

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE TRAINING ROOM, UNIVERSITY OF NEWCASTLE - UPPER HUNTER CAMPUS, TEC1 BUILDING, 87 HILL STREET, MUSWELLBROOK ON TUESDAY 28 FEBRUARY, 2023 COMMENCING AT 6.00PM.**

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**PRESENT:** Cr S.M. Reynolds (Mayor), Cr A. Barry, Cr M. Bowditch, Cr D. Douglas (VC), 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 (Acting General Manager), Ms S. Pope (Director – Planning & Environment), Ms S. Welchman (Director - Community & Economy), Mr M. Lysaught (Director – Works, Property & Building Services), Ms M. Cleary (Manager – Governance), Ms A. Hathway (Corporate Lawyer), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms K. McCann (EA to the Mayor), Ms A. Cox (Corporate Planning & Reporting Officer) and 3 people in the public gallery and 1 media representative.

### **1. Acknowledgement of Country**

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

### **2. Civic Prayer**

The Civic Prayer was read by Cr J. Lecky.

### **3. Apologies and Applications for a Leave of Absence or Attendance by Audio Visual Link by Councillors**

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

Authority be given for Cr D. Douglas and 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.



## 4. Confirmation of Minutes

### Ordinary Council Meeting held on 24 January, 2023

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

The Minutes of the Ordinary Council Meeting held on **24 January, 2023**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record subject to the following amendment to the Minutes of the Olympic Park Precinct Development Committee Meeting held on 13 December, 2022:

#### **Item 5.1 Olympic Park Precinct Development Advisory Committee – Independent Community Members**

The recommendation to read:

RECOMMENDED on the motion of Cr S. Reynolds and Mr P. Benkovic:

1. The Committee recommends to Council that Mr Gus Mather be appointed as the nominated person for the Muswellbrook Senior Rugby League.
2. Council seeks two independent community representatives on the Committee through Expression of Interest.

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.

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

**Cr A. Barry** - Declared a pecuniary interest in item 16.5. Cr Barry advised Council that her employer is assisting with the design and installation of the proposal.

**Cr M. Bowditch** - Declared a pecuniary interest in Item 16.1. Cr Bowditch advised Council that his daughter is employed by one of the tenderers.

**Cr M. Bowditch** - Declared a pecuniary interest in Item 16.2. Cr Bowditch advised Council that his daughter is employed by one of the tenderers.

**Cr M. Bowditch** - Declared a pecuniary interest in Item 16.4. Cr Bowditch advised Council that he is employed the Department of Regional NSW.

**Cr D. Douglas** - Declared a pecuniary interest in Item 9.1.4. Cr Douglas advised Council that her employer has a Development Application listed in the report.

**Cr D. Douglas** - Declared a pecuniary interest in Item 9.4.3. Cr Douglas advised Council that the 2022/2023 Operational Plan lists Muswellbrook Common Project Design and Concept Plan which was done prior to her time at the Local Aboriginal Land Council who is her employer.

**Cr D. Marshall** - Declared a pecuniary interest in Item 16.1. Cr Bowditch advised Council that his daughter is employed by one of the tenderers.

**Cr D. Marshall** - Declared a pecuniary interest in Item 16.2. Cr Bowditch advised Council that his daughter is employed by one of the tenderers.

**Cr B. Woodruff** - Declared a pecuniary interest in Item 9.1.4. Cr Woodruff advised Council that he currently has a Development Application under assessment.



**Cr G. McNeill** - Declared an insignificant non-pecuniary interest in Item 11.1. Cr McNeill advised Council that he is a member of a club in which the current Planning Panel Member is also a member.

**Cr G. McNeill** - Declared a pecuniary interest in item 16.5. Cr McNeill advised Council that his employer is assisting with the design and installation of the proposal.

## 6. Mayoral Minute

### 6.1. Mayoral Minute

261 RESOLVED on the motion of Cr B. Woodruff and Cr M. Bowditch that:  
Council Officers commence consultation with the Wanaruah Local Aboriginal Land Council and the Aboriginal Cultural Inclusion Committee about how they wish Council to proceed in relation to progressing the Voice to Parliament and report the outcomes 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.

