

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN TRAINING ROOM, UNIVERSITY OF NEWCASTLE - UPPER HUNTER CAMPUS, LEVEL1, TEC1 BUILDING, 87 LOWER HILL STREET, MUSWELLBROOK ON TUESDAY 28 MAY 2024 COMMENCING AT 6.00PM.

PRESENT: Cr S.M. Reynolds (Mayor), Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr J.A. Lecky, Cr G.T. McNeill, Cr R. Mahajan and Cr B.N. Woodruff.

IN ATTENDANCE: Mr D. Finnigan (General Manager), Ms S. Pope (Director – Planning & Environment), Ms S. Welchman (Director - Community & Economy), Mr M. Lysaught (Director – Infrastructure & Property), Ms E. Lanyon (Manager – Governance & Risk), Mr P. Chambers (Chief Engineer), Mr H. McTaggart (Development Co-Ordinator), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms K. Hamm (EA to the Mayor) and 3 people in the public gallery.

1. Applications for Attendance via Audio Visual Link

Nil.

Cr R. Scholes attempted to join the Meeting via Audio Visual Link, however, due to technical difficulties experienced in the Chamber, Councillor Scholes was unable to join the meeting.

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

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

The apologies for inability to attend the meeting submitted by Cr M. Bowditch, Cr D. Marshall, Cr R. Scholes be ACCEPTED and the necessary Leave of Absence be GRANTED.

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 and Cr B. Woodruff.

Against: Nil.



5. Confirmation of Minutes

411 RESOLVED on the motion of Cr B. Woodruff and Cr D. Douglas that:
The Minutes of the Ordinary Council Meeting held on **23 April 2024** and Extra-Ordinary Council Meeting held on **14 May 2024**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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

Against: Nil

6. Disclosure of any Pecuniary or Non-Pecuniary Interests

Ms S. Pope - Declared an insignificant non-pecuniary interest in Item 10.1.1 - Ms Pope advised Council that her son works for the company that has prepared reports for this Development Application.

Cr B. Woodruff - Declared a pecuniary interest in Item 10.2.2 - Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr B. Woodruff - Declared a pecuniary interest in Item 10.2.3 - Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr B. Woodruff - Declared a pecuniary interest in Item 17.8 - Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr B Woodruff - Declared a pecuniary interest in Item 17.11 - Cr Woodruff advised Council that a member of his immediate family is mentioned in the report.

Cr D. Douglas - Declared a pecuniary interest in Item 10.2.2 - Cr Douglas advised Council her son is employed by the applicant.

Cr D. Douglas - Declared a pecuniary interest in Item 17.7 - Cr Douglas advised Council that her son's company tendered for the contract.

Cr R. Mahajan - Declared a pecuniary interest in Item 10.1.3 - Cr Mahajan advised Council that he owns a property mentioned in the report.

7. Mayoral Minute

Nil.



8. Public Participation

Disclosure of Interest

Ms Pope declared a pecuniary interest in Item 10.1.1 – DA 2022-92. Ms Pope advised Council that her son works for the company that has provided reports for the development application.

Ms Pope left the meeting at 6.16pm and therefore took no part in discussion on this item.

Mr Bill Yassine - LandCorp Australia in support of 10.1.1 DA 2022/92 - One Hundred and Ninety-Four (194) Lot Subdivision - Almond Street, Denman

At 6.18pm Ms Pope returned to the meeting room and resumed her chair at the meeting table.

Mr Michael Chudyk - 10.2.3 Section 138 Roads Act 1993 Permit Bengalla Mining Company - Maintenance Works Old Bengalla Road

9. Business Arising (From Previous Meetings)

Nil.

10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. DA 2022/92 - One Hundred and Ninety-Four (194) Lot Subdivision - Almond Street, Denman

Disclosure of Interest

Ms S. Pope declared an insignificant non-pecuniary interest in this item. Ms Pope advised Council that her son works for the company that has prepared reports for this Development Application.

At 6:19 pm Ms S. Pope left the Council Chambers and therefore took no part in discussion.

412	RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that: Council grants development consent to DA 2022/92, being the subdivision of Lot 1 DP 616013 into one hundred and ninety-four (194) Lots, two (2) drainage reserves and construction of associated infrastructure, subject to the recommended conditions of consent included in Attachment B.
<u>In Favour</u>	Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr B. Woodruff
<u>Against:</u>	Nil

At 6:20 pm Ms S. Pope returned to Council Chambers and resumed her chair at the meeting table.



