

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE TRAINING ROOM, UNIVERSITY OF NEWCASTLE - UPPER HUNTER CAMPUS, LEVEL1, TEC1 BUILDING, 87 LOWER HILL STREET, MUSWELLBROOK ON TUESDAY 26 MARCH 2024 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 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 P. Chambers (Chief Engineer) (VC), Mr M. Lysaught (Director – Infrastructure and Property), Ms E. Lane (Manager – Governance & Risk), Mr J. Hogan (Chief Financial Officer), Mrs C. Middleton (Communications Co-Ordinator), Mr I Skaines (Grants and Community Engagement Advisor) (VC), Mrs M. Sandell-Hay (Governance Officer), Ms K. Hamm (EA to the Mayor) and 4 people in the public gallery.

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

Nil.

**2. Acknowledgement of Country**

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

**3. Civic Prayer**

The Civic Prayer was read by Cr J. Lecky.

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

Nil.



## 5. Confirmation of Minutes

### Ordinary Council Meeting held in 27 February 2024

### Extra-Ordinary Council Meeting held on 14 March 2024

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

The Minutes of the Ordinary Council Meeting held on **27 February 2024** and Extra-Ordinary Council Meeting held on **14 March 2024**, 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 J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr B. Woodruff

Against: Cr D. Douglas and Cr R. Scholes

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

**Cr G. McNeill** - Declared a pecuniary interest in Item 10.1.2 - Cr McNeill advised Council that his employer is involved in the project.

**Cr A Barry** - Declared a pecuniary interest in item 10.1.2 - Cr Barry advised Council that her employer is involved in the project.

**Cr M Bowditch** - Declared an insignificant non-pecuniary interest in item 11.3 - Cr Bowditch advised Council that he is a member of the Malabar Community Consultative Committee.

**Cr M Bowditch** - Declared an insignificant non-pecuniary interest in item 11.4 - Cr Bowditch advised Council that he is the chairperson of Group 21 Rugby League Board of which Bengalla is a sponsor.

**Cr M Bowditch** - Declared an insignificant non-pecuniary interest in item 17.3 - Cr Bowditch advised Council that his daughter is employed by KCE Pty Ltd.

**Cr D Douglas** - Declared a pecuniary interest in item 10.2.4 - Cr Douglas advised Council that she is the CEO of Wanaruah Local Aboriginal Land Council.

**Cr D Douglas** - Declared an insignificant non-pecuniary interest in item 10.3.2 - Cr Douglas advised Council that it is a joint project between Council and Wanaruah Local Aboriginal Land Council.

**Cr D Marshall** - Declared an insignificant non-pecuniary interest in item 17.3 - Cr Marshall advised Council that his daughter is employed by KCE Pty Ltd.

**Cr R Mahajan** - Declared an pecuniary interest in item 10.1.6 - Cr Mahajan advised Council that he has a DA listed in the report.

**Cr S Reynolds** - Declared an insignificant non-pecuniary interest in item 11.4 - Cr Reynolds advised Council that his son was a recipient of a scholarship from Bengalla.



## 7. Mayoral Minute

Nil

## 8. Public Participation

### Disclosure of Interest

Cr G. McNeill declared a pecuniary interest in Item 10.1.2. Cr McNeill advised Council that his employer is involved in the project.

Cr A Barry declared a pecuniary interest in item 10.1.2. Cr Barry advised Council that her employer is involved in the project.

At 6:07 pm Cr McNeill and Cr Barry left the Council Chambers and therefore took no part in discussion on this item.

**Mr Stuart Galway** - in support 10.1.2 DA 2023-78 Geotechnical Investigations for Upper Reservoir proposed Muswellbrook Pumped Hydro.

At 6:09 pm Cr Barry and Cr McNeill returned to Council Chambers and resumed their chairs at the meeting table.

## 9. Business Arising (From Previous Meetings)

Nil

## 10. Business (Specific Reports)

### 10.1. Planning and Environment

#### 10.1.1. **DA 2007/462 and DA 2008/325 Release of Covenant and Planning Agreement**

- 322** RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:
- Council delegates to the General Manager authority to:
1. Complete the public notification of the intention to revoke the Planning Agreement related to the surrendered development applications DA 2008/325 (bulky goods retail premises) and DA 2007/462 (supermarket, specialty shops and subdivision) at 8 Thompson Street, Muswellbrook, Lot 101 DP 79319.
  2. Finalise the revocation of the Planning Agreement related to the surrendered development applications DA 2008/325 (bulky goods retail premises) and DA 2007/462 (supermarket, specialty shops and subdivision) at 8 Thompson Street, Lot 101 DP 79319.
  3. Release of the Section 88B instrument imposed on the title of Lot 101 DP 79319.

