

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN TRAINING ROOM, UNIVERSITY OF NEWCASTLE - UPPER HUNTER - TEC 1, 87 HILL STREET, MUSWELLBROOK ON TUESDAY 27 JUNE, 2023 COMMENCING AT 6.00PM.

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

IN ATTENDANCE: Mr D. Finnigan (General Manager), Ms S. Pope (Director – Planning & Environment), Ms K. Manwarring (Acting Director - Community & Economy), Mr P. Chambers (Chief Engineer), Mr M. Lysaught (Director – Property & Place), Mr J. Hogan (Acting Chief Financial Officer), Mr P. Ball (Manager - Works), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms K. Hamm (Executive Assistant), Ms A. Cox (Integrated Planning & Reporting Officer), and 2 people in the public gallery and 1 member of media.

ONE MINUTES' SILENCE

One minute's silence was observed to pay respects to the victims of the recent Bus Crash in the Hunter Valley.

1. Applications for Attendance via Audio Visual Link

430 RESOLVED on the motion of Cr R. Mahajan and Cr D. Marshall that:
Authority be given for Cr M. Bowditch to attend the Council Meeting via video link.

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

Against: Nil.

2. Acknowledgement of Country

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

3. Civic Prayer

The Civic Prayer was read by Cr L. Dunn.



4. Apologies and Applications for a Leave of Absence

- 431 RESOLVED on the motion of Cr R. Mahajan and Cr G. McNeill that:
- The apologies for inability to attend the meeting submitted by Cr J. Drayton, Cr R. Scholes and Cr B. Woodruff be ACCEPTED and the necessary Leave of Absence be GRANTED
- In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall.
- Against: Nil.

5. Confirmation of Minutes

- 432 RESOLVED on the motion of Cr L. Dunn and Cr G. McNeill that:
- The Minutes of the Ordinary Council Meeting held on **23 May, 2023** and the Extra-Ordinary Council Meeting held on **20 June, 2023**, copies of which have 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 L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall.
- Against: Nil.

6. Disclosure of any Pecuniary or Non-Pecuniary Interests

Cr M. Bowditch - Declared a significant non-pecuniary interest in Item 10.2.3. Cr Bowditch advised Council that his daughter works causally for the contractor.

Cr A. Barry - Declared a pecuniary interest in Item 10.1.1. Cr Barry advised Council that she is employed by AGL.

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in Item 10.3.3. Cr Reynolds advised Council he promotes sports including Rugby League played in the area.

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in Item 11.2. Cr Reynolds advised Council he undertakes videography for Group 21, for which Bengalla provides sponsorship.

Cr D. Douglas - Declared a pecuniary interest in Item 10.1.1. Cr Douglas advised Council that they provided funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.

Cr D. Douglas - Declared a pecuniary interest in Item 10.1.6. Cr Douglas advised Council that the Wanaruah Local Aboriginal Land Council of which she is CEO has a Development Application listed in the report.

Cr D. Douglas - Declared a pecuniary interest in Item 11.2. Cr Douglas advised Council that the company provided funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.



Cr D. Douglas - Declared a pecuniary interest in Item 11.3. Cr Douglas advised Council that the company provided funding to the Wanaruah Local Aboriginal Land Council of which she is CEO and her son works for the company.

Cr D. Douglas - Declared a pecuniary interest in Item 11.4. Cr Douglas advised Council that the company provided funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.

Cr D. Douglas - Declared a pecuniary interest in Item 11.7. Cr Douglas advised Council that the company provided funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.

Cr D. Douglas - Declared a pecuniary interest in Item 11.8. Cr Douglas advised Council that the Wanaruah Local Aboriginal Land Council, of which she is CEO, has a board member sitting on the committee.

Cr L. Dunn - Declared a pecuniary interest in Item 10.1.6. Cr Dunn advised Council that her employer has a Development Application listed in the report.

Cr D. Marshall - Declared a significant non-pecuniary interest in Item 10.2.3. Cr Marshall advised Council that his daughter is employed by the contractor mentioned in the report.

Cr D. Marshall - Declared a significant pecuniary interest in Item 10.3.1. Cr Marshall advised Council that he undertakes work for the Funeral Services.

