

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COMMUNITY HALL, GOLDEN HIGHWAY, SANDY HOLLOW ON TUESDAY 25 MARCH 2025 COMMENCING AT 6.00PM.

PRESENT: Cr J. Drayton (Mayor), Cr A. Barry, Cr D. Douglas, Cr L. Dunn, Cr D. Hartley, Cr G.T. McNeill, Cr R. Mahajan, Cr D.E. Marshall, Cr M. Morris and Cr S. Ward.

IN ATTENDANCE: Mr D. Finnigan (General Manager), Ms S. Pope (Director – Planning & Environment), Ms S. Welchman (Director - Community & Economy), Mr M. Lysaught (Director – Infrastructure & Property), Ms K. Hamm (Manager – Governance & Risk), Mr J. Hogan (Chief Financial Officer), Ms K. Scholes (Group Manager - Infrastructure & Operations), Mr P. Ball (Manager - Works), Mr S. Iagunkov (Manager - Water & Wastewater), Mr T. Connell (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms L. Ward (EA to the Mayor & GM) and 4 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 D. Douglas.

3. Civic Prayer

The Civic Prayer was read by Cr L. Dunn.

4. Apologies and Applications for a Leave of Absence

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

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

In Favour: Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward.

Against: Nil.

5. Confirmation of Minutes

Ordinary Council Meeting held in 25 February, 2025

214 RESOLVED on the motion of Cr M. Morris and Cr G. McNeill that:

The Minutes of the Ordinary Council Meeting held on **25 February, 2025**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil



6. Disclosure of any Pecuniary or Non-Pecuniary Interests

Cr R. Mahajan - Declared a non-pecuniary interest in Item 10.1.4. Cr Mahajan advised Council that he and his wife own a property listed in the report.

Cr M. Morris - Declared a pecuniary interest in Item 10.4.3. Cr Morris advised Council that his business is supplying equipment for the event.

Cr A. Barry - Declared a pecuniary interest in Item 10.1.2 - Cr Barry advised Council that she is employed by AGL.

Cr L. Dunn - Declared an insignificant non-pecuniary interest in Item 10.4.1. Cr Dunn advised that she is Council's representative on the Arts Upper Hunter Committee.

7. Mayoral Minute

Nil.

8. Public Participation

Mr M.E. George - Concerning Item 10.1.1 - DA 2023-14 - Storage Complex, Turner Street, Denman.

9. Business Arising (From Previous Meetings)

9.1. Response to Questions from February Ordinary Council Meeting

215 RESOLVED on the motion of Cr D. Hartley and Cr M. Morris that:

Council notes the information contained in the report.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. Development Application 2023-14 - Storage Complex, Turner Street Denman

216 RESOLVED on the motion of Cr D. Marshall and Cr M. Morris that:

Council grants development consent to development application DA 2023/14, being the establishment of a storage premises at Lot 42 DP 771226, subject to the recommended conditions of consent included in Attachment B.

In Favour Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Cr A. Barry, Cr D. Douglas and Cr G. McNeill



10.1.2. Planning Proposal - Additional Permitted Uses - Liddell & Bayswater Power Station Site

Disclosure of Interest

Cr Barry declared a pecuniary interest in this item. Cr Barry advised Council that she is employed by AGL.

At 6:18 pm Cr A. Barry left the Council Chambers and therefore took no part in discussion or voting on this item.

217 RESOLVED on the motion of Cr G. McNeill and Cr M. Morris that:

Council RESOLVES to:

1. note the outcomes of the State agency consultation, and
2. agree that Dam Safety NSW comments about future blasting requirements and the Department of Primary Industries assessment requirements for rural industries be incorporated into the future development control plan, and
3. endorse the planning proposal (Attachment A) to amend the *Muswellbrook Local Environmental Plan 2009* (MLEP), and
4. finalise the amendment to the MLEP 2009 under delegation granted by the Minister for Planning and Public Spaces, pursuant to section 3.36 of the Environmental Planning and Assessment Act 1979; and
5. prepare and exhibit a new Section in Muswellbrook DCP 2009 to apply to the land to which this Planning Proposal applies.