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



### 10.1.2. **DA 2023-78 Geotechnical Investigations for Upper Reservoir proposed Muswellbrook Pumped Hydro**

#### **Disclosure of Interest**

Cr G. McNeill declared a pecuniary interest in this Item. Cr McNeill advised Council that his employer is involved in the project.

Cr A Barry declared a pecuniary interest in this item. Cr Barry advised Council that her employer is involved in the project.

At 6:11 pm Cr McNeill and Cr Barry left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council grants development consent to DA 2022-78 for Geotechnical Investigations and associated works at Lot 93 DP: 752484, Lot 24 DP: 752484, Lot 84 DP: 752484, Lot 85 DP: 752484, Lot 23 DP: 752484, Lot 167 DP: 752444, Lot 5 DP: 1178473, Lot 1 DP: 134665, Lot 1 DP: 398873, Lot 100 DP: 666041, Lot 1 DP: 113760, Part Lot 126 DP: 752444, subject to the recommended conditions of consent included in Attachment B.

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 6:13 pm Cr Barry and Cr McNeill returned to Council Chambers and resumed their chairs at the meeting table.

### 10.1.3. **DA 2023-86 Childcare Centre at 84 Brook Street, Muswellbrook**

**324** RESOLVED on the motion of Cr J. Drayton and Cr A. Barry that:

Council approves DA 2023-86 for the development of a new Childcare Centre at Lot 1 DP 795300 (84 Brook Street Muswellbrook), subject to the recommended conditions of consent included in Attachment B.

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

**10.1.4. DA 2022-124 - Community Facility Shed - 17-19 Maitland Street****Disclosure of Interest**

Cr D. Douglas declared a pecuniary interest in this item. Cr Douglas advised Council that she is the CEO of Wanaruah Local Aboriginal Land Council.

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

**325** RESOLVED on the motion of Cr J. Drayton and Cr L. Dunn that:

Council supports the Section 8.2 Review by amending its determination of DA 2022/124 and granting development consent to this application subject to the recommended conditions of consent included in Attachment B.

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 R. Scholes and Cr B. Woodruff

Against: Cr D. Marshall

At 6:31pm Cr Douglas returned to Council Chambers and resumed her chair at the meeting table.

**10.1.5. Upper Hunter Region Employment Lands Strategy**

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

Council approves the following actions:

1. Write to the Department of Planning, Housing and Infrastructure seeking endorsement from the Department for the Upper Hunter Regional Employment Lands Strategy;
2. Notes the *Upper Hunter Regional Employment Lands Strategy* provided in Attachment A; and
3. Endorses the prioritised actions identified in Attachment B, with delivery of actions to occur over the next 8 years through a combination of funding from:
  - a. Council general operating funds;
  - b. Planning Agreements with various State Significant Development projects approved in the Shire, and
  - c. Grant funding.

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

Against: Cr M. Bowditch, Cr L. Dunn and Cr R. Scholes

**10.1.6.****Monthly Report to Council - Planning, Environment and Regulatory Services****Disclosure of Interest**

Cr R Mahajan declared a pecuniary interest in this item. Cr Mahajan advised Council that he has a DA listed in the report.

At 6:34 pm Cr Mahajan left the Council Chambers and therefore took no part in discussion or voting on this item.

**327**

RESOLVED on the motion of Cr B. Woodruff and Cr M. Bowditch 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 D. Marshall, Cr R. Scholes and Cr B. Woodruff

**Against:**

Nil

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

**10.2. Community Infrastructure****10.2.1. Concept Design Bell St Denman****328**

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

1. Endorses the Concept Drawings attached to the report for the proposed Denman Recreation Reserve internal roads and Bell Street upgrades and Delegates to the General Manager to liaise with the developer of the adjacent 'Parkview' subdivision regarding the proposed construction of Bell Street to satisfy the existing conditions of development consent for future stages of the subdivision development, and further that if changes to the design of Bell Street are required a further report will be submitted to Council.
2. Notes the Review of Environmental Factors attached to the report.
3. Ensure appropriate disposal of the weed, 'Mother of millions', located at the site.

