



MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN ATHERSTONE ROOM, CAMPBELLS CORNER, 1ST FLOOR 80 BRIDGE STREET, MUSWELLBROOK ON 23 JULY 2024 COMMENCING AT 6.00pm.

- PRESENT:** Cr S.M. Reynolds (Mayor), Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr J.A. Lecky, Cr G.T. McNeill, Cr R. Mahajan, Cr D.E. Marshall, Cr R. Scholes and Cr B.N. Woodruff.
- IN ATTENDANCE:** Mr M. Lysaught (Director – Infrastructure and Property) (Acting General Manager), Ms S. Pope (Director – Planning & Environment), Mr P. Chambers (Chief Engineer), Ms K. Hamm (Manager – Governance & Risk), Ms A. Hathway (Legal Counsel), Mr J. Hogan (Chief Financial Officer), Ms K. Scholes (Manager - Infrastructure & Operations), Mr P. Ball (Manager - Works), Mrs C. Middleton (Communications Co-Ordinator), Ms A. Cox (Corporate Planning and Reporting Officer), Ms K. Randall (Procurement Administrator) and 3 people, 1(VC) 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 D. Douglas.

3. Civic Prayer

The Civic Prayer was read by Cr J. Lecky.

4. Apologies and Applications for a Leave of Absence

Nil.

5. Confirmation of Minutes

- 1 RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:
- The Minutes of the Ordinary Council Meeting held on **23 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 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

6. Disclosure of any Pecuniary or Non-Pecuniary Interests

Cr S. Reynolds - Declared a non-pecuniary interest in Item 17.4 - Cr S. Reynolds advised Council that he undertakes videography at the site.

Cr D. Marshall - Declared a non-pecuniary interest in Item 10.1.2 - Cr D. Marshall advised Council that the applicant is a family member.

Cr D. Marshall - Declared a non-pecuniary interest in Item 17.2 - Cr D. Marshall advised Council that his daughter is employed by the contractor.

Cr D. Marshall - Declared a non-pecuniary interest in Item 17.3 - Cr D. Marshall advised Council that his daughter is employed by the contractor.

Cr D. Marshall - Declared a non-pecuniary interest in Item 17.7 - Cr D. Marshall advised Council that his daughter is employed by the contractor.

Cr A. Barry - Declared a non-pecuniary interest in Items 10.1.4 - Cr A. Barry advised Council that her son is employed at Mt Pleasant.

Cr A. Barry - Declared a non-pecuniary interest in Item 17.1 - Cr A. Barry advised Council that her son is employed at Mt Pleasant.

Cr R. Scholes - Declared a non-pecuniary interest in Item 10.1.3 - Cr R. Scholes advised Council that the applicant is a close neighbour.

Cr M. Bowditch - Declared an insignificant non-pecuniary interest in Items 10.1.4 - Cr M. Bowditch advised Council that his daughter works for the contractor.

Cr M. Bowditch - Declared an insignificant non-pecuniary interest in Item 17.1 - Cr M. