

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 26 SEPTEMBER, 2023 COMMENCING AT 6:00PM.

PRESENT: Cr S.M. Reynolds (Mayor), Cr A. Barry (VC), Cr M. Bowditch (VC), Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr J.A. Lecky, Cr G.T. McNeill, Cr R. Mahajan, Cr D.E. Marshall Cr R. Scholes and Cr B.N. Woodruff.

IN ATTENDANCE: Mr D. Finnigan (General Manager), Ms S. Pope (Director – Planning & Environment), Mr P. Chambers (Chief Engineer), Mr M. Lysaught (Director – Property & Place), Mr J. Hogan (Acting Chief Financial Officer), 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 9 people and 1 media in the public gallery.

1. Applications for Attendance via Audio Visual Link

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

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

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

Against: Nil.

2. Acknowledgement of Country

The Acknowledgement of Country was read by Cr D. Douglas.

3. Civic Prayer

The Civic Prayer was read by Cr J. Lecky.

4. Apologies and Applications for a Leave of Absence

Nil.



5. Election of Mayor and Deputy Mayor

5.1 Election of Mayor and Deputy Mayor

- 86 RESOLVED on the motion of Cr S. Reynolds and Cr D. Marshall that:
Council resolves to conduct an election for the position of Mayor and Deputy Mayor by the following method:
1. Open vote – by a show of hands.

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

Against: Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr R. Scholes and Cr B. Woodruff.

The General Manager conducted the election as the returning officer.

Election of Mayor

Nominations were invited for the office of Mayor for the ensuing term.

The Returning Officer reported that two (2) nominations for the Office of Mayor had been received.

The written nominations were for:

1. Cr Steven Reynolds proposed by Crs Lecky, Mahajan, Marshall and McNeill
2. Cr Jeff Drayton proposed by Crs Douglas and Dunn.

The Returning Officer reported that Cr Reynolds and Cr Drayton had indicated their consent to the nomination.

The Returning Officer called for further nominations to be made. No further nominations were received.

There being more than one nomination for the Office of Deputy Mayor, the Returning Officer indicated that an election would be conducted.

The voting resulted in five (5) votes for Cr Drayton and seven (7) votes for Cr Reynolds .

The Returning Officer declared Cr Steven Reynolds duly elected to the Office of Mayor of the Muswellbrook Shire Council for the ensuing one year term to September, 2024.

Election of Deputy Mayor

Nominations were invited for the office of Deputy Mayor for the ensuing term.

The Returning Office reported that two (2) nominations for the Office of Deputy Mayor had been received.

The written nominations were for:

1. Cr De-anne Douglas proposed by Crs Bowditch and Drayton.
2. Cr Graeme McNeill proposed by Crs Lecky, Mahajan, Marshall and Reynolds.

The Returning Officer reported that Cr Douglas and Cr McNeill had indicated their consent to the nomination.



The Returning Officer called for further nominations to be made. No further nominations were received.

There being more than one nomination for the Office of Deputy Mayor, the Returning Officer indicated that an election would be conducted.

The voting resulted in seven (7) votes for Cr McNeill and five (5) votes for Cr Douglas.

The Returning Officer declared Cr Graeme McNeill duly elected as Deputy Mayor of the Muswellbrook Shire Council for the ensuing one year term to September, 2024.

Cr Reynolds assumed the role of Chair at this point.

The Mayor thanked Cr Jennifer Lecky for her service as Deputy Mayor during the previous term and congratulated Cr McNeill on being appointed Deputy Mayor for the ensuing term.

6. Confirmation of Minutes

Ordinary Council Meeting held in 22 August, 2023

87 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:
The Minutes of the Ordinary Council Meeting held on **22 August, 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 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.

7. Disclosure of any Pecuniary or Non-Pecuniary Interests

Cr R. Mahajan - Declared an insignificant non-pecuniary interest in Item 11.3.5. Cr Mahajan advised Council that he is attending the event.

Cr R. Scholes - Declared a pecuniary interest in Item in 11.5.2. Cr Scholes advised Council that he pays fees at the Aquatic Centre.

Cr A. Barry - Declared a pecuniary interest in Item 11.1.4. Cr Barry advised Council she is employed by AGL.

