

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN DENMAN MEMORIAL HALL, OGILVIE STREET, DENMAN ON TUESDAY 25 JULY 2023 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 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 M. Lysaught (Director – Property & Place), Mr P. Chambers (Chief Engineer), Mr J. Hogan (Acting Chief Financial Officer), Mr P. Ball (Manager - Works), Mrs C. Middleton (Communications Co-Ordinator) (VC), Mrs M. Sandell-Hay (Governance Officer), Ms K. Hamm (Executive Assistant) Ms A. Cox (Corporate Planning & Reporting Officer) and 2 people in the public gallery.

## **1. Applications for Attendance via Audio Visual Link**

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 D. Marshall.

## **4. Apologies and Applications for a Leave of Absence**

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

The apologies for inability to attend the meeting submitted by Cr J. Lecky be ACCEPTED and the necessary Leave of Absence be GRANTED.

In Favour: Cr S. Reynolds, 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. Confirmation of Minutes

- 2 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:  
The Minutes of the Ordinary Council Meeting held on **27 June, 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 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.

## 6. Disclosure of any Pecuniary or Non-Pecuniary Interests

**Cr S. Reynolds** - Declared an insignificant non-pecuniary interest in Item 10.2.2. Cr Reynolds advised Council he undertakes videography for Group 21, which Bengalla provides sponsorship.

**Cr D. Marshall** - Declared a significant non-pecuniary interest in Item 10.2.2. Cr Marshall advised Council that his daughter works for a contractor at Bengalla.

**Cr D. Marshall** - Declared a significant non-pecuniary interest in Item 10.2.3. Cr Marshall advised Council that his daughter works for a contractor at MACH Energy.

**Cr D. Marshall** - Declared a significant non-pecuniary interest in Item 10.4.2. Cr Marshall advised Council that he is a member of the opposition car club involved in the event.

**Cr R. Scholes** - Declared an insignificant non-pecuniary interest in Item 10.4.1. Cr Scholes advised Council the applicant had been identified through Muswellbrook Rotary of which he is a member.

**Cr B. Woodruff** - Declared a pecuniary interest in Item 10.2.2. Cr Woodruff advises Council his employer undertakes work for the applicant.

**Cr B. Woodruff** - Declared a pecuniary interest in Item 10.2.3. Cr Woodruff advises Council his employer undertakes work for the applicant.

**Cr D. Douglas** - Declared a pecuniary interest in Item 10.2.2. Cr Douglas advised Council that Bengalla provide funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.

**Cr D. Douglas** - Declared a pecuniary interest in Item 10.2.3. Cr Douglas advised Council that MACH Energy provide funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.

**Cr D. Douglas** - Declared a pecuniary interest in Item 10.3.2. Cr Douglas advised Council that she is the CEO of Wanaruah Local Aboriginal Land Council.

**Cr M. Bowditch** - Declared a significant non-pecuniary interest in Item 10.2.3. Cr Bowditch advised Council that his daughter works for a contractor at MACH Energy.



**Cr M. Bowditch** - Declared a significant non-pecuniary interest in Item 10.2.2. Cr Bowditch advised Council that he is the Vice President of the Muswellbrook Netball Club which Bengalla sponsors and his daughter works for a contractor at Bengalla.

## **7. Mayoral Minute**

Nil.

## **8. Public Participation**

Nil.

## **9. Business Arising**

### **9.1. Blue Flame Restaurant**

3 RESOLVED on the motion of Cr J. Drayton and Cr M. Bowditch that:  
Council NOTES the information contained in the report.

In Favour: Cr S. Reynolds, 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.

### **9.2. Luscombe Lane and Tommy Gill Chair**

4 RESOLVED on the motion of Cr G. McNeill and Cr M. Bowditch that:  
The information contained in this report be noted.

In Favour: Cr S. Reynolds, 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. Upgrade to Muswellbrook Cemetery**

5 RESOLVED on the motion of Cr D. Marshall and Cr M. Bowditch that:  
Council NOTES the information contained in the report.

