

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET MUSWELLBROOK ON TUESDAY 19 DECEMBER, 2023 COMMENCING AT 6.00PM.**

**PRESENT:** Cr S.M. Reynolds (Mayor), Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, 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) and Four (4) people in the public gallery.

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

217 RESOLVED on the motion of Cr D. Douglas and Cr A. Barry 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 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 M. Bowditch.

## **3. Civic Prayer**

The Civic Prayer was read by Cr J. Lecky.

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

Nil.



## 5. Confirmation of Minutes

### Ordinary Council Meeting held on 28 November, 2023

218 RESOLVED on the motion of Cr G. McNeill and Cr M. Bowditch that:  
The Minutes of the Ordinary Council Meeting held on 28 November, 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.

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

**Cr G. McNeill** - Declared a pecuniary interest in Item 10.1.1 - Cr McNeill advised Council that his employer is a competitor in the Energy Industry.

**Cr D. Douglas** - Declared a pecuniary interest in Item 10.3.2 - Cr Douglas advised Council that she is the CEO of Wanaruah Local Aboriginal Land Council and they are unclear if there is a claim on this land title.

**Cr A. Barry** - Declared a pecuniary interest in Item 10.1.1 - Cr Barry advised Council that her employer is a competitor in the Energy Industry.

**Cr S. Reynolds** - Declared an insignificant non-pecuniary interest in Item 10.3.6 - Cr Reynolds advised he undertakes filming of sports in this precinct.

**Cr S. Reynolds** - Declared an insignificant non-pecuniary interest in Item 10.3.3 - Cr Reynolds advised Council his residence backs unto Karoola Park.

## 7. Mayoral Minute

Nil.



## 8. Public Participation

### Disclosure of Interest

Cr A. Barry declared a pecuniary interest in Item 10.1.1. Cr Barry advised Council that her employer is a competitor in the Energy Industry.

Cr G. McNeill declared a pecuniary interest in Item 10.1.1. Cr McNeill advised Council that his employer is a competitor in the Energy Industry.

At 6:05 pm Cr A. Barry and Cr G. McNeill left the Council Chambers and therefore took no part in discussion of this item.

**Mr . Jan Kamstra** - in opposition of Item 10.1.1 Bowmans Creek Wind Farm - Submission to the Independent Planning Commission.

An additional 2 minute extension was requested and granted.

At 6:10 pm Cr A. Barry and Cr G. McNeill returned to Council Chambers and resumed their chairs at the meeting table.

**Mr. Gus Mather** - in support of Item 10.3.6 Olympic Park Precinct - Plan of Management Adoption.

## 9. Business Arising (From Previous Meetings)

Nil.



## 10. Business (Specific Reports)

### 10.1. Planning and Environment

#### 10.1.1. **Bowmans Creek Wind Farm - Submission to the Independent Planning Commission**

##### **Disclosure of Interest**

Cr G. McNeill declared a pecuniary interest in this Item. Cr McNeill advised Council that his employer is a competitor in the Energy Industry.

Cr A. Barry declared a pecuniary interest in this Item. Cr Barry advised Council that her employer is a competitor in the Energy Industry.

At 6:19pm Cr A. Barry and Cr G. McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

RESOLVED on the motion of Cr S. Reynolds and Cr M. Bowditch that:

219 Council supports the submission to the IPCn for the Bowmans Creek wind farm provided in Attachment A subject to the inclusion of the following as paragraph 2:

Council does not consider that the concerns we have raised regarding the Project have been adequately addressed by the DPE or the Applicant. If the IPCn are of a mind to determine this application with no further changes to the Project or draft conditions, Council requests that the application be refused.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr M. Bowditch, Cr D. Douglas, 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 A. Barry and Cr G. McNeill returned to Council Chambers and resumed their chairs at the meeting table.

#### 10.1.2. **Change of Major Landcare Budget**

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

Council APPROVES the reallocation of funds from the Major Landcare Projects budget to:

1. \$15,000 to natural area maintenance.
2. \$15,200 to the Landcare on Rural Land Project.

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.



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

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

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr 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. FOGO Education & Communication status report**

222 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:  
Council NOTES the progress of Food Organics Garden Organics (FOGO) Communications and Education activities.

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.

### **10.2.2. Tree Removal Requests**

223 RESOLVED on the motion of Cr R. Scholes and Cr J. Drayton that:  
Council APPROVES the recommendations contained in the report.

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.



### 10.3. Property and Place

#### 10.3.1. DRAFT Recreation Needs and Management Study 2023 for Public Exhibition

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

Council APPROVES:

1. The Draft Recreation Needs and Management Study 2022-2023 be placed on public exhibition until 16 February 2024; and
2. A further report be submitted to Council following the period of public exhibition.

