

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 MARCH, 2022 COMMENCING AT 6.00PM.**

PRESENT: Cr S.M. Reynolds (Mayor), Cr A. Barry, Cr M. Bowditch (VC), Cr D. Douglas, Cr J. Drayton, 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: 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), Mr P. Chambers (Chief Engineer), Mr M. Lysaught (Manager – Works, Property & Building Services), Ms M. Cleary (Manager – Governance (VC)), Miss K. Cotter (Governance Officer), Ms A. Hathway (Corporate Lawyer), Mr H. McTaggart (Development Co-Ordinator), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager), Mrs J. Vince (PA to Mayor) and 10 people in the public gallery.

1 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by Cr D. Douglas.

2 CIVIC PRAYER

The Civic Prayer was read by Cr L. Dunn.

3 APOLOGIES AND LEAVE OF ABSENCE

221 RESOLVED on the motion of Crs McNeill and Marshall that:

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

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

Against: Nil.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

222 RESOLVED on the motion of Crs Woodruff and Lecky that:

The Minutes of the Ordinary Meeting held on 1 February 2022, and the Extra Ordinary Meeting held on 22 February 2022, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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

Against: Nil.

5 DISCLOSURE OF ANY PECUNIARY AND NON PECUNIARY INTEREST

Cr B. Woodruff - Declared a pecuniary interest in Item 11.3. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr B. Woodruff – Declared a pecuniary interest in Item 11.4. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr B. Woodruff - Declared a pecuniary interest in Item 12.1. Cr Woodruff advised Council that his employer undertakes work for Bengalla, Liddell, Mangoola and Mt Pleasant Mines. Cr Woodruff also advised Council that a member of his immediate family is employed by Muswellbrook Coal.

Cr B. Woodruff – Declared a pecuniary interest in Item 14.1. Cr Woodruff advised Council that his employer undertakes work at Bengalla.

Cr D. Marshall – Declared a pecuniary interest in Item 11.3. Cr Marshall advised Council that his employer undertakes work for the applicant.

Cr D. Marshall – Declared a pecuniary interest in item 19.1. Cr Marshall advised Council that his daughter is employed by the tenderer.

Cr R. Mahajan – Declared a pecuniary interest in Item 19.1. Cr Mahajan advised Council that he owns a business in adjacent to the Road Network in the report.

Cr D. Douglas – Declared a non-pecuniary interest in Item 11.3. Cr Douglas advised Council that her employer undertakes work at Mt Pleasant.

Cr S. Reynolds – Declared an interest in Item 14.1. Cr Reynolds advised Council that a family member undertakes University/School Break work at Bengalla.

6 PUBLIC PARTICIPATION

Mr Granville Taylor – in support of his nomination to the Joint Regional Planning Panel.

Mr M. Zizza – in opposition to the recommendation contained in Item 10.2.

Mr M. Valantine – concerning Item 15.1 – Muswellbrook Squash Courts.

7 MAYORAL MINUTES

Nil

8 GENERAL BUSINESS

Nil

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 DA 2005-451 - ROAD NAMING APPLICATION

223 RESOLVED on the motion of Crs Marshall and Mahajan that:

1. Council approves the proposed street name for exhibition and notification to the Geographical Names Board:
 - Herdsman Close
2. Delegate the determination of the street naming application to the General Manager where no submissions are received objecting to the proposed street name.
3. Where one or more public submissions are received that raise objections to the proposed name, or where a different street name is proposed by the Geographical Names Board, the street naming proposal is to be re-reported to Council.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 MARCH, 2022 COMMENCING AT 6.00PM.**

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

Against: Nil.

**10.2 DA 2021-87 - COMMERCIAL CHANGE OF USE AND ALTERATIONS AND ADDITIONS - 12
OGILVIE STREET, DENMAN**

224 RESOLVED on the motion of Crs Woodruff and McNeill that:

This item be deferred to the next meeting of Council to allow further discussions to be held with
the applicant concerning parking requirements.

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

Against: Nil.

