

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE TRAINING ROOM, UNIVERSITY OF NEWCASTLE - UPPER HUNTER CAMPUS, 87 HILL STREET, MUSWELLBROOK ON TUESDAY 23 MAY 2023 COMMENCING AT 6.00PM

PRESENT: Cr S.M. Reynolds (Mayor), Cr A. Barry, Cr M. Bowditch, Cr J. Drayton, Cr L. Dunn, Cr J.A. Lecky, Cr G.T. McNeill (VC), Cr R. Mahajan, Cr D.E. Marshall (VC), Cr R. Scholes 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), Mr J. Hogan (Acting Chief Financial Officer), Mr P. Ball (Manager - Works), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms K. McCann (EA to the Mayor), Ms A. Cox (Corporate Planning and Reporting Officer), 2 people in the public gallery and 2 people in the virtual gallery.

1. Applications for Attendance via Audio Visual Link

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

Authority be given for Cr G. McNeill, Cr D. Marshall to attend the Council Meeting via video link.

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

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

The apologies for inability to attend the meeting submitted by Cr D. Douglas 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 J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

5. Confirmation of Minutes

Ordinary Council Meeting held in 27 April, 2023

381 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:

The Minutes of the Ordinary Council Meeting held on **27 April, 2023** 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 J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

6. Disclosure of any Pecuniary or Non-Pecuniary Interests

Cr S Reynolds - Declared an insignificant non pecuniary interest in Item 10.3.1. Cr Reynolds advised Council that his son has a relationship with the author of the letter's family.

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 10.2.3. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr A Barry - Declared a significant non pecuniary interest in 10.3.1. Cr Barry advised Council that she has a close affiliation with the Club and the applicant is a family member.

Cr A Barry - Declared a pecuniary interest in 17.4. Cr Barry advised Council that her employer is assisting with the design and installation of the proposal.

Cr G McNeill - Declared a pecuniary interest in 17.4. Cr McNeill advised Council that his employer is assisting with the design and installation of the proposal.

Cr J Drayton - Declared a significant non-pecuniary interest in Item 10.3.1. Cr Drayton advised Council that he has a personal relationship with the author of the letter.

7. Mayoral Minute

Nil

8. Public Participation

Lauren Moore - in support of Item 10.1.1



9. Business Arising (From Previous Meetings)

Nil

10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. **DA 2022-154 Multi-Dwelling Housing 47 Osborn Avenue Muswellbrook**

382 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:
Development Application No. 2022-154 proposing Multi-Dwelling Housing - Five (5) Single Storey Dwellings at Lot 315 DP 1131731 47 Osborn Avenue, Muswellbrook, NSW, 2333 be approved subject to the conditions specified in Appendix C to the report.

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

Against: Nil.

10.1.2. **Muswellbrook Battery (BESS) revised Planning Agreement General Terms**

383 RESOLVED on the motion of Cr G. McNeill and Cr R. Scholes that:
Council:

1. Notes the principles of the draft Community and Economic Development Fund Policy and the revised Planning Agreement Policy;
2. Supports the following key elements of the Muswellbrook Battery Energy Storage System (BESS) Planning Agreement:
 - a. Contributions to the value of \$200 per megawatt hour (MW/hr), annually indexed to CPI of installed capacity, provided every year of operation.
 - b. Funds will be managed as part of Council's proposed Community and Economic Development Fund (CEDF), or in the interim where the CEDF is not in place, funds will be paid to Council, managed in accordance with the Environmental Planning and Assessment Act Regulations, and allocated via a committee involving Council, the Proponent and community. The Proponent will retain veto rights in the event of breach of their mandatory ethics and compliance requirements.
 - c. Expenditure of contributions will be in the following ratios: 15% Environmental Officer and 85% Community and Economic Development benefit.

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

Against: Nil.



10.1.3. Membership into Mining & Energy Related Council

384 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:
This matter be deferred to allow further information to be provided.

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

Against: Nil.

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

385 RESOLVED on the motion of Cr R. Scholes and Cr R. Mahajan that:
The information contained in this report be noted.

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

Against: Nil.

10.2. Community Infrastructure

10.2.1. Liquid Trade Waste Regulation Policy MSC31E for ADOPTION

386 RESOLVED on the motion of Cr J. Drayton and Cr B. Woodruff that:
Council ADOPTS the *Liquid Trade Waste Regulation Policy*.

