

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN TRAINING ROOM, UNIVERSITY OF NEWCASTLE - UPPER HUNTER - TEC 1, 87 HILL STREET, MUSWELLBROOK ON TUESDAY 22 AUGUST 2023 COMMENCING AT 6.00PM.

PRESENT: Cr S.M. Reynolds (Mayor), Cr A. Barry, Cr D. Douglas, 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 M. Lysaught (Director – Property & Place), Mr J. Hogan (Acting Chief Financial Officer), Mr P. Chambers (Chief Engineer), Mr P. Ball (Manager - Works), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms K. Hamm (Executive Assistant), Ms A. Cox (Corporate Planning & Reporting Officer) and 2 people and 1 media representative 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 D. Douglas.

3. Civic Prayer

The Civic Prayer was read by Cr L. Dunn.

4. Apologies and Applications for a Leave of Absence

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

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

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

Against: Nil.



5. Confirmation of Minutes

Ordinary Council Meeting held in 25 July, 2023

44 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:
The Minutes of the Ordinary Council Meeting held on **25 July, 2023**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr 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 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 pecuniary interest in Item 10.3.1. Cr Marshall advised Council that he undertakes work at the Cemetery.

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

Cr B. Woodruff - Declared a pecuniary interest in Item 10.2.4. Cr Woodruff advised Council his employer undertakes work for Mangoola Coal.

Cr L. Dunn - Declared an insignificant non-pecuniary interest in Item 10.1.1. Cr Dunn advised Council the applicant is a family friend.

Cr D. Douglas - Declared a pecuniary interest in Item 10.2.1. Cr Douglas advised Council that she is the CEO of Wanaruah Local Aboriginal Land Council.

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

Cr D. Douglas - Declared a pecuniary interest in Item 10.2.4. Cr Douglas advised Council that Mangoola Coal provides funding to the Wanaruah Local Aboriginal Land Council, of which she is CEO and her son is employed by Mangoola Coal.

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in Item 10.1.1. Cr Reynolds advised Council the applicant sent an email regarding the development application.

Cr S. Reynolds - Declared a significant non-pecuniary interest in Item 10.5.2. Cr Reynolds advised Council his son attends Muswellbrook High School.



7. Mayoral Minute

Nil

8. Public Participation

Disclosure of Interest

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in Item 10.1.1. Cr Reynolds advised Council the applicant sent an email regarding the development application.

Cr L. Dunn - Declared an insignificant non-pecuniary interest in Item 10.1.1. Cr Dunn advised Council the applicant is a family friend.

At 6:08 pm Cr S. Reynolds and Cr L. Dunn left the Council Chambers and therefore took no part in discussion or voting on this item.

Mr. Hugh Walker - in support of 10.1.1 - DA 2023-048 Granny Flat, Double Garage & Driveway - 11 Ogilvie Street, Denman.

9. Business Arising (From Previous Meetings)

Nil



10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. DA 2023-48 Granny Flat, Double Garage & Driveway - 11 Ogilvie Street, Denman

Disclosure of Interest

Cr S. Reynolds declared an insignificant non-pecuniary interest in this Item. Cr Reynolds advised Council the applicant sent an email regarding the development application.

Cr L. Dunn declared an insignificant non-pecuniary interest in this Item. Cr Dunn advised Council the applicant is a family friend.

Cr L. Dunn and Cr S. Reynolds remained absent from the meeting.

Cr J. Lecky assumed the role of Chair for the conduct of this item.

45 RESOLVED on the motion of Cr G. McNeill and Cr D. Douglas that:

This matter be deferred to provide time for Applicant and Council Offers to try and resolve the issues.

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

Against: Nil.

At 6:17 pm Cr S. Reynolds and Cr L. Dunn returned to Council Chambers and resumed their chairs at the meeting table.

Cr S. Reynolds resumed the role of chair.



10.1.2. Preparation of Development Control Plan for 9036 New England Highway Muswellbrook

MOTION

MOVED by Cr D. Marshall and Cr B. Woodruff that:

Council ADOPTS the Draft Development Control Plan Chapter for 9036 New England Highway, Muswellbrook.

FORESHADOW MOTION

Moved by Cr R. Scholes:

Cr Marshall and Cr Woodruff agreed to WITHDRAW their original motion.