88 RESOLVED on the motion of Cr D. Marshall and Cr B. Woodruff that:
The apologies for inability to attend the meeting submitted by Cr A. Barry be ACCEPTED and the necessary Leave of Absence be GRANTED.

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

Against: Nil.

Cr A. Barry left the meeting at 6.14pm.



Cr G. McNeill - Declared a pecuniary interest in Item 11.1.4. Cr McNeill advised Council that he is employed by AGL.

Cr G. McNeill - Declared a pecuniary interest in Item 11.3.3. Cr McNeill advised Council that his employer provides funding for the project.

Cr L. Dunn - Declared an insignificant non-pecuniary interest in Item 11.1.1. Cr Dunn advised Council that the applicant is a family friend.

Cr L. Dunn - Declared a non-pecuniary interest in Item 11.1.7. Cr Dunn advised Council that her employer has applied for a grant.

Cr L. Dunn - Declared an insignificant non-pecuniary interest in Item 11.3.5. Cr Dunn advised Council that her co-worker is a member of the committee.

Cr D. Douglas - Declared a pecuniary interest in Item 11.1.4. Cr Douglas advised Council that AGL provides funding to the Wanaruah Local Aboriginal Land Council, of which she is CEO.

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in Item 11.3.3. Cr Reynolds advised Council that he undertakes filming for the Rugby League.

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in Item 12.1. Cr Reynolds advised Council that he undertakes filming for the Rugby League

8. Mayoral Minute

Nil.

9. Public Participation

Nil.

10. Business Arising (From Previous Meetings)

Nil.



11. Business (Specific Reports)

11.1. Planning and Environment

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

Disclosure of Interest

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

At 6:17 pm Cr L. Dunn left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council:

1. APPROVES DA 2023-48 for the construction of a secondary dwelling, double garage, and an associated driveway at 11 Ogilvie Street Denman (Lot 1 DP 306325) subject to conditions; and
2. DELEGATES the setting of conditions to the General Manager.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr M. Bowditch, 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 6:18 pm Cr L. Dunn returned to Council Chambers and resumed her chair at the meeting table.

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

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

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

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

Against: Nil.



11.1.3. Finalisation of Dartbrook Mine Planning Agreement

91 RESOLVED on the motion of Cr J. Drayton and Cr J. Lecky that:
Council RESOLVES to finalise the Planning Agreement in Attachment A by delegating the General Manager authority to sign the Agreement.

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

Against: Nil.

11.1.4. Finalisation of AGL Liddell Planning Agreement

Disclosure of Interest

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

Cr G. McNeill declared a pecuniary interest in this Item. Cr McNeill advised Council that he is employed by AGL.

At 6:20 pm Cr D. Douglas and Cr G. McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

92 RESOLVED on the motion of Cr R. Scholes and Cr M. Bowditch that:
Council RESOLVES to finalise the Planning Agreement in Attachment A by delegating the General Manager authority to sign the Agreement.

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

Against: Nil.

At 6:21 pm Cr D. Douglas and Cr G. McNeill returned to Council Chambers and resumed their chairs at the meeting table.



11.1.5. PP 020 – Administrative Amendment – Removal of Heritage Item I112 (Muswellbrook Brickworks) - Post Exhibition Report

93

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

Council, as a delegated Local Plan Making Authority, resolves to:

1. Endorse the Planning Proposal, as exhibited, and included in Attachment 1 to this report.
2. Make the Plan in accordance with section 3.36 of the *Environmental Planning and Assessment Act 1979*, consistent with the Gateway Determination.
3. Forward a copy of the Council resolution and the Planning Proposal, as exhibited, to the Parliamentary Counsel's Office and the Department of Planning and Environment to give effect to the Planning Proposal.

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

Against: Nil.

11.1.6. Watering and Maintenance of Seedlings Along Muscle Creek

94

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

Council NOTES the information contained in the report

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

Against: Nil.

**11.1.7. Sustainability Grants****Disclosure of Interest**

Cr L. Dunn declared a non-pecuniary interest in this Item. Cr Dunn advised Council that her employer has applied for a grant.