## 7. Public Participation

**Mr Granville Taylor** - spoke in support of Item 11.1.

## 8. Business Arising (From Previous Meetings)

Nil

## 9. Business

### 9.1. Planning and Environment

#### 9.1.1. DA 2021-55 Planning Agreement for Waste Transfer Station at 32-36 Glen Munro Road, Muswellbrook

262 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:  
Council endorses;  
1. The Planning Agreement included as Attachment A and delegates authority to the Acting General Manager to finalise the Planning Agreement on the terms detailed in the report.  
2. The use of funds to the amount of \$297,000 from the Mine Affected Roads Reserve for the construction of the upgrade to the intersection of Thomas Mitchell Drive and Glen Munro Road.

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.



### **9.1.2. Council Development Application Conflict of Interest Management Policy**

263 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry that:  
Council authorises the public notification of the draft Council Development Conflict of Interest Management Policy in Attachment B for a minimum of 28 days.

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.

### **9.1.3. Administrative Amendment – Removal of Heritage Item I112 (Muswellbrook Brickworks)**

264 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:  
Council RESOLVES to:

1. Prepare a Planning Proposal, pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, for an amendment to the Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to remove item I112 and any references to the same from Schedule 5 Part 1 of the Muswellbrook Local Environmental Plan 2009.
2. Request a Gateway Determination from the Department of Planning and Environment, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the Environmental Planning and Assessment Act 1979; and
3. Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to exercise delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.

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

Against: Cr M. Bowditch.



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

##### Disclosure of Interest

Cr B. Woodruff declared a pecuniary interest in this item. Cr Woodruff advised Council that he currently has a Development Application under assessment.

Cr D. Douglas declared a pecuniary interest in this item. Cr Douglas advised Council that her employer has a Development Application listed in the report.

At 6:33pm Cr Woodruff and Cr Douglas left the Council Meeting and therefore took no part in discussion or voting on this item.

265 RESOLVED on the motion of Cr M. Bowditch and Cr R. Scholes 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 and Cr R. Scholes.

Against: Nil.

At 6:35pm Cr Douglas and Cr Woodruff returned to the Council Meeting and resumed their chairs at the meeting table.

## 9.2. Community Infrastructure

#### 9.2.1. Draft Liquid Trade Waste Regulation Policy MSC31E for Public Exhibition

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

1. Council endorses the *DRAFT Liquid Trade Waste Regulation Policy* for placement on public exhibition via Council's website for a period of 28 days.
2. A further report be submitted to Council for consideration once the exhibition period has been completed.

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.

#### 9.2.2. Drinking Water Quality Policy MSC30E for ADOPTION

267 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:  
Council adopts the attached *DRAFT Drinking Water Quality Policy MSC30E*.

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.



### **9.2.3. Upper Hunter Water Treatment Plant Concept**

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

1. Notes the information contained in the report and supports the investigation of a shared water treatment plant with Upper Hunter Shire Council;
2. Approves an initial budget of \$20,000 to commence investigations; and
3. Delegates to the Acting General Manager authority to approve expenditure for the feasibility study.

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.

### **9.3. Property and Place**

#### **9.3.1. Staged Lot Consolidation Proposal - Donald Horne Building and Town Centre**

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

1. Endorses the staged Lot consolidation approach for occupancy of the Donald Horne Building subject to Development Approval modification assessment;
2. Council classifies the staged Lot consolidation land as Operational land in accordance with the local Government Act 1993 Part 2 Division; and
3. Council notes the future Lot consolidation proposed for the Town Centre to provide an access road and car parking.

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.



### **9.3.2. Denman Recreation Area - Machinery Loading Ramp**

270 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:  
Council approves:

1. Liaison to be carried out with users of the Denman Recreation Area interested in a machinery loading ramp to be accommodated within their user agreement;
2. In relation to the Diesel, Rust and Dust event, augmentation of the existing temporary structure is to be carried out and a staff member engaged to monitor use of the machinery loading ramp at the event and to provide induction and safety oversight for users of the ramp; and
3. Council delegate to the Acting General Manager authority to progress the matter to completion.

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.

## **9.4. Corporate Services**

### **9.4.1. 2023 Half Day Public Holiday**

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

1. Notes the declaration, by the Hon. Damien Tudehope MLC, Minister for Employee Relations, of 31 March 2023 as a half-day local public holiday from midday, for the Muswellbrook local government area;
2. authorises the General Manager to draft and distribute appropriate notifications to the community.