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

This matter be deferred until such a time to allow for Council Officers to consider all the issues.

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

Against: Nil.

10.1.3. Flying Fox Camp Management Policy MSC045E for adoption

47 RESOLVED on the motion of Cr D. Douglas and Cr R. Scholes that:

Council ADOPTS the attached *Flying-fox Camp Management Policy*.

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

Against: Nil.



10.1.4. Draft Heritage Strategy 2023-2026 for public exhibition

- 48 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:
1. Council endorses the attached *DRAFT Heritage Strategy 2023-2026* to be placed on public exhibition via Council's website for a period of 28 days; and
 2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr 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.

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

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

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr 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. 2020-2021-0404 Indigenous Renaming of Hunter Beach

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 6:25 pm Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council:

1. Notes the recommended Indigenous name for this area provided by the Wanaruah Local Aboriginal Land Council;
2. Supports community consultation on the renaming of the Hunter Beach site to "Tarinpa", which translates as "Red River Gum Tree Place";
3. Supports initiatives for Wanaruah Local Aboriginal Land Council to investigate and prepare options for an Indigenous artwork mural for the accessible toilet block, to be provided to Council in a separate 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 D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.2.2. Hunter Valley Energy Coal (Mt Arthur Coal) s.138 Roads Act 1993 Permit for Maintenance Edderton Road

Disclosure of Interest

Cr D. Douglas declared a pecuniary interest in this Item. Cr Douglas advised Council that the applicant provides funding to the Wanaruah Local Aboriginal Land Council, of which she is CEO.

Cr D. Douglas remained absent from the meeting.

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

Council delegates to the General Manager authority to sign the s.138 *Roads Act 1993* permit for the ongoing maintenance of the portion of Edderton Road from the intersection of Denman Road for a length of 6.1km known as Stage 1 & Stage 2 in the Edderton Road Realignment Deed.

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.



10.2.3. **MACH Energy s.138 Roads Act 1993 Permit for Routine Maintenance Council Public Roads**

Disclosure of Interest

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 D. Douglas declared a pecuniary interest in this Item. Cr Douglas advised Council that MACH Energy provides funding to the Wanaruah Local Aboriginal Land Council, of which she is CEO

Cr B. Woodruff declared a pecuniary interest in the Item. Cr Woodruff advised Council his employer undertakes work for the applicant.

Cr D. Douglas remained absent from the meeting and at 6:27 pm Cr D. Marshall and Cr B. Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council delegates to the General Manager authority to sign the s.138 *Roads Act 1993* permit for the ongoing maintenance of Council public roads as specified in the Mount Pleasant Project Road Maintenance Plan.

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 6:28 pm Cr D. Marshall returned to Council Chambers and resumed his chair at the meeting table.

10.2.4. **Easement for Electricity Purposes Lot 4 DP1280220 Wybong Road**

Disclosure of Interest

Cr B. Woodruff declared a pecuniary interest in the Item. Cr Woodruff advised Council his employer undertakes work for the applicant.

Cr D. Douglas declared a pecuniary interest in the Item. Cr Douglas advised Council that the applicant provides funding to the Wanaruah Local Aboriginal Land Council, of which she is CEO.

Cr D. Douglas and Cr B. Woodruff remained absent from the meeting.

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

Council delegates authority to the General Manager to sign the Plan of Easement and 88B instrument to register an easement for Electricity and Other Purposes affecting Lot 4 DP1280220 under the seal of Council and in accordance with the Regulations.



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 and Cr R. Scholes.

Against: Nil.

At 6:29 pm Cr B. Woodruff and Cr D. Douglas returned to Council Chambers and resumed their chairs at the meeting table.