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

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

1. Council approves the following Sustainable Education grants:
 - a. Sandy Hollow Public School - \$2427.43
 - b. Muswellbrook Preschool and Kindergarten - \$1650
 - c. Muswellbrook South Public School - \$2500
 - d. Denman Pony Club - \$921.02
2. Council approves a water refill station grant for Muswellbrook Preschool and Kindergarten - \$2500
3. Council approves the following Landcare Grant:

Lake Liddell Recreation Area Reserve Land Manager - \$800

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr M. Bowditch, 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 6:24 pm Cr L. Dunn returned to Council Chambers and resumed her chair at the meeting table.

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

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

The information contained in this report be noted.

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

Against: Nil.



11.2. Community Infrastructure

11.2.1. Recycled Water Policy MSC23E for Adoption

97 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:
Council ADOPTS the attached *Recycled Water Policy*.

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

Against: Nil.

11.2.2. FOGO Education & Communication status report

98 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:
Council NOTES the progress of FOGO Communications and Education activities.

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

Against: Nil.

11.2.3. Construction of Replacement for Sewer Pumping Station-1 Muswellbrook

99 RESOLVED on the motion of Cr R. Scholes and Cr M. Bowditch that:
Council APPROVES:

1. the replacement of Muswellbrook Sewer Pumping Station 1 (MSPS1), Sydney Street, Muswellbrook, to be carried out over fiscal years 2023-2024 and 2024-2025;
2. reallocating \$1,100,000 from the Solar Array Capital Project Funds at the Recycled Water Treatment Works (RWTW), and \$900,000 from the Section 64 Reserve, into a Sewer Capital Project budget for the replacement of MSPS1, with a budget of \$2.0m.

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

Against: Nil.



11.2.4. Water and Wastewater Capital Works- Prioritized Projects 2023-2024

100 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:
Council APPROVES the attached prioritised list of 2023-24 water and wastewater capital works projects, to the limit of approved funding under the various programs.

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

Against: Nil.

11.3. Property and Place

11.3.1. Possum Gully Easement Affecting Lot 12 DP 232742

101 RESOLVED on the motion of Cr D. Marshall and Cr D. Douglas that:
Council authorises the General Manager to finalise the easement for drainage for Lot 12 DP 232742 and execution of documents.

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

Against: Nil.

11.3.2. Muswellbrook Town Centre Plan - DRAFT Programme and Budget Allocations

102 RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:
Council ENDORSES the preliminary DRAFT Muswellbrook Town Centre Plan – Staging Delivery Programme and DRAFT Muswellbrook Town Centre Plan – Budget Allocations to inform the Australian Government - Priority Community Infrastructure Program (PCIP) for the delivery of the Muswellbrook Town Centre Plan.

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

Against: Nil.

**11.3.3. Olympic Park Grandstand and Amenities - Projects and Funding****Disclosure of Interest**

Cr G. McNeill declared a pecuniary interest in this Item. Cr McNeill advised Council that his employer provides funding for the project.

At 6:30 pm Cr G. McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council:

1. ENDORSES the budgets and funding allocations for the Olympic Park Precinct Upgrade to inform Council's grant application under the Australian Government - Priority Community Infrastructure Program (PCIP) for the delivery of the Olympic Park Grandstand; and
2. requests a review and upgrade of the Capital Expenditure Review for the Olympic Park Precinct Upgrade be carried out.

In Favour: Cr S. Reynolds, Cr L. Dunn, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff.

Against: Cr J. Lecky, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton and Cr R. Scholes.

As the voting was even the Mayor used his casting vote and the motion was CARRIED.

At 6:34 pm Cr G. McNeill returned to Council Chambers and resumed his chair at the meeting table.

11.3.4. Denman Public School - Fee Waiver Request

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

Council APPROVES the partial waiving of hire fees requested by Denman Public School, and will only charge for the hire of Denman Memorial Hall for the performance conducted 19 September 2023, which will result in a total charge to Denman Public School of \$529.50, inclusive of GST.

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

Against: Nil.



11.3.5. Diwali Festival Sponsorship Request

Disclosure of Interest

Cr L. Dunn declared an insignificant non-pecuniary interest in this Item. Cr Dunn advised Council that her co-worker is a member of the committee.

Cr R. Mahajan declared an insignificant non-pecuniary interest in this Item. Cr Mahajan advised Council that he is attending the event.

