information contained in this report be noted.

In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr D. Marshall and Cr B. Woodruff

Against: Nil

At 6:22 pm Cr R. Mahajan returned to Council Chambers and resumed his chair at the meeting table.



10.2. Community Infrastructure

10.2.1 Mangoola Coal Continued Operations Project - Yarraman Road Upgrade - Documents to be Signed Under the Seal of Council

Disclosure of Interest

Cr M. Bowditch declared a non-pecuniary interest in this item. Cr Bowditch advised Council that his daughter works for the Contractor.

Cr D. Marshall declared a non-pecuniary interest in this item. Cr Marshall advised Council that his daughter works for the Contractor.

Cr B. Woodruff declared a pecuniary interest in this Item. Cr Woodruff advised Council that his employer undertakes work for the Applicant

Cr D. Douglas declared a pecuniary interest in this Item. Cr Douglas advised Council that her son works for Mangoola.

At 6:22 pm Cr B. Woodruff, Cr D. Marshall, Cr M. Bowditch and Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

THE MEETING BECAME A RECORD OF PROCEEDINGS AS A QUORUM WAS NOT PRESENT

376 RESOLVED on the motion of Cr S. Reynolds and Cr A. Barry that:

This item be deferred as a quorum was not present.

In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr L. Dunn, Cr G. McNeill and Cr R. Mahajan

Against: Nil

**10.2.2. Construction Traffic Management Plan - Yarraman Road Upgrade****Disclosure of Interest**

Cr M. Bowditch declared a non-pecuniary interest in this item. Cr Bowditch advised Council that his daughter works for the Contractor.

Cr D. Marshall declared a non-pecuniary interest in this item. Cr Marshall advised Council that his daughter works for the Contractor.

Cr B. Woodruff declared a pecuniary interest in this item. Cr Woodruff advised Council that his employer undertakes work for the Applicant.

Cr D. Douglas declared a pecuniary interest in this item. Cr Douglas advised Council that her son works for Mangoola.

Cr B. Woodruff, Cr D. Marshall, Cr M. Bowditch and Cr D. Douglas remained absent from the meeting.

PROCEDURAL MOTION

As a quorum was not present. Cr Reynolds proposed the following:

377

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

Authority be delegated to the General Manager to determine this matter.

In Favour

Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr L. Dunn, Cr G. McNeill and Cr R. Mahajan

Against:

Nil

At 6:26 pm Cr D. Douglas and Cr B. Woodruff returned to Council Chambers and resumed their chairs at the meeting table.

THE RECORDING OF THE MEETING RESUMED AS MINUTES AS A QUORUM WAS NOW PRESENT



10.2.3. Northview Watermain Easement

Disclosure of Interest

Cr M. Bowditch declared a non-pecuniary interest in this item. Cr Bowditch advised Council that his daughter works for the Contractor.

Cr D. Marshall declared a non-pecuniary interest in this Item. Cr Marshall advised Council that his daughter works for the Contractor.

Cr D. Marshall and Cr M. Bowditch remained absent from the meeting.

378 RESOLVED on the motion of Cr B. Woodruff and Cr L. Dunn that:

Council APPROVES:

1. The easement for water supply 3m wide across Public Reserve (community land) being Lot 553 DP819739 to be advertised in the local paper in accordance with Section 47 of the Local Government Act 1993;
2. Notification be provided to affected adjoining landowners of the proposal; and
3. If no submissions are received in the matter, give authority to affix Council's seal and signatures in accordance with the regulations to the dealing and associated documents to create the easement for water supply 3m wide over Lot 553 DP819739 in favour of Council.

In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr B. Woodruff

Against: Nil

At 6:27 pm Cr D. Marshall and Cr M. Bowditch returned to Council Chambers and resumed their chairs at the meeting table.

10.2.4. FOGO Education Communication Status Report

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

Council NOTES the progress of Food Organics Garden Organics (FOGO) Communications and Education activities.

