

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE SANDY HOLLOW HALL, GOLDEN HIGHWAY, SANDY HOLLOW ON TUESDAY 28 MARCH 2023 COMMENCING AT 6.00PM.**

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**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, Cr R. Mahajan, Cr D.E. Marshall 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 P. Chambers (Chief Engineer), Mr M. Lysaught (Director – Works, Property & Building Services), Ms M. Cleary (Manager – Governance), Mr P. Ball (Manager - Works), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms K. McCann (EA to the Mayor) and 6 people in the public 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 D. Marshall.

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

305 RESOLVED on the motion of Cr R. Mahajan and Cr D. Marshall that:

The apology 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.

## **4. Confirmation of Minutes**

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

The Minutes of the Ordinary Council Meeting held on **28 February, 2023** and the Extra-Ordinary Council Meeting held on **22 March, 2023**, copies of which have been distributed to all members, be taken as read and confirmed as true records.

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. Disclosure of any Pecuniary or Non-Pecuniary Interests

**Cr A. Barry** - Declared an insignificant non-pecuniary interest in Item 9.1.1. Cr Barry advised Council that her employer is mentioned in the report.

**Cr A. Barry** - Declared an insignificant non-pecuniary interest in Item 9.1.2. Cr Barry advised Council that her employer is mentioned in the report.

**Cr A. Barry** - Declared an insignificant non-pecuniary interest in Item 16.3. Cr Barry advised Council that her employer is mentioned in the report.

**Cr M. Bowditch** - Declared an insignificant non-pecuniary interest in Item 9.5.3. Cr Bowditch advised Council that he is a member of the Local Aboriginal Land Council and a member of the Aboriginal Cultural Inclusion Committee.

**Cr M. Bowditch** - Declared a non-pecuniary interest in Item 16.1. Cr Bowditch advised Council that he declared a non-pecuniary interest when previously reported to Council as the company that his daughter works for was mentioned in that report.

**Cr M. Bowditch** - Declared a non-pecuniary interest in Item 16.3. Cr Bowditch advised Council that his daughter is a trainee with the company mentioned in the report.

**Cr L. Dunn** - Declared an insignificant non-pecuniary interest in Item 9.1.4. Cr Dunn advised Council that her employer is mentioned in the report.

**Cr D. Marshall** - Declared a non-pecuniary interest in Item 16.1. Cr Marshall advised Council that this daughter is employed by one of the contractors who have submitted a tender.

**Cr D. Marshall** - Declared a non-pecuniary interest in item 16.3. Cr Marshall advised Council that his daughter is employed by the contractor.

**Cr G. McNeill** - Declared an insignificant non-pecuniary interest in Item 9.1.1. Cr McNeill advised Council that his employer is mentioned in the report.

**Cr G. McNeill** - Declared an insignificant non-pecuniary interest in Item 9.1.2. Cr McNeill advised Council that his employer is mentioned in the report.

**Cr G. McNeill** - Declared an insignificant non-pecuniary interest in Item 16.3. Cr McNeill advised Council that his employer is mentioned in the report.

**Cr B. Woodruff** - Declared a non-pecuniary interest in Item 9.1.5. Cr Woodruff advised Council that he currently has a Development application under assessment.

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

**Cr B. Woodruff** - Declared a non-pecuniary interest in Item 9.2.3. Cr Woodruff advised Council that his employer undertakes work or the applicant.



## 6. Mayoral Minute

- 307 RESOLVED on the motion of Cr S. Reynolds and Cr D. Marshall that:
1. The general Order of Business for Ordinary Meetings of Council be amended so that Attendance by audio visual link by Councillors becomes item 1 on the Agenda; and
  2. The Code of Meeting Practice section 8.1 be amended to reflect the change.

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.

The Mayor also congratulated Derek Finnigan on his appointment as the new General Manager.

## 7. Public Participation

Nil

## 8. Business Arising (From Previous Meetings)

Nil

## 9. Business (Specific Reports)

### 9.1. Planning and Environment

#### 9.1.1. Rating Sub-Category Amendments

##### Disclosure of Interest

**Cr A. Barry** declared an insignificant non-pecuniary interest in this Item. Cr Barry advised Council that her employer is mentioned in the report.