At 6:36 pm Cr L. Dunn and Cr R. Mahajan left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council approves a \$1,000 (including GST) sponsorship for the local Diwali festival to be held at the Upper Hunter Conservatorium of Music, Campbells Corner, on Saturday, 28 October 2023.

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

Against: Nil.

At 6:37 pm Cr L. Dunn and Cr R. Mahajan returned to Council Chambers and resumed their chairs at the meeting table.

11.3.6. Major Projects Status Report

106 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 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. Corporate Services

11.4.1. Fixing Day and Hour of Regular Council Meetings

107 RESOLVED on the motion of Cr D. Marshall and Cr J. Drayton that:
Council determines that:

1. Ordinary Meetings of Council be held in the Training Room, Level 2, University of Newcastle - Upper Hunter Campus, 87 Hill Street Muswellbrook, from 6:00pm to 9:00pm on the fourth Tuesday of each calendar month;
2. A pre-meeting briefing session for Councillors be held from 4:00pm to 6:00pm immediately prior to each Ordinary Meeting on the fourth Tuesday of each calendar month;
3. As the fourth Tuesday in December 2023 will fall on the Boxing Day public holiday, the meeting be scheduled for Tuesday 19 December 2023 and be held in Denman Memorial Hall;
4. The Ordinary Council Meeting scheduled for Tuesday 24 October 2023 be held in Sandy Hollow.
5. The Ordinary Council Meeting scheduled for Tuesday 23 July 2024 be held in Denman Memorial Hall.

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

Against: Nil.

11.4.2. Recruitment of Chief Financial Officer and Information and Communication Technology (ICT) Manager

108 RESOLVED on the motion of Cr B. Woodruff and Cr J. Lecky that:
Council APPROVES carrying out recruitment to the following three positions:

1. Chief Financial Officer;
2. Information and Communication Technology (ICT) Manager; and
3. Staff Training and Professional Development Officer.

The above is subject to sustainable structural savings being made through the September Budget Review process so that the positions can be funded on a full-time basis.

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

Against: Nil.



11.4.3. Register of Pecuniary Interest

109 RESOLVED on the motion of Cr J. Lecky and Cr B. Woodruff that:
The tabling of the Register of Pecuniary Interests for the period 30/06/2022 to 30/06/2023 be NOTED.

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

Against: Nil.

11.4.4. Authorisation Under Section 226 of the Local Government Act

110 RESOLVED on the motion of Cr M. Bowditch and Cr R. Mahajan that:
Council notes the information provided in the report.

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

Against: Nil.

11.4.5. Sandy Hollow Motor Fest Sponsorship Request

111 RESOLVED on the motion of Cr G. McNeill and Cr D. Douglas that:
Council APPROVES the request from the Sandy Hollow Motorfest 2023 for sponsorship of \$2,500.00 to cover the cost of Waste Services and Development Application Fees.

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

Against: Nil.

11.4.6. Procurement Policy MSC01E for Adoption

112 RESOLVED on the motion of Cr B. Woodruff and Cr R. Scholes that:
1. Council ADOPTS the *Procurement Policy* attached to the report.
2. The Policy be reviewed after 12 months to include Australian made and owned.

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

Against: Nil.



11.4.7. DRAFT Public Interest Disclosure Policy MSC16E for Public Exhibition

- 113 RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:
1. Council APPROVES the attached *DRAFT Public Interest Disclosure 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 J. Lecky, 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.

11.4.8. Return to Work Policy S25/36 for rescission

- 114 RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:
Council RESCINDS the *Return to Work Policy*.

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

Against: Nil.

11.4.9. Community Satisfaction Survey

- 115 RESOLVED on the motion of Cr B. Woodruff and Cr D. Douglas that:
Council NOTES the attached 2023 Community Satisfaction Survey report.

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

Against: Nil.



11.4.10. 2022/2023 Operational Plan - 30 June 2023, Quarterly Review

116 RESOLVED on the motion of Cr R. Scholes and Cr R. Mahajan that:
Council NOTES the 2022-23 Operational Plan fourth quarter.

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

Against: Nil.

11.4.11. Monthly Financial Report - August 2023

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

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

Against: Nil.

11.4.12. Report on Investments held as at 31 August 2023

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

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

Against: Nil.