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.

#### 10.3.2. Acquisition of Crown Land - Skellatar Stock Route

##### 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 who may have a claim on this land title.

At 6:26 pm Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

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

225 Council APPROVES:

1. Proceeding with compulsory acquisition of the land described as Part Lot K/DP25666 for the purpose of building a Youth Centre in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;
2. Making an application to the Minister for Local Government and/or Governor of NSW for permission to compulsorily acquire Part Lot K/DP25666 under section 186(1) of the Local Government Act 1993; and
3. The land be classified as community land under section 31 of the Local Government Act
4. To apply to acquire the remaining section of travelling stock route being the same lot and DP separately.

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.



At 6:32 pm Cr D. Douglas returned to Council Chambers and resumed her chair at the meeting table.

### **10.3.3. Karoola Park - Optus Tower Proposed Location**

#### **Disclosure of Interest**

Cr S. Reynolds declared an insignificant non-pecuniary interest in this Item. Cr Reynolds advised Council that his residence backs onto Karoola Park.

**226** RESOLVED on the motion of Cr B. Woodruff and Cr R. Scholes that:  
Council provides owner's consent for the proposal from Indara Corporation Pty Ltd to build a telecommunications facility in Karoola Park, Muswellbrook in the proposed location as specified in the report.

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.

### **10.3.4. Major Projects Status Report**

**227** RESOLVED on the motion of Cr J. Lecky and Cr L. Dunn that:  
Council NOTES the information contained in the report.

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.

### **10.3.5. General Building Renewal Programme 2023-2024**

**228** RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:  
Council APPROVES the 2023-24 General Building Renewal Programme as provided in the report.

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.



### **10.3.6. Olympic Park Precinct - Plan of Management ADOPTION**

#### **Disclosure of Interest**

Cr S. Reynolds declared an insignificant non-pecuniary interest in this Item.  
Cr Reynolds advised he undertakes filming of sports in this precinct.

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

1. ADOPTS the draft Plan of Management – Olympic Park Precinct under clause 70B of the Crown Land Management Regulation 2018; and
2. Provides a copy of the Plan of Management – Olympic Park Precinct to the Department of Planning and Environment – Crown Lands and Public Spaces.

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

Against: Cr J. Drayton.

### **10.3.7. Rural Fire Services - Kayuga Fire Station Plans**

230 RESOLVED on the motion of Cr M. Bowditch and Cr D. Douglas that:  
Council APPROVES the plans provided by the design and construction contractor, Shay Brennan Pty Ltd, for the Rural Fire Service Kayuga Fire Station.

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.





## 10.4. Corporate Services

### 10.4.1. Resources SEPP - Advocacy Strategy

231 RESOLVED on the motion of Cr J. Drayton and Cr G. McNeill that:  
Council ENDORSES the Resources SEPP advocacy strategy as detailed in the report.

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.

### 10.4.2. DRAFT Management of Trees on Roads and Public Land Policy for Public Exhibition

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

1. ENDORSES the attached *DRAFT Management of Trees on Roads and Public Land Policy* to be placed on public exhibition via Council's website for a period of 28 days, plus an additional week of exhibition to allow for public holidays; 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 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. DRAFT Fraud and Corruption Control Policy MSC18E for Public Exhibition**

233 RESOLVED on the motion of Cr J. Lecky and Cr L. Dunn that:

1. Council ENDORSES the attached *DRAFT Fraud and Corruption Control Policy* to be placed on public exhibition via Council's website for a period of 28 days, plus 2 additional weeks of exhibition to allow for public holidays; 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 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. 2023/2024 Operational Plan - 30 September, Quarterly Review**

234 RESOLVED on the motion of Cr R. Mahajan and Cr B. Woodruff that:

Council notes the 2023/2024 Operational Plan First Quarter Review dated 30 September 2023.

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.

**10.4.5. Report on Investments held as at 30 November 2023**

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

Council NOTES Council's Investments as at 30 November 2023.

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.



#### **10.4.6. Monthly Financial Report - November 2023**

236 RESOLVED on the motion of Cr R. Mahajan and Cr J. Lecky that:  
Council NOTES the Financial Reports for the month ending 30 November 2023.

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.

#### **10.4.7. Stores and Materials Stocktake - 21 November, 2023**

237 RESOLVED on the motion of Cr B. Woodruff and Cr L. Dunn that:  
Council notes the report on the stocktake carried out on 21 November 2023 and that the amount of \$467,657.86 be deducted from the inventory register. \$440,165 of that amount will be expensed to operational ledgers for 2022/23 and 2023/24.

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.