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

Against: Nil

10.3. Property and Place

Nil.



10.4. Corporate Services

10.4.1. City of Newcastle Memorandum of Understanding

380 RESOLVED on the motion of Cr M. Bowditch and Cr A. Barry that:

Council:

1. Endorses the Memorandum of Understanding between the City of Newcastle and Muswellbrook Shire Council generally as provided in Attachment A; and
2. Delegates Authority to the Mayor and the General Manager to sign the Memorandum of Understanding on Council's behalf.

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

Against: Nil

10.4.2. DRAFT 2024/2025 Operational Plan for Public Exhibition

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

Council:

1. APPROVES the draft 2024-25 Operational Plan to be placed on public exhibition for a period of 28 days; and
2. Requests a further report, providing the details of all public submissions received, to be submitted to Council following conclusion of the public exhibition period.

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

Against: Nil

10.4.3. DRAFT MSC Fees & Charges 2024/2025 for Public Exhibition

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

Council APPROVES the draft 2024-25 Fees and Charges to be placed on public exhibition for a period of 28 days.

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

Against: Nil

**10.4.4. DRAFT MSC Revenue Policy 2024/2025 for Public Exhibition**

383 RESOLVED on the motion of Cr R. Mahajan and Cr B. Woodruff that:
Council ENDORSES placing the DRAFT 2024/25 Revenue Policy on public exhibition for 28 days.

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

Against: Nil

10.4.5. Report on Investments held as at 31 March 2024

384 RESOLVED on the motion of Cr R. Mahajan and Cr D. Marshall that:
Council NOTES Council's Investments as at 31 March 2024.

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

Against: Nil

10.4.6. Monthly Financial Report - March 2024

385 RESOLVED on the motion of Cr R. Mahajan and Cr A. Barry that:
Council NOTES the Financial Reports for the month ending 31 March 2024.

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

Against: Nil

10.4.7. DRAFT 2024/25 Budget Estimates

386 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:
Council APPROVES placing the DRAFT 2024/25 Budget on public exhibition for 28 days.

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

Against: Nil



10.5. Community and Economy

10.5.1. Community Services

387 RESOLVED on the motion of Cr D. Marshall and Cr M. Bowditch that:

The information contained in this report be NOTED.

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

Against: Nil

11. Minutes of Committee Meetings

11.1. Industrial Closures Committee Meeting - 19 March 2024

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

The minutes for the Industrial Closures Committee meeting held on 19 March 2024 be NOTED.

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

Against: Nil

11.2. Finance Review Committee - 21 March, 2024

389 RESOLVED on the motion of Cr J. Lecky and Cr R. Mahajan that:

The minutes for the Finance Review Committee meeting held on 21 March, 2024 be NOTED.

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

Against: Nil

**11.3. Aboriginal Cultural Inclusion Committee Meeting - 2 April 2024**

- 390** RESOLVED on the motion of Cr M. Bowditch and Cr S. Reynolds that:
The minutes for the Aboriginal Cultural Inclusion Committee meeting held on 2 April 2024 be NOTED.
- In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff
- Against: Nil

11.4. State Significant Development Committee - 9 April, 2024

- 391** RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:
The minutes of the State Significant Development Committee meeting held on 9 April 2024 be NOTED.
- In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff
- Against: Nil

11.5. Grants Review Committee - 11 April, 2024

- 392** RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:
Council:
1. NOTES the minutes for the Grants Review Committee meeting held on 11 April 2024.
 2. ADOPTS the Community Grants and Sponsorship Applications as outlined in the report to be placed on Public Exhibition for a period of 28 days, provided there are no alterations to the applications due to objections or feedback.
 3. Should objections and feedback be received, a further report be submitted to Council at the conclusion of the Public Exhibition Period.
- In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff
- Against: Nil



12. Notices of Motion

12.1. Councillor Motions for Submission to the 2024 National General Assembly of Local Government

393 RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:
The four regional motions contained in the report be APPROVED as Muswellbrook Shire Council motions for submission to the 2024 National General Assembly of Local Government.