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.



### 9.4.2. Conduct of 2024 Local Government Election

- 272 RESOLVED on the motion of Cr M. Bowditch and Cr B. Woodruff that:  
Muswellbrook Shire Council ("Council") resolves:
1. Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act"), that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of Council;
  2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of Council; and
  3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda 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.

### 9.4.3. 2022/2023 Operational Plan - 31 December, Quarterly Review

#### Disclosure of Interest

Cr D. Douglas declared a pecuniary interest in this Item. Cr Douglas advised Council that the 2022/2023 Operational Plan lists Muswellbrook Common Project Design and Concept Plan which was done prior to her time at the Local Aboriginal Land Council who is her employer.

At 6:42pm Cr Douglas left the Council meeting and therefore took no part in discussion or voting on this item.

- 273 RESOLVED on the motion of Cr R. Scholes and Cr A. Barry that:  
Council notes the 2022/2023 Operational Plan Review dated 31 December 2022.

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 6:43pm Cr Douglas returned to the Council Meeting and resumed her chair at the meeting table.





#### **9.4.4. DRAFT Corporate Card Policy MSC28E for Public Exhibition**

- 274 RESOLVED on the motion of Cr M. Bowditch and Cr A. Barry that:
1. Council endorses the *DRAFT Corporate Card Policy* for placement on public exhibition via Council's website for a period of 28 days.
  2. A further report be submitted to Council for consideration once the exhibition period has been completed.

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.

#### **9.4.5. Upper Hunter Weeds Authority Request for shared Audit, Risk and Improvement Committee**

- 275 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:
- Council considers the request from Upper Hunter Weeds Authority that Muswellbrook Shire Council considers establishing a shared Audit Risk and Improvement Committee (ARIC) arrangement with the Upper Hunter County Council, and resolves to:
1. Support the request in-principle; and
  2. Delegate authority to the General Manager to negotiate an agreement on a cost recovery basis.

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.

#### **9.4.6. December 2022 Quarterly Budget Review**

- 276 RESOLVED on the motion of Cr B. Woodruff and Cr L. Dunn that:
- Council adopts the proposed changes in the December 2022 Quarterly Budget Review.

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.



#### **9.4.7. Report on Investments Held as at 31 January 2023**

277 RESOLVED on the motion of Cr R. Mahajan and Cr L. Dunn that:  
Council notes the Council's Investments as at 31 January 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.

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

278 RESOLVED on the motion of Cr R. Scholes and Cr A. Barry that:  
The information contained in the 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.

#### **9.4.9. Annual Conference Attendance by Councillors**

279 RESOLVED on the motion of Cr A. Barry and Cr D. Marshall that:

1. Council appoints Councillor delegates to attend each of the following conferences being held in 2023:
  - a. Local Government NSW (LGNSW) Annual Conference – the Mayor, Cr B. Woodruff, who will also be Council's two nominated voting delegates and Cr L. Dunn.
  - b. Australian Local Government Association (ALGA) National General Assembly of Local Government – the Mayor and Cr J. Lecky, with the Mayor also being Council's voting delegate.
  - c. Australian Local Government Women's Association (ALGWA) NSW Conference: Cr J. Lecky
  - d. Local Government NSW (LGNSW) Destination and Visitor Economy Conference – Cr S. Reynolds
  - e. Local Government NSW (LGNSW) Water Management Conference – Cr B. Woodruff and Cr R. Scholes
  - f. Local Government Aboriginal Network Conference – Cr M. Bowditch.
  - g. Australian Local Government Association (ALGA) National Local Roads and Transport Conference – no attendance



- h. Waste Conference – Cr R. Scholes
2. Council reimburses expenses in accordance with MSC02E Councillor Expenses & Facilities Policy.
3. Arrangements be made for registration, accommodation and travel to the Conferences.
4. Councillor delegates provide a written report for the information of Council within three months of conference attendance.

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.

#### **9.4.10. Country Mayors Association of NSW Membership**

280 RESOLVED on the motion of Cr G. McNeill and Cr J. Lecky that:  
Council endorses membership to the Country Mayor's Association of NSW and the relevant membership fees be paid.

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.