In Favour Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

At 6:20 pm Cr A. Barry returned to Council Chambers and resumed her chair at the meeting table.

10.1.3. Muswellbrook Shire Local Landcare Grants 2025

218 RESOLVED on the motion of Cr D. Douglas and Cr D. Hartley that:

Council:

1. APPROVES grants as shown in Table 1. of the report, except in relation to St Joseph's Primary School Denman; and
2. Approves funding for St Joseph's Primary School Denman to the value of \$2,686.64, using other funds for sustainability programs.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil



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

Disclosure of Interest

Cr R. Mahajan declared a non-pecuniary interest in this item. Cr Mahajan advised Council that he and his wife own a property listed in the report.

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

219 RESOLVED on the motion of Cr A. Barry and Cr L. Dunn that:

The information contained in this report be noted.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

At 6.22pm Cr Mahajan returned to the Council Chambers and resumed his chair at the meeting table.

10.2. Corporate Services

10.2.1. Rivers and Drainage Channels Policy for Adoption

220 RESOLVED on the motion of Cr M. Morris and Cr S. Ward that:

Council adopts the *Rivers and Drainage Channels Policy provided in Attachment A.*

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

10.2.2. Borrowing Policy for Adoption

221 RESOLVED on the motion of Cr M. Morris and Cr D. Hartley that:

Council adopts the *Borrowing Policy.*

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

**10.2.3. Code of Conduct and Procedures for Adoption**

222 RESOLVED on the motion of Cr A. Barry and Cr L. Dunn that:
Council adopts the *Code of Conduct* and the *Procedures for the Administration of the Code of Conduct*.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,
Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

10.2.4. Draft Code of Meeting Practice for Public Exhibition

223 RESOLVED on the motion of Cr M. Morris and Cr D. Hartley that:

1. Council endorses the attached *Draft Code of Meeting Practice* to be placed on public exhibition via Council's website for a period of 28 days and to provide members of the community with at least 42 days in which to make submissions; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,
Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

10.2.5. Draft WHS Policy for Public Exhibition

224 RESOLVED on the motion of Cr M. Morris and Cr G. McNeill that:

1. Council endorses the *Draft Work Health and Safety Policy* for placement on public exhibition via Council's website for a period of 28 days.
2. If no submissions are received in relation to the *Draft Work Health and Safety Policy* during the public exhibition period, then Council resolves to adopt the *Work Health and Safety Policy*.
3. If submissions are received in relation to the *Draft Work Health and Safety Policy* during the public exhibition period, then a further report will be submitted to Council for consideration of submissions received during the exhibition period.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G.
McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil



10.2.6. DRAFT Community Strategic Plan for Public Exhibition

- 225** RESOLVED on the motion of Cr D. Marshall and Cr G. McNeill that:
- Council endorses the DRAFT Community Strategic Plan 2025-2035 to be placed on public exhibition for a period of 40 days.
- In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward
- Against: Nil

10.2.7. Regional Motions for the 2025 National General Assembly of Local Government

- 226** RESOLVED on the motion of Cr M. Morris and Cr A. Barry that:
- Council ENDORSES:
1. The regional motions identified in the report; and
 2. Lodging the endorsed regional motions to the National General Assembly by the closing date of 31 March 2025.
- In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward
- Against: Nil

10.2.8. Community & Economy Committee - Terms of Reference

- 227** RESOLVED on the motion of Cr D. Douglas and Cr D. Marshall that:
- Council ADOPTS the Draft Terms of Reference for the Community and Economy Committee.
- In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward
- Against: Nil

**10.2.9. Report on Investments held as at 28 February 2025**

228 RESOLVED on the motion of Cr R. Mahajan and Cr M. Morris that:

Council notes Council's Investments as at 28 February 2025.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,
Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

10.2.10. Monthly Financial Report - February 2025

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

Council notes the Financial Reports for the month ending 28 February 2025.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,
Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

10.3. Infrastructure and Property**10.3.1. Corrosive Chemicals Facilities Audit**

230 RESOLVED on the motion of Cr D. Marshall and Cr S. Ward that:

Council:

1. Notes the information regarding corrosive chemical storage audit and remaining actions attached to the report;
2. Approves the transfer of \$300,000 from the water reserve to the 2024/25 Financial Year Capital Budget to complete the actions required to comply with Australian Standard AS3780:2023; and
3. Endorses to proceed with the required works by calling Tenders.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,
Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

**10.3.2. Sandy Hollow Projects Update**

231 RESOLVED on the motion of Cr L. Dunn and Cr M. Morris that:

The information contained in the report be noted.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,
Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

10.3.3. Major Projects Status Report

232 RESOLVED on the motion of Cr M. Morris and Cr A. Barry that:

Council NOTES the information contained in the report.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,
Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

10.4. Community and Economy**10.4.1. Arts Upper Hunter - Funding Deed****Disclosure of Interest**

Cr L. Dunn declared an insignificant non-pecuniary interest in this item. Cr Dunn advised Council that she is Council's representative on the Arts Upper Hunter Committee.

233 RESOLVED on the motion of Cr R. Mahajan and Cr A. Barry that:

Council endorses the attached Arts Upper Hunter Funding Deed.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,
Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

**10.4.2. Sponsorship - Cattle Dog Muster**

234 RESOLVED on the motion of Cr G. McNeill and Cr A. Barry that:
Council approves the sponsorship of \$7,500 to the Muswellbrook Chamber of Commerce and Industry for the Cattle Dog Muster Bluey and Bingo Live Experience and Meet and Greet subject to both parties entering into and meeting the requirements of Council's Sponsorship Agreement.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

10.4.3. Awarding of Sponsorship - 2025 Diesel Rust and Dust Truck and Machinery Show - 26 April 2025**Disclosure of Interest**

Cr M. Morris declared a pecuniary interest in this item. Cr Morris advised Council that his business is providing equipment for the event.

At 6:38pm Cr Morris left the Council Chambers and therefore took no part in discussion or voting on this item.

235 RESOLVED on the motion of Cr D. Marshall and Cr A. Barry that:
Council resolves:

1. To provide a community grant to the Antique Truck and Machinery Club Inc for the staging of the 2025 Diesel Rust and Dust Truck and Machinery Show at Denman on 26 April 2025;
2. To Authorise the General Manager to finalise the grant contribution consisting of a fee- waiver, in-kind and cash contribution of no more than \$10,000; and
3. That a further report be presented to Council by the Antique Truck and Machinery Club Inc. following the event detailing the success of the event and plans for the 2026 event.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr S. Ward

Against: Nil

At 6:41pm Cr Morris returned to Council Chambers and resumed their chair/s at the meeting table.



10.4.4. Awarding of a Community Grant - 2025 Sandy Hollow Charity Bush Horse Ride - 12 April 2025

- 236** RESOLVED on the motion of Cr D. Douglas and Cr D. Hartley that:
- Council APPROVES a Community Grant of \$2,035.00 to the Westpac Rescue Helicopter Service for the staging of the 2025 Sandy Hollow Charity Bush Horse Ride at Sandy Hollow on 12 April 2025.
- In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward
- Against: Nil

11. Minutes of Committee Meetings

11.1. Finance and Governance Committee Meeting - 13 February 2025 and 13 March 2025

- 237** RESOLVED on the motion of Cr M. Morris and Cr R. Mahajan that:
- Council NOTES the minutes of the meeting of the Finance and Governance Committee held on 13 February 2025 and 13 March 2025 and ADOPTS the recommendations contained therein.
- In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward
- Against: Nil

11.2. State Significant Development Committee Meeting - 18 February 2025 and 11 March 2025

- 238** RESOLVED on the motion of Cr D. Hartley and Cr L. Dunn that:
- Council NOTES the minutes of the meeting of the State Significant Development Committee held on 18 February 2025 and 11 March 2025 and ADOPTS the recommendations contained therein.
- In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward
- Against: Nil