**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. Ogilvie Street Level Crossing Upgrade and Rail Reconditioning Denman**

329 RESOLVED on the motion of Cr D. Marshall and Cr A. Barry 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

**10.2.3. Replacement of Dry Creek Road Causeway, Manobalai**

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

Council endorses in principle:

1. The concept design for the replacement of the causeway at CH7.4 km on Dry Creek Road as attached to the report; and
2. Authorises staff to undertake the required preliminary works necessary for the preparation of contract documents to go to open market inviting tenders for the replacement of the causeway.

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

**10.2.4. Energy Corporation of NSW (EnergyCo) Central West Orana Renewable Energy Zone- Port to REZ Road Upgrade Program**

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

Council:

1. Notes the information contained in the report and requests that staff report the proposals to the Local Traffic Committee for comment prior to providing without prejudice comment on the proposals to Transport for NSW (TfNSW);
2. Provides endorsement for TfNSW to be advised that the preferred approval process, for any proposed works on the road reserve for roads where Council is the roads authority, including design of the proposal, is through application for a S138 permit;
3. Requests TfNSW be advised that Council intends to commence negotiations with TfNSW regarding the reclassification and upgrading of identified local roads to support the transportation of renewable energy project components; and
4. Authorises the General Manager to continue to pursue for the provision of State funding to augment Council's staffing resource required to assess TfNSW and National Heavy Vehicle Regulator proposals and permits.

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

**10.2.5. Water and Wastewater Levels of Service for FY 2023- 2024 Quarter 2**

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

Council notes the information contained in the report.

In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr 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. Denman Return and Earn Facility

- 333 RESOLVED on the motion of Cr B. Woodruff and Cr D. Douglas that:
1. Council endorses staff to continue to work with Tomra to find a suitable location and commit to a Capital contribution towards the work required to prepare the site.
  2. A business case be prepared to investigate an alternative machine that sorts the materials.

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. Tarinpa Artworks

- 334 RESOLVED on the motion of Cr M. Bowditch and Cr D. Marshall that:
- Council:
1. Endorses the proposed scope of artworks for Tarinpa by Wanaruah Local Aboriginal Land Council under the Creative Koori artists programme, and
  2. Allocates the budget identified in the report for the installation of the works.

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

### 10.3.3. Major Project Status Report

- 335 RESOLVED on the motion of Cr A. Barry and Cr M. Bowditch 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



## 10.4. Corporate Services

### 10.4.1. Rescission of the Demolition Policy and the Dilapidated Buildings Policy

- 336 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:
- Council RESCINDS the *Demolition Policy* and the *Dilapidated Buildings Policy*.
- 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. Management of Trees on Roads and Public Land Policy for ADOPTION

- 337 RESOLVED on the motion of Cr G. McNeill and Cr D. Douglas that:
- Council ADOPTS the *Management of Trees on Roads and Public Land Policy*.
- 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. 2023/2024 Operational Plan - 31 December, Quarterly Review

- 338 RESOLVED on the motion of Cr R. Mahajan and Cr D. Marshall that:
- Council notes the 2023/2024 Operational Plan Second Quarter Review dated 31 December 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



#### **10.4.4. Presentation of the 2022/23 Audited Financial Statements**

**339** RESOLVED on the motion of Cr B. Woodruff 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

#### **10.4.5. Monthly Financial Report - February 2024**

**340** RESOLVED on the motion of Cr D. Marshall and Cr R. Mahajan that:  
Council NOTES the Financial Reports for the month ending 29 February 2024.

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. Report on Investments held as at 29 February 2024**

**341** RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:  
Council NOTES Council's Investments as at 29 February 2024.

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. Rock'n the Brook

- 342 RESOLVED on the motion of Cr B. Woodruff and Cr J. Lecky that:
1. Council Endorses planning for the Rock'n the Brook event in 2024-25 as per the attached event proposal.
  2. A further report be submitted to Council on the detailed event proposal and final budget estimates for approval to proceed with the event.

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

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

### 10.5.2. New Year's Eve 2024

- 343 RESOLVED on the motion of Cr J. Drayton and Cr D. Marshall that:
- Council:
1. Approves the proposed New Year's Eve event for 2024 as per the attached event proposal;
  2. Allocates \$80,000 towards the delivery of the event; and
  3. Approves seeking sponsorship for the event in accordance with Council's Seeking Sponsorship Policy.

