

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 28 NOVEMBER, 2023 COMMENCING AT 6.00PM.

PRESENT: Cr S.M. Reynolds (Mayor), Cr A. Barry, Cr M. Bowditch, Cr J. Drayton, Cr L. Dunn, Cr J.A. Lecky, Cr G.T. McNeill, Cr R. Mahajan, Cr D.E. Marshall(VC), 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), Ms E. Lane (Manager – Governance & Risk), 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), Three (3) people and One (1) media in the public gallery.

1. Applications for Attendance via Audio Visual Link

173 RESOLVED on the motion of Cr J. Drayton and Cr M. Bowditch that:

Authority be given for Cr D. Marshall to attend the Council Meeting via video link.

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

Against: Nil.

2. Acknowledgement of Country

The Acknowledgement of Country was read by Cr M. Bowditch.

3. Civic Prayer

The Civic Prayer was read by Cr J. Lecky.



4. Apologies and Applications for a Leave of Absence

174 RESOLVED on the motion of Cr R. Mahajan and Cr M. Bowditch that:

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

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

Against: Nil.

5. Confirmation of Minutes

Ordinary Council Meeting held on 24 October, 2023

Extra-Ordinary Council Meeting held on 16 November, 2023

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

The Minutes of the **Ordinary Council Meeting** held on **24 October, 2023**, and the **Extra-Ordinary Council Meeting** held on **16 November, 2023**, copies 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 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 G. McNeill - Declared a non-pecuniary interest in Item 10.1.2. Cr McNeill advised Council that he is the part owner of a heritage item in Muswellbrook.

Cr B. Woodruff – Declared a pecuniary interest in Item 10.2.1. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr M. Bowditch – Declared a non-pecuniary interest in Item 10.2.1. Cr Bowditch advised Council that his daughter works for the Contractor.

Cr D. Marshall – Declared a non-pecuniary interest in Item 10.2.1. Cr Bowditch advised Council that his daughter works for the Contractor.

7. Mayoral Minute

Nil.



8. Public Participation

Mr Robert Hall - concerning Item 10.1.1. DA 2022-132 - 67 Lot Subdivision and Childcare Centre - 9036 New England Highway Muswellbrook

9. Business Arising (From Previous Meetings)

9.1. Development Application Assessment Times

176 RESOLVED on the motion of Cr L. Dunn and Cr A. Barry that:
Council notes the information provided.

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

Against: Nil.

9.2. Trigger Points for Management of Tree Assets

177 RESOLVED on the motion of Cr G. McNeill and Cr M. Bowditch that:
The information be received and NOTED.

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

Against: Nil.



10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. DA 2022-132 - 67 Lot Subdivision and Childcare Centre - 9036 New England Highway Muswellbrook

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

1. Development Application No. 2022-132 for Subdivision of 1 lot into 67 lots and the construction of a Childcare Centre, at 9036 New England Highway (Lot 1 DP 1203294) Muswellbrook, be approved subject to the conditions in Appendix B.
2. Council delegates to the General Manager the preparation of additional conditions to cover:
 - Original fencing on property boundary
 - Footpath from the property to Broadlands
 - Gate on Crown Land Road
 - Restoration of riparian buffer zone along Muscle Creek
 - Council officers consider infrastructure requirements on adjoining future developments.

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

Against: Nil.

10.1.2. Local Heritage Grants

Disclosure of Interest

Cr G. McNeill declared a non-pecuniary interest in this item. Cr McNeill advised Council that he is the part owner of a heritage item in Muswellbrook.

At 6.17pm Cr G. McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council APPROVES contributions from the Local Heritage Assistance Fund for the following projects:

1. \$2,000 for repair to bricks and mortar in cellar at 33 Brentwood Street, Muswellbrook;
2. \$2,000 for repair and maintenance of barge board, sash windows, 6 shutters and doors at 5 Midanga Avenue, Muswellbrook; and
3. \$2,000 for roof maintenance and repair at 3179 Bylong Valley Way, Kerrabee.



In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, 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 6.18pm Cr G. McNeill returned to Council Chambers and resumed his chair at the meeting table.

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

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

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr 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. Mangoola Coal Continued Operations - Yarraman Road Upgrade Project

Disclosure of Interest

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

Cr M. Bowditch declared a non-pecuniary interest in this item. Cr Bowditch advised Council that his daughter works for the Contractor.