10.2.5. 2023-24 Capital Works Program - Roads and Drainage

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

1. ENDORSES the attached priority lists of work and the undertaking of the 2023-24 Capital Works Programs to the limit of approved funding under the various programs:
 - a. Footpath Renewals as per attachment 1,
 - b. Pram Ramp Renewal as per attachment 2,
 - c. Kerb and Gutter Renewals as per attachment 3,
 - d. Road Resealing as per attachment 4;
 - e. Heavy Patching as per attachment 6;
 - f. Safety Devices as per attachment 7;
 - g. Carpark Renewal as per attachment 8 with priority given to the renewal of pavement within the Muswellbrook Railway Station Carpark (school bus interchange).
2. ENDORSES the expenditure of the Rural Road Renewal budget on the identified section of road at Ch7.3 km Martindale Road.
3. NOTES the funding offer from the 2023-24 Get NSW Active Program for project GRF-612 new shared path Turtle St Denman to construct a new footpath on the southern side of Turtle St Denman (Paxton St to Denman Creek) and resolve that this project be added to the Capital Program and the budget be adjusted to include an allocation of \$322,459.
4. ENDORSES the Regional Road REPAIR Project at Ch 7.6km on the Bylong Valley Way to be constructed over two (2) financial years and that the 2023-24 budget to be adjusted to add the \$50,000 allocation from Transport for NSW REPAIR Program.

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

Against: Nil.

**10.2.6. 2023/2024 Design and Investigation Program**

55 RESOLVED on the motion of Cr B. Woodruff and Cr J. Lecky that:
Council endorses the attached prioritised list of projects to be funded by the 2023-24 Operational Budget for Investigation and Design, to the limit of approved funding.

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

Against: Nil.

10.2.7. Waste Extension Consultation Outcomes

56 RESOLVED on the motion of Cr D. Douglas and Cr R. Scholes that:
Council RESOLVES:

1. not to proceed with an extension of waste services to additional rural areas at this time; and
2. to consider carrying out further community consultation should multiple requests for a waste service extension be received.

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

Against: Nil.

10.2.8. Water and Wastewater Levels of Service for FY 2022-23, Quarter 4

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

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

Against: Nil.



10.3. Property and Place

10.3.1. Cemetery Policy MSC040E for Adoption

Disclosure of Interest

Cr D. Marshall declared a pecuniary interest in this Item. Cr Marshall advised Council that he undertakes work at the Cemetery.

At 6:35 pm Cr D. Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

58 RESOLVED on the motion of Cr B. Woodruff and Cr L. Dunn that:
Council ADOPTS the *Cemetery Policy* attached to this report.

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 6:38 pm Cr D. Marshall returned to Council Chambers and resumed his chair at the meeting table.

10.3.2. Closed Circuit Television (CCTV) in Public Places Policy MSC036E for Adoption

59 RESOLVED on the motion of Cr D. Douglas and Cr B. Woodruff that:
Council ADOPTS the *Closed Circuit Television (CCTV) in Public Places Policy*.

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

Against: Nil.



10.3.3. Henry Dangar Drive - Plane Trees

60 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:

Council APPROVES:

1. Managing, on a case by case basis, the matters described in the report;
2. Prioritising the renewal of concrete footpath on Henry Dangar Drive (between Day Street and Dixon Circuit); and
3. Carrying out discrete tree removal and replacement if issues cannot be appropriately resolved, regarding tree preservation
4. Other than in Emergency situations all requests for Tree Removal are submitted to Council for consideration.

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

Against: Nil.

10.3.4. Major Projects: Status Update

61 RESOLVED on the motion of Cr R. Scholes 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 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. Corporate Services

10.4.1 Communications and Media Policy MSC048E for Adoption

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

Council:

1. ADOPTS the *Communications and Media Policy* subject to clarification; and
2. RESCINDS the *Media Delegations Policy*.

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

Against: Nil.

**10.4.2. Governance Policy MSC00E for Adoption**

63 RESOLVED on the motion of Cr G. McNeill and Cr A. Barry that:
Council ADOPTS the *Governance Policy* attached as an appendix to the report.

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

Against: Nil.

10.4.3. Procurement Policy MSC01E for additional public exhibition

64 RESOLVED on the motion of Cr L. Dunn and Cr B. Woodruff that:
Council NOTES that the *Procurement Policy* has been placed on public exhibition for an additional 28 days.

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

Against: Nil.

10.4.4. Draft Employment of Relatives Policy and Procedure MSC11E for Public Exhibition

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

1. Council APPROVES the attached *DRAFT Employment of Relatives Policy and Procedure* to be placed on public exhibition via Council's website for a period of 28 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr 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. 2023 Christmas Spectacular Sponsorship Request**

66 RESOLVED on the motion of Cr D. Douglas and Cr J. Drayton that:
Council supports the Christmas Spectacular for 2023 as a sponsor with a contribution of \$7,500 (ex GST) allocated from the sundries donation budget.

