

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 FEBRUARY, 2022 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 J.A. Lecky, Cr R. Mahajan, Cr D.E. Marshall, Cr R.W. Scholes and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Mr D. Walsh (Manager – Corporate Services & Chief Financial Officer), Ms S. Pope (Executive Manager – Planning & Environment), Ms K. Manwarring (Manager – Community Services), Mr M. Lysaught (Manager – Works, Property & Building Services), Ms M. Cleary (Manager – Governance), Miss K. Cotter (Governance Officer), Ms C. Middleton (Communications & Media Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager), Mrs J. Vince (PA to Mayor), Mr D. Witt (IT) and 2 people in the public gallery.

1 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the Cr Douglas.

2 CIVIC PRAYER

The Civic Prayer was read by the Cr Barry.

3 APOLOGIES AND LEAVE OF ABSENCE

195 RESOLVED on the motion of Crs Bowditch and Marshall that:

The apologies for inability to attend the meeting submitted by Cr G.T. McNeill be NOTED.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

196 RESOLVED on the motion of Crs Bowditch and Marshall that:

The Minutes of the Ordinary Meeting held on 26 October 2021, and the Extra Ordinary Meeting held on 11 January 2022, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

5 DISCLOSURE OF ANY PECUNIARY AND NON PECUNIARY INTEREST

Cr R. Mahajan – Declared a pecuniary interest in Item 11.1. Cr Mahajan advised Council that he owns a business that adjoins the road network in the report.

6 PUBLIC PARTICIPATION

Nil

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

Nil

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 ENVIRONMENTAL PLANNING AND ASSESSMENT (STATEMENT OF EXPECTATIONS) ORDER 2021

197 RESOLVED on the motion of Crs Scholes and Lecky that:

Council ensure appropriate resources are allocated to planning matters.

CARRIED

10.2 MEMBERSHIP OF THE JOINT REGIONAL PLANNING PANEL

198 RESOLVED on the motion of Crs Mahajan and Lecky that:

1. Council nominates the following people as Council's representatives on the Joint Regional Planning Panel:
 - (i) Ms Kellie Scholes (member with expertise: traffic & Transport; engineering);
 - (ii) Cr Scholes and Cr Barry and as alternate members.
2. Council seeks nominations for the community representative position via an advertisement for a period of 21 days placed on Council's website, social media platform and in the local newspaper in order to provide equal access to interested and suitably skilled community members.

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

Against: Nil.

10.3 DA 2021-55 ESTABLISHMENT OF WASTE TRANSFER STATION: OFFER TO ENTER INTO A PLANNING AGREEMENT

199 RESOLVED on the motion of Crs Woodruff and Drayton that:

Council:

- A. Agrees to the offer to enter into a Planning Agreement for DA 2021/55 for the payment of a contribution of \$0.11 per tonne of material delivered to the proposed development; and
- B. Request a condition of consent that the proponent enter into a Planning Agreement generally in accordance with the terms specified in the offer included as an attachment to this report.

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

Against: Nil.

11 COMMUNITY INFRASTRUCTURE

11.1 CONCEPT DESIGN FOR REHABILITATION - LORNE STREET, MUSWELLBROOK

Disclosure of Interest

Cr Mahajan declared a pecuniary interest in this item. Cr Mahajan advised Council that the owns a business adjacent to the proposed road works.

At 06:06pm Cr Mahajan left the Council Chambers and therefore took no part in discussion or voting on this matter.

200 RESOLVED on the motion of Crs Woodruff and Bowditch that:

Council endorses:

1. The Concept Design attached as A to the report, for the rehabilitation of Lorne Street, Muswellbrook (between New England Hwy and Mitchell St); and
2. The use of the available funding sources from the 2021-22 Capital Budget Allocations nominated in the Financial Implications section of the report for the future construction of the project.

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

Against: Nil.

At 6:07pm Cr Mahajan returned to Council Chambers and resumed his chair at the meeting table.

11.2 THOMAS MITCHELL DRIVE / DENMAN ROAD INTERSECTION - S.138 ROADS ACT 1993 PERMIT APPROVAL

201 RESOLVED on the motion of Crs Woodruff and Scholes that:

Council REFUSES the application on the grounds that the design of the intersection is inappropriate for the safety of the residents within the Shire noting concerns relating to the following

- Carriageway
- Turning lanes both towards Muswellbrook and Denman
- Inclusion of a dual lane towards the Bengalla Road turn off
- Protection for turning right heading back towards Muswellbrook.

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

Against: Nil.

11.3 REMOVAL OF LEVEL ONE WATER RESTRICTIONS

202 RESOLVED on the motion of Crs Lecky and Bowditch that:

Council approves the removal of the mandatory level one water restriction for Muswellbrook, Denman, and Sandy Hollow town water supply, commencing Monday, 7 February 2022, following notification of this approval through Council's website and social media platforms.

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

Against: Nil.

12 CORPORATE AND COMMUNITY SERVICES

12.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEMBERSHIP

- 203 Cr Jennifer Lecky was nominated as the Councillor Member for the Audit, Risk and Improvement Committee.

12.2 FINANCE ADVISORY COMMITTEE MEMBERSHIP

- 204 RESOLVED on the motion of Crs Lecky and Douglas that:

Crs Rohit Mahajan and Rod Scholes be appointed to the Finance Advisory Committee.

CARRIED

12.3 STATE SIGNIFICANT DEVELOPMENT COMMITTEE MEMBERSHIP

- 205 It was recommended that the following Councillors and staff be appointed as members of the State Significant Development Committee:

- Cr Graeme McNeill;
- Cr Rod Scholes;
- Mayor (Chair);
- General Manager;
- Executive Manager Environment and Planning;
- Development Compliance Officer;
- Corporate Lawyer.

