

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE LOXTON ROOM, ADMINISTRATION CENTRE, CAMPBELLS CORNER, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 25 OCTOBER, 2022 COMMENCING AT 6.00PM.**

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**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 G.T. McNeill, Cr R. Mahajan, Cr D.E. Marshall and Cr B.N. Woodruff.

**IN ATTENDANCE:** Mr D. Finnigan (Acting General Manager), Ms S. Pope (Director – Planning & Environment), Mr M. Lysaught (Director – Works, Property & Building Services), Ms S. Welchman (Director - Community & Economy), Ms M. Cleary (Manager – Governance), Ms A. Hathway (Corporate Lawyer), Mr P. Ball (Manager - Works), Mr H. McTaggart (Development Co-Ordinator), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer (VC)), Ms K. McCann (PA to the Mayor) and 4 people in the public gallery and 1 person in the virtual gallery.

**1. Acknowledgement of Country**

The Acknowledgement of Country was read by Cr M. Bowditch.

**2. Civic Prayer**

The Civic Prayer was read by Cr L. Dunn.

**3. Apologies and Applications for a Leave of Absence or Attendance by Audio Visual Link by Councillors**

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

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

Against: Nil.

**4. Confirmation of Minutes**

101 RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:

The Minutes of the Ordinary Council Meeting held on **27 September, 2022**, 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 D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff.

Against: Nil.



## **5. Disclosure of any Pecuniary or Non-Pecuniary Interests**

**Cr D. Marshall** - Declared a significant non-pecuniary interest in Item 9.1.1. Cr Marshall advised Council that he was a former employee of the applicant.

**Cr G. McNeill** - Declared an insignificant non-pecuniary interest in Item 9.2.2. Cr McNeill advised Council that he is an infrequent user of the Road.

**Cr B. Woodruff** - Declared a pecuniary interest in Item 9.2.2. Cr Woodruff advised Council that his employer undertakes work for Mach Energy.

**Cr J. Drayton** - Declared an insignificant non-pecuniary interest in Item 9.1.1. Cr Drayton advised Council that the applicant is known to him.

**Cr D. Douglas** - Declared a pecuniary interest in item 9.2.2. Cr Douglas advised Council that MACH Energy provide sponsorship to the Aboriginal Land Council that she is employed by.

**Cr J. Douglas** - Declared a pecuniary interest in Item 9.3.1. Cr Douglas advised Council that she volunteers for the service mentioned in the report.

**Cr A. Barry** - Declared an insignificant non-pecuniary interest in Item 9.2.4. Cr Barry advised Council that her employer provides water to Jerrys Plains.

**Cr S. Reynolds** - Declared an insignificant non-pecuniary interest in Item 9.3.3. Cr Reynolds advised Council that he undertakes voluntary commentary for one of the organisations mentioned in the report.

## **6. Mayoral Minute**

Nil

## **7. Public Participation**

Nil.

## **8. Business Arising (From Previous Meetings)**

Nil

## **9. Business (Specific Reports)**

### **9.1. Planning and Environment**

#### **9.1.1. DA 2002-342 - Section 4.55 Modification - Modification to Quarry and Concrete Batching Facility to Include a 30,000 tonne Per Annum Construction and Demolition Waste Recycling Facility**

##### **Disclosure of Interest**

**Cr J. Drayton** declared an insignificant non-pecuniary interest in this item. Cr Drayton advised Council that the applicant is known to him.

**Cr D. Marshall** declared a significant non-pecuniary interest in this item. Cr Marshall advised Council that he is a former employee of the applicant.



At 6.06pm Cr J. Drayton and Cr D. Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

102 RESOLVED on the motion of Cr G. McNeill and Cr L. Dunn that:

Council:

1. Grants consent to the Section 4.55(2) modification of DA 2002/342, involving the addition of a 30,000 tonne per annum construction and demolition waste recycling facility to an approved quarry and concrete batching plant at Lot 30 DP 815308, 8440 New England Highway, Muswellbrook, subject to the conditions recommended in Attachment A.
2. Directs the General Manager to review the non-compliances identified in relation to the current quarry operations and undertake further compliance action as appropriate, with an emphasis on addressing compliance matters related to the access road improvements and use, if unresolved after a period of six months.

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

Against: Nil.

At 6.09pm Cr Drayton and Cr Marshall returned to Council Chambers and resumed their chairs at the meeting table.

### **9.1.2. DA 1994-410 Modification Dalswinton Quarry**

103 RESOLVED on the motion of Cr M. Bowditch and Cr J. Lecky that:

Council approves the s4.55(1A) Modification to Development Application No. 1994-410, for a one (1) year extension of time to extractive industry at Lot 72 DP 199484, 511 Dalswinton Road, Dalswinton, subject to the amended conditions in Appendix B to the report.

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

Against: Nil.

### **9.1.3. Monthly Report to Council - Planning, Environment and Regulatory Services**

104 RESOLVED on the motion of Cr J. Lecky and Cr B. Woodruff that:

The information contained in this report be noted.

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

Against: Nil.



## 9.2. Community Infrastructure

### 9.2.1. Introduction of Food Organics Garden Organics (FOGO) Service

- 105 RESOLVED on the motion of Cr S. Reynolds and Cr B. Woodruff that:
- Subject to Community consultation, Council APPROVES the following actions :
1. Change over existing Garden Organics bins for “Domestic Waste” properties to a weekly Food Organics Garden Organics service upon the commencement date of the Food Organics Garden Organics service.
  2. Change over existing Garden Organics bins for “Waste Management” properties to a weekly Food Organics Garden Organics service upon the commencement date of the Food Organics Garden Organics service.
  3. Change over optional green-lid bins for “Rural Domestic Waste” properties to Food Organics Garden Organics service upon the commencement date of the Food Organics Garden Organics service.
  4. Select Option 1 for the household Food Organics Garden Organics caddy design.
  5. Plan customer service arrangements for the ongoing supply of caddy liners.
  6. Seek Non-Binding Expressions of Interest for Food Organics Garden Organics material receipt and processing at an appropriately licenced facility from the collection commencement date, including provision for a portion of the compost produced to be made available to Council for its use and for the use of Muswellbrook Shire residents.
  7. With information gained from the Non-Binding Expression of Interest process, review Domestic Waste Management fee calculations to fund Food Organics Garden Organics collection, transport and processing.
  8. Review and advise of the financial implications for the red bin being collected on a weekly basis and report back to Council.
  9. Following the non-binding expression of interest a detailed report be provided to Council

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

Against Cr M. Bowditch and Cr D. Marshall.

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### 9.2.2. **Wybong Road Rectifications- Temporary Full Road Closure Proposal**

#### **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. Douglas** declared a pecuniary interest in this item. Cr Douglas advised Council that MACH Energy provides sponsorship to her employer.

At 6.17pm Cr Woodruff and Cr Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

- 106      RESOLVED on the motion of Cr J. Drayton and Cr D. Marshall that:
- Council approves the temporary closure of Wybong Road East from the Mount Pleasant Mine Entrance to Overton Road for a period of approximately 6 weeks, to facilitate the proposed road works to be undertaken.
- 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 and Cr D. Marshall.
- Against:      Nil.

At 6.18pm Cr Douglas and Cr Woodruff returned to Council Chambers and resumed their chairs at the meeting table.

### 9.2.3. **Concept Design Merton St Denman**

- 107      RESOLVED on the motion of Cr A. Barry and Cr B. Woodruff that:
- Council endorses the Concept Design attached as 1 and detailed in the report, for the rehabilitation and upgrade of Stormwater Drainage in Merton Street, Denman.
- In Favour:    Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff.
- Against:      Nil.



#### **9.2.4. Drought and Emergency Response Management Plan**

##### **Disclosure of Interest**

Cr A. Barry disclosed an insignificant non-pecuniary interest in this item. Cr Barry advised Council that her employer provides water to Jerry's Plains.

- 108 RESOLVED on the motion of Cr G. McNeill and Cr J. Drayton that:
1. Council endorses placing the review of the new Drought and Emergency Response Management Plan on public exhibition for a period of 28 days; and
  2. Council ADOPTS the review of the Drought and Emergency Response Management Plan at the conclusion of the public exhibition period subject to receiving no public comment that materially affects the intent or application of the plan.

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

Against: Nil.

#### **9.3. Property and Place**

##### **9.3.1. Annual Food and Toy Appeal - Fee Waiver**

##### **Disclosure of Interest**

**Cr D. Douglas** declared a pecuniary interest in this item. Cr Douglas advised Council that she volunteers for the organisation that runs the Toy and Food appeal.'

At 6.20pm Cr Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

- 109 RESOLVED on the motion of Cr J. Lecky and Cr M. Bowditch that:
- Council:
1. Waives the fee for the booking of the Muswellbrook Indoor Sports Centre for the annual Food and Toy appeal; and
  2. The estimated costs associated for the booking be funded from the Muswellbrook Indoor Sports Centre Materials and Contracts operating expenses budget 0460.0895.500.

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 B. Woodruff.

Against: Nil.

At 6.21pm Cr Douglas returned to Council Chambers and resumed her chair at the meeting table.

**9.3.2. Cinema Under the Stars - Fee Waiver**

110 RESOLVED on the motion of Cr M. Bowditch and Cr D. Douglas that:  
Council:

1. Waives the fee for the booking of the Denman Recreation Area sportsground for the Cinema Under the Stars event; and
2. Waives the associated Section 68 fee.

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

Against: Nil.

**9.3.3. Establishment of Olympic Park Precinct Development Advisory Committee****Disclosure of Interest**

Cr S. Reynolds declared an insignificant non-pecuniary interest in this item. Cr Reynolds advised Council that he provides voluntary commentary for sporting groups at this location.

111 RESOLVED on the motion of Cr G. McNeill and Cr A. Barry that:

1. Council approves the establishment of an Olympic Park Precinct Development Advisory Committee as a Section 355 Committee of Council;
2. The Olympic Park Precinct Development Advisory Committee will comprise the following membership:
  - (i) Councillor A. Barry
  - (ii) Councillor G. McNeill
  - (iii) General Manager
  - (iv) Director Property and Place
  - (v) Authorised representative of Muswellbrook Junior Rugby League
  - (vi) Authorised representative of Muswellbrook Senior Rugby League
  - (vii) Authorised representative of Muswellbrook Touch Association
  - (viii) Authorised representative of Olympic Park Tennis Club
  - (ix) Authorised representative of Park Tennis Club
  - (x) Authorised representative of Muswellbrook Cycle Club
  - (xi) Authorised representative of Muswellbrook Swimming Club
  - (xii) 2 independent members of the community invited through an Expression of Interest.
3. At the first meeting of the Olympic Park Precinct Development Advisory Committee, the structure and terms of reference of the Committee will be considered and decided upon.

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

Against: Nil.



#### **9.3.4. Establishment of Regional Entertainment Centre Development Advisory Committee**

- 112 RESOLVED on the motion of Cr S. Reynolds and Cr M. Bowditch that:
1. Council approves the establishment of a Regional Entertainment Centre Advisory Development Committee as a Section 355 Committee of Council;
  2. The Regional Entertainment Centre Development Advisory Committee will comprise the following membership:
    - (i) Councillor L. Dunn
    - (ii) Councillor J. Lecky
    - (iii) Councillor R. Scholes
    - (iv) General Manager
    - (iv) Director Property and Place
    - (v) Authorised representative of Muswellbrook Amateur Theatrical Society
    - (vi) Authorised representative of Upper Hunter Conservatorium of Music
    - (vii) Authorised representative of Muswellbrook & Upper Hunter Eisteddfod
    - (viii) Authorised representative of Muswellbrook High School
    - (ix) 2 independent members of the community invited through an Expression of Interest.
  3. At the first meeting of the Muswellbrook Regional Entertainment Centre Development Advisory Committee, the structure and terms of reference of the Committee will be considered and decided upon.

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

Against: Nil.

#### **9.3.5. Major Projects: Status Update**

- 113 RESOLVED on the motion of Cr M. Bowditch and Cr J. Lecky that:  
Council notes the report.

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

Against: Nil.





## 9.4. Corporate Services

### 9.4.1. Model Code of Conduct (and Procedures)

114 RESOLVED on the motion of Cr A. Barry and Cr B. Woodruff that:  
Council provides notice of intention to adopt the *Model Code of Conduct for Local Councils in NSW* and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*, by placing them on public exhibition via Council's website for a period of 28 days.

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

Against: Nil.

### -9.4.2. Councillor and Staff Interaction Policy

115 RESOLVED on the motion of Cr S. Reynolds and Cr D. Douglas that:  
this matter be deferred to the November Council Meeting to allow a Councillor workshop to be held prior to considering this matter.

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

Against: Nil.

### 9.4.3. Policy Review: MSC04E Local Orders Policy

116 RESOLVED on the motion of Cr A. Barry and Cr D. Douglas that:  
Council:  
1. approves the public exhibition of the DRAFT *Local Orders Policy* in accordance with the requirements of the *Local Government Act 1993*; and  
2. delegates adoption of the exhibited Policy to the General Manger if no submissions objecting or seeking changes to the draft Policy are received during the exhibition period.

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

Against: Nil.



#### **9.4.4. 2022 Christmas Closure**

117 RESOLVED on the motion of Cr J. Lecky and Cr J. Drayton that:

Council:

1. Endorses the closure of Council Administration, Depots and Water & Waste facilities as follows:
  - \* Friday 9 December, 2022 – Staff End of Year Function
  - \* 12 Noon Friday 23 December 2022 to 7.00am Tuesday 3 January, 2023 – Christmas/New Year.
2. Notes that the Local Government Unions have requested the following date for their combined Picnic Day and endorses the closure of Council Administration, Depots and Water and Waste facilities as follows:
  - \* Tuesday 1 November, 2022.

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

Against: Nil.

#### **9.4.5. Christmas Spectacular 2022**

118 RESOLVED on the motion of Cr L. Dunn and Cr G. McNeill that:

Council supports the Christmas Spectacular for 2022 as a sponsor with a contribution of \$6,000 allocated from the sundries donation budget.

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

Against: Nil.

#### **9.4.6. 2023 Half Day Public Holiday**

119 RESOLVED on the motion of Cr J. Drayton and Cr G. McNeill that:

Council makes an application to the Minister for the Public Service and Employee Relations for the declaration of a half-day public holiday for the Muswellbrook Cup Day from noon on Friday, 31 March, 2023.

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

Against: Cr A. Barry.



#### **9.4.7. Establishment of Grants Review Committee**

- 120 RESOLVED on the motion of Cr S. Reynolds and Cr D. Marshall that:
1. Council establishes a Grants Review Committee to comprise the following membership:
    - (i) Councillor S. Reynolds
    - (ii) Councillor D. Douglas
    - (iii) Councillor L. Dunn
  2. The Grants Review Committee shall meet at such times and places as it may determine to be necessary; and
  3. The Grants Review Committee may invite such persons to participate in its considerations that will enable the Committee to effectively and efficiently perform its functions.

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

Against: Nil.

#### **9.4.8. Annual Report on Code of Conduct Complaint Statistics: 1 October, 2021 to 30 September, 2022**

- 121 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:
- Council:
1. Notes the report;
  2. Authorises the Acting General Manager to submit the report to the Office of Local Government prior to the 31 December 2022 due date.

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

Against: Nil.

#### **9.4.9. Councillors and Designated Persons' Disclosures of Interest Returns**

- 122 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:
- Council notes the information contained in this report.

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

Against: Nil.



#### **9.4.10. Authorisation Under Section 226 of the Local Government Act**

123 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:

Council notes the information provided in the report.

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

Against: Nil.

#### **9.4.11. Report on Investments Held as at 30 September 2022**

124 RESOLVED on the motion of Cr D. Douglas and Cr R. Mahajan that:

Council notes the Council's Investments as at 30 September 2022.

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

Against: Nil.

#### **9.4.12. Monthly Financial Reports - September 2022**

125 RESOLVED on the motion of Cr R. Mahajan and Cr J. Lecky that:

Council notes the Financial Reports for the month ending 30 September 2022.

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

Against: Nil.

#### **9.4.13. Report on Council Grant Funding and Community Engagement**

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

Council notes the information contained in the report and approves the recommended community grants (Round 2, 2022) totalling \$5,293.00 to be funded from the Sundry Donations and Community Halls allocations.

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

Against: Nil.



## **9.5. Community and Economy**

### **9.5.1. Community Services**

127 RESOLVED on the motion of Cr B. Woodruff and Cr L. Dunn that:

The information contained in this report be noted.

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

Against: Nil.

## **10. Minutes of Committee Meetings**

### **10.1. State Significant Development Committee Meetings - 19/09/2022 & 10/10/2022**

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

The minutes for the following State Significant Development Committee meetings be NOTED:

1. Meeting held on 19 September, 2022
2. Meeting held on 10 October, 2022

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

Against: Nil.

### **10.2. Local Traffic Committee Meeting - 9/08/2022**

129 RESOLVED on the motion of Cr D. Marshall and Cr M. Bowditch that:

The minutes for the 9 August 2022 meeting of the Local Traffic Committee meeting be NOTED.

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

Against: Nil.

## **11. Notices of Motion**

Nil



## 12. Councillors Reports

### 12.1 Local Government NSW Annual Conference

Cr S. Reynolds advised Council that he and Cr Barry had attended the Local Government NSW Annual Conference which was held in Pokolbin over the last three days and recommended that three Councillors and the General Manager attend the Conference in 2023. Cr Reynolds also advised that a report would be presented to the November Council Meeting.

### 12.2 Blue Heeler Film Festival

Cr D. Marshall - advised Council that he had attended the Blue Heeler Film Festival Events at both Denman and Muswellbrook. Staff were congratulated on their work in organising these great events.

## 13. Written Questions

Nil

## 14. Questions for Next Meeting

### 14.1 Pavement Failure under Railway Bridge on Thomas Mitchell Drive

Cr Woodruff inquired who was responsible for the maintenance of the road under the rail bridge on Thomas Mitchell Drive as the road has been repaired quite a number of times and he stopped recently to help a driver who had hit a pothole destroying the wheel of their car under the rail bridge on Thomas Mitchell Drive and inquired whose responsibility it was for the maintenance on Thomas Mitchell Drive?

Mr Finnigan advised that he would review and provide a response to Council.

### 14.2 Bollards at the Skate Park

Cr Bowditch inquired whether an update on the installation of Bollards at Muswellbrook Skate Park could be provided?

Mr Finnigan advised that the bollards had been purchased and that a report would be prepared for the November Council Meeting.

### 14.3 Road Failure Rectification Works

Cr Bowditch is there a study that could be provided to the next meeting regarding the benefits of having clean roadside edges with having gravel right to the asphalt to assist with drainage against having slashed edges?

Cr Woodruff also advised Council that there is a budget for road verges which could be presented in the report which would determine whether an increase in funding for these works would be required.

Mr Finnigan advised that a report would be prepared for a future meeting of Council.

### 14.4 Future Fund

Cr Mahajan inquired whether an update could be provided in regards to the Future Fund and whether valuations have been received on Council owned properties?

Mr Finnigan advised that work was being undertaken in regards to obtaining valuations etc and that a report would be submitted to the Future Fund Committee for consideration.

**14.5 Transport for NSW Road Maintenance**

Cr McNeill advised that he had sent an email regarding Council putting a submission to Transport for NSW regarding the condition of the road between Muswellbrook and Liddell, particularly around the intersection of Thomas Mitchell Drive?

Mr Finnigan advised Council continually meet with Transport for NSW and these matters are raised at those meetings. Transport for NSW have a large number of issues regarding pavement maintenance that they are working on.

**15. Adjournment into Closed Council**

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

Against: Nil.

**16. Closed Council****16.1. Muswellbrook Bypass Central Interchange Link to Bridge Street**

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

1. notes 'The Muswellbrook Bypass to Town Centre Route and Implementation Plan' - Concept Design Transport Route, dated 3 June 2022 GHD, attached as 1 to the report, and Endorses Option 1;
2. requests staff to undertake the necessary traffic modelling and other required data in preparation for the carrying out of community consultation; and
3. requests staff to commence community consultation once the traffic modelling and other required data are obtained.

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

Against: Nil.



## **16.2. Possum Gully Easement - Maintenance Request**

132 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:  
Council requires the landowner to create an easement at their cost in favour of Council before undertaking maintenance.

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

Against: Nil.

## **16.3. Demolition of Fire Damaged Dwelling - 2 Lae Street, Muswellbrook**

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

- A) endorses the use of Council resources and/or funds to arrange for the demolition of the fire damaged dwelling at 2 Lae Street Muswellbrook, with an expectation that costs will be recouped; and
- B) delegates to the Acting General Manager the responsibility to negotiate an agreement with the owner of the fire damaged dwelling at 2 Lae Street Muswellbrook, with a report back to Council at the conclusion of the negotiations to consider and make a final determination regarding the final negotiated agreement.

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

Against: Nil.

## **17. Resumption of Open Council**

134 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:

The meeting return to Open Council.

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

Against: Nil.

Members of the public returned to the meeting.

The Mayor read out the resolutions from Closed Council.





## 18. Closure

The meeting was declared closed at 6.57pm.

**THE MINUTES OF THE MEETING (PAGES 1 to 17) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD 22 NOVEMBER,. 2022 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 25 OCTOBER, 2022.**

.....  
Mr D. Finnigan  
**Acting General Manager**

.....  
Cr S. Reynolds  
**Chairperson**