10.1.2. Mount Arthur MOD2 - Council Comments on Submissions Report

413 RESOLVED on the motion of Cr S. Reynolds and Cr B. Woodruff that:
Council resolves to amend the draft response provided in Attachment A, generally in accordance with the document titled *Mount Arthur MOD2 – Council response to Submissions Report-v4*, and forward the amended response to the DPHI.

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 and Cr B. Woodruff

Against: Nil

10.1.3. 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 owns a property mentioned in the report.

At 6:21 pm Cr R. Mahajan left the Council Chambers and therefore took no part in discussion or voting on this item.

414 RESOLVED on the motion of Cr J. Drayton 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 D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill and Cr B. Woodruff

Against: Nil

At 6:22 pm Cr R. Mahajan returned to Council Chambers and resumed his chair at the meeting table.



10.2. Community Infrastructure

10.2.1. Guideline For The Installation and Management of Public Gates (Stock Grids) for ADOPTION

- 415 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:
- Council:
1. ENDORSES '*The Guideline for the Installation and Management of Public Gates (Stock Grids)*' as amended and attached to the report; and
 2. APPROVES the waiving of the first inspection fee nominated in Council's Fees and Charges for 2024-25 for the inspections undertaken to determine the condition of each public gate in 2024.

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 and Cr B. Woodruff

Against: Nil

10.2.2 Mangoola Coal Continued Operations Project - Yarraman Road Upgrade - Documents to be Signed Under the Seal of Council

Disclosure of Interest

Cr D. Douglas declared a pecuniary interest in this item. Cr Douglas advised Council that her son is employed by the applicant.

Cr B. Woodruff - Declared a pecuniary interest in Item 10.2.2 - Cr Woodruff advised Council that his employer undertakes work for the applicant.

At 6:23 pm Cr D. Douglas and Cr B. Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

- 416 RESOLVED on the motion of Cr J. Drayton and Cr J. Lecky that:
- Council APPROVES the seal and signatures of Council to be affixed in accordance with the Regulations to Transfer documents, dealings, and plans associated with the acquisition of land required for road purposes for the 'Yarraman Road Portion Upgrade'.

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

Against: Nil

At 6:24 pm Cr D. Douglas returned to Council Chambers and resumed her chair at the meeting table.



10.2.3. **Section 138 Roads Act 1993 Permit Bengalla Mining Company - Maintenance Works Old Bengalla Road**

Disclosure of Interest

Cr B. Woodruff - Declared a pecuniary interest in this Item. Cr Woodruff advised Council that his employer undertakes work for the applicant.

Cr B. Woodruff remained absent from the meeting room.

417 RESOLVED on the motion of Cr J. Drayton and Cr J. Lecky that:

Council delegates to the General Manager authority to sign the s.138 Roads Act 1993 permit for Bengalla Mining Company to undertake maintenance works on Old Bengalla Road with appropriate conditions.

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

Against: Nil

At 6:25 pm Cr B. Woodruff returned to Council Chambers and resumed his chair at the meeting table.

10.3. Property and Place

10.3.1. **Muswellbrook Shire Council, Upper Hunter Shire Council, and Singleton Council Regional Drought Resilience Plan**

418 RESOLVED on the motion of Cr G. McNeill and Cr A. Barry that:

Council:

1. Notes the Draft Upper Hunter Regional Drought Resilience Plan; and
2. Supports in principle the five main actions and complementary actions identified.

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 and Cr B. Woodruff

Against: Nil

10.3.2. **Major Project Status Report**

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

Council NOTES the information contained in the report.

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 and Cr B. Woodruff

Against: Nil



10.4. Corporate Services

10.4.1. Audit, Risk and Improvement Committee Terms of Reference for ADOPTION

420 RESOLVED on the motion of Cr R. Mahajan and Cr J. Lecky that:
Council ADOPTS the *Audit, Risk and Improvement Committee Terms of Reference*.

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 and Cr B. Woodruff

Against: Nil

10.4.2. Report on Investments held as at 30 April 2024

421 RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:
Council NOTES Council's Investments as at 30 April 2024.

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 and Cr B. Woodruff

Against: Nil

10.4.3. Monthly Financial Report - April 2024

422 RESOLVED on the motion of Cr B. Woodruff and Cr R. Mahajan that:
Council NOTES the Financial Reports for the month ending 30 April 2024.