11.5. Community and Economy

11.5.1. Australia Day 2024 Community Awards Criteria and Guidelines

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

Council ENDORSES:

1. Inclusion of the Northoak Agricultural Award to the 2024 Australia Day Award categories;
2. The amendment of the 2024 Australia Day Award guidelines to read the Australia Day Nominations Committee will consist of all Councillors; and
3. The 2024 Australia Day Award nomination period to be from 9 October 2023 to 30 November 2023.

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

Against: Nil.

11.5.2. Aquatic Centre Membership Discount- September

Disclosure of Interest

Cr R. Scholes declared a pecuniary interest in this Item. Cr Scholes advised Council that he pays fees at the Aquatic Centre.

At 6:49 pm Cr R. Scholes left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council APPROVES a 20% discount being made available to the community during the months of September and October 2023 for annual and upfront memberships.

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

Against: Nil.

At 6:50 pm Cr R. Scholes returned to Council Chambers and resumed his chair at the meeting table.



11.5.3. Request for Councillor representative to NSW Public Libraries Association

121 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:
Council appoints Cr J. Lecky as Council's representative to the New South Wales Public Libraries Association.

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

Against: Nil.

11.5.4. Muswellbrook Regional Arts Centre Management Policy MSC051E for ADOPTION

122 RESOLVED on the motion of Cr B. Woodruff and Cr R. Scholes that:
Council:
1. ADOPTS the attached *Muswellbrook Regional Arts Centre Management Policy; and*
2. RESCINDS the three superseded Art Gallery Policies:
i. Aims and Objectives of Muswellbrook Regional Arts Centre;
ii. Muswellbrook Shire Art Collection Deaccessioning Policy; and
iii. Muswellbrook Shire Art Collection Management Policy.

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

Against: Nil.

11.5.5. Community Services

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

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

Against: Nil.



12. Minutes of Committee Meetings

12.1. Olympic Park Precinct Development Advisory Committee - 26 June, 2023 and 5 September, 2023

Disclosure of Interest

Cr S. Reynolds declared an insignificant non-pecuniary interest in this Item. Cr Reynolds advised Council that he undertakes filming for the Rugby League.

- 124 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:
The minutes for the Olympic Park Precinct Development Committee meeting held on 26 June 2023 and 5 September 2023 be NOTED.

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

Against: Nil.

12.2. State Significant Development Committee - 14 August, 2023 and 11 September, 2023

- 125 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:
The minutes for the State Significant Development Committee meeting held on 14 August, 2023 and 11 September, 2023 be NOTED.

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

Against: Nil.

12.3. Finance Review Advisory Committee - 15 August, 2023

- 126 RESOLVED on the motion of Cr R. Mahajan and Cr J. Lecky that:
The minutes for the Finance Review Committee meeting held on 15 August 2023 be NOTED.

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

Against: Nil.



12.4. Industrial Closures Committee - 16 August, 2023

127 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:
The minutes for the Industrial Closures Committee meeting held on 16 August, 2023 be NOTED.

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

Against: Nil.

12.5. Local Traffic Committee - 12 September, 2023

128 RESOLVED on the motion of Cr M. Bowditch and Cr D. Marshall that:
The minutes for the Local Traffic Committee meeting held on 12 September 2023 be accepted and the recommendations contained therein be ADOPTED by Council.

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

Against: Nil.

12.6. Events Steering Committee Meeting - 12 September, 2023

129 RESOLVED on the motion of Cr J. Drayton and Cr J. Lecky that:
The minutes for the Events Steering Committee meeting held on 12 September, 2023 be NOTED.

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

Against: Nil.

**12.7. Grants Review Committee - 14 September, 2023**

- 130 RESOLVED on the motion of Cr L. Dunn and Cr D. Marshall that:
- The minutes for the Grants Review Committee meeting held on 14 September, 2023 be NOTED, subject to the following amendment:
- The recommendation for the Minutes of Previous Meeting to read " The Minutes of the Grants Review Committee Meeting held on 12 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 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.

13. Notices of Motion**13.1. Transition from Hydrocarbon-based Industries**

- 131 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:
- Council writes to relevant State and Federal Ministers requesting meetings to discuss and formulate an economic roadmap for our LGA post coal mining and thermal power generation.
- In Favour: Cr S. Reynolds, Cr J. Lecky, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.
- Against: Nil.