#### **10.4.8. Authorisation Under Section 226 of the Local Government Act**

238 RESOLVED on the motion of Cr A. Barry 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 M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



## **10.5. Community and Economy**

### **10.5.1. Disability Inclusion Action Plan 2022 - 2026 for ADOPTION**

239 RESOLVED on the motion of Cr A. Barry and Cr D. Douglas that:  
Council ADOPTS the Disability Inclusion Action Plan 2022-2026.

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.

### **10.5.2. Community Services**

240 RESOLVED on the motion of Cr G. McNeill 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 M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

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

241 RESOLVED on the motion of Cr D. Douglas 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 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. Finance Review Committee - 21 November, 2023

242 RESOLVED on the motion of Cr R. Scholes and Cr R. Mahajan that:  
The minutes for the Finance Review Advisory Committee held on 21 November 2023 be NOTED.

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.

### 11.2. Events Steering Committee - 22 November, 2023

243 RESOLVED on the motion of Cr M. Bowditch and Cr A. Barry that:  
The record of the Events Steering Committee meeting held on 22 November, 2023 be NOTED.

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.

### 11.3. State Significant Development Committee - 4 December, 2023

244 RESOLVED on the motion of Cr J. Lecky and Cr B. Woodruff that:  
The minutes for the State Significant Development Committee meeting held on 4 December, 2023 be NOTED.

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.



#### **11.4. Future Fund Committee - 7 December, 2023**

245 RESOLVED on the motion of Cr B. Woodruff and Cr R. Mahajan that:  
The minutes for the Future Fund Committee meeting held on 7 December 2023 be ADOPTED.

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.

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

Nil.

### **13. Councillors Reports**

#### **13.1 Giants Creek Road**

Cr McNeill advised he would like to pass on the thanks from a Resident at Giants Creek Road to staff for their actions on safety issues that arose on Giants Creek Road.

#### **13.2 Richard Gill School Presentation**

Cr McNeill advised Council that he attended the Richard Gill School Presentation along with Cr Lecky and that attending these events make it a privilege to be a Councillor.

### **14. Written Questions**

Nil.

### **15. Questions for Next Meeting**

Nil.



## 16. Adjournment into Closed Council

246 RESOLVED on the motion of Cr A. Barry and Cr D. Douglas 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 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 left the meeting at this stage.

Ms Pope left the meeting at 6.55pm

## 17. Closed Council

### 17.1. **Contract 2020-2021-0443A Principal Design Consultant for CI Depot (Re-Issue)**

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

Council:

1. ACCEPTS the tender submission from CCG Architects Pty Ltd for a contract sum of \$611,500.00, exclusive of 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 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. 2024 Australia Day Nominations Committee Meeting**

248 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:  
The minutes for the 2024 Australia Day Nominations Committee Meeting held on 11 December 2023 be NOTED and the recommendations contained therein be ADOPTED.

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.

**17.3. Regional Procurement Tender T142324HUN - Tree Maintenance**

249 RESOLVED on the motion of Cr A. Barry and Cr M. Bowditch that:  
Council APPROVES the following companies to be awarded Contract T142324HUN for Tree Maintenance services as panel source suppliers to Muswellbrook Shire Council for the period 1 October 2023 to 30 September 2025, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take the contract through to 30 June 2026:

1. Active Tree Services Pty Ltd t/as Active Tree Services;
2. Asplundh Tree Expert (Australia) Pty Ltd t/as Summit Open Space Services;
3. D&C Tree Services Pty Ltd;
4. Garwood Tree Services Pty Ltd;
5. TLC Business Group Pty Ltd t/as Hunter Tree & Lawn Care; and
6. TreeServe Pty Ltd.

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.





#### **17.4. Request for Bin Service**

250 RESOLVED on the motion of Cr D. Douglas and Cr J. Drayton that:  
Council APPROVES an exception to the Revenue Policy and authorises the provision of a waste service to the property identified in the report, despite there not being an Occupation Certificate for a dwelling for the property.

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.

#### **17.5. Muswellbrook Aquatic Centre Kiosk**

251 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:  
Council RESOLVES to:  
1. Retain the Muswellbrook Aquatic Centre kiosk and party room within the Aquatic Centre business unit; and  
2. Consider the provision of additional funding in future budgets to enable the operation of the kiosk to its full potential.  
3. Review the operations for the Muswellbrook Aquatic Centre Kiosk and Art Gallery Cafe and report options back to Council.

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.

#### **17.6. Marketplace Laneway**

252 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:  
Council APPROVES proceeding as recommended in the report.

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.



## 18. Resumption of Open Council

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

The meeting return to Open Council.

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.

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 7.07pm.

**THE MINUTES OF THE MEETING (PAGES 1 to 18) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 23 JANUARY, 2024 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 19 DECEMBER, 2023.**

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

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