Cr G. McNeill - Declared a pecuniary interest in Item 10.1.1. Cr McNeill advised Council that he is employed by AGL.

7. Mayoral Minute

Nil

8. Public Participation

Nil

9. Business Arising (From Previous Meetings)

Nil



10. Business

10.1. Planning and Environment

10.1.1. Notification of AGL Macquarie (Liddell PS) Planning Agreement

Disclosure of Interest

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

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

Cr D. Douglas - Declared a pecuniary interest this Item. Cr Douglas advised Council that they provided funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.

At 6:09 pm Cr G. McNeill, Cr A. Barry and Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

PROCEDURAL MOTION

As a quorum was not present. Cr Reynolds proposed the following:

- 433 RESOLVED on the motion of Cr S. Reynolds and Cr M. Bowditch that:
The General Manager be delegated authority to place on Public Exhibition the draft Planning Agreement in Attachment A in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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

Against: Nil.

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

10.1.2. Membership into Coalition of Regional Energy Mayors (CoREM)

- 434 RESOLVED on the motion of Cr L. Dunn and Cr D. Marshall that:
Council APPROVES becoming a member of the Coalition of Regional Energy Mayors (CoREM) for an initial two-year period, following which a review will be undertaken to confirm whether membership should continue.

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 and Cr D. Marshall.

Against: Nil.



10.1.3. Draft Flying Fox Camp Management Policy MSC045E for public exhibition

- 435 RESOLVED on the motion of Cr L. Dunn and Cr D. Douglas that:
1. Council ENDORSES the attached *Draft Flying-fox Camp Management Policy* to be placed on public exhibition via Council's website for a period of 28 days; and
 2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

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

Against: Nil.

10.1.4. Muswellbrook Connect

- 436 RESOLVED on the motion of Cr G. McNeill and Cr J. Lecky that:
Council NOTES the information contained in this report.

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 and Cr D. Marshall.

Against: Nil.

10.1.5. Community Survey - FOGO introduction

- 437 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 L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall.

Against: Nil.



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

Disclosure of Interest

Cr D. Douglas - Declared a pecuniary interest in this Item. Cr Douglas advised Council that the Wanaruah Local Aboriginal Land Council of which she is CEO has a Development Application listed in the report.

Cr L. Dunn - Declared a pecuniary interest in this Item. Cr Dunn advised Council that her employer has a Development Application listed in the report.

At 6:13 pm Cr D. Douglas and Cr L. Dunn left the Council Chambers and therefore took no part in discussion or voting on this item.

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

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

Against: Nil.

At 6:14 pm Cr D. Douglas and Cr L. Dunn returned to Council Chambers and resumed their chairs at the meeting table.

10.2. Community Infrastructure

10.2.1. Water and Wastewater Levels of Service for Quarter 2, Quarter 3 and Quarter 4 for 2021-2022

439 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry 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 L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall.

Against: Nil.

10.2.2. Water and Wastewater Levels of Service for Quarter 1, Quarter 2 and Quarter 3 for 2022-2023

440 RESOLVED on the motion of Cr A. Barry and Cr D. Douglas 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 L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall.

Against: Nil.



10.2.3. **Contract 2022-2023-0552 - Hill Street Road Works and Car Parking Upgrade**

Disclosure of Interest

Cr M. Bowditch - Declared a significant non-pecuniary interest this Item. Cr Bowditch advised Council that his daughter works causally for the contractor.

Cr D. Marshall - Declared a significant non-pecuniary interest in this Item. Cr Bowditch advised Council that his daughter works for the contractor.

At 6:15 pm Cr D. Marshall and Cr M. Bowditch left the Council Chambers and therefore took no part in discussion or voting on this item.

441 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry that:
Council approves the additional scope of works for Contract 2022-2023-0552 – Hill Street Road Works and Car Parking Upgrade and the additional budget as described in the report.

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

Against: Nil.

At 6:16 pm Cr M. Bowditch returned to Council Chambers and resumed their chair at the meeting table.

10.3. Property and Place

10.3.1. Draft Cemetery Policy MSC040E for Public Exhibition

Disclosure of Interest

Cr D. Marshall - Declared a significant pecuniary interest in Item 10.3.1. Cr Marshall advised Council that he undertakes work for the Funeral Services.