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

Against: Nil.

10.4.6. Determination of Number of Councillors for 2024-2028 Term of Council

67 RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:
In accordance with section 224(2) of the Local Government Act 1993, Council determine the number of Councillors for the 2024-2028 term of office to be 12.

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

Against: Nil.

10.4.7. Authorisation Under Section 226 of the Local Government Act

68 RESOLVED on the motion of Cr A. Barry and Cr D. Douglas that:
Council notes the information provided in the report.

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

Against: Nil.

**10.4.8. Final Operating and Capital Budget Carryovers 2023-2024**

69 RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:
Council NOTES the final Operating and Capital Carryover projects for 2023-24.

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

Against: Nil.

10.4.9. Monthly Financial Report - July 2023

70 RESOLVED on the motion of Cr J. Lecky and Cr R. Mahajan that:
Council NOTES the Financial Reports for the month ending 31 July 2023.

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

Against: Nil.

10.4.10. Report on Investments held as at 31 July 2023

71 RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:
Council NOTES Council's Investments as at 31 July 2023.

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

Against: Nil.



10.5. Community and Economy

10.5.1. Promotional Video of Local Government Area

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

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr 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 High School Disclosure of Interest

Cr S. Reynolds declared a significant non-pecuniary interest in this Item. Cr Reynolds advised Council that his son attends Muswellbrook High School.

At 6:51 pm Cr S. Reynolds left the Council Chambers and therefore took no part in discussion or voting on this item.

Cr J. Lecky assumed the role of Chair for the conduct of this item.

73 RESOLVED on the motion of Cr D. Marshall and Cr D. Douglas that:
Council APPROVES the fee reduction request from Muswellbrook High School for the use of the Muswellbrook Library Seminar Room between 11 September 2023 – 20 September 2023 and 9 October 2023 - 17 October 2023.

In Favour: Cr J. Lecky, Cr A. Barry, 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.

At 6:52 pm Cr S. Reynolds returned to Council Chambers and resumed the role of chair for the remainder of the meeting.

10.5.3. Disability Inclusion Action Plan 2022 - 2026

74 RESOLVED on the motion of Cr A. Barry and Cr J. Lecky that:
Council ENDORSES the Disability Inclusion Action Plan to be placed on public exhibition for a period of 28 days.

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



Against: Nil.

10.5.4. Community Services

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

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

Against: Nil.

10.5.5. Report on Council Grant Funding and Community Engagement

76 RESOLVED on the motion of Cr D. Douglas and Cr D. Marshall that:
Council:

1. NOTES the information contained in this report;
2. APPROVES Council applying for funding for new gym equipment at the Aquatic Centre under the Clubgrants Category 3 Infrastructure Grants program; and
3. APPROVES the current balance of Local Roads and Community Infrastructure funding remaining of \$216,410.50 be allocated to the Denman Children Centre Extension 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 D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

11. Minutes of Committee Meetings

11.1. Events Steering Committee Meeting - 8 August, 2023

77 RESOLVED on the motion of Cr D. Douglas and Cr J. Drayton that:
The minutes for the Events Steering Committee meeting held on 8 August, 2023 be NOTED.

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

Against: Nil.



12. Notices of Motion

12.1. Amendments to State Planning Policy

MOTION

Moved by Cr J. Drayton and Cr S. Reynolds that:

1. Council prepares an advocacy strategy and program requesting the NSW Government undertake a review of the social considerations in Part 2.3 of the State Environmental Planning Policy (Resources and Energy) 2021 in consultation with Council together with other key stakeholders.
2. Pending the review, it is Council's position for all new development applications and modifications for mining and energy developments in the Shire that agreement be reached between the applicant and Council as to an appropriate percentage (minimum of 25%) of new permanent mine and energy workers are required to have a permanent residence in the Muswellbrook local government area.

FORESHADOW MOTION

This matter be deferred until further wording has been refined.