### **9.5. Community and Economy**

#### **9.5.1. Theme of 2023 Blue Heeler Film Festival**

281 RESOLVED on the motion of Cr M. Bowditch and Cr R. Mahajan that:  
Council endorses 'Blue' as the Blue Heeler Film Festival 2023 theme.

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.



### 9.5.2. Federal Government Funding for TROVE

282 RESOLVED on the motion of Cr M. Bowditch and Cr R. Scholes that:  
Council endorses the following actions:

1. Council makes representation to the Federal Member for Hunter in relation to the need for a sustainable federal funding model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove;
2. Council writes to the Federal Minister for the Arts and the Shadow Minister for Science and the Arts, calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove; and
3. Council endorses the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

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.

### 9.5.3. Community Services

283 RESOLVED on the motion of Cr B. Woodruff 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. Minutes of Committee Meetings

### 10.1. Events Steering Committee Meetings - 17/01/2023 and 31/01/2023

284 RESOLVED on the motion of Cr D. Douglas and Cr D. Marshall that:  
The minutes for the Events Steering Committee meetings held on 17 January, 2023 and 31 January, 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.



**10.2. Muswellbrook Bypass Advisory Committee Meeting - 19/01/2023**

285 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:  
The minutes for the Muswellbrook Bypass Advisory Committee meeting held on 19 January, 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.

**10.3. Local Traffic Committee Meeting Minutes - 14/02/2023 & 21/02/2023**

286 RESOLVED on the motion of Cr M. Bowditch and Cr D. Marshall that:  
The minutes for the following meetings be NOTED and the recommendations contained therein ADOPTED:

1. Muswellbrook Shire Local Traffic Committee Meeting held on 14 February, 2023
2. Muswellbrook Shire Local Traffic Committee Meeting held on 21 February, 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. Olympic Park Precinct Development Advisory Committee Meeting - 15/02/2023**

287 RESOLVED on the motion of Cr A. Barry and Cr G. McNeill that:  
The minutes for the Olympic Park Precinct Development Committee meeting held 15 February 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. Notices of Motion

### 11.1. Notice of Motion - Cr McNeill

#### Disclosure of Interest

Cr McNeill declared an insignificant non-pecuniary interest in this item. Cr McNeill advised Council that he is a member of a Club in which the current Planning Panel Member is also a member.

288 RESOLVED on the motion of Cr G. McNeill and Cr R. Mahajan that:

This matter be deferred to allow further clarification of possible costs implications with the Rate of Pay for community representatives on the Regional Planning Panel.

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

Against: Cr M. Bowditch.

## 12. Councillors Reports

Nil

## 13. Written Questions

### 13.1. Investigation of Installation of Retaining Wall/Levee From Muscle Creek to Beyond Barn Vets

289 RESOLVED on the motion of Cr M. Bowditch and Cr R. Scholes 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.

## 14. Questions for Next Meeting

### 14.1 - VIP Marquee - Rock'n the Brook

**Cr J. Drayton** - Last week I sent an email out to all Councillors and the Acting General Manager in regards to Councillors being invited to attend the Rock'n the Brook Event in the VIP Marquee which was set up for Sponsors and feels that it is a very poor look for Councillors to be standing in a VIP marquee with great views of the stage with seats, food and beverages provided and separated from the community. Will there be a list of people who were invited into the marquee, people who have accepted it?

Cr Reynolds advised that the VIP Marquee was discussed on numerous occasions. Council received large amounts of money through corporate sponsorship with the VIP marquee being created as a way of saying thank you to the sponsors.



Cr Drayton suggested that Councillors refrain from accepting invitations to the VIP Marquee for this event.

## 15. Adjournment into Closed Council

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

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

## 16. Closed Council

### 16.1. Contract 2022-2023-0552 - Hill Street Road Works and Car Parking Upgrade - Tender Assessment

#### Disclosure of Interest

**Cr M. Bowditch** declared a pecuniary interest in this item. Cr Bowditch advised Council that his daughter is employed by one of the tenderers.

**Cr D. Marshall** declared a pecuniary interest in this item. Cr Marshall advised Council that his daughter is employed by one of the tenderers.

At 7:23pm Cr Bowditch and Cr Marshall left the Meeting Room and therefore took no part in discussion or voting on this item.