**10.3 PLANNING PROPOSAL TO REZONE THE FORMER FORESTRY SITE - 72-74 MAITLAND
STREET, MUSWELLBROOK**

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

Council:

1. Endorses the Planning Proposal contained in Attachment A (Planning Proposal –
Administrative Amendment 72-74 Maitland Street Muswellbrook (PP_2021_6523) and
requests a Parliamentary Counsel opinion to amend Muswellbrook Local
Environmental Plan 2009; and
2. Makes the amending Plan under delegation pursuant to section 3.36 of the
Environmental Planning and Assessment Act 1979.

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

Against: Nil.

**10.4 AMENDMENT TO MUSWELLBROOK DCP 2009 - SECTION 13 - FLOODPLAIN
MANAGEMENT**

226 RESOLVED on the motion of Crs Woodruff and Mahajan that:

Council adopts Section 13 – Floodplain Management for Muswellbrook DCP 2009, as provided
in Attachment A.

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

Against: Nil.

10.5 SUBMISSION ON DRAFT HUNTER REGIONAL PLAN 2041

227 RESOLVED on the motion of Crs Woodruff and Marshall that:

Council authorises the General Manager to make a submission on the draft Hunter Regional Plan 2041 in accordance with Attachment A.

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

Against: Nil.

10.6 SUBMISSION ON AGRITOURISM AMENDMENT ORDER

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

Council authorises the General Manager to make a submission on Council's behalf to seek inclusion of the agritourism terms and clauses in Muswellbrook LEP 2009 as shown in the nominations outlined in Attachment B.

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

Against: Nil.

10.7 UPDATE REPORT TO COUNCIL - PLANNING, ENVIRONMENT AND REGULATORY SERVICES

229 RESOLVED on the motion of Crs Woodruff and Drayton 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, G. McNeill, S. Reynolds and B. Woodruff.

Against: Nil.

11 COMMUNITY INFRASTRUCTURE

11.1 WATER AND SEWERAGE DEVELOPMENT SERVICING PLANS

230 RESOLVED on the motion of Crs Woodruff and Marshall that:

Council:

1. Adopts the Water Development Servicing Plan and Sewerage Development Servicing Plan attached to the report, indexing the charges to a 2022-23 level for application from 1 July 2022.
2. Maintains Development Services Charges in Council's approved schedule of Fees and Charges, adjusted to the Consumer Price Index variation for each financial year; and
3. Obtains registration of the adopted Developer Servicing Plans with the NSW Department of Planning, Industry and Environment – Water.

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

Against: Nil.

11.2 CONCEPT DESIGN FOR DENMAN TO SANDY HOLLOW WATER PIPELINE

231 RESOLVED on the motion of Crs Lecky and Marshall that:

Council approves the transfer of \$300,000 funding from the Water Fund Reserve to expenditure ledger number 5010.0492.500 to enable tenders to be invited for the development of a concept design for the Denman to Sandy Hollow water pipeline project.

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

Against: Nil.

11.3 MOUNT PLEASANT OPERATIONS S.138 ROADS ACT 1993 PERMIT FOR ROAD MAINTENANCE

Disclosure of Interest

Cr B. Woodruff - Declared a pecuniary interest in this Item. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr D. Marshall – Declared a pecuniary interest in this. Cr Marshall advised Council that his employer undertakes work for the applicant.

At 6.41pm Cr Brett Woodruff, Cr Darryl Marshall and Cr De-Anne Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

232 RESOLVED on the motion of Crs Drayton and Lecky that:

Council:

1. Delegates to the General Manager authority to sign the s.138 *Roads Act 1993* permit approval for ongoing road maintenance works; and
2. Notes the MACH Energy Mount Pleasant Project Road Maintenance Plan Rev01 attached as Appendix B to the report.

In Favour: Crs A Barry, M. Bowditch, J. Drayton, L. Dunn, J. Lecky, R. Mahajan, G. McNeill and S. Reynolds.

Against: Nil.

At 6.43pm Cr Douglas and Cr Marshall returned to Council Chambers and resumed their chairs at the meeting table.

11.4 MANGOOLA COAL CONTINUED OPERATIONS ROAD MAINTENANCE MANAGEMENT PLAN

Disclosure of Interest

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

Cr Woodruff remained absent from the meeting room and therefore took no part in discussion or voting on this item.