Cr D. Marshall declared a non-pecuniary interest this item. Cr Bowditch advised Council that his daughter works for the Contractor.

At 6.18pm Cr B. Woodruff, Cr M. Bowditch and Cr D. Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

181 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:
Council NOTES the information provided in the report.

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

Against: Nil.

At 6.20pm Cr B. Woodruff, Cr M. Bowditch and Cr D. Marshall returned to Council Chambers and resumed their chair at the meeting table.



10.2.2. Section 138 Roads Act 1993 Approval Replacement of Effluent Pump Thomas Mitchell Drive

182 RESOLVED on the motion of Cr M. Bowditch and Cr J. Lecky that:
Council delegates to the General Manager authority to sign the s.138 *Roads Act 1993* permit to allow the replacement of the effluent pump identified in the report.

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

Against: Nil.

10.2.3. 2023-24 Large Plant Replacement Programme

183 RESOLVED on the motion of Cr G. McNeill and Cr B. Woodruff that:
Council APPROVES the 2023-24 Large Plant Replacement Programme.

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

Against: Nil.

10.2.4. Water and Wastewater Levels of Service for FY 2023-24 Q1

184 RESOLVED on the motion of Cr B. Woodruff and Cr J. Lecky that:
Council NOTES the information contained in the report.

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

Against: Nil.



10.3. Property and Place

10.3.1. Denman Christmas Markets - Fee Waiver Request

185 RESOLVED on the motion of Cr A. Barry and Cr B. Woodruff that:
Council APPROVES the fee waiver request in support of this community event.

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

Against: Nil.

10.3.2. Upper Hunter Community Services - Fee Waiver Request

186 RESOLVED on the motion of Cr B. Woodruff and Cr J. Lecky that:
Council:
1. Waives the fee for booking the Highbrook Park sportsground for the Cinema Under the Stars Event; and
2. Does not waive the Section 68 fee.

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

Against: Nil.

10.3.3. Waagan Galga Community Christmas Event - Fee Waiver Request

187 RESOLVED on the motion of Cr G. McNeill and Cr J. Drayton that:
Council waives the hire fees requested by Waagan Galga for the hire of the Stan Thiess Centre and Victoria Park Sportsground for the Aboriginal Community Christmas Event to be held Saturday, 16 December 2023.

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

Against: Nil.



10.3.4. Christmas Food and Toy Appeal - Fee Waiver Request

{resolution-number} RESOLVED on the motion of Cr J. Lecky and Cr R. Mahajan that:
Council:

1. Waives the fee for the booking of the Muswellbrook Indoor Sports Centre for the annual Christmas Food and Toy Appeal; and
2. The estimated costs associated for the booking be funded from the Muswellbrook Indoor Sports Centre Materials and Contracts operating expenses budget 0460.0895.500.

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

Against: Nil.

10.3.5. Major Projects Status Report

189 RESOLVED on the motion of Cr R. Mahajan and Cr G. McNeill that:
Council NOTES the information contained in the report.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr 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. 2023 Christmas Closure

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

Council:

1. SUPPORTS the closure of Council Administration, Depots, and Water & Wastewater facilities as follows:
 - * Friday 8 December 2023 – Staff End of Year Function;
 - * 12 Noon Friday 22 December 2023 to 7.00am Tuesday 2 January 2024 – Christmas/New Year closure period;
 - * Waste Operations as detailed in the report; and
 - * Muswellbrook and Denman Aquatic Centres as detailed in the report.
2. APPROVES the allocation of a \$50 We Live Here Gift Card to each staff member as a reward for service during the 2023 calendar year.
3. APPROVES the payment of \$1,000 to six staff members who have twenty year or thirty-year service anniversaries as identified in the report.
4. NOTES that the Local Government Unions have requested the following date for their combined Picnic Day, and endorses the closure of Council Administration, Depots, and Water and Wastewater facilities on 27 December 2023, which will fall during the Christmas/New Year Shut Down Period.

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

Against: Nil.

10.4.2. Public Interest Disclosure Policy MSC16E for ADOPTION

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

Council ADOPTS the attached *Public Interest Disclosure Policy*.

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

Against: Nil.