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 - 20 February, 2024

- 344 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry that:
- The minutes for the Finance Review Committee meeting held on 20 February 2024 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 - 20 February, 2024**

- 345** RESOLVED on the motion of Cr D. Douglas and Cr B. Woodruff that:
- The minutes for the Events Steering Committee meeting held on 20 February 2024 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. Malabar Community Funding Investment Committee - 4 March, 2024**

### **Disclosure of Interest**

Cr M Bowditch declared an insignificant non-pecuniary interest in this item. Cr Bowditch advised Council that he is a member of the Malabar Community Consultative Committee.

- 346** RESOLVED on the motion of Cr J. Lecky and Cr M. Bowditch that:
- The minutes for the Malabar Community Funding Investment Committee meeting held on 4 March 2024 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. Bengalla Community Funding Investment Committee - 5 March, 2024****Disclosure of Interest**

Cr M Bowditch declared an insignificant non-pecuniary interest in this item. Cr Bowditch advised Council that he is the chairperson of Group 21 Rugby League Board of which Bengalla is a sponsor.

Cr S Reynolds declared an insignificant non-pecuniary interest in this item. Cr Reynolds advised Council that his son was a recipient of a scholarship from Bengalla.

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

The minutes for the Bengalla Community Funding Investment Committee meeting held on 5 March 2024 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

**11.5. MACH Energy Mt Pleasant Community Funding Investment Committee - 5 March, 2024**

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

The minutes for the MACH Energy Mt Pleasant Community Funding Investment Committee meeting held on 5 March 2024 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

**11.6. Events Steering Committee - Extra-Ordinary - 7 March, 2024**

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

The Record of Proceedings for the Events Steering Committee meeting held on 7 March 2024 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



**11.7. BHP Mt Arthur Community Funding Investment Committee - 11 March, 2024**

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

The minutes for the BHP Mt Arthur Community Funding Investment Committee meeting held on 11 March 2024 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

**11.8. Dartbrook Community Funding Investment Committee - 12 March, 2024**

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

The minutes for the Dartbrook Community Funding Investment Committee meeting held on 12 March 2024 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

**11.9. State Significant Development Committee - 12 March, 2024**

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

The minutes for the State Significant Development Committee meeting held on 12 March, 2024 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

**11.10. Local Traffic Committee Minutes 12 March 2024**

**353** RESOLVED on the motion of Cr M. Bowditch and Cr D. Marshall that:  
The minutes for the Local Traffic Committee meeting held on 12 March 2024 be NOTED and the recommendations contained therein be approved by 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

**11.11. Grants Review Committee - 14 March, 2024**

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

1. The minutes of the Grants Review Committee meeting held on 14 March, 2024 be NOTED;
2. The sponsorship proposal for \$4,500 to Muswellbrook Race Club be placed on Public Exhibition for a period of 28 days; and
3. A further report be submitted to Council at the conclusion of the Public 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 and Cr B. Woodruff

Against: Nil

**11.12. AGL Community Funding Investment Committee - 14 March, 2024**

**355** RESOLVED on the motion of Cr M. Bowditch and Cr R. Scholes that:  
The minutes for the AGL Community Funding Investment Committee meeting held on 14 March 2024 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





## 12. Notices of Motion

### 12.1. FOGO Collection System

356 RESOLVED on the motion of Cr J. Drayton and Cr D. Douglas that:  
This item be deferred to the next meeting so that further financial information can be provided.

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

## 13. Councillors Reports

### 13.1 Access to Tarinpa

Cr McNeill advised that safety concerns accessing Tarinpa via foot had been raised with him. Cr McNeill advised that he had been down to the site to investigate and felt that the concerns were valid.

### 13.2 ALGWA

Cr Lecky advised she attended the Australian Local Government Women's Association Conference at Ryde. Cr Lecky further advised Council that she found the presentations to be very informative and enjoyable. Cr Lecky also advised that she received praise for the meeting that was hosted in Muswellbrook with the facilities being of a very high standard. Cr Lecky also advised that she had been awarded a certification of appreciate for her 30 years of service as Treasurer.

## 14. Written Questions

Nil

## 15. Questions for Next Meeting

### 15.1 Bin Replacement at Volunteer Park

Cr Bowditch advised that a bin had been destroyed approximately 12 months ago at Volunteer Park and asked if it could be replaced?

### 15.2 Audit of Bins at Recreation Facilities

Cr Scholes inquired whether Council Officers could undertake an audit of the bins at Recreation facilities and replace them where required?

### 15.3 Certificate of Appreciation

Cr Woodruff inquired whether a Certificate of Appreciation could be awarded to staff and if so can a Certificate of Appreciation be provided to Ms Leslie Nicholls for her efforts in presenting the town of Denman?