12.4 SECTION 355 COMMITTEES

206 RESOLVED on the motion of Crs Scholes and Barry that:

Council notes the information contained in this report and reviews the following Section 355 Committees as part of the Strategic Planning Conference scheduled for February 2022:

1. Future Fund Committee;
2. Muswellbrook Bypass Advisory Committee; and
3. Industrial Closures Committee.

CARRIED

12.5 FUTURE FUND POLICY

207 RESOLVED on the motion of Crs Reynolds and Lecky that:

The Future Fund Policy be further reviewed by Council.

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

Against: Crs J. Drayton, R. Scholes and B. Woodruff.

12.6 2021-2022 OPERATIONAL PLAN 31 DECEMBER QUARTERLY REVIEW

208 RESOLVED on the motion of Crs Barry and Lecky that:

The 2021/22 Operational Plan Review dated 31 December 2021 be noted.

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

Against: Nil.

12.7 CORRESPONDENCE FOR COUNCILLOR INFORMATION

209 RESOLVED on the motion of Crs Woodruff and Douglas that:

The information contained in this report be noted.

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

Against: Nil.

12.8 REPORT ON COUNCIL GRANT FUNDING AND COMMUNITY ENGAGEMENT - FEBRUARY 2022

210 RESOLVED on the motion of Crs Woodruff and Scholes that:

Council notes the information contained in the report.

CARRIED

12.9 REPORT ON INVESTMENTS HELD AS AT 31 DECEMBER 2021

211 RESOLVED on the motion of Crs Scholes and Lecky that:

The information showing Council's investments as at 31 December 2021 be noted.

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

Against: Nil.

12.10 DECEMBER 2021 MONTHLY FINANCIAL REPORTS

212 RESOLVED on the motion of Crs Scholes and Douglas that:

The Financial Reports for the month ending 31 December 2021 be noted.

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

Against: Nil.

2.11 COMMUNITY SERVICES

213 RESOLVED on the motion of Crs Bowditch and Lecky that:

The information contained in this report be noted.

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

Against: Nil.

13 REPORTS FROM COMMITTEES

13.1 STATE SIGNIFICANT DEVELOPMENT - 3/11/2021

214 RESOLVED on the motion of Crs Woodruff and Scholes that:

The minutes for the State Significant Development meeting held on Wednesday 3 November 2021 be NOTED.

In Favour: Crs A Barry, M. Bowditch, D. Douglas, J. Lecky, R. Mahajan, D. Marshall, S.
Reynolds, R. Scholes and B. Woodruff.

Against: J. Drayton and L. Dunn.

14 NOTICES OF MOTION / RESCISSION

14.1 RECOGNITION OF SERVICE

215 RESOLVED on the motion of Crs Woodruff and Scholes that:

Muswellbrook Shire Council present a certificate of Service to the following past Councillors in recognition of their dedicated service to the Shire of Muswellbrook, its people and communities:

Cr Jacinta Ledlin
Cr Stephen Ward
Cr Janelle Eades
Cr Jason Foy
Cr Martin Rush
Cr Scott Bailey
Cr Michelle Green

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

Against: Nil.

14.2 NET ZERO 2050 ROADMAP

216 RESOLVED on the motion of Crs Reynolds and Bowditch that:

This matter be deferred to the next Ordinary meeting of Council due to Cr McNeill's absence.

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

Against: Nil.

15 QUESTIONS WITH NOTICE

15.1 FENCING FOR MUSWELLBROOK SKATEPARK

217 RESOLVED on the motion of Crs Bowditch and Douglas that:

Council:

1. Notes the information contained in the report;
2. Officers conduct a risk assessment for the site and a report be submitted to the next meeting of Council.

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

Against: Nil.

16 COUNCILLORS REPORTS

16.1 AUSTRALIA DAY

Cr Barry congratulated staff involved in the preparation and execution of the Australia Day Ceremony which was very well organised.

Cr Bowditch also congratulated Council staff for the inclusion which was very evident on Australia Day.

16.2 WORKS REQUESTS

Cr Bowditch thanked staff for the response to a number of works requests that have recently been submitted to works around town.

17 QUESTIONS FOR NEXT MEETING

17.1 PROCESS FOR WORKS REQUESTS

Cr Woodruff inquired about the process for requesting works to be undertaken. Cr Woodruff advised that there used to be a dedicated phone number that Councillors could call and it went through a process where the person who lodged the request was responded to within a timeline.

Cr Reynolds advised the meeting that work was being undertaken in regards to this matter and a report would be submitted to the next meeting of Council.

Ms Plesman also advised the meeting that information would be provided to Councillors prior to the next meeting regarding the process by which residents can lodge service requests with Council rather than having to go through Councillors.

Cr Marshall asked a question that was inaudible via the recording.

Cr Bowditch inquired as to the progress of a dedicated Council App and requested an update at the next meeting of Council.

Cr Bowditch requested a report to the next meeting indicating the current number of traineeships progressing at Council and an indication of the number expected under the next intake.

18 CLOSURE

The meeting was declared closed at 6.33pm.

**THE MINUTES OF THE MEETING (PAGES 1 TO 8) WERE CONFIRMED AT THE ORDINARY
COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 1
MARCH, 2022 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE
MEETING HELD ON TUESDAY 1 FEBRUARY, 2022**

.....
Ms F. Plesman
General Manager

.....
Cr S. Reynolds
Chairperson