10.4.3. DRAFT Awarding of Sponsorship, Grants and Contributions and DRAFT Council Seeking Sponsorship Policy for Public Exhibition

192 RESOLVED on the motion of Cr A. Barry and Cr J. Lecky that:

1. Council approves the attached *DRAFT Awarding of Sponsorship and Grants and Contributions Policy* (MSC05E) and the *DRAFT Council Seeking Sponsorship Policy* (MSC049E) 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 M. Bowditch, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.4.4. DRAFT Section 355 Committee Guidelines MSC22E for Public Exhibition

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

1. Council approves the attached *DRAFT Section 355 Committee Guidelines* 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 M. Bowditch, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



10.4.5. 2022/2023 Annual Report

194 RESOLVED on the motion of Cr A. Barry and Cr J. Lecky that:

Council:

1. ENDORSES the 2022/ 2023 Annual Report excluding the audited Financial Statements;
2. Delegates to the General Manager authority to publish the 2022/ 2023 Annual Report on Council's website and to forward a link to the Report to the NSW Office of Local Government, Minister for Local Government, and the Minister for Disability Services.

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

Against: Nil.

10.4.6. General Manager's performance priorities

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

Council NOTES the information contained in the report.

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

Against: Nil.

10.4.7. September 2023 Quarterly Budget Review

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

Council ADOPTS the proposed changes in the September 2023 Quarterly Budget Review.

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

Against: Nil.



10.4.8. Report on Investments held as at 31 October 2023

197 RESOLVED on the motion of Cr R. Scholes and Cr R. Mahajan that:
Council NOTES Council's Investments as at 31 October 2023.

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

Against: Nil.

10.4.9. Monthly Financial Report - October 2023

198 RESOLVED on the motion of Cr A. Barry and Cr J. Lecky that:
Council NOTES the Financial Reports for the month ending 31 October 2023.

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

Against: Nil.

10.5. Community and Economy

10.5.1. Denman Chamber of Commerce - Denman Christmas Markets

199 RESOLVED on the motion of Cr D. Marshall and Cr B. Woodruff that:
Council approves the total contribution of \$4,000 towards the Denman Chamber of Commerce Christmas Markets and events.

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

Against: Nil.

10.5.2. Community Services

200 RESOLVED on the motion of Cr B. Woodruff and Cr J. Lecky that:
The information contained in this report be noted.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr 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. Report on Council Grant Funding and Community Engagement

201 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry that:

Council:

1. NOTES the information contained in the report;
2. APPROVES Council applying for funding under the Community Improvement District Pilot Program for funding for physical and non-physical interventions to activate the public space of the Hunter Innovation Precinct as a component of the Muswellbrook Town Centre Plan;
3. APPROVES Council submitting an Expression of Interest to participate in the Australian Government's next round of National Water Grid for funding for the Denman to Sandy Hollow pipeline, with alternate projects being the installation of a water softening plant at Denman, the replacement of the South Muswellbrook water main and the replacement of the high voltage transformers at the Muswellbrook water treatment plant.
4. APPROVES Council applying for funding under the Get NSW Active program as per the suggested projects nominated in the table contained in this report;
5. APPROVES Council applying for funding under the Disaster Ready Fund Round 2 program for the undertaking of an audit of Council's drainage infrastructure/works and the construction of a detention/retention basin at Karoola Park;
6. APPROVES Council applying for funding under the Clubgrants Category 3 Infrastructure Grants (Arts and Culture) for upgrading of the Muswellbrook Regional Arts Centre, including design, interior/exterior painting, and other renewal works; and
7. APPROVES Council applying for funding under the Commonwealth Regional Precincts and Partnerships Program as per the suggested projects nominated in the table contained in this report.

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

Against: Nil.



11. Minutes of Committee Meetings

11.1. Finance Review Advisory Committee - 19 September, 2023 and 17 October, 2023

202 RESOLVED on the motion of Cr R. Mahajan and Cr J. Lecky that:
The minutes for the Finance Review Advisory Committee meetings held on 19 September, 2023 and 17 October, 2023 be NOTED.

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

Against: Nil.

11.2. Regional Entertainment Centre Development Advisory Committee - 18 October, 2023

203 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:
The minutes for the Regional Entertainment Centre Development Advisory Committee meeting held on 18 October 2023 be ADOPTED.

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

Against: Nil.

11.3. Grants Review Committee - 12 October, 2023 and 9 November, 2023

204 RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:
The minutes for the Grants Review Committee meetings held on 12 October, 2023 and 9 November, 2023 be NOTED subject to the following amendment to 9 November, 2023 Minutes:

Cr D. Marshall be listed as being in attendance via VC for the meeting.

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

Against: Nil.