**Cr G. McNeill** declared an insignificant non-pecuniary interest in this Item 9.1.1. Cr McNeill advised Council that his employer is mentioned in the report.

- 308 RESOLVED on the motion of Cr S. Reynolds and Cr J. Drayton that:

This item be deferred to the next Council meeting to allow further information to be provided to Councillors at a workshop.

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.



### 9.1.2. Muswellbrook Battery (BESS) revised Planning Agreement General Terms

#### Disclosure of Interest

**Cr A. Barry** declared an insignificant non-pecuniary interest in this Item. Cr Barry advised Council that her employer is mentioned in the report.

**Cr G. McNeill** declared an insignificant non-pecuniary interest in this Item. Cr McNeill advised Council that his employer is mentioned in the report.

309 RESOLVED on the motion of Cr S. Reynolds and Cr D. Marshall that:

This item be deferred to the Next Ordinary Council Meeting to allow further information to be provided to Councillors at a workshop.

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.

### 9.1.3. DA 2021-58 Organics Recycling Facility

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

Council approves Development Application 2021-58 for a Resource Recovery Facility (Organics Recycling) at Lot 1 DP 819014, 252 Coal Road Muswellbrook, subject to the conditions provided in Attachment B to 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.

### 9.1.4. Landcare Education Grants

#### Disclosure of Interest

**Cr L. Dunn** declared an insignificant non-pecuniary interest in this Item. Cr Dunn advised Council that her employer is mentioned in the report.

At 6.10pm Cr Dunn left the Meeting and therefore took no part in discussion or voting on this item.

311 RESOLVED on the motion of Cr G. McNeill and Cr J. Lecky that:

Council approves grant funding under the Landcare Education Grants Program for:

1. Muswellbrook Preschool - \$2,500
2. Muswellbrook South Public School - \$2,500

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

Against: Nil.



At 16.10pm Cr Dunn returned to meeting and resumed her chair at the meeting table.

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

#### **Disclosure of Interest**

**Cr B. Woodruff** declared a non-pecuniary interest in Item this. Cr Woodruff advised Council that he currently has a Development application under assessment.

At 6.10pm Cr Woodruff left the Meeting and therefore took no part in discussion or voting on this item.

312 RESOLVED on the motion of Cr A. Barry and Cr M. Bowditch 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 6.11pm Cr Woodruff returned to the Meeting and resumed his chair at the meeting table.

## **9.2. Community Infrastructure**

### **9.2.1. Denman to Sandy Hollow Water Pipeline Project - Council Funding Contribution**

313 RESOLVED on the motion of Cr S. Reynolds and Cr J. Lecky that:

Deferred to a future meeting of 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.

### **9.2.2. Mangoola Coal Continued Operations Project Closure of Temporary Diversion Road**

#### **Disclosure of Interest**

Cr Woodruff declared a non-pecuniary interest in this item. Cr Woodruff advised Council that his employer undertakes work for the applicant.

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

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

Council delegates to the General Manager the authority to execute the following documents to close the Wybong Temporary Diversion Public Road in accordance with the Roads Act 1993 and as stipulated in the Road Closure and Works Deed:

1. Publish a Notice in the Government Gazette advising the Temporary



Public Road identified as Lot 4 DP1280220 be closed and that the rights of passage and access that previously existed in relation to the road are extinguished;

2. The Request (11R) Dealing Form to remove the "Temporary Public Road" notification from the title of Lot 4 DP1280220 and for the land to remain vested in Muswellbrook Shire Council as operational land; and
3. The Transfer Dealing to be signed under the Seal of Council and in accordance with the regulations to transfer the land comprising the temporary public road being Lot 4 DP1280220 back to the original subdivider being Mangoola Coal Operations Pty Limited in accordance with s. 40 Roads Act 1993 and under the provisions of clause 4.9 of the Mangoola Coal Road Closure and Works Deed signed 18 November 2021.

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.

### **9.2.3. Mangoola Coal Continued Operations Project Yarraman Road Upgrade s.138 Roads Act 1993 Permit**

#### **Disclosure of Interest**

Cr Woodruff declared a non-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 for the conduct of this item.

