

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN MEETING ROOM, MUSWELLBROOK LIBRARY, 126 BRIDGE STREET MUSWELLBROOK ON TUESDAY 25 JUNE 2024 COMMENCING AT 6.00PM.**

**PRESENT:** Cr G.T. McNeill (Chair), Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr J.A. Lecky, 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), Mr J. Hogan (Chief Financial Officer) (VC), Ms K. Scholes (Manager - Roads, Drainage & Technical Services), Mrs M. Sandell-Hay (Governance Officer), Ms K. Hamm (EA to the Office of the Mayor & GM) and 3 people and 1 media 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**

447 RESOLVED on the motion of Cr M. Bowditch and Cr D. Douglas that:

The apologies for inability to attend the meeting submitted by Cr S. Reynolds 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 J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

**5. Confirmation of Minutes**

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

The Minutes of the Ordinary Council Meeting held on **28 May 2024** and Extra-Ordinary Council Meeting held on **4 June 2024**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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

Against: Nil



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

**Cr R. Mahajan** - Declared a pecuniary interest in Item 10.1.7 - Cr Mahajan advised Council that he is the owner of a property listed in the report.

**Cr D. Marshall** - Declared a non-pecuniary interest in Item 10.1.1 - Cr Marshall advised Council that a member of his family is the applicant.

## 7. Mayoral Minute

Nil.

## 8. Public Participation

**Mr Michael Cole** from MM Hyndes Bailey & Co in support of 10.1.2 DA 8/2017 - Section 4.55(2) Modification, Almond Street, Denman

## 9. Business Arising (From Previous Meetings)

Nil.

## 10. Business (Specific Reports)

### 10.1. Planning and Environment

#### 10.1.1. DA 2023-128 - Subdivision of One (1) Lot into Two (2) Lots - 20 Honey Lane, Sandy Hollow

##### Disclosure of Interest

Cr D. Marshall declared a non pecuniary interest in this Item. Cr Marshall advised Council that a member of his family is the applicant.

449 RESOLVED on the motion of Cr G. McNeill and Cr B. Woodruff that:  
This item be deferred to the next Council meeting to allow the applicant the opportunity to address Councillors in Public Participation.

In Favour 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 R. Scholes and Cr B. Woodruff

Against: Nil

#### 10.1.2. DA 8/2017 - Section 4.55(2) Modification, Almond Street, Denman

450 RESOLVED on the motion of Cr B. Woodruff and Cr M. Bowditch that:  
Council approves the Section 4.55(2) modification request for DA 2017/8 at Lot 122 DP 75924, Almond Street, Denman subject to the conditions in Attachment B.

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

Against: Nil



### 10.1.3. Draft Development Control Plan - Ironbark Ridge Extension

- 451 RESOLVED on the motion of Cr D. Marshall and Cr R. Scholes that:
- Council resolves to:
- A. prepare a Development Control Plan section related to the Ironbark Ridge Extension Area; and
  - B. undertake public consultation related to the draft Development Control Plan section in line with Council's Community Participation Plan.
- In Favour 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. HVO Continuation - Draft Planning Agreement General Terms

- 452 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry that:
- Council:
- A. Seeks an annual contribution of \$40,000 per annum from the Hunter Valley Operations (HVO) Continuation Project commensurate with similar placed projects in the Shire;
  - B. Seeks a \$10,000 per annum contribution toward employment of an Environmental Officer to offset the cost to ratepayers for Council to review plans, monitor outcomes, and contribute to closure / rehabilitation planning over the 25-year life of mine (HVO North), commensurate with similar projects in the Shire; and
  - C. Seeks the following socio-economic commitments within the PA:
    - i. Target 10% of supplier expenditure being paid to companies with offices in Muswellbrook Shire.
- In Favour 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



### 10.1.5. **Draft Submission to the Beneficial and Productive Post-Mining Land Use Inquiry**

**453** RESOLVED on the motion of Cr J. Lecky and Cr B. Woodruff that:  
Council resolves that Staff forward the submission provided in Attachment A, regarding beneficial and productive post-mining land use, to the Standing Committee on State Development Inquiry.

In Favour 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

### 10.1.6. **Participation in Hunter Power Purchase Agreement Tender Process**

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

1. AUTHORISES the General Manager to accept or decline the recommended tender 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 (noting that Council is committed to procuring 100% renewable electricity as part of this Power Purchasing Agreement in accordance with previous resolutions); and
2. AUTHORISES the General Manager to negotiate, agree, and to enter into a Contract for the supply of electricity to Large Sites and Street Lighting on Council's behalf.

In Favour 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



### 10.1.7. 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 is the owner of a property listed in the report.

At 6:22 pm Cr R. Mahajan left the Council Chambers and therefore took no part in discussion or voting on this item.

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

The information contained in this report be noted.