In Favour: Cr S. Reynolds, 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. Business

### 10.1. Planning and Environment

#### 10.1.1. DA 2017-18 - Muswellbrook District Worker's Club - Modification

- 6 RESOLVED on the motion of Cr J. Drayton and Cr D. Douglas that:
- Council approves the Section 4.55 (1A) request for DA 2017/18, involving alterations and additions to the Muswellbrook District Workers Club (Lot 100 DP 1282301 & Lot 61 DP 733294), to modify the outdoor gaming area and car parking arrangement subject to the recommended amended conditions in Attachment C.

In Favour: Cr S. Reynolds, 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.

#### 10.1.2. Draft Community, Environment and Economic Development Fund Policy and Deed

- 7 RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:
1. Council notes the draft Muswellbrook Community, Environment, and Economic Development Fund (CEEDF) Policy and CEEDF Deed.
  2. Council supports staff carrying out engagement on the draft Policy and Deed with Parties who currently have Planning Agreements with Council for State Significant Development projects in the shire.
  3. Following receipt of comments, a further report shall be presented to Council regarding the CEEDF Policy and CEEDF Deed.

In Favour: Cr S. Reynolds, 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.

#### 10.1.3. Major Landcare Projects

- 8 RESOLVED on the motion of Cr B. Woodruff and Cr L. Dunn that:
- Council APPROVES the allocations for the 2023-24 Major Landcare budget as proposed in Table 1 of the report.

In Favour: Cr S. Reynolds, 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.



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

9 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 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. Community Infrastructure

#### 10.2.1. Draft Recycled Water Policy MSC23E for Public Exhibition

10 RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:  
Council:

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

In Favour: Cr S. Reynolds, 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.

#### 10.2.2. s.138 Roads Act 1993 - Bengalla Mining Company Installation of Water Pipeline under Bengalla Road Bridge

##### Disclosure of Interest

**Cr M. Bowditch** - Declared a significant non-pecuniary interest in this Item. Cr Bowditch advised Council that he is the Vice President of Muswellbrook Netball Club which Bengalla sponsors and his daughter works for a contractor at Bengalla.

**Cr D. Douglas** - Declared a pecuniary interest in this Item. Cr Douglas advised Council that Bengalla provide funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.

**Cr D. Marshall** - Declared a significant non-pecuniary interest in this Item. Cr Marshall advised Council that his daughter works for a contractor at Bengalla.

**Cr S. Reynolds** - Declared an insignificant non-pecuniary interest in this Item. Cr Reynolds advised Council he undertakes videography for Group 21, which Bengalla provides sponsorship for.



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

At 6:16 pm Cr B. Woodruff, Cr D. Marshall, Cr D. Douglas, Cr M. Bowditch, Cr S. Reynolds left the Council Chambers and therefore took no part in discussion or voting on this item.

Cr R. Scholes assumed the role of Chair for conduct of this item.

### PROCEDURAL MOTION

As a quorum was not present. Cr Scholes proposed the following:

- 11        RESOLVED on the motion of Cr R. Scholes and Cr G. McNeill that:
- Council delegates to the General Manager authority to determine the s.138 Roads Act 1993 approval for the installation of a water pipeline and scour rock as proposed by Bengalla Mining Company (BMC) generally in accordance with the Special Conditions set out in the report, including the following matters:
1. The consent be provisional on a suitable form of security to be provided by BMC prior to the commencement of construction of the mine owned asset infrastructure within Council's road reserve;
  2. The security bond to be held by Council until the infrastructure is removed from the road reserve;
  3. Insurances, detailed design, and traffic guidance plans (as necessary) are to be submitted and certified by suitably qualified consultants; and
  4. The General Manager be authorised to negotiate the terms of the Deed and 88b instrument to effect the registration of the easement and to sign documentation, under the seal of Council if necessary.

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

Against:        Nil.

At 6:17 pm Cr S. Reynolds returned to Council Chambers and resumed the role of chair for the remainder of the meeting.

### 10.2.3.    **s.138 Roads Act 1993 MACH Energy Geotechnical Investigation Works Kayuga, Dorset and Castlerock Roads**

#### **Disclosure of Interest**

**Cr M. Bowditch** - Declared a significant non-pecuniary interest in this Item. Cr Bowditch advised Council that his daughter works for a contractor at MACH Energy.