Cr Marshall remained absent from the meeting room.

442 RESOLVED on the motion of Cr D. Douglas and Cr A. Barry that:

1. Council ENDORSES the attached *DRAFT Cemetery Policy* to be placed on public exhibition via Council's website for a period of 28 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

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

Against: Nil.

At 6:16 pm Cr D. Marshall returned to Council Chambers and resumed their chairs at the meeting table.



10.3.2. Town Centre Strategy - Status and Next Steps

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

Council ENDORSES:

1. The development of a revised Master Plan document for the (Civic Precinct) Town Centre Plan consistent with the annotated plan attached to the report;
2. Providing a consolidated project and costed programme for the Regional Entertainment Centre and Town Centre Plan;
3. Updating Capital Expenditure Reviews for both the Regional Entertainment Centre and (Civic Precinct) Town Centre Plan;
4. Development of marketing and communication material for the Town Centre Plan;
5. The extension of lease for tenant as described in the report; and
6. Undertaking a demand and supply analysis for commercial and retail property in Muswellbrook Shire.

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 and Cr D. Marshall.

Against: Nil.

10.3.3. Olympic Park Management Plans

Disclosure of Interest

Cr S. Reynolds - Declared a insignificant non-pecuniary interest in this Item. Cr Reynolds advised Council he promotes sports including Rugby League played in the area.

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

Council ENDORSES submitting:

1. The Olympic Park Plan of Management to Crown Land, NSW Department of Planning and Environment for review;
2. Amended to include Community Land categorisations of Field 3 and Velodrome be changed from Park to Sportsground;
3. Include note that the fencing alignment shown on the adopted Olympic Park Master Plan is indicative only; and
4. The Olympic Park Plan of Management and event management documents to the Hunter and Central Coast Regional Planning Panel.

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 and Cr D. Marshall.

Against: Nil.



10.3.4. Major Projects Status Report

445 RESOLVED on the motion of Cr J. Lecky and Cr D. Marshall that:
Council NOTES the report.

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 and Cr D. Marshall.

Against: Nil.

10.4. Corporate Services

10.4.1. Revision of the Procurement Framework and Procurement Policy for Public Exhibition

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

1. ENDORSES the draft Procurement Policy in Attachment B to be placed on public exhibition via Council's website for a period of 28 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

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

Against: Nil.

10.4.2. Draft CCTV Policy MSC036E for Public Exhibition

447 RESOLVED on the motion of Cr D. Douglas and Cr A. Barry that:

1. Council endorses the attached *DRAFT Closed Circuit Television (CCTV) in Public Places Policy* to be placed on public exhibition via Council's website for a period of 28 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

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

Against: Nil.



10.4.3. Draft Governance Policy MSC00E for Public Exhibition

- 448 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry that:
1. Council ENDORSES the attached *DRAFT Governance Policy* to be placed on public exhibition via Council's website for a period of 28 days; and
 2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

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

Against: Nil.

10.4.4. Draft Communications and Media Policy MSC048E for Public Exhibition

- 449 RESOLVED on the motion of Cr D. Marshall and Cr J. Lecky that:
1. Council endorses the attached *DRAFT Communications and Media Policy* to be placed on public exhibition via Council's website for a period of 28 days; and
 2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

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

Against: Nil.

10.4.5. Operating and Capital Budget Carryovers to 2023-24

- 450 RESOLVED on the motion of Cr J. Lecky and Cr L. Dunn that:
1. The attached lists of Operating and Capital Carryovers be ADOPTED.
 2. The final value, based on the adjusted actual 2022/23 expenditure be incorporated into the 2023/24 budget prior to the September 2023 quarterly budget review.
 3. New grant funding received in late June be carried over and incorporated into the September 2023 quarterly budget review.

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 and Cr D. Marshall.

Against: Nil.

**10.4.6. Stores & Materials Stocktake - 22 May 2023**

451 RESOLVED on the motion of Cr R. Mahajan and Cr L. Dunn that:
Council notes the report on the stocktake carried out on 22 May 2023 and that the amount of \$1,679.75 be deducted from the inventory register.

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 and Cr D. Marshall.

Against: Nil.