11.4. Local Traffic Committee Minutes - 14 November, 2023

205 RESOLVED on the motion of Cr M. Bowditch and Cr A. Barry that:
The minutes for the Local Traffic Committee meeting held on 14 November 2023 be NOTED and the recommendations contained therein be adopted by Council.

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

Against: Nil.

12. Notices of Motion

12.1. Electric Vehicle Strategy and Feasibility Plan

206 RESOLVED on the motion of Cr A. Barry and Cr R. Scholes that:
Council seeks funding opportunities to initiate the development of an Electric Vehicle (EV) Strategy, encompassing a feasibility plan, identifying optimal charging station locations, and a comprehensive community communication package to promote sustainable transportation in our Shire.

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

Against: Nil.

12.2. Enhancing Public Asset Protection through CCTV Surveillance

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

1. Muswellbrook Shire Council source appropriate funds via grants for the installation, maintenance, and monitoring of CCTV cameras in strategically selected public areas.
2. Muswellbrook Shire Council will engage with the community through public consultations and awareness campaigns to address any concerns and gather input regarding the implementation of CCTV surveillance in public places.

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

Against: Nil.



12.3. Commencement of Town Beautification Plan upon Completion of Town Bypass

MOVED on the motion of Cr S. Reynolds and Cr G. McNeill that:

1. Muswellbrook Shire Council initiates a Town Beautification Plan in anticipation of the Town Bypass, by constructing a committee immediately.
2. The Town Beautification Plan shall include the following key components:
 - a) Landscaping and green spaces enhancements along the bypass and within the town.
 - b) Installation of aesthetically pleasing signage welcoming visitors to our community.
 - c) Maintenance and restoration of historic landmarks and heritage sites.
 - d) Street art and public art installations to promote cultural expression.
 - e) Development of pedestrian-friendly pathways and recreational areas.
3. All Muswellbrook Shire Councillors become the dedicated committee responsible for overseeing the planning, implementation, and funding of the Town Beautification Plan and Delivery.
4. Funding for the beautification plan shall be allocated from the town's budget, grants and VPA Funding.
5. Muswellbrook Council shall actively seek input from the residents, local businesses, and community organizations to ensure that the beautification plan aligns with the desires and needs of our community.
6. Regular updates on the progress of the Town Beautification Plan shall be provided to the public, and transparency in decision-making and budget allocation will be a priority.
7. Muswellbrook Council shall work in collaboration with relevant government agencies, experts, and consultants to ensure that the beautification plan is well-informed and sustainable.
8. A timeline for the execution of the Town Beautification Plan shall be developed, with the aim of completing the plan within a reasonable timeframe.

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

Against: Cr J. Drayton and Cr R. Scholes.



RECOMMITTING OF ITEM

The model code of Meeting Practice clause 17.15 was consulted:

“Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

*(a) to correct any error, ambiguity or imprecision in the council’s resolution, or
(b) to confirm the voting on the resolution.”*

Due to the ambiguity of the amended motion this was recommitted and proceeded as follows:

12.3. Commencement of Town Beautification Plan upon Completion of Town Bypass

208

RESOLVED on the motion of Cr S. Reynolds and Cr G. McNeill that:

1. Muswellbrook Shire Council initiates a Town Beautification Plan in anticipation of the Town Bypass, by constructing a committee immediately.
2. The Town Beautification Plan shall include the following key components:
 - a) Landscaping and green spaces enhancements along the bypass and within the town.
 - b) Installation of aesthetically pleasing signage welcoming visitors to our community.
 - c) Maintenance and restoration of historic landmarks and heritage sites.
 - d) Street art and public art installations to promote cultural expression.
 - e) Development of pedestrian-friendly pathways and recreational areas.
3. All Muswellbrook Shire Councillors become the dedicated committee responsible for overseeing the planning, implementation, and funding of the Town Beautification Plan and Delivery.
4. Funding for the beautification plan shall be allocated from the town's budget, grants and VPA Funding.
5. Muswellbrook Council shall actively seek input from the residents, local businesses, and community organizations to ensure that the beautification plan aligns with the desires and needs of our community.
6. Regular updates on the progress of the Town Beautification Plan shall be provided to the public, and transparency in decision-making and budget allocation will be a priority.
7. Muswellbrook Council shall work in collaboration with relevant government agencies, experts, and consultants to ensure that the beautification plan is well-informed and sustainable.
8. A timeline for the execution of the Town Beautification Plan shall be developed, with the aim of completing the plan within a reasonable timeframe.