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

1. Accepts the Tender submitted by KCE Pty Ltd for Contract 2022-2023-0552 – Hill Street Road Works and Car Parking Upgrade for the lump sum of \$425,900.00, exclusive of GST, subject to a satisfactory financial assessment; and
2. Delegates to the Acting General Manager authority to sign Contract 2022-2023-0552 – Hill Street Road works and Car Parking Upgrade.

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.



**16.2. Contract 2022-2023-0555 - Tender Assessment - Bylong Valley Way CH5.9Km Road and Drainage Upgrade works**

**Disclosure of Interest**

**Cr Bowditch** declared a pecuniary interest in this item. Cr Bowditch advised Council that his daughter is employed by one of the tenderers.

**Cr Marshall** declared a pecuniary interest in this item. Cr Marshall advised Council that his daughter is employed by one of the tenderers.

Cr Bowditch and Cr Marshall remained absent from the meeting room and therefore took no part in discussion or voting on this item.

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

This Item be deferred to the next meeting of Council to allow further information to be provided.

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 7:37pm Cr Bowditch and Cr Marshall returned to the Council Meeting and resumed their chairs at the meeting table.

**16.3. Request for Quotation - Golden Highway Asphalt Patching - Variation**

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

Council approves the contract variation with Fenwork Pty Ltd (Trading as Newpave Asphalt) as described 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.



**16.4. State Government Welcome Concierge Pilot Program****Disclosure of Interest**

Cr M. Bowditch declared an insignificant non-pecuniary interest in this item. Cr Bowditch advised Council that he is employed by the Department of Regional NSW.

At 7:39 pm Cr Bowditch left the Council Meeting and therefore took no part in discussion or voting on this item.

294

RESOLVED on the motion of Cr R. Scholes and Cr A. Barry that:

Council:

1. Approves entering into a contract with Regional NSW to deliver a Welcome Concierge Service in Muswellbrook as part of the State Government's Welcome Concierge Pilot Program; and
2. Delegates to the Acting General Manager authority to sign the contract with Regional NSW.

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

Against: Nil.

At 7:40 pm Cr M. Bowditch returned to Council Chambers and resumed his chair at the meeting table.

**16.5. Solar Panel Installation****Disclosure of Interest**

**Cr A. Barry** declared a pecuniary interest in this item. Cr Barry advised Council that her employer is assisting with the design and installation of the proposal.

**Cr G. McNeill** declared a pecuniary interest in this item. Cr McNeill advised Council that his employer is assisting with the design and installation of the proposal.

At 7:41pm Cr Barry and Cr McNeill left the Council Meeting and therefore took no part in discussion or voting on this item.

295

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

Council:

1. Delegates the Acting General Manager to negotiate the final terms and execute the Solar Licence Agreements; and
2. Costs for the installation of a solar system for Council to meet common area electricity requirements be explored and reported to Council.

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 7:49pm Cr Barry and Cr McNeill returned to the Council Meeting and resumed their chairs at the meeting table.

#### **16.6. Campbells Corner - Draft Deed of Settlement and Release**

296 RESOLVED on the motion of Cr R. Mahajan and Cr J. Drayton that:  
Council endorses the negotiated Deed of Settlement with Thomleck 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.

#### **16.7. Northview Water Main Easement**

297 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:  
Council endorses an Easement for Water Supply over Lot 553 DP819739 and  
Lot 589 DP 835738 for the benefit of the Northview REIT Pty Ltd Land (Lot 58  
DP 1276946) as described 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.

#### **16.8. Sale of Lot 18 Glen Munro Road, Muswellbrook**

298 RESOLVED on the motion of Cr B. Woodruff and Cr M. Bowditch that:  
Council endorses the sale of 6 Glen Munro Road, Muswellbrook (Lot 18 DP  
1131270) as described 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.



## 16.9. Investigation of Complaint

Members of staff left the meeting room except for the Minute takers.

- 299 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:  
Council endorses the Acting General Manager debriefing the complainant as to the outcome of the investigation and settling a final position in relation to the matter.

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. Resumption of Open Council

- 300 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill 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 staff and media returned to the meeting room.

The Mayor read the resolutions from Closed Council.

## 18. Closure

The meeting was declared closed at 8.09pm.

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

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

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