

MINUTES OF THE EXTRA-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 14 MAY 2024 COMMENCING AT 5.30PM.

PRESENT: Cr G.T. McNeill (Chair), Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn (VC), Cr J.A. Lecky, 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 – Infrastructure and Property), Ms E. Lanyon (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 and GM) and 5 people in the public gallery and one media representative.

1. Application to Attend via Audio Visual Link

400 RESOLVED on the motion of Cr D. Douglas and Cr D. Marshall that:
Authority be given for Cr L. Dunn to attend the Council Meeting via video link.

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

Against: 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 J. Lecky.

4. Apologies and Applications for a Leave of Absence by Councillors

401 RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:
The apologies for inability to attend the meeting submitted by Cr S. Reynolds, Cr A. Barry, Cr R. Scholes be ACCEPTED and the necessary Leave of Absence be GRANTED.

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

Against: Nil.

5. Disclosure of any Pecuniary or Non-Pecuniary Interests

Cr Bowditch - Declared an insignificant non-pecuniary interest in Item 11.3 - Cr Bowditch advised Council that he is the President of Group 21 and has been asked by Aberdeen Rugby League Football Club to support a Development Application for which they are applying for funding.



6. Mayoral Minute

Nil

7. Public Participation

Nil

8. Business

8.1. Planning and Environment

Nil

8.2. Community Infrastructure

8.2.1. FOGO Collection System

MOTION

MOVED by Cr B. Woodruff and Cr D. Marshall that:

Council endorses the establishment of the following ongoing protocols to assist the community in the transition to Food Organics Garden Organics (FOGO):

1. Weekly red bin pickup, subject to application, for an additional fee.
2. Upsized red lid bin, subject to application, for an additional fee.
3. Discounts for additional bins, subject to application and medical need.
4. Support to transition to cloth nappies, education programme and workshops.

AMENDED MOTION

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

Council endorses the establishment of the following ongoing protocols to assist the community in the transition to Food Organics Garden Organics (FOGO):

1. Weekly red bin pickup, subject to application, for an additional fee.
2. Upsized red lid bin, subject to application, for an additional fee.
3. Discounts for additional bins, subject to application and medical need.
4. Support to transition to cloth nappies, education programme and workshops.
5. Rate payers, on application and approval by Council, can upgrade to a larger bin or a second smaller bin free of charge for a period of 12 months and reviewed after that period.
6. A draft protocol to be submitted to Council with the criteria.

In Favour Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill and Cr R. Mahajan

Against: Cr J. Lecky, Cr D. Marshall and Cr B. Woodruff



8.3. Property and Place

Nil

8.4. Corporate Services

Nil

8.5. Community and Economy

Nil

9. Notices of Motion

Nil

10. Adjournment into Closed Council

403 RESOLVED on the motion of Cr M. Bowditch and Cr D. Marshall 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 J. Lecky, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff.

Against: Nil.

11. Closed Council

11.1. Contract 2021-2022-0509 for Construction of the Denman Children's Centre Extension

Upon adjournment into Closed Council, Councillor L. Dunn lost video connectivity and took no further part in the meeting.

404 RESOLVED on the motion of Cr D. Marshall and Cr J. Lecky that:
This item be deferred to obtain further information.

In Favour: Cr J. Lecky, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff.

Against: Cr M. Bowditch, Cr D. Douglas and Cr J. Drayton.

**11.2. Tender 2023-2024-0578A FOGO Processing**

405 RESOLVED on the motion of Cr D. Marshall and Cr J. Drayton that:

Council:

1. Accepts the Alternative Proposal submitted by Loop Organics Pty Ltd for Contract 2023-2024-0578A Processing of Food Organics Garden Organics (FOGO) in accordance with the attached schedule of rates, subject to satisfactory Contract Negotiations; and
2. Delegates to the General Manager authority to enter into a Contract for the Processing of FOGO with Loop Organics Pty Ltd.

In Favour: Cr J. Lecky, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff.

Against: Nil.

11.3. Priority Community Infrastructure Program - Draft Funding Agreements**Disclosure of Interest**

Cr M. Bowditch declared an insignificant non-pecuniary interest in this item. Cr Bowditch advised Council that he is the President of Group 21 Rugby League and has been asked by Aberdeen Rugby League Football Club to support a Development Application which they are applying for funding.

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

Council:

1. Approves continuing with detailed design to progress both major projects, and to ensure value management options are explored and operational expenses inform the Capital Expenditure Reviews before calling construction tenders; and
2. Authorise the General Manager to execute the funding agreements for the Australian Government's Priority Community Infrastructure Program.

In Favour: Cr J. Lecky, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff.

Against: Nil.



11.4. Upper Hunter Place Branding Proposal

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

Council APPROVES entering into a contract with Upper Hunter Shire Council for the purpose of engaging 'For the People' to deliver a place and community brand for Muswellbrook Shire Council in partnership with Upper Hunter Shire Council.

In Favour: Cr J. Lecky, Cr M. Bowditch, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff.

Against: Cr D. Douglas and Cr J. Drayton.

11.5. General Terms of Offer - Community Benefits - Muswellbrook Solar Project

Cr Drayton left the meeting at 7.01pm

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

Council approves the following key elements of the Muswellbrook Solar Energy Planning Agreement Offer:

1. A monetary contribution of 'the greater of \$850/MWac or as per finalised 'Benefit Sharing Guideline' installed, paid annually, and adjusted for consumer price index';
2. Annual instalments spent in the following ratios:
 - a. 10% Specialist staff contribution;
 - b. 45% Muswellbrook Shire Community Benefit Fund contribution (incorporating training and scholarships, provided these are not in lieu of the Proponent employing trainees and apprentices); and
 - c. 45% Neighbour benefits contribution (administered via Council).
3. Council is supportive of assisting with the 'deliver local benefits' as rate rebates to the properties nominated by the Proponent.
4. The above contributions would replace any requirement for contributions or levies under section 7.12 of the local infrastructure contributions policy.
5. The Planning agreement is to be reviewed and renegotiated in the event of any changes to property rates charged being at a rate higher than the general Business rate.
6. The Proponent is to employ 4 Local, that is, residents of Muswellbrook Shire, apprentices/trainees on the site during the construction phase.
7. As there will be heavy vehicles along Sandy Creek Road for simultaneous multiple projects (Muswellbrook Battery Energy Storage System, Muswellbrook Pumped Hydro, Muswellbrook Bypass, and Muswellbrook Solar Farm), the pavement damage for any specific project will need to be accurately calculated. As such, a proper methodology for contribution will need to be developed by Council and part funded by the Proponent through the Planning Agreement.



8. The Construction Company and Proponent to have an office in the Muswellbrook CBD from commencement of the project and for the period of construction.
9. The Proponent to provide a procurement plan to demonstrate local spend for Council's approval.

In Favour: Cr J. Lecky, 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. Resumption of Open Council

409 RESOLVED on the motion of Cr M. Bowditch and Cr D. Marshall that:
The meeting return to Open Council.

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

Against: Nil.

Cr Douglas left the meeting at 7.02pm

The Chair read out the resolutions of Closed Council.

13. Closure

The meeting was declared closed at 7.08pm

THE MINUTES OF THE MEETING (PAGES 1 to 6) WERE CONFIRMED AT THE EXTRA-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 14 MAY, 2024.

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Mr D. Finnigan
General Manager

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Cr G. McNeill
Chairperson