10.4.7. 2023/2024 Operational Plan, Budget Estimates, Revenue Policy and Fees & Charges - Adoption

452 RESOLVED on the motion of Cr J. Lecky and Cr D. Marshall that:
Council adopts the 2023/2024 Operational Plan, including the DRAFT Budget 2023/24 Estimates, Fees & Charges, and Revenue Policy.

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 and Cr D. Marshall.

Against: Nil.

10.4.8. Making of the Rates and Annual Charges for 2023/24**MOTION**

Recommended by Cr McNeill that the proposed recommended rates and charges as listed in the Business Paper be adopted subject to the following amendment to the water charges:

Residential Tier 1 & Tier 2 current water charges only be increased by 10%.

MOTION WAS WITHDRAWN

453 RESOLVED on the motion of Cr S. Reynolds and Cr D. Marshall that:

Council resolves as follows:

Council MAKES the following Ordinary rates for the 2023/24 Financial Year:

GENERAL FUND

Rate Type	Category	Sub-Category	Ad Valorem Cents in \$	Base Amount/Min \$	Base Amount % of Total Rate Levied	Estimated Yield
Ordinary	Residential	Residential – General	0.276698	\$240	19.65%	\$1,167,822
Ordinary	Residential	Residential – Muswellbrook &	0.400295	\$290	33.59%	\$5,018,283



		Denman				
Ordinary	Farmland	Farmland – General	0.172526	\$400	13.62%	\$1,054,224
Ordinary	Farmland	Farmland – Irrigable	0.199425	\$440	10.86%	\$457,761
Ordinary	Mining	Mining – General	0.781024	\$15,000	1.11%	\$10,859,655
Ordinary	Mining	Mining – Underground Coal Mining	0.530878	\$15,000	6.58%	\$227,882
Ordinary	Mining	Mining – Metallurgical Coal Mining	0.624881	\$15,000	1.20%	\$1,252,264
Ordinary	Business	Business – General	0.796234	\$250	7.98%	\$1,507,298
Ordinary	Business	Business – Power Generation	5.025171	\$25,000	16.99%	\$294,223
Ordinary	Business	Business – Thomas Mitchell Drive Industrial Centre	0.855121	\$275	10.80%	\$381,802
Ordinary	Business	Business – Showground Release Area	0.163824	\$250	2.06%	\$12,144
Ordinary	Business	Business – Mine Rehabilitation	0.781024	\$15,000	0%	{resolution}

WATER CHARGES

Council MAKES the following water charges for the 2023/24 Financial Year:

1. A Water Service Availability Charge is charged on each parcel of rateable land that is supplied with water from a water pipe of the Council and land that is situated within 225 metres of a water pipe of the Council (whether or not actually supplied with water from any water pipe of the Council). The Water Service Availability Charge is based on the service size of the connection to the water supply line. The Water Service Availability Charges to be levied for the year commencing 1 July 2023 are:

Water Service Charge Category	Amount
Availability Charge (Not Connected)	\$256.00



Availability Charge (Connected – per service size)	
20mm service	\$256.00
25mm service	\$400.00
32mm service	\$655.00
40mm service	\$1024.00
50mm service	\$1,600.00
65mm service	\$2,704.00
80mm service	\$4,096.00
100mm service	\$6,400.00
150mm service	\$14,400.00

Pursuant to section 552 of the Local Government Act 1993 (NSW), a charge relating to water supply will not be levied on land unless water could be supplied to some part of the land from a standpipe at least 1 metre in height from the ground level, if such a pipe were laid and connected to the council's mains.

2. A Consumption Tariff is to be charged per kilolitre of water supplied to each parcel of rateable land from a water pipe of the Council. The water consumption tariffs for the year commencing 1 July 2023 are:

Consumption Tariff (\$/KI)

Residential	Tier 1 (1-350KI per annum) - Current water charge to be increased by 15% Tier 2 (>350KI per annum) - Current water charge to be increased by 15%
Non-Residential	\$3.30 per kilolitre

SEWERAGE CHARGES

Council MAKES the following sewer charges for the 2023/24 Financial Year:

An annual charge for sewer is applicable to each parcel of rateable land except:

- a) Land which is more than 75 metres from a sewer of the Council and is not connected to the sewer; and
- b) Land from which sewage could not be discharged into any sewer of the Council.