233 RESOLVED on the motion of Crs Drayton and Douglas that:

Council approves the Mangoola Coal Continued Operations Road Maintenance Management Plan attached to the report.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 MARCH, 2022 COMMENCING AT 6.00PM.**

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

Against: Nil.

At 6.44pm Cr Woodruff returned to Council Chambers and resumed his chair at the meeting table.

11.5 LARGE PLANT REPLACEMENT PROGRAMME

234 RESOLVED on the motion of Crs Woodruff and Marshall that:

Council:

1. Endorses the 2021-22 large plant replacement programme;
2. Approves the transfer of \$648,031 from the Plant and Vehicle Reserve to expenditure ledger number 3985.5870.504 Plant Items – Large – Capital; and
3. Requests the procurement of plant items as prioritised in the report.

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

Against: Nil.

11.6 MAJOR PROJECTS STATUS REPORT

235 RESOLVED on the motion of Crs McNeill and Drayton 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, G. McNeill, S. Reynolds and B. Woodruff.

Against: Nil.

11.7 REVIEW OF BEST PRACTICE MANAGEMENT OF WATER SUPPLY AND SEWERAGE SERVICES FOR 2019-2020

236 RESOLVED on the motion of Crs Barry and Douglas that:

Council notes the information contained in the report.

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

Against: Nil.

11.8 FUTURE FUND POLICY

237 RESOLVED on the motion of Crs McNeill and Mahajan that:

1. Council endorses the revised future fund policy for public exhibition.
2. Council endorses the Future Fund Long Term Financial Plan.

In Favour: Crs A Barry, M. Bowditch, D. Douglas, J. Lecky, R. Mahajan, G. McNeill and S. Reynolds.

Against: Crs J. Drayton, L. Dunn, D. Marshall and B. Woodruff.

11.9 SPONSORSHIP REQUEST - ROTARY CLUB OF MUSWELLBROOK

238 RESOLVED on the motion of Crs Douglas and Marshall that:

Council makes the catering donation to the Rotary Club of Muswellbrook for the 2021 Science and Engineering Challenge and are encouraged to apply for Council's Community Grants programme for future events.

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

Against: Nil.

12 CORPORATE AND COMMUNITY SERVICES

12.1 ELECTION TO COUNCIL COMMITTEES AND DELEGATE POSITIONS

Disclosure of Interest

Cr B. Woodruff - Declared a pecuniary interest in this Item. Cr Woodruff advised Council that his employer undertakes work for Bengalla, Liddell, Mangoola and Mt Pleasant Mines. Cr Woodruff also advised Council that a member of his immediate family is employed by Muswellbrook Coal.

At 6.55pm Cr Brett Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

239 RESOLVED on the motion of Crs Douglas and Marshall that:

1. The Committee Structure be endorsed
2. Elections by show of hands be held for Councillor positions on the committees.
3. The Chair and Deputy Chair be elected for the committees.
4. The appointment of Councillors to Committees and Delegate positions be to September, 2024.

COUNCIL COMMITTEES

Committee 1

Finance Review Advisory Committee

No. of Cr Representatives	Usual Meeting Date/Time
3	
Elected:	Cr Steve Reynolds (Chair)
	Cr Rohit Mahajan
	Cr Rod Scholes

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 MARCH, 2022 COMMENCING AT 6.00PM.**

Committee 2 State Significant Development Committee

No. of Cr Representatives	Usual Meeting Date/Time
5	Fortnightly on a Monday between 4.00pm and 5.00pm
Elected:	Cr Steve Reynolds (Chair)
	Cr Graeme McNeill
	Cr Rod Scholes
	Cr Jennifer Lecky
	Cr Brett Woodruff

ADVISORY COMMITTEES

Committee 3 Aboriginal Reconciliation Committee

No. of Cr Representatives	Usual Meeting Date/Time
2	3rd Thursday quarterly commencing at 1.00pm
Elected:	Cr Mark Bowditch
	Cr Rod Scholes

Committee 4 Arts & Culture Committee

No. of Cr Representatives	Usual Meeting Date/Time
2	TBD
Elected:	Cr Louise Dunn
	Cr Rod Scholes