In Favour 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 6:23 pm Cr R. Mahajan returned to Council Chambers and resumed his chair at the meeting table.

## 10.2. Community Infrastructure

Nil.

## 10.3. Property and Place

### 10.3.1. Tree Removal Program

456 RESOLVED on the motion of Cr M. Bowditch and Cr D. Marshall that:

Council approves removal of the tree(s) as nominated in the report and at the following addresses:

1. 25 Acacia Drive, Muswellbrook;
2. 10 Virginia Street, Denman;
3. Volunteer Park, Muswellbrook;
4. Corner of Bloodwood Street and Jarrah Place, Muswellbrook;
5. Muswellbrook Cemetery;
6. 6 Dalwood Place, Muswellbrook
7. 56 Queen St, Muswellbrook
8. Victoria Park, Muswellbrook - Isolate and review prior to removal and investigate pruning, if review fails tree to be removed.

In Favour 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. Dedication of Land - Lots 51, 52 and 53 in DP632175 for Drainage Purposes**

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

Council:

1. Notes that Lots 51, 52, and 53 in DP632175 have been successfully transferred into the name of Muswellbrook Shire Council;
2. Resolves to give 28 days' public notice of the proposed resolution to classify Lots 51, 52, and 53 in DP632175 as operational land; and
3. Following public notice, a further report be provided to Council.

In Favour 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**

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

Council NOTES the information contained in the report.

In Favour 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. 2024/2025 Councillor Fees

- 459 RESOLVED on the motion of Cr J. Drayton and Cr D. Douglas that:
- Council:
1. Notes the Local Government Remuneration Tribunal's 2024 Annual Determination;
  2. Approves the minimum annual fee of \$10,220.00 for Councillors for 2024-25; and
  3. Approves the minimum additional annual fee of \$21,770.00 for the position of Mayor for 2024-25.
- In Favour 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. Audit, Risk and Improvement Committee Terms of Reference for ADOPTION

- 460 RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:
- Council ADOPTS the *Audit, Risk and Improvement Committee Terms of Reference*.
- In Favour 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. Industrial Closures Committee Updated Terms of Reference**

- 461 RESOLVED on the motion of Cr B. Woodruff and Cr M. Bowditch that:
- Council approves:
1. Renaming the Committee Industrial Closures and Future Opportunities Committee;
  2. The revised terms of reference; and
  3. The membership of the Committee be extended to include any mine or major operation in the Shire.
- In Favour 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. 2024-2025 Operational Plan, Budget Estimates, Revenue Policy and Fees & Charges for ADOPTION**

- 462 RESOLVED on the motion of Cr L. Dunn and Cr R. Scholes that:
- Council adopts:
1. The 2024/2025 Operational Plan, including the DRAFT Budget 2024/2025 Estimates, Fees & Charges, and Revenue Policy.
  2. All fees and charges for Denman Tennis and Denman Basketball be halved for seniors and waived for juniors during the 2024-2025 budget period.
- In Favour 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. 2024-2025 Making of the Rates & Annual Charges**

463

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

Council resolves as follows:

Council MAKES the following Ordinary rates for the 2024/25 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	0.292209	\$240	18.88%	\$1,218,301
Ordinary	Residential	Residential – Muswellbrook & Denman	0.427405	\$290	32.11%	\$5,294,206
Ordinary	Farmland	Farmland – General	0.181521	\$400	13.10%	\$1,108,691
Ordinary	Farmland	Farmland – Irrigable	0.209493	\$440	10.39%	\$478,361
Ordinary	Mining	Mining – General	0.784280	\$15,000	1.10%	\$10,938,865
Ordinary	Mining	Mining – Underground Coal Mining	0.824051	\$15,000	4.34%	\$345,444
Ordinary	Mining	Mining – Metallurgical Coal Mining	0.824051	\$15,000	0.91%	\$1,646,621
Ordinary	Business	Business – General	0.835192	\$250	7.68%	\$1,556,087
Ordinary	Business	Business – Power Generation	5.297600	\$25,000	16.26%	\$307,463
Ordinary	Business	Business – Thomas Mitchell Drive Industrial Centre	0.898262	\$275	10.34%	\$398,983
Ordinary	Business	Business – Showground Release Area	0.171351	\$250	2.06%	\$12,690



Ordinary	Business	Business – Mine Rehabilitation	0.784280	\$15,000	0%	\$0
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### **WATER CHARGES**

Council MAKES the following water charges for the 2024/25 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 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 2024 are:

<b>Water Service Charge Category</b>	<b>Amount</b>
Availability Charge (Not Connected)	\$270.00
Availability Charge (Connected – per service size)	
20mm service	\$270.00
25mm service	\$422.00
32mm service	\$691.00
40mm service	\$1080.00
50mm service	\$1,688.00
65mm service	\$2,852.00
80mm service	\$4,320.00
100mm service	\$6,750.00
150mm service	\$15,188.00