1. Residential Sewer Charges

A Sewer Service Availability Charge is charged on each parcel of rateable land categorised within the Residential category for which the service is provided or is proposed to be provided. The Sewer Service



Availability Charges to be levied for the year commencing 1 July 2022 are:

Sewer Service Availability Charge

Residential Sewer Availability Charge (Vacant) \$403.00

Residential Sewer Charge (Occupied) \$1,035.00

2. Non-Residential Sewer Service Availability Charge

A Non-Residential Sewer Service Availability Charge is charged on each parcel of rateable land not categorised within the Residential category for which the service is provided or proposed to be provided. The Non-Residential Sewer Service Availability Charge to be levied in respect to each relevant parcel for the year commencing 1 July 2023 will be based on the following formula:

SC = SDF x (AC + (C x UC)) where:

SC = Sewerage Charge

SDF = Sewerage Discharge Factor

AC = Availability Charge

C = Total water consumption for meter

UC = Sewer Usage Charge

The Availability Charges for the year commencing 1 July 2023 are:

Availability Charge Category	Amount
Availability Charge (Not Connected)	\$403.00
Availability Charge (Connected – per service charge)	
20mm service	\$403.00
25mm service	\$629.69
32mm service	\$1,031.68
40mm service	\$1,612.00
50mm service	\$2,518.75
65mm service	\$4,256.69
80mm service	\$6,448.00
100mm service	\$10,075.00
150mm service	\$22,668.75

The Sewer Usage Charge for the year commencing 1 July 2023 is:

**Sewer Usage Charge (\$/KI)**

Non-Residential Sewer Usage Charge \$3.30 per kilolitre

Discharge Factors required for non-residential properties will be determined on an individual rateable land basis.

DOMESTIC WASTE MANAGEMENT CHARGES

Council MAKES for each parcel of rateable land categorised for rating purposes as Residential and situated within the urban area in which a Domestic Waste Management Service is able to be provided, the following waste charges for the 2023/24 Financial Year:

Domestic Waste Management Service Charge	Amount
Urban Domestic Waste Management Availability Charge ⁽¹⁾	\$110.00
Urban Domestic Waste Management Service Charge ⁽²⁾	\$483.00
Additional Urban Domestic Waste Management Service Charge	\$122.00
Additional Urban Domestic Waste Management Recycling Service Charge	\$84.00
Additional Urban Domestic Waste Management Green Waste Service Charge	\$39.00

- (1) This charge applies to vacant rateable land categorised for rating purposes as Residential and situated within the urban area in which a Domestic Waste Management Service is able to be provided.
- (2) Each habitable premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material and one fortnightly collection of green waste for each Urban Domestic Waste Management Service Charge.

Council MAKES for each parcel of rateable land categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Domestic Waste Management Service is able to be provided, the following waste charges for the 2023/24 Financial Year:

Rural Domestic Waste Management Service Charge	Amount
Rural Domestic Waste Management Availability Charge ⁽¹⁾	\$110.00
Rural Domestic Waste Management Service Charge ⁽²⁾	\$444.00
Additional Rural Domestic Waste Management Service Charge	\$122.00
Additional Rural Domestic Waste Management Recycling Service Charge	\$84.00
Rural Domestic Waste Management Green Waste Service Charge	\$39.00

- (1) This charge applies to vacant rateable land categorised for rating



purposes as Residential or Farmland and situated within the rural area in which a Rural Domestic Waste Management Service is able to be provided.

- (2) Each habitable premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Rural Domestic Waste Management Service Charge.

Council MAKES for each parcel of rateable land not categorised for rating purposes as Residential and situated within the urban area in which a Waste Management Service is able to be provided, the following waste charges for the 2023/24 Financial Year:

Waste Management Service Charge	Amount
Urban Waste Management Availability Charge – Non-Domestic ⁽¹⁾	\$110.00
Waste Management Service Charge ⁽²⁾	\$444.00
Additional Waste Management Service Charge	\$122.00
Additional Waste Management Recycling Service Charge	\$84.00
Waste Management Green Waste Service Charge	\$39.00

- (1) This charge applies to vacant rateable land not categorised for rating purposes as Residential and situated within the urban area in which a Waste Management Service is able to be provided.
- (2) Each habitable premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge.

