

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE TRAINING ROOM, LEVEL 1, UNIVERSITY OF NEWCASTLE - UPPER HUNTER CAMPUS, TEC1 BUILDING, 87 HILL STREET, MUSWELLBROOK ON TUESDAY 24 JANUARY, 2023 COMMENCING AT 6.00PM.

PRESENT: Cr S.M. Reynolds (Mayor), Cr A. Barry (VC), 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 (VC), Cr R. Scholes and Cr B.N. Woodruff.

IN ATTENDANCE: Mr D. Finnigan (Acting General Manager), Mr D. Walsh (Director – Corporate Services & Chief Financial Officer), Ms S. Pope (Director – Planning & Environment), Ms S. Welchman (Director - Community & Economy), Mr P. Chambers (Chief Engineer), Ms A. Hathway (Corporate Lawyer (VC)), Mr P. Ball (Manager - Works), Mr D. Fernandes (Project Manager - Property & Building), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms K. McCann (EA to the Mayor), 2 people in the public gallery and 1 person in the virtual 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 Applications for a Leave of Absence or Attendance by Audio Visual Link by Councillors

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

Authority be given for Cr A. Barry, Cr D. Marshall and Cr M. Bowditch to attend the Council Meeting via video link.

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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

4. Confirmation of Minutes

Ordinary Council Meeting held in 20 December, 2022

229 RESOLVED on the motion of Cr J. Drayton and Cr L. Dunn that:

The Minutes of the Ordinary Council Meeting held on **20 December, 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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



5. Disclosure of any Pecuniary or Non-Pecuniary Interests

Cr D. Douglas - Declared an Insignificant Non-Pecuniary Interest in Item 9.1.5. Cr Douglas advised Council that she lives in the same address as one of the modifications.

Cr D. Douglas - Declared a Pecuniary Interest in Item 16.5. Cr Douglas advised that Glencore have donated to Wanaruah Local Aboriginal Land Council where she works and Blackroo who she volunteers for.

Cr M. Bowditch - Declared a Pecuniary Interest in Item 9.3.1. Cr Bowditch advised Council that he is a member of one of the Clubs mentioned in the report.

Cr M. Bowditch - Declared a Pecuniary Interest in Item 16.9. Cr Bowditch advised Council that his daughter works for the company mentioned in the report.

Cr D. Marshall - Declared a Non-Pecuniary Interest in Item 16.9. Cr Marshall advised Council that his daughter works for the company mentioned in the report.

Cr G. McNeill - Declared an Insignificant Non-Pecuniary Interest in item 9.1.3. Cr McNeill advised that he is a life member of one of the Clubs mentioned in the report

Cr B. Woodruff - Declared a Pecuniary Interest in Item 9.1.5. Cr Woodruff advised Council that he currently has a development application being assessed.

Cr B. Woodruff - Declared a Pecuniary Interest in Item 16.5. Cr Woodruff advised Council that his employer undertakes work for Mangoola Coal.

Cr R. Mahajan - Declared a Non-Pecuniary Interest in item 9.1.1. Cr Mahajan advised Council that he owns a property adjacent to the proposed development.

Cr S. Reynolds - Declared a Non-Pecuniary Interest in Item 9.3.1. Cr Reynolds advised Council that he provides commentary for one of the Clubs mentioned in the report.

6. Mayoral Minute

Nil

7. Public Participation

Disclosure of Interest

Cr Mahajan declared a pecuniary interest in item 9.1.1. Cr Mahajan advised Council that he owns a business in close proximity to the proposed development.

At 6:05pm Cr R. Mahajan left the Council Chambers and therefore took no part in discussion or voting on this item.

Christine Hope - Raised concerns in regards to parking for Item 9.1.1 - DA 2022 - 43 Maitland Street - Change of Use from Dwelling to Restaurant and Internal Fit-Out

At 6:09pm Cr R. Mahajan returned to Council Chambers and resumed their chair/s at the meeting table.