13.2. Rescission Motion - Amendments to State Planning Policy

- 132 RESOLVED on the motion of Cr J. Drayton and Cr S. Reynolds that:
1. Resolution 78 of 22 August 2023 Ordinary Council Meeting be rescinded.
 2. In consultation with Councillors and key stakeholders, the General Manager is instructed to prepare an advocacy strategy requesting the NSW Government to undertake a review of the State Environmental Planning Policy (Resources and Energy) 2021 (Resources SEPP), with the aim of introducing terms in the Resources SEPP that promote local employment and incentives for employees to live locally.
- In Favour: Cr S. Reynolds, Cr J. Lecky, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.
- Against: Nil.



14. Councillors Reports

14.1 Denman Public School - Dancing through the Ages

Cr Lecky advised she attended the Denman Public School's Dancing through the ages and thoroughly enjoyed the performance by the School. Cr Lecky also applauded the way the hall was utilised for this type of performance.

14.2 Library Author Visit

Cr Lecky advised Council that she attended the Author Talk by Bill Spicer at Muswellbrok library and she thoroughly enjoyed the talk

14.3 Denman Public School - Dancing through the Ages

Cr Marshall also advised Council that he attended the Denman Public School performance and he also enjoyed the afternoon.

15. Written Questions

15.1. Monitoring and Maintenance of Council's Trees and Shrubs Assets - Newly Planted and Semi-Established

133 RESOLVED on the motion of Cr G. McNeill and Cr R. Scholes that:
The information contained in the report be noted.

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

Against: Nil.

16. Questions for Next Meeting

16.1 Emergency Services Discount

Cr Bowditch inquired if Council could investigate a policy for Emergency Services to receive a discount on Land Rates?

The General Manager requested that emergency services personnel write to Council in regards to this matter.



17. Adjournment into Closed Council

134 RESOLVED on the motion of Cr D. Douglas and Cr G. McNeill 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 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.

Ms Pope, Mr Chambers and members of the public left the meeting at this stage.

18. Closed Council

18.1. 2023-2024-0572 – Restaurant Fit-out Donald Horne Building Request for Quote

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

Council authorises the General Manager to negotiate the award of a contract for project 2023-2024-0572 – Restaurant Fit-out Donald Horne Building.

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

Against: Nil.



18.2. Project 2023-2024-0578A Processing of FOGO - Tender Evaluation Plan

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

Council:

1. ENDORSES the Evaluation Plan for project 2023-2024-0578A to proceed to selective tender for Food Organics Garden Organics (FOGO) processing to commence on 01 July 2024; and
2. NOTES that the tender process for establishment of a FOGO processing facility on Council premises will be undertaken with support from an external consultant, and the associated evaluation plan will be reported to Council prior to release to market.

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

Against: Nil.

18.3. Regional Procurement Tender T162324HUN - Linemarking

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

Council resolves:

1. Complete Linemarking Services Pty Ltd;
2. Dolphin Line Marking Pty Ltd t/a Dolphin Line Marking;
3. J&M Road marking Specialists Pty Ltd;
4. Oz Linemarking NSW Pty Ltd;
5. Jenelad Pty Ltd t/a Whiteline Road Services; and
6. Workforce Road Services Pty Ltd

be awarded the contract for Linemarking services as panel source suppliers to Muswellbrook Shire Council for the period 1 October 2023 to 30 September 2025, and a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2026

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

Against: Nil.



18.4. Regional Procurement Contract T152324HUN - Traffic Control

138 RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:
Council REJECTS all submission for Regional Procurement Tender T152324HUN in favour of engaging contractors under the Local Government Procurement Standing Offer Deed for Traffic Management Services.

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

Against: Nil.

19. Resumption of Open Council

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

The meeting return to Open Council.

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

Against: Nil.

Members of the public returned to the meeting.

The Mayor read out the resolutions from Closed Council.

20. Closure

The meeting was declared closed at 7.27pm.

THE MINUTES OF THE MEETING (PAGES 1 to 25) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 24 OCTOBER 2023 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 26 SEPTEMBER 2023.

.....
Mr D. Finnigan
General Manager

.....
Cr S. Reynolds
Chairperson