Committee 5 Audit, Risk and Improvement Committee

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly on First Wednesday at 9.00am
Elected:	Cr Jennifer Lecky

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 MARCH, 2022 COMMENCING AT 6.00PM.**

Committee 6

Business & Tourism Committee

No. of Cr Representatives	Usual Meeting Date/Time
5	Quarterly (TBD)
Elected:	Cr Amanda Barry
	Cr Louise Dunn
	Cr Graeme McNeill
	Cr Rohit Mahajan
	Cr Rod Scholes

Committee 7

Heritage Committee

No. of Cr Representatives	Usual Meeting Date/Time
3	TBD
Elected:	Cr Louise Dunn
	Cr Graeme McNeill
	Cr Rod Scholes

Committee 8

Sport & Recreation Committee

No. of Cr Representatives	Usual Meeting Date/Time
3	TBD
Elected:	Cr Amanda Barry
	Cr Graeme McNeill
	Cr Rod Scholes

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 MARCH, 2022 COMMENCING AT 6.00PM.**

STATUTORY COMMITTEES

Committee 9 Local Emergency Management Committee

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly at 9.00am
Elected:	Cr Mark Bowditch

Committee 10 Muswellbrook Shire Bush Fire Management Committee

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly on Wednesday after LEMC Meeting
Elected:	Cr Mark Bowditch

**Committee 11 Rural Fire Service - Service Level Agreement Liaison
Committee**

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly on Tuesday/Wednesday @ 2pm
Elected:	Cr Mark Bowditch

Committee 12 SES Service Level Agreement Liaison Committee

No. of Cr Representatives	Usual Meeting Date/Time
1	
Elected:	Cr Mark Bowditch

Committee 13 Muswellbrook Shire Local Traffic Committee

No. of Cr Representatives	Usual Meeting Date/Time
2	2 nd Tuesday of each month @ 2.00pm in Admin Centre
Elected:	Cr Mark Bowditch
	Cr Darryl Marshall

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 MARCH, 2022 COMMENCING AT 6.00PM.**

S355 COMMITTEES

Committee 14 Future Fund Committee

No. of Cr Representatives	Usual Meeting Date/Time
4	4 times per year
Elected:	Cr De-anne Douglas
	Cr Rohit Mahajan
	Cr Rod Scholes
	Cr Brett Woodruff

Committee 15 Industrial Closures Committee

No. of Cr Representatives	Usual Meeting Date/Time
2	
Elected:	Cr Jeff Drayton
	Cr Rod Scholes

Committee 16 Muswellbrook Bypass Advisory Committee

No. of Cr Representatives	Usual Meeting Date/Time
5	
Elected:	Cr Mark Bowditch
	Cr Rod Scholes
	Cr Rohit Mahajan
	Cr Darryl Marshall
	Cr Brett Woodruff

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 MARCH, 2022 COMMENCING AT 6.00PM.**

COMMUNITY CONSULTATIVE COMMITTEES

Committee 17 AGL Macquarie Dialogue Group

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly
Elected:	Cr Jeff Drayton

Committee 18 Bengalla Coal Consultative Committee

No. of Cr Representatives	Usual Meeting Date/Time
2	Quarterly 4pm - 6pm
Elected:	Cr Jeff Drayton
	Cr Jennifer Lecky

Committee 19 Liddell Coal Consultative Committee

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly
Elected:	Cr Jennifer Lecky

Committee 20 Mangoola Consultative Committee

No. of Cr Representatives	Usual Meeting Date/Time
1	
Elected:	Cr Louise Dunn

Committee 21 Mt Arthur Coal Consultative Committee

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly 4pm - 6pm
Elected:	Cr Jennifer Lecky

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 MARCH, 2022 COMMENCING AT 6.00PM.**

Committee 22 Mt Pleasant Mine Consultative Committee

No. of Cr Representatives	Usual Meeting Date/Time
2	Quarterly 4pm - 6pm
Elected:	Cr Jeff Drayton