315 RESOLVED on the motion of Cr S. Reynolds and Cr A. Barry that:  
This matter be deferred to the April, 2023 Ordinary Council Meeting to allow further time for councillors to consider the proposal.

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 Woodruff returned to the Meeting Room and resumed his chair at the meeting table.

### **9.2.4. Questions from Sandy Hollow Progress Association**

316 RESOLVED on the motion of Cr B. Woodruff and Cr M. Bowditch that:  
The Information contained in the 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.



### 9.3. Property and Place

#### 9.3.1. NSW Land and Housing Corporation - Lots Dedication

- 317 RESOLVED on the motion of Cr J. Drayton and Cr R. Scholes that:
- Council:
1. Accepts the dedication of land Lots 51, 52 and 53 in DP632175 for drainage purposes;
  2. Classifies the land as Operational land in accordance with the Local Government Act 1993 Part 2 Division 1;
  3. Authorises the General Manager to sign documents associated with the transfer of the land; and
  4. Authorises Council's seal to be affixed in accordance with the regulations to the transfer documents as required.
- 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.

#### 9.3.2. Denman District Heritage Village - Timbers from Williams Bridge

- 318 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:
- Council notes the information contained 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.

#### 9.3.3. Major Projects Status Report

- 319 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky 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.



## 9.4. Corporate Services

### 9.4.1. Sponsorship - Muswellbrook Business Awards 2023

320 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:  
Council approves the request from the Muswellbrook Chamber of Commerce and Industry for sponsorship of \$2,750 for the 2023 Muswellbrook Business Awards.

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.

### 9.4.2. DRAFT Policy on Policy Making MSC25E for Public Exhibition

321 RESOLVED on the motion of Cr G. McNeill and Cr R. Scholes that

1. Council endorses the *DRAFT Policy on Policy Making* for placement 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, prior to adoption of the 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.

### 9.4.3. DRAFT Privacy Management Plan MSC037E and DRAFT Data Breach Policy MSC038E for Public Exhibition

322 RESOLVED on the motion of Cr A. Barry and Cr L. Dunn that:

1. Council endorses the *DRAFT Privacy Management Plan MSC037E* and the *DRAFT Data Breach Policy MSC038E* for placement on public exhibition via Council's website for a period of 28 days; and
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 J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.





#### **9.4.4. Monthly Financial Report - February 2023**

323 RESOLVED on the motion of Cr B. Woodruff and Cr R. Mahajan that:  
Council notes the Financial Reports for the month ending 28 February 2023.

In Favour: Nil.

Against: 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.

#### **9.4.5. Report on Investments held as at 28 February 2023**

324 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:  
Council notes Council's Investments as at 28 February 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.

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

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

1. Council notes the information contained in this report.
2. The focus of Council's application under the NSW Growing Regional Economies Fund be the implementation of the Wollombi Road Residential Precinct Masterplan with the required co-contribution of at least 25% of the total grant amount sourced from Council's nominal funding allocation of \$577,898 under Phase 4 of the Local Roads and Community Infrastructure Program.

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.



#### **9.4.7. Delegations to the General Manager**

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

The delegation to the General Manager of Muswellbrook Shire Council, attached as appendix 9.4.7.1, be ENDORSED.

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.

### **9.5. Community and Economy**

#### **9.5.1. Library Policy for Children and Young Persons MSC33E for Adoption**

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

Council ADOPTS the Library Policy for Children and Young Persons as provided in the report., subject to Council officers being advised of Councillors concerns regarding vulnerable children.

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.

#### **9.5.2. ANZAC Day Ceremonies - Partnerships**

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

Council:

1. Supports the 2023 ANZAC Day commemorative services in partnership with the Muswellbrook and Denman RSL Sub-Branches;
2. Supports future ANZAC Day commemorative services in partnership with the Muswellbrook and Denman RSL Sub-Branches;
3. Allocates expenditure of \$20,000 from its 2022/2023 operational budget to support the 2023 ANZAC Day commemorative services.

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.