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

Against: Nil

13. Councillors Reports

13.1 Diesel, Dust and Rust

Cr Woodruff advised Council that he was grateful to be involved in the Diesel, Dust and Rust event that was held in Denman last weekend and extended his thanks to Council for assisting with the event by waiving the fees.

13.2 Big Lift Volunteering Organisation

Cr Douglas thanked Council for the assistance provided to Blackaroo and Big Lift Volunteering Organisation from the University of Technology Sydney that participated in tree planting at Tarinpa and helped paint the CWA building.

13.3 Tarinpa Renaming Ceremony

Cr Reynolds thanked staff for their work on the Renaming to Tarinpa from the working title Hunter Beach, he was delighted to see the community come together to celebrate this milestone.

14. Written Questions

Nil.

15. Questions for Next Meeting

Nil.



16. Adjournment into Closed Council

394 RESOLVED on the motion of Cr D. Douglas and Cr A. 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 provisions outlined in Section 17 below.

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

Against: Nil.

Members of the public left the meeting at this stage.

17. Closed Council

17.1. Contract 2023-2024-0577 for Processing or Re-Use of Lime Residue

395 RESOLVED on the motion of Cr B. Woodruff and Cr M. Bowditch that:

Council:

1. ACCEPTS the tender submitted by Loop Organics Pty Ltd to be awarded as the sole source supplier to Muswellbrook Shire Council for services on a call-off basis under Contract 2023-2024-0577 Processing or Re-Use of Lime Residue for the period 1 May 2024 to 30 April 2027, and that a provision be allowed for two 12-month extensions based on satisfactory contractor performance, which may take the Contract through to 30 April 2029.
2. Commits to utilise the Contract to remove, at a minimum, 5,000 tonnes of Lime Residue during the initial term of the contract, committing a minimum contract value of \$388,000.00 excl. GST; and
3. Delegates to the General Manager authority to enter into a Contract for the Processing or Re-Use of Lime Residue with Loop Organics Pty Ltd.

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

Against: Nil

**17.2. Application Under Undetected Water Leaks Policy****Disclosure of Interest**

Cr B. Woodruff declared a pecuniary interest in this item. Cr Woodruff advised Council that his employer is the leasee of the property mentioned in the report.

At 6:45 pm Cr B. Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

396 RESOLVED on the motion of Cr D. Douglas and Cr G. McNeill that:
Council APPROVES a reduction of \$8,034.69 on the non-residential sewer charges as detailed in the report.

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

Against: Nil

At 6:46 pm Cr B. Woodruff returned to Council Chambers and resumed his chair at the meeting table.

17.3. General Manager Mid Term Performance Review Report

The General Manager and Council staff, except for the Governance Officer and EA to the Mayor and General Manager, left the room for the discussion and voting of this item.

397 RESOLVED on the motion of Cr A. Barry and Cr B. Woodruff that:
The review of the General Manager's Performance Agreement be accepted.

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

Against: Nil

17.4. General Manager's Performance Priorities

The General Manager and Council Staff remained absent from the meeting.

398 RESOLVED on the motion of Cr D. Douglas and Cr D. Marshall that:
Council NOTES the information contained in the report.

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

Against: Nil



18. Resumption of Open Council

399 RESOLVED on the motion of Cr A. Barry and Cr D. Marshall that:
The meeting return to Open Council.

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

Against: Nil.

The General Manager, Council Staff and members of the public were invited to return to the meeting.

The Mayor read out the resolutions of Closed Council.

19. Closure

The meeting was declared closed at 6.51pm.

THE MINUTES OF THE MEETING (PAGES 1 to 18) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 28 MAY, 2024 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 23 APRIL, 2024.

.....
Mr D. Finnigan
General Manager

.....
Cr S. Reynolds
Chairperson