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 2024 are:

<b><u>Consumption Tariff</u></b>	<b><u>(\$/KI)</u></b>
Residential	Tier 1 (1-350KI per annum) \$2.80 per kilolitre
	Tier 2 (>350KI per annum) \$3.95 per kilolitre
Non-Residential	\$3.80 per kilolitre

**SEWERAGE CHARGES**

Council MAKES the following sewer charges for the 2024/25 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 2024 are:

**Sewer Service Availability Charge**

Residential Sewer Availability Charge (Vacant)	\$419.00
Residential Sewer Charge (Occupied)	\$1,076.00

**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 2024 will be based on the following formula:

SC	=	$SDF \times (AC + (C \times UC))$ 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 2024 are:

Availability Charge Category	Amount
Availability Charge (Not Connected)	\$419.00
Availability Charge (Connected – per service charge)	
20mm service	\$419.00
25mm service	\$654.69
32mm service	\$1,072.64
40mm service	\$1,676.00



50mm service	\$2,618.75
65mm service	\$4,425.69
80mm service	\$6,704.00
100mm service	\$10,475.00
150mm service	\$23,568.75

The Sewer Usage Charge for the year commencing 1 July 2024 is:

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

Non-Residential Sewer Usage Charge \$3.80 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 2024/25 Financial Year:

<b>Domestic Waste Management Service Charge</b>	<b>Amount</b>
Urban Domestic Waste Management Availability Charge <sup>(1)</sup>	\$127.00
Urban Domestic Waste Management Service Charge <sup>(2)</sup>	\$560.00
Weekly Collection Domestic Waste Service Charge– Red Lid Bin Only	\$100.00
Upsize to 240L Domestic Waste Service Charge – Red Lid Bin Only (see Fees and Charges for one of bin exchange fee)	\$266.00
Additional Urban Domestic Waste Management Service Charge	\$125.00
Additional Urban Domestic Waste Management Recycling Service Charge	\$98.00
Additional Urban Domestic Waste Management FOGO Waste Service Charge	\$80.00

- (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 fortnightly mobile waste bin service, one fortnightly collection of recyclable material and one weekly collection of FOGO (Food Organics and Garden Organics) 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 2024/25 Financial Year:

<b>Rural Domestic Waste Management Service Charge</b>	<b>Amount</b>
Rural Domestic Waste Management Availability Charge <sup>(1)</sup>	\$127.00
Rural Domestic Waste Management Service Charge <sup>(2)</sup>	\$425.00
Additional Rural Domestic Waste Management Service Charge	\$125.00
Weekly Collection Domestic Waste Service Charge– Red Lid Bin Only	\$100.00
Upsize to 240L Domestic Waste Service Charge – Red Lid Bin Only (see Fees and Charges for one of bin exchange fee)	\$266.00
Additional Rural Domestic Waste Management Recycling Service Charge	\$98.00
Rural Domestic Waste Management FOGO Waste Service Charge	\$80.00

- (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 can be provided.
- (2) Each habitable premises is entitled to one approved mobile waste bin service per fortnight 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 2024/25 Financial Year:

<b>Waste Management Service Charge</b>	<b>Amount</b>
Urban Waste Management Availability Charge – Non-Domestic <sup>(1)</sup>	\$127.00
Waste Management Service Charge <sup>(2)</sup>	\$425.00
Additional Waste Management Service Charge	\$125.00
Weekly Collection Waste Management Service Charge– Red Lid Bin Only	\$100.00
Upsize to 240L Waste Management Service Charge – Red Lid Bin Only (see Fees and Charges for one of bin exchange fee)	\$266.00
Additional Waste Management Recycling Service Charge	\$98.00
Waste Management FOGO Waste Service Charge	\$80.00



- (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 fortnight 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 2024/25 Financial Year:

<b>Rural Waste Management Service Charge</b>	<b>Amount</b>
Rural Waste Management Availability Charge – Non-Domestic <sup>(1)</sup>	\$127.00
Rural Waste Management Service Charge <sup>(2)</sup>	\$425.00
Additional Rural Waste Management Service Charge	\$125.00
Weekly Collection Waste Management Service Charge– Red Lid Bin Only	\$100.00
Upsize to 240L Waste Management Service Charge – Red Lid Bin Only (see Fees and Charges for one of bin exchange fee)	\$266.00
Additional Rural Waste Management Recycling Service Charge	\$98.00
Rural Waste Management FOGO Waste Service Charge	\$80.00

- (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 fortnight 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**

Council hereby determines and orders that overdue rates and charges for the year commencing 1 July 2024 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 ten point five per cent per annum for the 2024-2025 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 2024/25 rating year at 0.00629 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 2024/25 Catchment Contribution at 5% of the Hunter Catchment Contributions collected, as determined by Hunter Local Land Services.