### 9.5.3. Aboriginal Cultural Inclusion Committee - Terms of Reference

#### Disclosure of Interest

**Cr M. Bowditch** declared an insignificant non-pecuniary interest in this Item. Cr Bowditch advised Council that he is a member of the Local Aboriginal Land Council and a member of the Aboriginal Cultural Inclusion Committee.

At 6.23pm Cr Bowditch left the Meeting Room and therefore took no part in discussion or voting on this item.

- 329 RESOLVED on the motion of Cr S. Reynolds and Cr D. Marshall that:  
Council retains the Aboriginal Cultural Inclusion Committee Terms of Reference to maintain four (4) Aboriginal Community Member positions.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, 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 6.24pm Cr Bowditch returned to the Meeting Room and resumed his Chair at the meeting table.

### 9.5.4. Community Services

- 330 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 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. Minutes of the Grants Review Committee Meeting - 8/03/2023

- 331 RESOLVED on the motion of Cr J. Lecky and Cr B. Woodruff that:  
Council ENDORSES the minutes for the Grants Review Committee meeting held on 8 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.



**10.2. Minutes of the Regional Entertainment Centre Development Committee Meetings - 22/02/2023 & 13/03/2023**

332 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:  
The minutes for the following meetings be NOTED and ADOPTED:

1. Regional Entertainment Centre Development Advisory Committee Meeting held on 22 February 2023
2. Regional Entertainment Centre Development Advisory Committee Meeting held on 13 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.

**10.3. Minutes of the State Significant Development Committee Meeting - 13/03/2023**

333 RESOLVED on the motion of Cr B. Woodruff and Cr J. Lecky that:  
The minutes for the State Significant Development Committee meeting held on 13 March, 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.

**10.4. Minutes of the Local Traffic Committee Meeting - 14/03/2023**

{resolution-number} RESOLVED on the motion of Cr M. Bowditch and Cr D. Marshall that:  
The minutes of the Local Traffic Committee meeting held on 14 March 2023 be received and the recommendations contained therein be 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.



## **10.5. Minutes of the Olympic Park Precinct Development Advisory Committee Meeting - 14/03/2023**

334 RESOLVED on the motion of Cr A. Barry and Cr D. Marshall that:  
Council ADOPTS the Minutes of the Olympic Park Precinct Development Advisory Committee held on 14 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.

## **11. Notices of Motion**

Nil

## **12. Councillors Reports**

### **12.1 Rock'n The Brook**

Cr McNeill thanked the staff and committee for organising the very successful Rock'n the Brook event held recently. It was a great event for our community.

### **12.2 Accommodation for Teaching Staff**

Cr McNeill advised Council that he had received a phone call from a representative of the Hunter Valley's Deputy Principals Association, outlining the critical shortage in teaching staff. He wanted to formalise the request for Council assistance by the association i.e., in the form of help with accommodation by relaxing the conditions of entry to Sam Adams collage.

### **12.3 Accommodation for Medical Specialists**

Cr Scholes advised Council that Health Services were also seeking assistance with accommodation for medical staff and that this will be discussed at the Workshop next week.

### **12.4 Rotary Science & Engineering Challenge**

Cr Scholes advised Council that he was the Local Organiser; as President of Muswellbrook Rotary of the annual Rotary Science & Engineering Challenge held recently which saw 650 students from a number of local schools attending the event which was held over 3 days at the Muswellbrook Indoor Sports Centre. Cr Scholes also thanked Council Officers for providing assistance during this important event.

### **12.5 Hunter Beach Tree Planting**

Cr Marshall advised Council that he attended the Tree Planting at Hunter Beach on the weekend.

### **12.6 ALGWA Membership**

Cr Lecky advised Council that two Australian Local Government Women's Association members had recently been elected as State Members of Parliament.



### 13. Written Questions

#### 13.1. Rock'n the Brook VIP Marquee Invitees

335 RESOLVED on the motion of Cr J. Drayton and Cr B. Woodruff that:  
The information be received and 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.

### 14. Questions for Next Meeting

#### 14.1 Local Land Service Inquiry

Cr Bowditch advised that he had received a phone call from Local Land Services in regards to an email that had been submitted to Council seeking assistance from staff in regards to Cultural Burning across the Shire and assistance from Council to help with the burn. Cr Bowditch advised that the response was that Council did not have anyone that would be able to assist. Is this the case?