Council MAKES for each parcel of rateable land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Waste Management Service is able to be provided, the following waste charges for the 2023/24 Financial Year:

Rural Waste Management Service Charge	Amount
Rural Waste Management Availability Charge – Non-Domestic ⁽¹⁾	\$110.00
Rural Waste Management Service Charge ⁽²⁾	\$444.00
Additional Rural Waste Management Service Charge	\$122.00
Additional Rural Waste Management Recycling Service Charge	\$84.00
Rural Waste Management Green Waste Service Charge	\$39.00

- (1) This charge applies to vacant rateable land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Rural Waste Management Service is able to be provided.



- (2) Each habitable premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Rural Waste Management Service Charge.

STORMWATER MANAGEMENT CHARGE

Council MAKES a Stormwater Management Charge for each parcel of rateable land within the Muswellbrook and Denman urban areas and included in the Town Planning Zones of R1 General Residential, B2 Local Centre, SP2 Infrastructure, IN2 Light Industrial, IN1 General Industrial and RU5 Village, except where exemption or variation to the charge is provided in accordance with the document "Stormwater Management Service Charge Guidelines" issued by the Division of Local Government in July 2006, for the 2023/24 Financial Year at a rate of \$25.00 per parcel of rateable land and \$12.50 per residential strata unit.

Where a non-residential parcel of rateable land exists with an area falling within the ranges outlined below the charge will be levied as follows:

Area Sqm	Charge
0 - 1,199	\$25.00
1,200 - 4,999	\$100.00
5,000 - 9,999	\$375.00
>10,000	\$725.00

INTEREST ON OVERDUE ACCOUNTS

The Council hereby determines and orders that overdue rates and charges for the year commencing 1 July 2023 will, in pursuance of section 566 of the Local Government Act 1993 (NSW), accrue interest on a daily basis. The rate of interest will be the maximum rate allowable, as determined by the Minister for Local Government, being nine per cent per annum for the 2023-2024 rating year.

HUNTER CATCHMENT CONTRIBUTION

Council:

1. Notes that the NSW Government's Hunter Local Land Services has determined the Hunter Catchment Contribution rate for the 2023/24 rating year at 0.01046 cents in the dollar on all relevant properties within the Muswellbrook Shire Local Government Area, with a land value in excess of \$300;
2. Adopts the making, levying and collection of the Hunter Catchment Contribution on behalf of Hunter Local Land Services at the rate detailed in Paragraph 1; and
3. Adopts the rate of commission payable to Council for the collection of the 2023/24 Catchment Contribution at 5% of the Hunter Catchment Contributions collected, as determined by Hunter Local Land Services.

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 and Cr D. Marshall.

Against: Nil.

10.4.9. 2023/2024 Councillor Fees

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

1. Notes the 2023 Annual Determination of the Local Government Remuneration Tribunal;
2. Approves the annual fee of \$17,680 for Councillors for 2023-24; and
3. Approves the additional annual fee of \$37,925 for the position of Mayor for 2023-24.

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

Against: Cr D. Douglas and Cr L. Dunn.

10.4.10. Monthly Financial Report - May 2023

455 RESOLVED on the motion of Cr R. Mahajan and Cr J. Lecky that:
Council notes the Financial Reports for the month ending 31 May 2023.

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 and Cr D. Marshall.

Against: Nil.

10.4.11. Report on Investments held as at 31 May 2023

456 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry that:
Council NOTES Council's Investments as at 31 May 2023.

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 and Cr D. Marshall.

Against: Nil.



10.4.12. Report on Council Grant Funding and Community Engagement

457 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry that:
Council NOTES the information contained in this report.

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 and Cr D. Marshall.

Against: Nil.

10.5. Community and Economy

10.5.1. Community Services

458 RESOLVED on the motion of Cr J. Lecky and Cr D. Marshall 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 L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall.

Against: Nil.

11. Minutes of Committee Meetings

11.1. Audit Risk and Improvement Committee - 19 January, 2023 and 6 April, 2023

459 RESOLVED on the motion of Cr J. Lecky and Cr R. Mahajan that:
The minutes for the following meetings be NOTED:

1. Audit Risk and Improvement Committee held on 19 January, 2023
2. Audit Risk and Improvement Committee held on 6 April, 2023.