Nicolas Di Condio - in support of Item 9.1.3 - Muswellbrook Hospital Stage 2 Redevelopment - Section 94 Contribution

8. Business Arising (From Previous Meetings)

Nil



9. Business

9.1. Planning and Environment

9.1.1. DA 2022-38 - 43 Maitland Street - Change of Use from Dwelling to Restaurant and Internal Fit-out

Disclosure of Interest

Cr R. Mahajan Declared a Non-Pecuniary Interest in this item. Cr Mahajan advised Council that he owns a property adjacent to the proposed development. At 6.10pm Cr Mahajan left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council refuses DA 2022-38 for the change of use of a dwelling and fit out to restaurant at 43 Maitland Street, Muswellbrook (Lot 9 DP 18699 and Lot 1 DP 379008) for the following reasons:

1. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal is inconsistent with the car parking requirement under Section 16 of the Muswellbrook Development Control Plan 2009.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal is inconsistent with the Stormwater Management controls under Section 25 of the Muswellbrook Development Control Plan 2009.
3. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the application has not adequately demonstrated that the subject site is suitable for the development proposed.
4. Pursuant to Section 4.15(1)(e) the proposed development is contrary to the public interest as a development that is inconsistent with local planning controls, is likely to have adverse environmental impacts and creates the potential for land use conflicts.

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 D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

At 6.11pm Cr Mahajan returned to Council Chambers and resumed his chair at the meeting table.



9.1.2. DA 2022-5 Storage Premise

231 RESOLVED on the motion of Cr J. Drayton and Cr D. Douglas that:
Development Application No.2022-05, involving the establishment of a Storage Premise and Signage on Lot 2 DP 1006382 Victoria Street, Muswellbrook, be approved subject to the conditions of consent contained in Attachment 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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

9.1.3. Muswellbrook Hospital Stage 3 Redevelopment - Section 94A Contribution

232 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:
Council waives any Section 7.12 Contributions for the Muswellbrook Hospital Stage 3 development that may have been required by the Muswellbrook Section 94A Contribution 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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

9.1.4. Road Renaming Proposal - Denman Recreation Area

233 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:
Council supports the concept of a road naming proposal, for the road in the Denman Recreation area becoming Denman Parkway, and that staff take the following steps:

- a. to publicly notify the naming proposal for community input in accordance with the Muswellbrook Community Participation Plan; and
- b. should no objections be received, authorise the registration with the Geographical Names Board of the road name "Denman Parkway"; and
- c. should any objections be raised during the notification period, a further report be submitted to Council at the conclusion of the advertising and notification 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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

**9.1.5.****Monthly Report to Council - Planning, Environment and Regulatory Services****Disclosure of Interest**

Cr D. Douglas - Declared an Insignificant Non-Pecuniary Interest in Item 9.1.5. Cr Douglas advised Council that she lives in the same address as one of the modifications.

Cr B. Woodruff - Declared a Pecuniary Interest in Item 9.1.5. Cr Woodruff advised Council that he currently has a development application being assessed.

At 6.12pm Cr Douglas and Cr Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

234 RESOLVED on the motion of Cr D. Marshall and Cr R. Scholes 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 and Cr R. Scholes.

Against: Nil.

At 6.13pm Cr Douglas and Cr Woodruff returned to the Council Chambers and resumed their chairs at the meeting table.

9.2. Community Infrastructure**9.2.1. Denman to Sandy Hollow Water Pipeline Project - Council Funding Contribution**

235 RESOLVED on the motion of Cr S. Reynolds and Cr L. Dunn that:
This matter be deferred to the February Council Meeting for consideration.

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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

9.3. Property and Place**9.3.1. Muswellbrook Shire Council Sport and Recreation Small and Large Capital Grants 2022-2023****Disclosure of Interest**

Cr M. Bowditch - Declared a Pecuniary Interest in Item 9.3.1. Cr Bowditch advised Council that he is a member of one of the Clubs mentioned in the report.

Cr G. McNeill - Declared an Insignificant Non-Pecuniary Interest in item 9.3.1. Cr McNeill advised that he is a life member of one of the Clubs mentioned in the report .



Cr S. Reynolds - Declared a Non-Pecuniary Interest in Item 9.3.1. Cr Reynolds advised Council that he provides commentary for one of the Clubs mentioned in the report.