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

Against: Nil.

13. Councillors Reports

13.1 Muswellbrook High School Business Breakfast

Cr McNeill advised that he attended the Muswellbrook High School Business Breakfast which showcased the Halfway Program, critical thinking etc.

13.2 Olympic Park Advisory Committee

Cr McNeill advised that he attended the Olympic Park Development Advisory Committee meeting held recently where the progress of the Plan of Management was discussed.

13.3 Denman and District Heritage Village Opening

Cr Woodruff advised he attended the Official Opening of the Denman and District Heritage Village Museum. Cr Woodruff thanked everyone involved in bringing this project to fruition.

13.4 District Rotary Conference Public Speaking Event

Cr Scholes advised he attended the District Rotary Conference in Dubbo where the Public Speaking Event was held. Cr Scholes commended Charlise Anderson on her efforts.

14. Written Questions

14.1. Financial Implications of Enhancing Bin Capacity from 120L to 240L

209 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:
The information contained in the report be noted.

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

Against: Nil.



15. Questions for Next Meeting

15.1 2 LAE STREET, MUSWELLBROOK

Cr Drayton inquired whether Council could investigate and report on how and the costs involved in cleaning up the property destroyed by fire several years ago at 2 Lae Street, Muswellbrook?

15.2 TOUR OF WATER TREATMENT FACILITY

Cr Woodruff inquired whether a tour of the Muswellbrook Water Treatment Plant could be organised, in an effort to recognise future needs/requirements for this facility?

Cr Scholes indicated that the facility may be a listed building.

15.3 RUBBISH ON FOOTPATHS

Cr Scholes raised concerns about the rubbish left on footpaths and what was the policy and costs involved annually?

15.4 HUNTER RIVER FORUM

Cr Bowditch inquired whether the Chief Engineer could attend the Hunter River Forum held in Singleton on Thursday and report back to Council?

Mr Finnigan advised Council that the Chief Engineer was not able to attend as the IPWEA were holding their Conference in Muswellbrook on Thursday and that efforts would be made to ensure another staff member attend the Forum.

16. Adjournment into Closed Council

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

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the provisions outlined in Section 17 below.

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

Against: Nil.

Members of the Public left the meeting at this stage.



17. Closed Council

17.1. Contract 2022-2023-0575 - Facility Renovations - Victoria Park

This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

211 RESOLVED on the motion of Cr G. McNeill and Cr A. Barry that:

Council:

1. ACCEPTS the tender from Dalski Pty Ltd for a contract sum of \$140,739.30 excl. GST; and
2. Authorises the General Manager to enter into a Contract for the provision of services under the Contract.

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

Against: Nil.

17.2. Regional Entertainment Centre - QS Review of FJCT Studio's Variation Proposal for Design Development

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

212 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:

Council APPROVES FJCT Studio's fee variation, including provisional sums for consultant design reports, on the condition that the architect collaborates with Council to ensure that the project meets the value management and functionality requirements.

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

Against: Nil.



17.3. Offer to Join Hunter Resource Recovery

This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

213 RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:
Council DECLINES the offer to join the Hunter Resource Recovery group.

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

Against: Nil.

17.4. Review of Workplace Structure

This report is CONFIDENTIAL under the provisions of Section 10A(2)(a) of the Local Government Act 1993, as it relates to personnel matters concerning particular individuals (other than councillors).

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

214 RESOLVED on the motion of Cr B. Woodruff and Cr M. Bowditch that:
Council APPROVES the organisational structure as provided in the report.

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

Against: Nil.



17.5. 54 Kunapalari Street Throsby - Wonderschool - Tenant Review

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

215 RESOLVED on the motion of Cr A. Barry and Cr M. Bowditch that:

Council APPROVES proceeding as recommended in the report.

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

Against: Nil.

18. Resumption of Open Council

216 RESOLVED on the motion of Cr G. McNeill and Cr A. Barry that:

The meeting return to Open Council.

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

Against: Nil.

Members of the public were invited to return to the meeting.

The Mayor read out the resolutions from Closed Council.

19. Closure

The meeting was declared closed at 8.01pm.

THE MINUTES OF THE MEETING (PAGES 1 to 22) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 19 DECEMBER, 2023 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 28 NOVEMBER, 2023.

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..
Mr D. Finnigan
General Manager

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Cr S. Reynolds
Chairperson