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 and Cr D. Marshall.

Against: Nil.

**11.2. Bengalla Community Funding Investment Committee - 26 April, 2023****Disclosure of Interest**

Cr S. Reynolds - Declared a insignificant non-pecuniary interest in Item 11.2. Cr Reynolds advised Council he undertakes videography for Group 21 of which Bengalla provides sponsorship.

Cr D. Douglas - Declared a pecuniary interest in Item 11.2. Cr Douglas advised Council that the company provided funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.

At 6:41 pm Cr S. Reynolds and Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

Cr Lecky assumed the role of Chair for conduct of this item.

460 RESOLVED on the motion of Cr L. Dunn and Cr D. Marshall that:

The minutes for the Bengalla Community Funding Investment Committee meeting held on 26 April, 2023 be NOTED subject to the following amendment of the resolution by Bengalla Mine from their email dated 27/06/2023:

1. Council NOTES the information contained in the report;
2. Requests further consultation be held with the Committee following the drafting of the Community and Economic Development Fund (CEDF) Policy; and
3. Requests the Meeting Minutes be reviewed to include feedback from Bengalla Mining Company.

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

Against: Nil.

At 6:42 pm Cr S. Reynolds returned to Council Chambers and resumed the role of chair for the remainder of the meeting.



11.3. Mangoola Coal Community Funding Investment Committee - 1 May, 2023

Disclosure of Interest

Cr D. Douglas - Declared a pecuniary interest in Item 11.2. Cr Douglas advised Council that the company provided funding to the Wanaruah Local Aboriginal Land Council of which she is CEO and her son works for the company.

Cr Douglas remained absent from the meeting.

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

The minutes for the Mangoola Coal Community Funding Investment Committee Meeting held on 1 May, 2023 be NOTED.

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

Against: Nil.

11.4. MACH Energy Mt Pleasant Community Funding Investment Committee - 9 May, 2023

Disclosure of Interest

Cr D. Douglas - Declared a pecuniary interest in Item 11.2. Cr Douglas advised Council that the company provided funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.

Cr Douglas remained absent from the meeting.

462 RESOLVED on the motion of Cr G. McNeill and Cr J. Lecky that:

The minutes for the MACH Energy Mt Pleasant Community Funding Investment Committee held on 9 May, 2023 be NOTED.

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

Against: Nil.

At 6:43 pm Cr D. Douglas returned to Council Chambers and resumed their chair at the meeting table.



11.5. Muswellbrook Bypass Advisory Committee - 11 May, 2023

463 RESOLVED on the motion of Cr R. Mahajan and Cr D. Marshall that:
The minutes for the Muswellbrook Bypass Advisory Committee meeting held on 11 May, 2023 be NOTED.

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 and Cr D. Marshall.

Against: Nil.

11.6. Finance Review Advisory Committee - 16 May, 2023 and 20 June, 2023

464 RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:
The minutes for the Finance Review Advisory Committee meetings held on 16 May, 2023 and 20 June, 2023 be NOTED.

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 and Cr D. Marshall.

Against: Nil.

11.7. BHP Mt Arthur Community Funding Investment Committee - 16 May, 2023

Disclosure of Interest

Cr D. Douglas - Declared a pecuniary interest in Item 11.2. Cr Douglas advised Council that the company provided funding to the Wanaruah Local Aboriginal Land Council of which she is CEO.

At 6:44 pm Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

465 RESOLVED on the motion of Cr D. Marshall and Cr J. Lecky that:
The minutes for the BHP Mt Arthur Community Funding Investment Committee held on 16 May, 2023 be NOTED.

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

Against: Nil.

**11.8. Aboriginal Cultural Inclusion Committee - 18 May, 2023****Disclosure of Interest**

Cr D. Douglas - Declared a pecuniary interest in Item 11.8. Cr Douglas advised Council that the Warrumbidgee Local Aboriginal Land Council, of which she is CEO, has a board member sitting on the committee.

Cr Douglas remained absent from the meeting.