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

Against: Nil.



10.2.2. Mangoola Coal Continued Operations Project Yarraman Road Upgrade s.138 Roads Act 1993 Permit

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.

At 6.13 pm Cr B. Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

387 RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:

Council:

1. Delegates to the General Manager authority to sign the s.138 Roads Act 1993 Permit approval generally in accordance with the Draft Special Conditions as attached to the report;
2. As outlined in the Draft Special Conditions, all insurances, detailed design plans certified by a suitably qualified consultant and Traffic Management Plans are to be submitted and accepted by the General Manager.

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

Against: Nil.

10.2.3. Section 138 Roads Act 1993 Approval Mangoola Coal - Wybong Road Culvert Replacement

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.

388 RESOLVED on the motion of Cr R. Scholes and Cr A. Barry that:

Council:

1. Delegates to the General Manager authority to sign the s.138 Roads Act 1993 Permit approval generally in accordance with the Draft Special Conditions as attached to the report;
2. As outlined in the Draft Special Conditions, all insurances, detailed design plans certified by a suitably qualified consultant, and Traffic Management Plans are to be submitted and accepted by the General Manager.

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

Against: Nil.

At 6.14 pm Cr B. Woodruff returned to Council Chambers and resumed his chair at the meeting table.

**10.2.4. Merton Street Denman Road Upgrade Funding**

389 RESOLVED on the motion of Cr S. Reynolds and Cr R. Scholes that:

Council:

1. Endorses the provision of a budget of \$2,589,582 to rehabilitate the road and upgrade stormwater drainage in Merton St, Denman, allocating funding from the following sources pending notification of an unsuccessful application for \$1,177,000 from Disaster Ready Funding.

Resources for Regions Round 9 \$1,412,582

Roads to Recovery 2023-24 \$577,000

Special Rate Variation Drainage Denman \$600,000

2. Should Council be successful in securing the disaster ready funding, the money offset be returned to Council reserves

3. Council Staff to provide a timeline for delivery of the project.

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

Against: Nil.

10.2.5. CBD Stage 7 - Concept Pocket Park

390 RESOLVED on the motion of Cr J. Lecky and Cr L. Dunn that:

Council ENDORSES:

1. The Concept Drawings for CBD Stage 7 for streetscape improvements in Bridge St, Muswellbrook, and a Pocket Park, with the inclusion of the additional items as outlined in Option 1, and
2. To undertake consultation with the adjoining property owners, including property owners of 77–85 and 87 Bridge St Muswellbrook, with regard to the concepts proposed for this area.

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

Against: Nil.



10.3. Property and Place

10.3.1. Requested reallocation of Small Capital Grant Funding

Disclosure of Interest

Cr S Reynolds Declared an insignificant non pecuniary interest in this Item. Cr Reynolds advised Council that his son has a relationship with the author of the letter's family

Cr A Barry Declared a significant non pecuniary interest in this item. Cr Barry advised Council that she has a close affiliation with the Club and the applicant is a family member.

Cr J Drayton Declared a significant non-pecuniary interest in this Item. Cr Drayton advised Council that he has a personal relationship with the author of the letter.

At 6.17pm Cr A. Barry and Cr J. Drayton left the Council Chambers and therefore took no part in discussion or voting on this item.

- 391 RESOLVED on the motion of Cr M. Bowditch and Cr B. Woodruff that:
- Council APPROVES the request from the Denman Sandy Hollow Junior Rugby League Football Club to reallocate Council grant funding under the Sport and Recreation Small Capital Grants Programme – Round 7 to the nominated alternate project.

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

Against: Nil.

At 6.17pm Cr A. Barry and Cr J. Drayton returned to Council Chambers and resumed their chairs at the meeting table.

10.3.2. Establishment of Easement for ARTC Access to Rail Corridor from Wilkinson Avenue

- 392 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:
- Council:
1. Supports in principle the creation of an easement for the Australian Rail Track Corporation (ARTC) to access the rail corridor through Fitzgerald Park from Wilkinson Avenue, Muswellbrook.
 2. Provides a letter of support for the easement to NSW Crown Lands - Department of Planning and Environment.
 3. Address in the proposed easement the maintenance of passive and landscaped areas and provide access for Council purposes.