Committee 23 Spur Hill (Malabar Coal) Consultative Committee

No. of Cr Representatives	Usual Meeting Date/Time
2	
Elected:	Cr Jeff Drayton
	Cr Louise Dunn

EXTERNAL ORGANISATIONS

Committee 24 Arts Upper Hunter

No. of Cr Representatives	Usual Meeting Date/Time
1	1st Tuesday of March, June, September and December at 5.30pm (subject to discussion at their December Board Meeting)
Elected:	Cr Jennifer Lecky

Committee 25 Local Health Advisory Committee

No. of Cr Representatives	Usual Meeting Date/Time
2	
Elected:	Cr De-anne Douglas
	Cr Brett Woodruff

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 MARCH, 2022 COMMENCING AT 6.00PM.**

Committee 26 Upper Hunter County Council (Weeds Authority)

No. of Cr Representatives	Usual Meeting Date/Time
2	
Elected:	Cr Graeme McNeill
	Cr Darryl Marshall

Committee 27 Joint Regional Planning Panel

No. of Cr Representatives	Usual Meeting Date/Time
2	
Elected:	Cr Amanda Barry
	Cr Rod Scholes
Community Representative	To be elected

Committee 28 Hunter Joint Organisation

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly @ 10am in Thornton
Elected:	Mayor

Committee 29 Transcare Hunter Ltd Board Representation

No. of Cr Representatives	Usual Meeting Date/Time
1	
Elected:	Cr Jennifer Lecky

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

Against: Nil.

At 7.00pm Cr Woodruff returned to Council Chambers and resumed his chair at the meeting table.

12.2 JOINT REGIONAL PLANNING PANEL EXPRESSION OF INTEREST

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

Council ENDORSE Granville Taylor as a community member on the Joint Regional Planning Panel.

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

Against: Nil.

12.3 RELATED PARTY DISCLOSURES POLICY

241 RESOLVED on the motion of Crs Woodruff and Lecky that:

The draft Related Party Disclosures Policy be placed on public exhibition for a period of 28 days to allow for community comment.

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

Against: Nil.

12.4 STORE AND MATERIAL STOCKTAKE - 3 NOVEMBER 2021

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

Council notes the report on the stocktake carried on 3 November 2021 and that an amount of \$1,008.62 be added to the inventory register.

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

Against: Nil.

12.5 AUTHORISATION UNDER SECTION 226 OF THE LOCAL GOVERNMENT ACT

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

Council notes the information provided.

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

Against: Nil.

12.6 REPORT ON COUNCIL GRANT FUNDING AND COMMUNITY ENGAGEMENT - MARCH 2022

244 RESOLVED on the motion of Crs Woodruff and Mahajan that:

Council notes the information contained in the report.

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

Against: Nil.

12.7 REPORT ON INVESTMENTS HELD AS AT 31 JANUARY 2022

245 RESOLVED on the motion of Crs Lecky and Douglas that:

The information showing Council's investments as at 31 January 2022 be noted.

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

Against: Nil.

12.8 JANUARY 2022 MONTHLY FINANCIAL REPORTS

246 RESOLVED on the motion of Crs Marshall and Mahajan that:

The Financial Reports for the month ending 31 January 2022 be noted.

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

Against: Nil.

12.9 COMMUNITY SERVICES

247 RESOLVED on the motion of Crs Woodruff and Barry 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, G. McNeill, S. Reynolds and B. Woodruff.

Against: Nil.

13 REPORTS FROM COMMITTEES

13.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON WEDNESDAY 15 DECEMBER, 2021

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

The Minutes of the Audit, Risk and Improvement Committee meeting on Wednesday 15 December 2021 be noted.

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

Against: Nil.

14 NOTICES OF MOTION / RESCISSION

14.1 BENGALLA MODIFICATION PROJECT

Disclosure of Interest

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

Cr Reynolds declared a significant non-pecuniary interest in this item. Cr Reynolds advised Council that a family member undertakes University/school break work at Bengalla.

At 7.06pm Cr and Cr Reynolds left the Council Chambers and therefore took no part in discussion or voting on this item.

Cr Graeme McNeill assumed the role of chair for the conduct of this item.