466 RESOLVED on the motion of Cr M. Bowditch and Cr A. Barry that:
The minutes for the Aboriginal Cultural Inclusion Committee meeting held on 18 May, 2023 be NOTED.

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

Against: Nil.

At 6:45 pm Cr D. Douglas returned to Council Chambers and resumed their chair at the meeting table.

11.9. Minutes of State Significant Development Committee - 30 May, 2023

467 RESOLVED on the motion of Cr J. Lecky and Cr D. Douglas that:
The minutes for the Extra-Ordinary State Significant Development Committee meeting held on 30 May, 2023 be NOTED.

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 and Cr D. Marshall.

Against: Nil.

12. Notices of Motion

Nil

13. Councillors Reports**13.1 NGA & ALGA Canberra Conference**

Cr Lecky advised she had attended the National General Assembly and the Australian Local Government Association Conference held in Canberra recently that she found to be quite informative.

13.2 Reconciliation Flag Raising

Cr Bowditch advised that he attended the Aboriginal Reconciliation Flag Raising Ceremony in Simpson Park which was well attended. Cr Bowditch thanked staff involved in organising this important ceremony.



14. Written Questions

Nil

15. Questions for Next Meeting

15.1 Luscombe Lane

Cr McNeill referred to his previous question regarding the identification plaque of Luscombe Lane and asked whether an update could be provided.

15.2 Richard "Tommy" Gill Memorial Chair

Cr McNeill asked if an update could be provided on the progress of the memorial chair at the Victoria Park Cricket Oval.

15.3 Upgrade to Muswellbrook Cemetery

Cr Marshall referred to his previous question concerning the provision of a covered area at the cemetery and asked if an update could be provided.

15.4 Blue Flame Restaurant

Cr Bowditch inquired whether a timeline can be provided for the return of the Blue Flame restaurant at Loxton House.

16. Adjournment into Closed Council

468 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 L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall.

Against: Nil.

17. Closed Council

17.1. Regional Procurement Tender T032324HUN - Supply of Stationery

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

Council RESOLVES the:

1. The tenderer Sharp Electronics Newcastle Unit Trust t/a Sharp office be awarded the contract for Supply and Delivery of Office Supplies as the single source supplier to Muswellbrook Shire Council for the period 1 July 2023 to 30 June 2025; and



2. A provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2026.

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

Against: Nil.

17.2. Options to Tender following EOI for Organics Processing

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

Council:

1. NOTES the outcome of the Expressions of Interest (EOI) process;
2. RESOLVES to proceed to Selective Tender for Option 2 of the preceding EOI - construction of licenced Food Organics Garden Organics (FOGO) processing infrastructure on Council's site;
3. RESOLVES to commence FOGO collection from 1 July 2024;
4. RESOLVES to proceed to Selective Tender for collection of FOGO as an interim solution until Council's own infrastructure is ready to receive and process FOGO materials; and
5. The invitations to tender are extended to all EOI Respondents.

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 and Cr D. Marshall.

Against: Nil.



17.3. LGP RFQ 2022-2023-0563 Upgrade of Equipment and Facilities at Simpson Park, Muswellbrook

471 RESOLVED on the motion of Cr D. Marshall and Cr L. Dunn that:

Council:

1. ACCEPTS the submission from Austek Play for \$228,706.71, excluding GST, for project 2022-2023-0563 Upgrade of Equipment and Facilities at Simpson Park, Muswellbrook; and
2. APPROVES an additional budget allocation of \$89,813.71 from the 2023-24 General Recreation Programme.

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 and Cr D. Marshall.

Against: Nil.

17.4. Purchase of Denman Property

472 RESOLVED on the motion of Cr D. Marshall and Cr L. Dunn that:

Council considers a call option to purchase the property.

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 and Cr D. Marshall.

Against: Nil.

18. Resumption of Open Council

473 RESOLVED on the motion of Cr A. Barry 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 L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall.

Against: Nil.

The Mayor read out the resolutions of Closed Council



19. Closure

The meeting was declared closed at 7.12pm.

THE MINUTES OF THE MEETING (PAGES 1 to 27) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 25 JULY 2023 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 27 JUNE 2023.

.....
Mr D. Finnigan
General Manager

.....
Cr S. Reynolds
Chairperson