In Favour 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. 2022/2023 Annual Report**

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

Council:

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

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

Against: Nil

**10.4.7. 2023-24 Operational Plan - 31 March 2024 Quarterly Review**

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

Council NOTES the 2023-24 Operational Plan Third Quarter Review dated 1 January 2024 to 31 March 2024.

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

Against: Nil

**10.4.8. Operating and Capital Budget Carryovers to 2024-25**

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

1. The attached lists of Operating and Capital Carryovers be ADOPTED.
2. The final values, based on the adjusted actual 2023-24 expenditure be incorporated into the 2024-25 budget prior to the September 2024 Quarterly Budget Review.
3. New grant funding received in late June be carried over and incorporated into the September 2024 Quarterly Budget Review.

In Favour 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





#### 10.4.9. Hardship Policy for Public Exhibition and Adoption

- 467 RESOLVED on the motion of Cr D. Marshall and Cr B. Woodruff that:
1. Council adopts the *Hardship Policy* and endorses 28 days of public exhibition of the policy via Council's website.
  2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

In Favour 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

#### 10.4.10. Muswellbrook Cinemas Pty Ltd - Request for Financial Assistance

- 468 RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:
- Council does not support the request for financial assistance as detailed in the report.

In Favour 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

#### 10.4.11. Debt Write-Off

- 469 RESOLVED on the motion of Cr D. Marshall and Cr J. Lecky that:
- Council APPROVES the write-off of \$63,239.40 of sundry, uncollectable debts, as listed in the report.

In Favour 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



#### **10.4.12. Report on Investments held as at 31 May 2024**

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

Council NOTES Council's Investments as at 31 May 2024.

In Favour 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**

Nil.

### **11. Minutes of Committee Meetings**

#### **11.1. State Significant Development Committee - 11 June, 2024**

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

Council NOTES the minutes of the meeting of the State Significant  
Development Committee held on 11 June 2024 and ADOPTS the  
recommendations contained therein.

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

Against: Nil

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

Nil.

### **13. Councillors Reports**

#### **13.1 Invitation to Wanaruah Local Aboriginal Land Council Cultural Burn**

Cr Woodruff thanked the Wanaruah Local Aboriginal Land Council for the invitation to the first cultural burn that was undertaken on Country at the Common, it was great to see so many people there.

#### **13.2 Muswellbrook Chamber of Commerce Business Awards**

Cr McNeill attended the MCCI Business Awards along with Cr Lecky, Cr Bowditch, and Cr Douglas and advised it was a great night, and congratulations to Cr Douglas and her team for a Highly Commended award

### **14. Written Questions**

Nil.



## 15. Questions for Next Meeting

### 15.1 Volunteer Park

Cr Bowditch advised Council that he had been contacted by residents regarding the bin at Volunteer Park and requested that a bin be installed by the next Council meeting and

Cr Bowditch also inquired whether a set of gates could be reinstated to prevent motorbikes from entering Volunteer Park

## 16. Adjournment into Closed Council

472 RESOLVED on the motion of Cr D. Marshall and Cr L. Dunn 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 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 asked to leave the meeting at this time.

## 17. Closed Council

### 17.1. Contract 2023-2024-0601 Sale of Recycled Water

473 RESOLVED on the motion of Cr D. Marshall and Cr M. Bowditch that:

1. In accordance with Section 178 of the Local Government (General) Regulation 2021, Council declines to accept submissions received for Contract 2023-2024-0601 Sale of Recycled Water;
2. In accordance with Section 178 (3)(e) of the Local Government (General) Regulation 2021, Council:
  - a. Declines to invite fresh tenders or applications as referred to in Section 178 subclause (3) (b)-(d) as it is unnecessary; and
  - b. Determines to enter into negotiations, as this is considered to provide the most advantageous result.
3. AUTHORISES the General Manager to determine the award of the contract and a comprehensive report be brought back to Council with alternative uses to support Council operations for the recycled water.

In Favour: 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. Cost Settlement

474 RESOLVED on the motion of Cr J. Drayton and Cr D. Marshall that:  
Council delegates authority to the General Manager to accept the settlement offers from the Applicant.

In Favour: 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

475 RESOLVED on the motion of Cr D. Douglas and Cr A. Barry that:  
The meeting return to Open Council.

In Favour: 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 public were invited to return to the meeting.

The General Manager read out the resolutions from Closed Council.

## 19. Closure

The meeting was declared closed at 7.24pm.

**THE MINUTES OF THE MEETING (PAGES 1 to 20) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 23 JULY 2024 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 25 JUNE 2024.**

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

.....  
Cr G. McNeill  
**Chairperson**