249 RESOLVED on the motion of Crs Drayton and Marshall that:

1. Council support Bengalla's development application to landfill tyres subject to the following further conditions:
 - (a) The Environmental Protection License is granted on the basis of an annual review having regard to the State's hierarchy of waste: avoidance, re-use, recycling, waste-to-energy and landfilling.
 - (b) Bengalla provide to Council \$50,000 to support investigation into potential industry options that might provide a more sustainable and preferable outcome in terms of the NSW waste hierarchy and the local economy.
2. Council seek expressions of interest from a suitably qualified industry expert to undertake an investigation into potential options in the event Bengalla agrees to the payment of \$50,000.
3. If the Office of Environment and Heritage or Bengalla do not agree to the above conditions, the matter be referred back to Council for further consideration.

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

Against: Nil.

At 7.11pm Cr Woodruff and Cr Reynolds returned to Council Chambers.

Cr Reynolds resumed the role of Chair for the remainder of the meeting.

15 QUESTIONS WITH NOTICE

15.1 MUSWELLBROOK SQUASH COURTS

250 RESOLVED on the motion of Crs Marshall and Dunn that:

The information be received and NOTED.

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

Against: Nil.

16 COUNCILLORS REPORTS

Nil

17 QUESTIONS FOR NEXT MEETING

Nil

18 ADJOURNMENT INTO CLOSED COUNCIL

251 RESOLVED on the motion of Crs Woodruff and 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 following provisions:

19.1 TENDER 2021-2022-0507 - LORNE STREET DRAINAGE UPGRADE

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 TENDER 2021-2022-0510 - LEGAL SERVICES PANEL

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 TENDER 2021-2022-0511 - PROVISION OF PROPERTY AND BUILDING TRADES AND SERVICES PANEL

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.4 TENDER 2021-2022-0499 - DESIGN AND CONSTRUCTION OF FLUORIDE DOSING SYSTEM UPGRADE - TENDER ASSESSMENT

Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.5 UPPER HUNTER ECONOMIC DEVELOPMENT CORPORATION

Item 19.5 is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) and 10A(2)(c) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.6 CHANGES TO THE STAFF ESTABLISHMENT

Item 19.6 is classified CONFIDENTIAL under the provisions of Section10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.7 TOWN CENTRE PURCHASE

Item 19.7 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

Against: Nil.

19 CLOSED COUNCIL

19.1 TENDER 2021-2022-0507 - LORNE STREET DRAINAGE UPGRADE

Disclosure of Interest

Cr D. Marshall – Declared a pecuniary interest in this Item. Cr Marshall advised Council that his daughter is employed by the tenderer.

Cr R. Mahajan – Declared a pecuniary interest in this Item. Cr Mahajan advised Council that he owns a business in adjacent to the Road Network in the report.

At 7.20pm Cr Mahajan and Cr Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council:

1. Accepts the Tender submitted by KCE Pty Ltd for Contract 2021-2022-0507 – Lorne Street Drainage upgrade works, for a price of \$751,400.00 exclusive of GST, subject to a satisfactory financial assessment ;
2. Delegates to the General Manager authority to sign and affix Council's seal to Contract 2021-2022-0507.
3. Endorses the use of the nominated funding sources from the 2021-22 Capital Budget to deliver the project:

(a) Urban Roads Renewal	GL 3500.4050.504	\$ 400,000
(b) Roads to Recovery budget	GL 3500.2068.504	\$ 577,898
(c) Drainage Devices remaining available	GL 3540.4065.504	\$ 113,869

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

Against: Nil.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL
HELD IN THE AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET, MUSWELLBROOK
ON TUESDAY 1 MARCH, 2022 COMMENCING AT 6.00PM.**

At 7.26pm Cr Mahajan and Cr Marshall returned to Council Chambers and resumed their chairs at the meeting table.

19.2 TENDER 2021-2022-0510 - LEGAL SERVICES PANEL

253 RESOLVED on the motion of Crs Barry and Woodruff that:

The following legal firms be appointed to Council's Legal Services Panel for a period of three years:

1. Marsdens Law Group
2. Moray & Agnew
3. Local Government Legal
4. Pikes & Verekers Lawyers
5. Holding Redlich
6. ClarkeKann Lawyers
7. Australian Business Lawyers & Advisors

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

Against: Nil.