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

Against: Nil.



10.3.3. Major Projects Status Report

393 RESOLVED on the motion of Cr B. Woodruff and Cr M. Bowditch that:
Council NOTES the report.

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

Against: Nil.

10.4. Corporate Services

10.4.1. Corporate Card Policy MSC28E for ADOPTION

394 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:
Council ADOPTS the *Corporate Card Policy*.

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

Against: Nil.

10.4.2. Policy on Policy Making MSC25E for ADOPTION

395 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:
Council ADOPTS the *Policy on Policy Making*.

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

Against: Nil.

10.4.3. Privacy Management Plan MSC037E and Data Breach Policy MSC038E for ADOPTION

396 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:
Council ADOPTS the *Privacy Management Plan* and the *Data Breach Policy*.

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



Against: Nil.

10.4.4. Human Resources Policies Recommended for Rescission

397 RESOLVED on the motion of Cr B. Woodruff and Cr R. Scholes that:
Council RESCINDS the following policies:

1. Attend Court (Subpoena) S25/40;
2. Defence Force Reserves S25/3; and
3. Service Certificates and References Protocol.

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

Against: Nil.

10.4.5. DRAFT Management of Undetected Water Leaks Policy MSC044E for Public Exhibition

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

1. Council endorses the attached *DRAFT Management of Undetected Water Leaks Policy to be placed on public exhibition* via Council's website for a period of 28 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

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

Against: Nil.

10.4.6. 2023/2024 Councillor Fees

399 RESOLVED on the motion of Cr S. Reynolds and Cr B. Woodruff that:

This matter be deferred until the next meeting

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

Against: Nil.



10.4.7. Sponsorship - Young Endeavour Youth Scheme

400 RESOLVED on the motion of Cr J. Drayton and Cr R. Scholes that:
This matter be deferred to allow development of a policy concerning donations of this type.

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

Against: Nil.

10.4.8. 2022/2023 Operational Plan - 31 March, Quarterly Review

401 RESOLVED on the motion of Cr J. Lecky and Cr B. Woodruff that:
Council notes the 2022/2023 Operational Plan Review dated 31 March 2023.

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

Against: Nil.

10.4.9. Monthly Financial Report - April 2023

402 RESOLVED on the motion of Cr J. Lecky and Cr R. Mahajan that:
Council NOTES the Financial Reports for the month ending 30 April 2023.

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

Against: Nil.

10.4.10. Report on Investments held as at 30 April 2023

403 RESOLVED on the motion of Cr R. Scholes and Cr R. Mahajan that:
Council NOTES Council's Investments as at 30 April 2023.

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

Against: Nil.



10.4.11. March 2023 Quarterly Budget Review Update

404 RESOLVED on the motion of Cr J. Lecky and Cr R. Mahajan that:
Council ADOPTS the proposed changes in the March 2023 Quarterly Budget Review.

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

Against: Nil.

10.4.12. Report on Council Grant Funding and Community Engagement

405 RESOLVED on the motion of Cr J. Lecky and Cr L. Dunn that:
Council NOTES the information contained in this report.

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

Against: Nil.

10.5. Community and Economy

10.5.1. Rock'n the Brook Post Event Report 2023

406 RESOLVED on the motion of Cr J. Drayton and Cr M. Bowditch that:
Council:

1. NOTES the information contained in the report;
2. APPROVES the reallocation of \$7,500 from Economic Development General Ledger 0833.2989.500 to Rock'n the Brook General Ledger 0833.2996.500; and
3. REQUESTS planning to commence for the 2024 Rock'n the Brook event, and for a detailed event plan and budget to be presented to the Event Steering Committee subject to sufficient resources and funding being allocated through the 2023-24 Budget.

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

Against: Nil.



10.5.2. Economic Development Update

407 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:
Council:

1. NOTES the content of the report;
2. APPROVES receiving a quarterly update on Council's Economic Development programs and activities; and
3. Passes on Council's congratulations and appreciation to Ms Alison McGaffin, Department of Regional NSW Director Hunter and Central Coast, who has been instrumental in delivering positive outcomes for the Hunter Region, as Ms McGaffin moves into a senior role with TAFE NSW.

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

Against: Nil.

10.5.3. Conditions of Entry (Age) - Council Facilities

408 RESOLVED on the motion of Cr J. Drayton and Cr R. Mahajan that:
Council ENDORSES the Conditions of Entry for the Muswellbrook Aquatic & Fitness Centre:

1. Any child under the age of 14 will not be permitted entry to the Aquatic Centre(s) without the continuous supervision of a person 16 years and over;
2. Usage of the spa and sauna is restricted to persons over the age of 16 years; and
3. Entry is permitted to people aged 14 years or older to utilise the fitness facilities.

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

Against: Nil.

10.5.4. Community Services

409 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry that:
The information contained in this report be noted.

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



Woodruff.

Against: Nil.

11. Minutes of Committee Meetings

11.1. Event Steering Committee Meetings - 13 December, 2022 and 11 April, 2023

- 410 RESOLVED on the motion of Cr J. Drayton and Cr J. Lecky that:
The minutes of the following Events Steering Committee meetings be NOTED:
1. Events Steering Committee Meeting held 3 December 2022; and
 2. Events Steering Committee Meeting held 11 April 2023.

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

Against: Nil.

11.2. Finance Review and Advisory Committee - 18 April, 2023

- 411 RESOLVED on the motion of Cr R. Mahajan and Cr R. Scholes that:
The minutes for the Finance Review Advisory Committee meeting held on 18 April, 2023 be NOTED.

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

Against: Nil.

11.3. Olympic Park Precinct Development Advisory Committee - 8 May, 2023

- 412 RESOLVED on the motion of Cr A. Barry and Cr G. McNeill that:
The minutes for the Olympic Park Precinct Development Advisory Committee held on 8 May 2023 be NOTED and ADOPTED.

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

Against: Nil.



11.4. State Significant Development Committee - 8 May, 2023

413 RESOLVED on the motion of Cr B. Woodruff and Cr R. Scholes that:
The minutes for the State Significant Development Committee held on 8 May, 2023 be NOTED.

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

Against: Nil.

11.5. Local Traffic Committee Meeting - 9 May, 2023

414 RESOLVED on the motion of Cr M. Bowditch and Cr D. Marshall that:
The minutes for the Local Traffic Committee Meeting held on 9 May 2023 be NOTED and the recommendations contained therein be adopted by Council.

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

Against: Nil.

11.6. Regional Entertainment Centre Development Advisory Committee - 9 May, 2023

415 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:
The Minutes for the Regional Entertainment Centre Development Advisory Committee held on 9 May 2023 be NOTED.

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

Against: Nil.

12. Notices of Motion

Nil



13. Councillors Reports

13.1 ABC 6.30 Report

Cr Lecky advised that a recipient of the Young Citizen of the year award, Meg Southcombe recently appeared on the ABC 6.30 Report.

13.2 Waste Conference

Cr Scholes advised that he attended a 3 day Waste Conference online recently. Cr Scholes advised he will provide a report in due course.

14. Written Questions

Nil

15. Questions for Next Meeting

15.1 Promotional Video

Cr McNeill enquired if an update can be provided on the Promotional Video?

15.2 Luskins Lane

Cr McNeill enquired if an update could be provided on the progress of identification and enhancement of Luskins Lane?

16. Adjournment into Closed Council

416 RESOLVED on the motion of Cr L. Dunn 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 J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



17. Closed Council

17.1. Regional Procurement Tender T022324HUN - Supply and Delivery of Ready Mixed Concrete

417 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:

Council RESOLVES that:

1. Boral Resources (Country) Pty Ltd and Hanson Construction Materials Pty Ltd be awarded the contract for Supply and Delivery of Ready Mixed Concrete as panel source suppliers to Muswellbrook Shire Council for the period 1 July 2023 to 30 June 2026, and
2. A provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2027.

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

Against: Nil.

17.2. Regional Procurement Tender T012324HUN - Provision of Road Resurfacing

418 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:

Council RESOLVES that:

1. The Tenderers listed in the table below be awarded the contract for the Provision of Road Resurfacing Services as Panel Source Suppliers to Muswellbrook Shire Council for the period 1 July 2023 to 30 June 2026; and
2. A provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2027.

3. Recommended Supplier Category Assignment

Supplier Name	Category				
	1	2	3	4	5
Accurate Asphalt & Road Repairs Pty Ltd	No	Yes	Yes	No	Yes
All Pavement Solutions Pty Ltd	Yes	No	No	No	No
ANA Industries Pty Ltd	No	Yes	Yes	No	Yes
Bitupave Ltd t/a Boral Asphalt	Yes	Yes	Yes	No	Yes



Colas New South Wales Pty Ltd	Yes	Yes	Yes	Yes	Yes
Downer EDI Works Pty Ltd	No	Yes	Yes	No	Yes
Fulton Hogan Industries Pty Ltd	Yes	Yes	Yes	Yes	Yes
Ian Rich Asphalts Pty Ltd	No	Yes	Yes	No	Yes
NSW Sprayseal Pty Ltd	Yes	No	No	Yes	No
Fenworx Pty Ltd t/a Newpave Asphalt	Yes	Yes	Yes	Yes	Yes
NSW Building and Civil Pty Ltd	No	Yes	Yes	Yes	Yes
QC Asphalts Pty Ltd	No	Yes	Yes	No	Yes
Stabilised Pavements of Australia Pty Ltd	Yes	No	No	No	No
The Trustee for Supersealing Unit Trust t/a Supersealing	No	No	No	Yes	No

Where:

Category 1 is bitumen spray sealing;

Category 2 is asphaltic concreting;

Category 3 is mill and resheeting;

Category 4 is crack sealing; and

Category 5 is heavy patching.

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

Against: Nil.



17.3. **Tender 2021-2022-0538 - Design and Construction of Ground Mounted Solar PV Array**

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

Council:

1. ACCEPTS the tender from Sustainable Business Energy Solutions for Contract Number 2021-2022-0538 Design and Construction of Ground Mounted Solar Photovoltaic (PV) Array at the Muswellbrook Shire Council Recycled Water Treatment Works for a total value of \$580,733, exclusive of GST;
2. APPROVES an annualised allocation of \$38,342, exclusive of GST, over 10 years for annual operational and maintenance costs;
3. AUTHORISES the General Manager to enter into a Contract Sustainable Business Energy Solutions for the Design and Construction of the Solar PV Array; and
4. AUTHORISES the General Manager to enter into an Operation and Maintenance Agreement with Sustainable Business Energy Solutions for the duration of 10 years.

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

Against: Nil.

17.4. **Muswellbrook Marketplace - Solar Panel Installation**

Disclosure of Interest

Cr A Barry Declared a pecuniary interest in this item. Cr Barry advised Council that her employer is assisting with the design and installation of the proposal.

Cr McNeill Declared a pecuniary interest in this item. Cr McNeill advised Council that his employer is assisting with the design and installation of the proposal.

At 6.42 pm Cr A. Barry and Cr McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

420 RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:

Council:

1. Delegates authority to the General Manager to negotiate the final terms and execute the Solar Licence Agreements with Woolworths Group; and
2. The agreements to be guided by the *NSW Government's Unsolicited Proposals: Guide for Submission and Assessment 2022* and legal advice.

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

Against: Nil.



At 6.42 pm Cr A. Barry and Cr G. McNeill returned to Council Chambers and resumed their chairs at the meeting table.

17.5. Denman Children's Centre Extension

421 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:
Council ENDORSES the recommended actions in the report to be undertaken prior to proceeding to call construction tenders, including:

1. Delegating authority to the General Manager to sign the Deed of Comfort;
2. Securing a funding source for project management costs and contingency allowance for the project; and
3. A new Memorandum of Understanding between the Denman Children Centre and Council is signed.

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

Against: Nil.

17.6. Just Jeans - Consent Order - Debt Resolution

422 RESOLVED on the motion of Cr R. Mahajan and Cr L. Dunn that:
Council APPROVES the write-off of arrears and to proceed to execute a new lease with Just Jeans Pty Ltd as described in the report.

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

Against: Nil.

18. Resumption of Open Council

423 RESOLVED on the motion of Cr J. Drayton and Cr R. Mahajan that:

The meeting return to Open Council.

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

Against: Nil.

Members of the public were invited to return to the Meeting.

The Mayor read out the resolutions from Closed Council.



19. Closure

The meeting was declared closed at 6.46pm.

THE MINUTES OF THE MEETING (PAGES 1 to 20) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 27 JUNE, 2023 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 23 MAY, 2023.

.....
Mr D. Finnigan
General Manager

.....
Cr S. Reynolds
Chairperson