**Cr D. Douglas** - Declared a pecuniary interest in this Item. Cr Douglas advised Council that MACH Energy provided funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.



**Cr D. Marshall** - Declared a significant non-pecuniary interest in this Item. Cr Marshall advised Council that his daughter works for a contractor at MACH Energy.

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

Cr Bowditch, Cr Douglas, Cr Marshall and Cr Woodruff remained absent from the meeting

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

1. Council 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; and
2. As outlined in the Draft Special Conditions, all insurances and Traffic Guidance Schemes are to be submitted and accepted by Council.

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

Against: Nil.

At 6:18 pm Cr M. Bowditch, Cr D. Douglas, Cr D. Marshall, and Cr B. Woodruff returned to Council Chambers and resumed their chairs at the meeting table.

#### **10.2.4. Renewal of Routine Maintenance Council Contract (RMCC) # 20.0000303559**

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

1. Accepts the offer of a new Routine Maintenance Council Contract; and
2. Authorises the General Manager to execute all relevant contract documentation.

In Favour: Cr S. Reynolds, 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.



### 10.2.5. Local Emergency Management Officer

- 14 RESOLVED on the motion of Cr D. Douglas and Cr D. Marshall that:  
Council APPROVES:
1. The appointment of Mr Peter Ball to the position of Local Emergency Management Officer for Muswellbrook Shire Council; and
  2. The continuation of Mr Matthew Lysaught in the position of Deputy Local Emergency Management Officer.
- In Favour: Cr S. Reynolds, 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. Property and Place

#### 10.3.1. 93A Hill Street - Development Review

- 15 RESOLVED on the motion of Cr B. Woodruff and Cr R. Scholes that:
1. Council ENDORSES withdrawing DA 2022-30.
  2. Council endeavours to sell the building itself for removal.
  3. If sale is unsuccessful move to proceed with demolition development application.
- In Favour: Cr S. Reynolds, 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.

#### 10.3.2. Wanaruah Land Council, NAIDOC Week Celebrations - Fee Waiver Request

##### Disclosure of Interest

**Cr D. Douglas** - Declared a pecuniary interest in this Item. Cr Douglas advised Council that she is the CEO of Wanaruah Local Aboriginal Land Council.

At 6:22 pm Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

- 16 RESOLVED on the motion of Cr R. Mahajan and Cr G. McNeill that:  
Council waives the associated hire fees for the sports fields and community building in support of this free community event.
- In Favour: Cr S. Reynolds, 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 6:23 pm Cr D. Douglas returned to Council Chambers and resumed her chair at the meeting table.

## 10.4. Corporate Services

### 10.4.1. Sponsorship - Young Endeavour Youth Scheme

#### Disclosure of Interest

**Cr R. Scholes** - Declared an insignificant non-pecuniary interest in this Item. Cr Scholes advised Council the applicant had been identified through Muswellbrook Rotary of which he is a member.

At 6:23 pm Cr R. Scholes left the Council Chambers and therefore took no part in discussion or voting on this item.

17 RESOLVED on the motion of Cr M. Bowditch and Cr G. McNeill that:

1. Council APPROVES the request received from the individual applicant for financial assistance of \$500 for participation in the 2023 Young Endeavour Youth Scheme; and
2. The review of the Financial Assistance and Sponsorship Policy be prioritised, and consideration be given to the inclusion in the Policy of requests of this type.

In Favour: Cr S. Reynolds, 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.

At 6:24 pm Cr R. Scholes returned to Council Chambers and resumed his chair at the meeting table.

### 10.4.2. Sponsorship - Westpac Rescue Helicopter Event

#### Disclosure of Interest

**Cr D. Marshall** - Declared a significant non-pecuniary interest in this Item. Cr Marshall advised Council that he is a member of opposition Car Club involved in the event.

At 6:24 pm Cr D. Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

18 RESOLVED on the motion of Cr D. Douglas and Cr L. Dunn that:

1. Council APPROVES the request from 'Two Triple Three Ind' for sponsorship of "We Live Here Cards" for the Westpac Rescue Helicopter Muscle in the Brook event described in the report.
2. Council provides laminated certificates advising that the vouchers are to be collected from the Council Administration office after the event by the prize winners.