Cr Reynolds advised that this would be taken on notice.

#### 14.2 Shelter at Muswellbrook Cemetery

Cr Marshall advised that the had received a call in regards to the lack of shelter at Muswellbrook Cemetery for wet weather events and inquired if Council could investigate the provision of a shelter/canopy at the Cemetery.

Cr Reynolds advised that this would be taken on notice.

### 15. Adjournment into Closed Council

336 RESOLVED on the motion of Cr B. Woodruff and Cr M. Bowditch 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.

Members of the public left the meeting at this stage.



## 16. Closed Council

### 16.1. **Contract 2022-2023-0555 - Tender Assessment Bylong Valley Way Ch 5.9km**

#### **Disclosure of Interest**

Cr Bowditch declared a non-pecuniary interest in this item. Cr Bowditch advised Council that his daughter is employed by one of the tenderers.

Cr Marshall declared a non-pecuniary interest in this item. Cr Marshall advised Council that his daughter is employed by one of the contractors.

At 6:34 pm Cr Bowditch and Cr Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council :

1. Resolves to increase the budget under GL 3502.4135.504 - Regional Road Renewal by the amount of \$54,952 sourcing the funding from savings in the 2022-23 Capital Budget under GL 3590.4145.504 - Safety Devices.
2. Accepts the Tender submitted by Hunter Wide Civil Pty Ltd for Contract 2022-2023-0555 – Bylong Valley Way CH5.9 Km Road and Drainage Upgrade Works for the lump sum of \$501,195.00, exclusive of GST, subject to a satisfactory financial assessment; and
3. Delegates to the General Manager authority to sign Contract 2022-2023-0555 – Bylong Valley Way CH5.9 Km Road and Drainage Upgrade Works.

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

Against: Nil.

At 6.35pm Cr Bowditch and Cr Marshall returned to the Meeting Room and resumed their chairs at the meeting table.

### 16.2. **Contract 2017-2018-0303 - Negotiation of Recycling Collection Pricing for Remainder of Contract Term**

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

Council:

1. Acknowledges recyclables collection pricing to apply from 1 July 2023 will not vary from current contracted rates (pursuant to Rise & Fall provisions); and
2. Endorses a variation to the existing Waste Services Contract to include provision for biennial review of recyclables pricing.

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.



### 16.3. **Contract 2019-2020-0404 - Hunter Beach Final Works - Contract Extension**

#### **Disclosure of Interest**

**Cr A. Barry** declared an insignificant non-pecuniary interest in this Item. Cr Barry advised Council that her employer is mentioned in the report.

company that his daughter works for was mentioned in that report.

**Cr G. McNeill** declared an insignificant non-pecuniary interest in this Item. Cr McNeill advised Council that his employer is mentioned in the report.

**Cr M. Bowditch** declared a non-pecuniary interest in this Item. Cr Bowditch advised Council that his daughter is a trainee with the company mentioned in the report.

**Cr D. Marshall** declared a non-pecuniary interest in this item. Cr Marshall advised Council that his daughter is employed by the contractor.

At 6.39pm Cr Bowditch and Cr Marshall left meeting room and therefore took no part in discussion or voting on this matter.

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

Council approves the recommended extension of contract scope for the Hunter Beach Project as detailed in the report.

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

Against: Nil.

At 6:41pm Cr Bowditch and Cr Marshall returned to the meeting room and resumed their chairs at the meeting table.

### 16.4. **Execution of Refinancing \$1.64M General Fund Loan**

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

Council delegates to the General Manager authority to execute the loan agreement as detailed 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.





## 17. Resumption of Open Council

341 RESOLVED on the motion of Cr M. Bowditch and Cr D. Marshall 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 returned to the meeting.

The Mayor read out the resolutions of Closed Council.

## 18. Closure

The meeting was declared closed at 6.46pm.

**THE MINUTES OF THE MEETING (PAGES 1 to 17) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 27 APRIL, 2023 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 28 MARCH 2023.**

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

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