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 and Cr B. Woodruff

Against: Nil



10.4.4. March 2024 Quarterly Budget Review

- 423 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry that:
Council ADOPTS the proposed changes in the March 2024 Quarterly Budget Review.
- 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 and Cr B. Woodruff
- Against: Nil

10.4.5. Future Fund for Special Purpose Financial Statements

- 424 RESOLVED on the motion of Cr B. Woodruff and Cr J. Lecky that:
Council confirms that the Future Fund and other Commercial Properties are not a declared business for the purposes of Council's Special Purpose Financial Statements.
- 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 and Cr B. Woodruff
- Against: Nil

10.5. Community and Economy

10.5.1. Advanced Manufacturing Scaleup & STEMobile Business Case

- 425 RESOLVED on the motion of Cr L. Dunn and Cr R. Mahajan that:
Council:
1. NOTES the Hunter Innovation Precinct Scale-up Business Case; and
 2. APPROVES applying for the Federal Government's Regional Precincts and Partnerships Program (rPPP) Stream 2 funding for the Advanced Manufacturing Hub.
 3. Council advocates to the State and Federal Government to assume greater financial responsibility for these important initiatives.
- 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 and Cr B. Woodruff
- Against: Nil



10.5.2. The Rural Doctors Bush Bursary and Country Women's Association Program

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

Council NOTES the information contained in this report.

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

Against: Nil

11. Minutes of Committee Meetings

11.1. Aboriginal Cultural Inclusion Committee - 7 May, 2024

427 RESOLVED on the motion of Cr S. Reynolds and Cr A. Barry that:

The Record of Proceedings for the Aboriginal Cultural Inclusion Committee meeting held on 7 May 2024 be NOTED.

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 and Cr B. Woodruff

Against: Nil

11.2. Local Traffic Committee - 14 May 2024

428 RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:

The Minutes for the Local Traffic Committee held on 14 May 2024 be NOTED and the recommendations contained therein ADOPTED by Council.

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 and Cr B. Woodruff

Against: Nil

11.3. State Significant Development Committee - 14 May, 2024

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

The minutes for the State Significant Development Committee meeting held on 14 May 2024 be NOTED.

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 and Cr B. Woodruff

Against: Nil



11.4. Finance Review Committee - 16 May, 2024

- 430 RESOLVED on the motion of Cr R. Mahajan and Cr A. Barry that:
Council NOTES the minutes of the meeting of the Finance Review Advisory Committee held on 16 May 2024 and ADOPTS the recommendations contained therein.
- 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 and Cr B. Woodruff
- Against: Nil

11.5. Grants Review Committee - 16 May, 2024

- 431 RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:
Council NOTES the minutes of the Grants Review Committee meeting held on 16 May 2024 and ADOPTS the recommendations contained therein.
- 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 and Cr B. Woodruff
- Against: Nil

11.6. Mangoola Community Funding Investment Committee - 20 May, 2024

- 432 RESOLVED on the motion of Cr J. Lecky and Cr A. Barry that:
Council NOTES the minutes of the Mangoola Community Funding Investment Committee meeting held on 20 May 2024, and ADOPTS all recommendations contained therein.
- 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 and Cr B. Woodruff
- Against: Nil

12. Notice of Motion

Nil.



13. Councillors Reports

Nil.

14. Written Questions

Nil.

15. Questions for Next Meeting

Nil.

16. Adjournment into Closed Council

433 RESOLVED on the motion of Cr D. Douglas and Cr A. Barry 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 D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr B. Woodruff.

Against: Nil.

Members of the public left the Meeting at this time.

17. Closed Council

17.1. Unsolicited Proposal - Maitland Street

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

Council declines the offer to sell Lot 17 DP 26911, 153 Maitland Street, Muswellbrook.

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 and Cr B. Woodruff.

Against: Nil.

**17.2. Contract 2023-2024-0591 Re-Construction of Bridge Street Footpath**

- 435 RESOLVED on the motion of Cr G. McNeill and Cr B. Woodruff that:
- Council, subject to execution of the Australian Government Priority Community Infrastructure Programme (PCIP) funding:
1. Accepts the Tender submitted by Hunter Wide Civil Pty Ltd for Contract 2023-2024-0591, Reconstruction of footpath Bridge Street – Stage 7A for the lump sum of \$512,837.00 exclusive of GST;
 2. Approves the additional allocation of \$745,468 budget from the Australian Government's Priority Community Infrastructure Program (PCIP) funding;
 3. Subject to the resolution of property tenure for the project, approves the inclusion of the provisional item in the Contract with Hunter Wide Civil, bringing the total contract value to \$1,075.836.00, excluding GST; and
 4. Delegates to the General Manager authority to enter into a Contract for the Reconstruction of footpath Bridge Street – Stage 7A.
- 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 and Cr B. Woodruff.
- Against: Nil.