In Favour: Cr S. Reynolds, Cr A. Barry, Cr M. Bowditch, 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 6:25 pm Cr D. Marshall returned to Council Chambers and resumed his chair at the meeting table.

#### **10.4.3. Sponsorship - NSW Rural Doctors Network - 2023 Bush Bursary**

- 19 RESOLVED on the motion of Cr B. Woodruff and Cr R. Scholes that:
1. Council accepts the request for funding from NSW Rural Doctors Network to the value of \$3000.00
  2. Muswellbrook Shire Council advocate all rural and regional Councils to participate in the scheme at the next Country Mayors Association meeting.

In Favour: Cr S. Reynolds, 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.

#### **10.4.4. Management of Undetected Water Leaks Policy MSC044E for ADOPTION**

- 20 RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:  
Council ADOPTS the *Management of Undetected Water Leaks Policy*.

In Favour: Cr S. Reynolds, 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.

#### **10.4.5. 2022/23 Annual Financial Statements - Audit Authorisation**

- 21 RESOLVED on the motion of Cr D. Douglas and Cr R. Mahajan that:  
Council AUTHORISES:
1. The submission of the 2022-23 General Purpose Financial Reports, Special Purpose Financial Reports, and Special Schedules for Muswellbrook Shire Council to the Auditor; and
  2. The Mayor, the Deputy Mayor, General Manager, and Responsible Accounting Officer be authorised to sign the reports upon completion of the audit.

In Favour: Cr S. Reynolds, 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.



#### **10.4.6. Report on Investments held as at 30 June 2023**

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

In Favour: Cr S. Reynolds, 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.

#### **10.4.7. Monthly Financial Report - June 2023**

23 RESOLVED on the motion of Cr R. Mahajan and Cr R. Scholes that:  
Council notes the Financial Reports for the month ending 30 June 2023.

In Favour: Cr S. Reynolds, 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.

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

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

1. NOTES the information contained in this report;
2. APPROVES re-submitting a revised application under the Create NSW Annual Funding for Organisations 2023-24 for a project titled "Improved collections management and digitisation at the Muswellbrook Regional Arts Centre"; and
3. APPROVES submitting an application under the Create NSW Project Funding for Organisations 2023-24 for the funding of a new website for the Muswellbrook Regional Arts Centre.

In Favour: Cr S. Reynolds, 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.



## 10.5. Community and Economy

### 10.5.1. Draft Muswellbrook Regional Arts Centre Management Policy MSC051E for Public Exhibition

- 25 RESOLVED on the motion of Cr D. Douglas and Cr R. Scholes that:
1. Council APPROVES the attached *DRAFT Muswellbrook Regional Arts Centre Management 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 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.

### 10.5.2. Fee Waiver - Muswellbrook Toastmasters

- 26 RESOLVED on the motion of Cr J. Drayton and Cr M. Bowditch that:
- Council APPROVES the fee waiver request from Muswellbrook Toastmasters for the use of the Muswellbrook Library Seminar Room on the fourth Monday of each month for the remainder of 2023.

In Favour: Cr S. Reynolds, 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.

### 10.5.3. Economic Development Update July 2023

- 27 RESOLVED on the motion of Cr D. Marshall and Cr B. Woodruff that:
- Council notes the information contained in the report.

In Favour: Cr S. Reynolds, 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.



#### **10.5.4. Community Services**

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

In Favour: Cr S. Reynolds, 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. Minutes of Committee Meetings**

#### **11.1. Audit Risk & Improvement Committee - 29 June, 2023**

29 RESOLVED on the motion of Cr R. Scholes and Cr R. Mahajan that:  
The minutes for the Audit Risk & Improvement Committee meeting held on 29  
June 2023 be received and NOTED.

In Favour: Cr S. Reynolds, 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.

#### **11.2. Aboriginal Cultural Inclusion Committee Meeting - 5 July, 2023**

30 RESOLVED on the motion of Cr M. Bowditch and Cr B. Woodruff that:  
The minutes for the Aboriginal Cultural Inclusion Committee meeting held on 5  
July 2023 be NOTED and the recommendations contained therein ADOPTED.

In Favour: Cr S. Reynolds, 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.

#### **11.3. Grants Review Committee - 12 July, 2023**

31 RESOLVED on the motion of Cr D. Douglas and Cr D. Marshall that:  
The minutes for the Grants Review Committee meeting held 12 July 2023 be  
NOTED.

In Favour: Cr S. Reynolds, 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.



#### **11.4. Future Fund Committee - 13 July, 2023**

- 32 RESOLVED on the motion of Cr R. Mahajan and Cr R. Scholes that:  
The minutes for the Future Fund Committee meeting held on 13 July 2023 be ADOPTED.
- In Favour: Cr S. Reynolds, 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.

#### **11.5. Finance Review Advisory Committee - 18 July, 2023**

- 33 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 July 2023 be NOTED.
- In Favour: Cr S. Reynolds, 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.

### **12. Notices of Motion**

Nil

### **13. Councillors Reports**

#### **13.1 Water Conference in Parkes**

Cr Woodruff advised Council that he attended the Water Conference in Parkes. Their new water and waste treatment plants are very impressive, they are planning to use the overflow from the recycled water to create a wetlands. Cr Woodruff also advised Council that he attended to the Water Infrastructure seminar with Cr Scholes and Ms Chetty which provided the opportunity to discuss issues faced by Councils smaller than ours with bigger issues than ours.

Cr Woodruff also advised Council that the Department of Planning and Environment had indicated their assistance in traineeships. Cr Woodruff also highlighted the concerns with our aging water treatment plan and what can be achieved after looking at the Parkes model, and indicated the importance of facilitating pipelines for water supply. Department of Planning and Environment are offering all types of assistance if Council asked and it also follows a funding envelope, funding available to towns with population with 10,000 people or less. Work together with neighbouring shires to facilitate shared water resources and indicated his commitment to be part of a committee to address this.

**13.2 Thank Finance Department**

Cr Dunn advised she would like to thank the Finance Team for their work in preparing Council's finances for the end of the financial year and their dedication in ensuring that we continue to float rather than sink in the coming 2023/2024 financial year.

**13.3 Staff Appreciation**

Cr McNeill thanked staff involved for the prompt response regarding concerns raised about the identification of Luscombe's Lane and the pavilion for the Tommy Gill Memorial and the manner in which liaison was held with concerned parties..

**13.4 Opening of the Donald Horne Building**

Cr Reynolds thanked the Council Staff involved in the opening of the Donald Horne Building and the professionalism and in what this was achieved in a short period of time particularly with the lack of staff availability due to the circumstances to complete those tasks at hand.

**13.5 Denman Heritage Village**

Cr Woodruff thanked staff involved in work undertaken in getting the Denman Heritage Village project to where it is.

**13.6 Animal Shelter**

Cr Reynolds thanked Staff involved in work undertaken with the progress of the Animal Shelter Project.

**14. Written Questions**

Nil

**15. Questions for Next Meeting****15.1 Cultural Training Package**

Cr Bowditch inquired whether Council had a cultural training package for all employees and councillors and could Council investigate the implementation of a cultural training package that would allow our community here at Council to connect with and have an understanding on the tangible and non-tangible items in the Aboriginal culture. It will emphasis what it means to the Aboriginal people and why it is of most importance to protect their wealth of knowledge and sacred sites in our area.

**15.2 Signage**

Cr Bowditch inquired whether "Wanaruah" could be added to the Galah statue at Sandy Hollow and also if the grammatical error could be amended on the Hunter Beach signage to correct the missing capital letter in Indigenous?

**15.3 Indigenous Cultural and Intellectual Property Protocol**

Cr Bowditch inquired whether an Indigenous Cultural and Intellectual Property Protocol policy, which would move Council towards being a more inclusive Council and wider community?

**15.4 Housing Crisis**

Cr Bowditch inquired whether Council could investigate options that might be available for developers in gaining assistance and grant funding from the State Government which could assist with the installation of essential infrastructure such as



power, water, sewerage and communication services and in turn assist with the housing crisis in our local area?