19.3 TENDER 2021-2022-0511 - PROVISION OF PROPERTY AND BUILDING TRADES AND SERVICES PANEL

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

Council accepts the following contractors for the 2020-2021-0511 Provision of Property and Building Trades and Services contract:

1. Briken Group Services Pty Ltd
2. EMF Group Pty Ltd
3. Warren Ward Refrigeration Pty Limited
4. Maxwell Spark Electrical Pty Ltd
5. Trane Technologies
6. Bradley Baker Carpentry
7. DCFM Australia Pty Ltd
8. Talbots Painting Group Pty Ltd
9. Macpherson Built Pty Ltd
10. PJ Stringer Painting Contractors
11. Programmed Property Services Pty Ltd
12. G & E Wilkinson Enterprises
13. Gavin Scott Plumbing Pty Limited
14. Newtech Civil Services
15. Munro Engineering & Fabrications Pty Ltd
16. HM & NS Wear

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

Against: Cr D. Douglas.

19.4 TENDER 2021-2022-0499 - DESIGN AND CONSTRUCTION OF FLUORIDE DOSING SYSTEM UPGRADE - TENDER ASSESSMENT

255 RESOLVED on the motion of Crs Drayton and Mahajan that:

1. In accordance with Section 178 of the Local Government (General) Regulation 2005, Council declines to accept any submission received for contract 2021-2022-0499 Design and Construction of Fluoride Dosing System, as the tender exceeds the approved project budget; and
2. In accordance with Section 178 (3)(b) of the Local Government (General) Regulation 2005, Council:
 - (i) Invites fresh tenders or applications based on different details as referred to in Section 178 subclause (3) (b).

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

Against: Nil.

19.5 UPPER HUNTER ECONOMIC DEVELOPMENT CORPORATION

256 RESOLVED on the motion of Crs McNeill and Douglas that:

1. Council delegates to the General Manager the responsibility to negotiate a corporate re-structure of the UHEDC.
2. Council endorses the re-establishment of an economic development function within Council.
3. Council delegates to the General Manager the responsibility to negotiate an agreement with The Melt for the provision of a Manufacturing Innovation Hub and Makerspace in the Donald Horne building.
4. A further report be submitted to Council at the conclusion of the negotiations to consider and make a final determination regarding the final negotiated agreement.

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

Against: Crs J. Drayton and B. Woodruff.

19.6 CHANGES TO THE STAFF ESTABLISHMENT

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

1. A budget increase is approved for staff progression, staff structural changes at \$1.5m (in real costs at \$701,985 [achieved through productivity offsets] plus an allocation of \$300k for a traineeship program totalling approx. \$1m in real terms).
2. A report be submitted to Council on a six monthly basis providing updates.

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

Against: Nil.

19.7 TOWN CENTRE PURCHASE

258 RESOLVED on the motion of Crs Woodruff and Lecky that:

Council:

1. Proceed with the purchase of the property 84 - 86 Bridge Street, Muswellbrook NSW 2333, Lot 50 DP 707846 as identified in the report.
2. Authorise the General Manager to negotiate the terms and execute all relevant documentation relating to the purchase by Council.
3. Authorise if necessary, for the Council Seal to be affixed to the Contract of Sale and Transfer document relating to the purchase by Council of the property.
4. The property be classified as "Operational" land within the meaning of Division 1, Part 2 of Chapter 6 of the Local Government Act 1993.

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

Against: Nil.

20 RESUMPTION OF OPEN COUNCIL

259 RESOLVED on the motion of Crs Marshall and McNeill that:

The meeting return to Open Council.

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

Against: Nil.

21 CLOSURE

The meeting was declared closed at 8.03pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 22) WERE CONFIRMED AT THE
ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON
TUESDAY 5 APRIL, 2022 AND ARE A FULL AND ACCURATE RECORD OF
PROCEEDINGS OF THE MEETING HELD ON TUESDAY 1 MARCH, 2022

.....
Ms F. Plesman
General Manager

.....
Cr S. Reynolds
Chairperson