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

1. Council prepares an advocacy strategy and program requesting the NSW Government undertake a review of the social considerations in Part 2.3 of the State Environmental Planning Policy (Resources and Energy) 2021 in consultation with Council together with other key stakeholders.
2. Pending the review, it is Council's position for all new development applications and modifications for mining and energy developments in the Shire that agreement be reached between the applicant and Council as to an appropriate percentage (minimum of 25%) of new permanent mine and energy workers are required to have a permanent residence in the Muswellbrook local government area.
3. It will be Councils policy that we object to a Mining / Energy development applicant or a modification if this agreement is not reached.

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: Cr D. Marshall.

13. Councillors Reports

13.1 Nomination For Ministers' Awards For Women In Local Government

Cr Lecky advised that she is very excited to be nominated for Elected Representative Award in the Ministers' Awards for Women in Local Government.

13.2 National Tree Planting Day

Cr Woodruff advised that he attended the National Tree Planting Day in Denman along side Council Staff and a small, dedicated crew with approximately 400 plants being planted.



13.3 Country Mayors Association & Coalition of Regional Energy Mayors Meetings

Cr Reynolds advised that he attended the Country Mayors Association meeting in Sydney and put forward Council's recommendation to support the NSW Rural Doctors Network Bush Bursary Sponsorship.

Cr Reynolds further advised he attended the Coalition of Regional Energy Mayors (CoREM) meeting with Ms Pope where Council's positions on traversing back roads with Renewable Energy movements was made very clear. It was identified that there has been a lack of planning and strategy.

Cr Reynolds further advised the Department of Planning have admitted that it is going to cost 10's of millions of dollars in bridges, bypasses and road upgrades on Muswellbrook LGA alone to allow 10 trucks per night for 10 years that raises concerns on the safety of our residents. Cr Reynolds advised that although we are not in the Renewable Energy Zone that we will seek special permission to access grants of \$250,000 for extra Staff in Planning Department over 3 years.

13.4 Vietnam Memorial

Cr Scholes advised he represented the Mayor at the Vietnam Memorial 50th Anniversary which he has been lucky to attend for the 3rd year in a row.

13.5 Upper Hunter Weeds Authority Meeting

Cr McNeill advised that he attended along with Cr Marshall the Upper Hunter Weeds Authority meeting and a motion was passed to write to the Agriculture Minister and the State Government to maintain the grant funding for Biosecurity in our LGA.

14. Written Questions

Nil

15. Questions for Next Meeting

15.1 Pool Compliance Campaign

Cr Dunn inquired if a campaign could be conducted on Pool Compliance and changes in Pool Compliance Policies?



16. Adjournment into Closed Council

79 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall 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 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. **Contract 2022-2023-0546 - Muswellbrook Indoor Sports and Youth Centre - Principal Design Consultant**

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

Council awards Mode Design Corp Pty Ltd contract 2022-2023-0546 for Principal Design Consultant for the Muswellbrook Indoor Sports and Youth Centre.

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

Against: Nil.



17.2. Contract 2020-2021-0448 - Donald Horne Building - Variation Summary and Financial Close-out

- 81 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:
Council:
1. Continues to negotiate further with the Contractor;
 2. If the negotiations are unsuccessful, Council pursues its claim to the full extent of its contractual entitlement; and
 3. Authorises the General Manager to negotiate a Deed of Settlement and Release.

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

Against: Nil.

17.3. Contract 2019-2020-0406 - Muswellbrook Aquatic Centre Offer - Financial Close-out

- 82 RESOLVED on the motion of Cr D. Douglas and Cr R. Scholes that:
Council:
1. Rejects the revised offer provided by the Contractor;
 2. Approves pursuing Council's entitlement by claiming the completion undertakings as detailed in the report; and
 3. Authorises the General Manager to negotiate a revised Final Deed of Settlement and Release.

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

Against: Nil.



17.4. Purchase of Denman Property

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

Council:

1. Purchase of the Property identified in the report; and
2. Classifies the property as operational land.
3. Authorises the General Manager to execute the Contract

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

Against: Nil.

18. Resumption of Open Council

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

The meeting return to Open Council.

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

Against: Nil.

The Mayor read out the resolutions from Closed Council.

19. Closure

The meeting was declared closed at 7.33pm.

THE MINUTES OF THE MEETING (PAGES 1 to 22) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 26 SEPTEMBER 2023 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 22 AUGUST 2023.

.....
Mr D. Finnigan
General Manager

.....
Cr S. Reynolds
Chairperson