### 15.5 Promotional Video

Cr McNeill inquired whether an update could be provided on the local area promotional video?

Ms Welchman advised Council that discussions are being held with Upper Hunter Shire in an effort to co-ordinate an Upper Hunter wide promotional video and that a report would be prepared for the next meeting

## 16. Adjournment into Closed Council

34 RESOLVED on the motion of Cr D. Marshall and Cr L. Dunn 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 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.

## 17. Closed Council

### 17.1. 2022-2023-0564 Concrete and Minor Road Works - Panel Contract

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

1. Council ACCEPTS Tenderers Hunter Wide Civil and Wear Construction be awarded as Panel Source suppliers to Muswellbrook Shire Council for Concrete and Minor Road Works for the period 1 August 2023 to 31 July 2025; and
2. Provision be allowed for a 12-month contract extension based on satisfactory supplier performance, which may take this contract through to 31 July 2026.

In Favour: Cr S. Reynolds, 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.



**17.2. 2021-2022-0513 RFS Kayuga Fire Station Design and Construction Tender**

36 RESOLVED on the motion of Cr R. Scholes and Cr M. Bowditch that:  
Council accepts the tender from Shay Brennan Pty Ltd  
for \$722,727, excluding GST, for contract 2021-2022-0513 RFS Kayuga Fire  
Station Design and Construction.

In Favour: Cr S. Reynolds, 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.

**17.3. Expression of Interest Muswellbrook Arts Centre Café and Muswellbrook Aquatic Centre Kiosk**

37 RESOLVED on the motion of Cr D. Marshall and Cr B. Woodruff that:

1. Council NOTES the report and the outcomes of the expression of interest process;
2. Council Endorses the Aquatic Centre to trial the operation of the kiosk for a period of three months; and
3. A further report be provided to Council in October 2023 advising of future options and the outcome of the trial.
4. Investigate the use of the Art Gallery Café as a training/learning facility for Hospitality Students.

In Favour: Cr S. Reynolds, 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.

**17.4. Execution of Refinancing \$11.41M Future Fund Loan**

38 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:  
Council delegates to the General Manager the authority to execute the loan  
agreement as detailed in the report.

In Favour: Cr S. Reynolds, 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.



**17.5. New Community Infrastructure Depot - Coal Road**

39 RESOLVED on the motion of Cr D. Marshall and Cr B. Woodruff that:

Council:

1. Rejects the 'Fee Proposal for Additional Services' variation; and
2. Authorises the General Manager to negotiate the completion of the contract.

In Favour: Cr S. Reynolds, 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.

**17.6. DA 2013-232 - Northview Stage 4 Subdivision Works Certificate Pathway**

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

Council:

1. NOTES the current scope of the completed and uncompleted works for Stage 4 of Northview Estate and Council officers' proposed timeline for rectification of defects; and
2. Supports a bond of \$200,000 for a 12-month defects liability period, rectification of defects, and completion of works, subject to the Proponent providing evidence that they have engaged an experienced contractor to complete the identified outstanding works.
3. In the course of negotiating with the developer, looking at getting to cover the difference between the \$200,000 bond and the work to be completed on Stage 4.

In Favour: Cr S. Reynolds, 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.



### **17.7. Electronic Document Record Management System (EDRMS) - Content Manager - Funding**

41 RESOLVED on the motion of Cr B. Woodruff and Cr L. Dunn that:  
Council APPROVES the expenditure of up to \$150,000 of Project Reserve funds to fund the document migration component of the Content Manager Electronic Document Records Management System project.

In Favour: Cr S. Reynolds, 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.

### **18. Resumption of Open Council**

42 RESOLVED on the motion of Cr M. Bowditch and Cr G. McNeill that:

The meeting return to Open Council.

In Favour: Cr S. Reynolds, 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.

The Mayor read out the resolutions of Closed Council

### **19. Closure**

The meeting was declared closed at 7.20pm.

**THE MINUTES OF THE MEETING (PAGES 1 to 19) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 22 AUGUST, 2023 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 25 JULY 2023.**

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

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