## 16. Adjournment into Closed Council

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

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

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

## 17. Closed Council

### 17.1. General Terms of Offer - Community Benefits - Muswellbrook Solar Project

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

This item be deferred to allow for further information to be obtained and work-shopped with Councillors.

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. Power Purchase Agreement for Large Sites and Street Lighting - Hunter Joint Organisation**

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

Council:

1. AUTHORISES the General Manager to accept or decline to accept the recommended tender in the tender process for the 'Powering Tomorrow: Regional Councils NSW Power Purchasing Agreement' led by the Hunter Joint Organisation for Large Sites and Street Lighting on Council's behalf; and
2. RESOLVES to procure the following contingents of renewable electricity in alignment with the Net Zero Strategy:
  - a. 100% renewable electricity if the tendered rates for supply of electricity are equal to or less than the current contracted rates; or
  - b. 50% renewable electricity for the first 2 years of the contract and 100% renewable electricity for the remainder of the contract term if the tendered rates exceed the current contracted rates for supply of electricity; and
3. AUTHORISES the General Manager to negotiate, agree, and to enter into a Contract for the supply of electricity to Large Sites and Street Lighting, in accordance with Recommendation 2 above, on Council's behalf.

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. Contract 2023-2024-0582 - Road and Drainage Upgrade work-Merton Street, Denman**

**Disclosure of Interest**

**Cr M Bowditch** declared an insignificant non-pecuniary interest in this item. Cr Bowditch advised Council that his daughter is employed by KCE Pty Ltd.

**Cr D Marshall** declared an insignificant non-pecuniary interest in this item. Cr Marshall advised Council that his daughter is employed by KCE Pty Ltd.

At 7:41 pm Cr Bowditch and Cr Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council:

1. Accepts the tender submitted by KCE Pty Ltd for Contract 2023-2024-0582 - Upgrade of Road and Drainage Merton Street, Denman for the lump sum of \$1,527,600.00, exclusive of GST; and
2. Delegates to the General Manager authority to enter into a Contract for the Upgrade of Road and Drainage Merton Street, Denman, under Contract 2023-2024-0582.

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

Against: Nil.

At 7:43pm Cr Bowditch and Cr Marshall returned to Council Chambers and resumed their chairs at the meeting table.

**17.4. Audit, Risk and Improvement Committee**

361 RESOLVED on the motion of Cr J. Drayton and Cr D. Marshall that:

Council:

1. Appoints Michael O'Connor as Chair of the Audit, Risk and Improvement Committee;
2. Appoints Paul Quealy and Jason Masters as independent members of Council's Audit, Risk and Improvement Committee (ARIC);
3. Appoints Councillor Scholes as a non-voting member to Council's ARIC for the remainder of Council's current Term of Office; and
4. Endorses the formation of a joint ARIC between Muswellbrook Shire Council and Upper Hunter County 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.



### **17.5. Town Centre - Allocation of Funding**

362 RESOLVED on the motion of Cr R. Scholes and Cr M. Bowditch that:

Council:

1. Endorses the request for reallocation of grant funding between Town Centre projects as identified in the report; and
2. Notes the project status 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.

### **17.6. Demolition of Fire Damaged Building**

363 RESOLVED on the motion of Cr J. Drayton and Cr L. Dunn that:

Council:

1. Endorses the preliminary structure of the proposed Deed of Agreement; and
2. Prior to the execution of a final Deed of Agreement, a further report is provided to Council to endorse the final structure of the Deed and funding options.

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.



### **17.7. Denman to Sandy Hollow Water Pipeline Project**

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

Council approves the following actions:

1. Advise the NSW Government funding body of the change in project conditions;
2. Engage an external consultant to undertake an independent options analysis review; and
3. On the completion of the review, a further report is to be submitted for the review of 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.

### **17.8. Recycled Water Contract**

365 RESOLVED on the motion of Cr R. Scholes and Cr M. Bowditch that:

Council:

1. Endorses the process to call for tenders for the sale of reuse water;
2. Endorses an initial term contract of one year with the option to extend the contract term for up to four x one - year periods with potential end-users; and
3. Formalises end-user agreements 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.



## 18. Resumption of Open Council

366 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall 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 of closed Council.

## 19. Closure

The meeting was declared closed at 7.58pm.

**THE MINUTES OF THE MEETING (PAGES 1 to 23) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 24 APRIL, 2024 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 26 MARCH 2024.**

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

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