**11.3. Infrastructure and Property Committee Meeting - 18 February 2025**

239 RESOLVED on the motion of Cr M. Morris and Cr L. Dunn that:
Council NOTES the Minutes of the meeting of the Infrastructure and Property Committee held on 18 February 2025 and ADOPTS the recommendations contained therein.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,
Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

11.4. Local Traffic Committee Meeting - 11 March 2025

240 RESOLVED on the motion of Cr D. Marshall and Cr D. Hartley that:
Council NOTES the Minutes of the Local Traffic Committee Meeting held on 11 March 2025 and ADOPTS the recommendations contained therein.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,
Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

11.5. Community and Economy Committee Meeting - 11 March 2025

241 RESOLVED on the motion of Cr D. Douglas and Cr M. Morris that:
Council NOTES the minutes of the meeting of the Community & Economy Committee held on 11 March 2025 and ADOPTS the recommendations contained therein.

In Favour Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,
Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

12. Notices of Motion

Nil

13. Councillors Reports

Nil



14. Written Questions

Nil

15. Questions for Next Meeting

15.1 Wybong Creek

Cr Dunn inquired if an update could be provided on the land at Wybong Creek?

Mr Finnigan advised Council that a report would be provided.

15.2 Bulky Waste Pick Up

Cr Drayton inquired whether Council could investigate alternate processes for bulky waste pickup?

Mr Finnigan advised Council that a report would be provided.

16. Adjournment into Closed Council

242 RESOLVED on the motion of Cr D. Douglas 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 A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward.

Against: Nil.

Members of the public left the meeting at this stage.



17. Closed Council

17.1. Council Chamber and Campbells Corner Retail Spaces Redevelopment

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.

243 RESOLVED on the motion of Cr D. Marshall and Cr M. Morris that:

Council:

1. Notes the current detailed design development as outlined in the report;
2. Notes the 50% detailed design cost estimate; and
3. Supports preparing for the calling of construction tenders subject to available capital and operating budget 2025/2026.

In Favour: Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward.

Against: Nil.

17.2. 2023-2024-0583 - Demolition of 88-108 Bridge Street Buildings

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.

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

Council:

1. Accepts the outcome of negotiations with Predem Pty Ltd t/a Precision Demolition Services for Contract 2023-2024-0583 - Demolition of 88–108 Bridge Street Buildings as detailed in the report;
2. Allocates funding, as detailed in the report, to award the demolition contract; and
3. Authorises the General Manager to enter into a Contract for 2023-2024-0583 - Demolition of 88–108 Bridge Street buildings on Council's behalf.

In Favour: Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward.

Against: Nil.



17.3. **Contract 2019-2020-0406 - Muswellbrook Aquatic Centre Offer - Financial Close-out**

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.

245 RESOLVED on the motion of Cr L. Dunn and Cr D. Marshall that:

Council:

1. Maintains Council's position as per previous resolutions described in this report;
2. Authorises the General Manager to negotiate a revised Final Deed of Settlement and Release; and
3. Requests that a further report be provided to Council prior to the finalisation of any settlement.

In Favour: Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward.

Against: Nil.

17.4. **BHP Mount Arthur Modification 2 Draft Conditions**

This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.

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

246 RESOLVED on the motion of Cr M. Morris and Cr L. Dunn that:

Council resolves that:

1. The Mayor be authorised to meet with the Department of Planning, Housing and Infrastructure to discuss the draft conditions as offered by the department; and
2. Staff forward a response, regarding the Mount Arthur Coal Modification 2 draft conditions, to the Department of Planning, Housing and Infrastructure.

In Favour: Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward.

Against: Nil.



18. Resumption of Open Council

247 RESOLVED on the motion of Cr A. Barry and Cr M. Morris that:

The meeting return to Open Council.

In Favour: Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris and Cr S. Ward.

Against: Nil.

Members of the public returned to the meeting.

The Mayor read out the resolutions from Closed Council.

19. Closure

The meeting was declared closed at 7:12pm

THE MINUTES OF THE MEETING (PAGES 1 to15) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 22 APRIL, 2022 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 25 MARCH 2025.

.....
Mr D. Finnigan
General Manager

.....
Cr J. Drayton
Chairperson