At 6.13pm Cr Reynolds, Cr Bowditch and Cr McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

Cr Lecky assumed the role of Chair for the conduct of this Item.

236 RESOLVED on the motion of Cr R. Scholes and Cr R. Mahajan that:

Council:

1. Awards the funding for the grant applications as recommended in this report; and
2. The remaining budget be allocated to the Tommy Gill Chair installation.

In Favour: Cr J. Lecky, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

At 6.14pm Cr Reynolds, Cr Bowditch and Cr McNeill returned to Council Chambers and resumed their chairs at the meeting table.

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

9.3.2. Major Projects: Status Update

237 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton 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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

9.3.3. Diesel, Rust and Dust Truck and Machinery Show 2023 - Fee Waiver

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

Council reduces the grounds booking hire by half in support of this free community event.

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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



9.4. Corporate Services

9.4.1. Monthly Financial Report - December 2022

- 239 RESOLVED on the motion of Cr R. Mahajan and Cr D. Douglas that:
Council notes the Financial Reports for the month ending 31 December 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,
Cr R. Scholes and Cr B. Woodruff.
- Against: Nil.

9.4.2. Report on Investments Held as at 31 December 2022

- 240 RESOLVED on the motion of Cr J. Lecky and Cr R. Mahajan that:
Council notes the Council's Investments as at 31 December 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,
Cr R. Scholes and Cr B. Woodruff.
- Against: Nil.

9.4.3. Report on Council Grant Funding and Community Engagement

- 241 RESOLVED on the motion of Cr R. Scholes and Cr D. Douglas that:
The information contained in the 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,
Cr R. Scholes and Cr B. Woodruff.
- Against: Nil.

9.5. Community and Economy

9.5.1. Public Exhibition of DRAFT Library Policy for Children and Young Persons - MSC33E

- 242 RESOLVED on the motion of Cr J. Lecky and Cr J. Drayton that:
1. Council endorses the *DRAFT Library Policy for Children and Young Persons* for placement on public exhibition via Council's website for a period of 28 days.
 2. A further report be submitted to Council for consideration once the exhibition period has been completed.
- 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,
Cr R. Scholes and Cr B. Woodruff.
- Against: Nil.



9.5.2. New Years Eve Post Event Report

243 RESOLVED on the motion of Cr J. Lecky and Cr G. McNeill that:
Council notes the information contained 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,
Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

9.5.3. Muswellbrook Lifestyle Video

244 RESOLVED on the motion of Cr S. Reynolds and Cr J. Drayton that:
This matter be deferred for consideration at the February Ordinary Council Meeting.

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,
Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

9.5.4 Community Services

245 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky 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,
Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10. Minutes of Committee Meetings

10.1. Sport and Recreation Committee Meetings - 7/06/2022 and 29/11/2022

246 RESOLVED on the motion of Cr G. McNeill and Cr A. Barry that:
Council NOTE the Minutes for the Sport and Recreation Committee meetings held on:
1. 7 June 2022
2. 29 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, Cr R. Scholes and
Cr B. Woodruff.

Against: Nil.



10.2. Olympic Park Precinct Development Committee Meeting - 13/12/2022

247 RESOLVED on the motion of Cr B. Woodruff and Cr R. Scholes that:
The Minutes for the Olympic Park Precinct Development Committee held on 12 December 2022 be noted and the recommendations contained therein ADOPTED.

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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.3. Regional Entertainment Centre Development Committee Meeting - 14/12/2022

248 RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:
The Minutes for the Regional Entertainment Centre Development Advisory Committee held on 14 December 2022 be ADOPTED.

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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

11. Notices of Motion

Nil

12. Councillors Reports

Nil.

13. Written Questions

Nil.

14. Questions for Next Meeting

Installation of Ramp for Diesel, Dust Event

Cr B. Woodruff advised that this time last year Council was looking at installing a ramp for the Diesel, Dust Event and inquired whether a more permanent ramp had been installed for the upcoming Diesel, Rust and Dust event?

Mr Finnigan advised Council that grants for this had been investigated for this work and that he would investigate further whether any of these had been successful and advise accordingly.

Hyde Park Pathways

Cr B. Woodruff advised that the Hyde Park nature pathways had been completed but inquired whether further work would be undertaken to continue these pathways to link across Babbington Street so that it links back?



Ms Pope advised Council that the pathway terminates at Babbington Street at the moment due to the requirement to have a concrete path at street level to Babbington Street and then back down into the reserve, including consideration of the need to be able to safely cross the water course

Buy Australia Policy

Cr B. Woodruff inquired whether an update could be provide on the Buy Australia Policy?

Mr Walsh advised Council that this is being investigated by the procurement officer in conjunction of the review of the Procurement Policy.

Plane Trees in Henry Dangar Drive, Muswellbrook

Cr Scholes inquired whether a cost analysis for removing the plane trees in Henry Dangar Drive -v- maintaining the footpaths could be provided before a decision is made on what to do in this area?

Cr Reynolds advised that this would be done and reported back to Council.

Parking - South Muswellbrook Public School

Cr Scholes inquired whether parking in the vicinity of South Muswellbrook Public School could be investigated in an effort to find a solution to parking issues being experienced?

Cr Reynolds advised that this would be taken on notice.

Academic Award

Cr Dunn inquired whether a certificate of acknowledgement be provided to students who have excelled in the HSC?

Cr Reynolds advised that this would occur.

Information Sessions

Cr Mahajan inquired whether information sessions could be provided to local businesses to assist in submitting tenders and quotations for Council Works?

Mr Finnigan advised Council that discussions have been held and that preliminary work is being undertaken for these workshops to be held.

15. Adjournment into Closed Council

249 RESOLVED on the motion of Cr G. McNeill and Cr B. Woodruff 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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

members of the public left the meeting at this stage.



16. Closed Council

16.1. Additional Schedules to Regional Procurement Tender T152223HUN - Supply and Delivery of Bulk Water Treatment Chemicals

250 RESOLVED on the motion of Cr R. Scholes and Cr J. Drayton that:

Council:

1. Notes Schedules Q for Citric Acid 50% and R for Sodium Hypochlorite 12.5% Food Grade were inadvertently omitted from the 'Regional Procurement Tender T152223HUN – Supply and Delivery of Bulk Water Treatment Chemicals' report submitted to the 22 November 2022 Ordinary Council Meeting;
2. Approves awarding Schedules Q and R to the Tenderers listed by Schedule below for Supply and Delivery of Bulk Water Treatment Chemicals contract as the single source supplier to Muswellbrook Shire Council for the period 1 January 2023 to 31 December 2024; and
3. Includes a provision for a 12-month extension of the contract based on satisfactory supplier performance, which may take this contract through to 31 December 2025.

SCHEDULE	PRODUCT DESCRIPTION	TENDERER
Q	Citric Acid	Omega Chemicals
R	Sodium Hypochlorite 12.5% Food Grade	Colonial Chemicals

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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

16.2. Tender 2022-2023-0541 - Cleaning Services for Muswellbrook Shire Council Buildings and Public Toilets - Revised

251 RESOLVED on the motion of Cr D. Douglas and Cr B. Woodruff that:

Council:

1. Accepts the tender from Clean Peak Pty Ltd for \$213,457.10 annually, excluding GST, including 90 days' notice prior to removal of high-profile sites;
2. A contract term of three (3) years; and
3. Commence a Change of Establishment process for the employment of two (2) cleaning staff.

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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

**16.3. Request for Quotation - Golden Highway Asphalt Patching**

- 252 RESOLVED on the motion of Cr R. Scholes and Cr D. Douglas that:
Council engages Fenwork Pty Ltd (Trading as Newpave Asphalt) for the asphalt patching scope of works as described in the Asphalt Patching Schedule attached 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, Cr R. Scholes and Cr B. Woodruff.
- Against: Nil.

16.4. Regional Recycling Solution - Memorandum of Understanding

- 253 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:
Council authorises the Acting General Manager to sign the Regional Recycling Solution Memorandum and provide the requested financial contribution to participate with the Regional Recycling Solution project to Tender stage.
- 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, Cr R. Scholes and Cr B. Woodruff.
- Against: Nil.

16.5. Mangoola Coal Continued Operations Project - Yarraman Road Upgrade - Land Required for Road Purposes**Disclosure of Interest**

Cr D. Douglas - Declared a Pecuniary Interest in this Item. Cr Douglas advised that Glencore have donated to Wanaruah Local Aboriginal Land Council where she works and Blackroo who she volunteers for.

Cr B. Woodruff - Declared a Pecuniary Interest in this Item. Cr Woodruff advised Council that his employer undertakes work for Mangoola.

At 6.37pm Cr Douglas and Cr Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

- 254 RESOLVED on the motion of Cr R. Scholes and Cr J. Drayton that:
Council approves the following land dealings as outlined in the report:
1. Agree to pay compensation as outlined in the report to Landowner 1;
 2. Agree to the land swap and works in kind to Landowner 2;



3. Agree to the land swap to Landowner 3.

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 6.39pm Cr Douglas and Cr Woodruff returned to Council Chambers and resumed their chairs at the meeting table.

16.6. Legal Costs

The Mayor asked staff leave the meeting room for the conduct of this matter due to the nature of this item.

Staff left the meeting at 6.41pm

Disclosure of Interest

Cr D. Douglas - Declared a Pecuniary Interest in this Item. Cr Douglas advised that Glencore have donated to Wanaruah Local Aboriginal Land Council where she works and Blackroo who she volunteers for.

Cr M. Bowditch - Declared a Pecuniary Interest in this Item. Cr Bowditch advised Council that his daughter works for the company mentioned in the report.

Cr D. Marshall - Declared a Non-Pecuniary Interest in this Item. Cr Marshall advised Council that his daughter works for the company mentioned in the report.

Cr B. Woodruff - Declared a Pecuniary Interest in this Item. Cr Woodruff advised Council that his employer undertakes work for Mangoola Coal.

At 6:41pm Cr Bowditch, Cr Douglas, Cr Marshall and Cr Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

255 RESOLVED on the motion of Cr R. Scholes and Cr J. Drayton that:

Council delegates to the Acting General Manager authority to negotiate and execute a settlement with the Applicant in relation to the costs to be paid by the Applicant to the Respondent.

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

Against: Nil.

At 6:55pm Cr Douglas, Cr Bowditch, Cr Marshall and Cr Woodruff returned to Council Chambers and resumed their chairs at the meeting table.

Members of staff returned to the meeting.

**16.7. Class 1 Appeal**

256 RESOLVED on the motion of Cr R. Scholes and Cr J. Drayton that:
Council delegates to the Acting General Manager and Director - Environment and Planning, jointly and severally, authority to reach agreement and settle any section 34 conciliation conference or adjournment in relation to case number 2022/00325617 Class 1 proceedings in the Land and Environment Court.

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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

16.8. Animal Shelter Project - Program and Variations**Disclosure of Interest**

Cr D. Marshall declared a pecuniary interest in this Item. Cr Marshall advised Council that his daughter is employed by the Contractor.

Cr M. Bowditch declared a pecuniary interest in this Item. Cr Bowditch advised Council that his daughter is employed by the Contractor.

At 6:55 pm Cr Marshall and Cr Bowditch left the Meeting and therefore took no part in discussion or voting on this item.

257 RESOLVED on the motion of Cr G. McNeill and Cr J. Drayton that:
Council
1. Delegates to the Acting General Manager authority to negotiate and approve Contract Variations as tabled in the report; and
2. Notes the Contract Program and the timeframe to complete the project.

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

Against: Nil.

At 7:17pm Cr Bowditch and Cr Marshall returned to the Meeting and resumed their chairs at the meeting table.

17. Resumption of Open Council

258 RESOLVED on the motion of Cr R. Mahajan and Cr B. Woodruff 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, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



Cr Reynolds read the resolutions from Closed Council.

18. Closure

The meeting was declared closed at 7.17pm

THE MINUTES OF THE MEETING (PAGES 1 to 15) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 28 FEBRUARY, 2023 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 24 JANUARY, 2023.

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Mr D. Finnigan
Acting General Manager

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Cr S. Reynolds
Chairperson