17.3. Contract 2023-2024-0598 Commercial Cleaning of Campbells Corner and Muswellbrook Marketplace

- 436 RESOLVED on the motion of Cr J. Drayton and Cr L. Dunn that:
- Council:
1. Accepts the Tender submitted by Principal Asset Solutions Pty Ltd for Contract 2023-2024-0598 Commercial Cleaning of Campbell's Corner and Muswellbrook Marketplace for the lump sum of \$389,706.00, exclusive of GST, per annum for the period 01 July 2024 to 30 June 2027; and
 2. Delegates to the General Manager authority to enter into a Contract for the Commercial Cleaning of Campbell's Corner and Muswellbrook Marketplace with Principal Asset Solutions Pty Ltd.
 3. Council to continue to look into opportunities to in-source employees.
- 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 and Cr B. Woodruff.
- Against: Nil.

**17.4. Panel Contract 2023-2024-0576 Wet and Dry Hire of Plant, Machinery, and Equipment**

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

Council:

APPROVES the following suppliers as Panel Source Suppliers for Wet and Dry Hire of Plant, Machinery, and Equipment for the period 01 July 2024 to 30 June 2027 and that a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take the contract through to 30 June 2028:

- i. Subject to satisfactory financial checks and onboarding in the Council's Contractor Management System VAULT:
 1. 1800 Mr Excavate Pty Ltd;
 2. Accurate Asphalt & Road Repairs Pty Ltd;
 3. Agrihire Pty Ltd;
 4. Aqua Assets Pty Ltd;
 5. Auswed Wild Group (The Trustee for the Auswed Securities Discretionary Trust);
 6. Base Course Management NSW Pty Ltd;
 7. Blubos Pty Ltd;
 8. Clint's Excavations Pty Ltd;
 9. Coates Hire Operations Pty Ltd;
 10. D E Plant Hire (Dannenberg Earthmoving Pty Ltd);
 11. Fenworx Pty Ltd;
 12. Finn Valley Plant & Equipment Pty Ltd;
 13. JE and J Robinson Pty Ltd;
 14. Kentan Access & Hire Pty Ltd;
 15. Orange Equipment Pty Ltd;
 16. Premiair Services Pty Ltd;
 17. Russel's Earthmoving Pty Ltd;
 18. Team Dreegan Pty Ltd; and
 19. Vision Excavations Pty Ltd.
- ii. Subject to satisfactory outcome of contract negotiations, as well as satisfactory financial checks and onboarding in the Council's Contractor Management System, VAULT:
 1. Conplant Pty Ltd;
 2. CRE Resources (The Trustee for the Ellery Family Trust);
 3. Griffin Property Maintenance Pty Ltd;
 4. National Pump & Energy Pty Ltd;
 5. No Bull Building Pty Ltd;
 6. Rollers Australia Pty Ltd; and
 7. Tutt Bryant Hire Pty Ltd.

Delegates to the General Manager authority to enter into Contracts for the provision of Wet and Dry Hire of Plant, Machinery, and Equipment with the Tenderers listed above.

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 and Cr B. Woodruff.

Against: Nil.



17.5. Contract 2023-2024-0595 Relining Works in Crinoline Street, Denman

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

Council:

1. ACCEPTS the Tender submitted by Mullane Trenchless Pipeline Solutions Pty Ltd for Scope Part A and B of Contract 2023-2024-0595 Relining Works in Crinoline Street, Denman for the lump sum of \$239,965.00, exclusive of GST; and
2. Delegates to the General Manager authority to enter into a Contract for 2023-2024-0595 Relining Works in Crinoline Street, Denman.

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 and Cr B. Woodruff.

Against: Nil.

17.6. Contract 2021-2022-0509 for Construction of the Denman Children's Centre Extension

439 RESOLVED on the motion of Cr A. Barry and Cr L. Dunn that:

Council:

1. APPROVES an allocation of \$300,000 funding from the Mangoola Voluntary Planning Agreement to the Denman Children's Centre Extension;
2. ACCEPTS the Tender submitted by Westbury Constructions Pty Ltd for Contract 2021-2022-0509 Construction of Denman Children's Centre Extension for the lump sum of \$1,512,940.00, exclusive of GST; and
3. Delegates to the General Manager authority to enter into a Contract for 2021-2022-0509 Construction of Denman Children's Centre Extension with Westbury Constructions Pty Ltd following approval for the Work Schedule for Local Roads and Community Infrastructure Fund – Phase 4.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr L. Dunn, Cr G. McNeill and Cr B. Woodruff.

Against: Cr D. Douglas, Cr J. Drayton and Cr R. Mahajan.

**17.7. Contract 2023-2024-0605 Management of Sam Adams College****Disclosure of Interest**

Cr D. Douglas declared a pecuniary interest in this item. Cr Douglas advised Council that her son's company tendered for the contract.

At 6:55 pm Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

440 RESOLVED on the motion of Cr B. Woodruff and Cr L. Dunn that:

Council:

1. Declines to accept any of the tenders for Contract 2023-2024-0605 Management of Sam Adams College;
2. In accordance with clause 177(3)(e) of the Local Government (General) Regulation 2005 enter into negotiations with the preferred tenderer as it is considered most likely to achieve the best value outcome for Council; and
3. Delegates to the General Manager authority to enter into a Contract for 2023-2024-0605 Management of Sam Adams College

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

Against: Nil.

At 6:55 pm Cr D. Douglas returned to Council Chambers and resumed her chair at the meeting table.

17.8. Section 138 Roads Act Approval Services Investigation Denman and Bengalla Road- Bengalla Mining Company**Disclosure of Interest**

Cr B. Woodruff declared a pecuniary interest in this item. Cr Woodruff advised Council that his employer undertakes work for the applicant.

At 6:55 pm Cr B. Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

441 RESOLVED on the motion of Cr J. Drayton and Cr J. Lecky that:

Council delegates to the General Manager authority to sign the s.138 Roads Act 1993 permit to undertake non-destructive digging investigation to identify the location of existing services along Denman Road and Bengalla Road

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

Against: Nil.

At 6:56 pm Cr B. Woodruff returned to Council Chambers and resumed his chair at the meeting table.



17.9. Donald Horne Building - Financial Close Out

- 442 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:
Council:
1. ACCEPTS the Final "Without Prejudice" offer as recommended in the report; and
 2. Authorises the General Manager to finalise and execute a Deed of Settlement and Release with the Contractor.
- 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 and Cr B. Woodruff.
- Against: Nil.

17.10. Art Gallery Cafe Expression of Interest - Status Update

- 443 RESOLVED on the motion of Cr A. Barry and Cr J. Lecky that:
Council NOTES the information contained in the report.
- In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr B. Woodruff.
- Against: Nil.

17.11. Denman to Sandy Hollow Pipeline Project - Land Acquisition

Disclosure of Interest

Cr B Woodruff declared a pecuniary interest in this item. Cr Woodruff advised Council that a member of his immediate family is mentioned in the report.

At 6:59 pm Cr B. Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

- 444 RESOLVED on the motion of Cr G. McNeill and Cr J. Drayton that:
Council:
1. APPROVES the agreed sums for acquisition as outlined in the report to Landowners 1, 2 and 3; and
 2. Authorises the General Manager to sign deeds of acquisition with the relevant landowners.
- In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill and Cr R. Mahajan.
- Against: Nil.

At 7:00 pm Cr B. Woodruff returned to Council Chambers and resumed his chair at the meeting table.



17.12. Urban Pavement Renewal Programme 2023-2024

445 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:
Council APPROVES contracting Downer EDI Works Pty Ltd to deliver Council's Urban Road Renewal Programme 2023-24 under the contract for the 'Provision of Road Resurfacing Services as Panel Source Suppliers to Muswellbrook Shire Council for the period 1 July 2023 to 30 June 2026.'

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 and Cr B. Woodruff.

Against: Nil.

18. Resumption of Open Council

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

The meeting return to Open Council.

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 and Cr B. Woodruff.

Against: Nil.

The members of the public were invited to return to the meeting.

The General Manager and Mayor read out the resolutions from Closed Council.

19. Closure

The meeting was declared closed at 7.11pm.

THE MINUTES OF THE MEETING (PAGES 1 to 17) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 25 JUNE 2024 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 28 MAY 2024.

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Mr D. Finnigan
General Manager

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Cr S. Reynolds
Chairperson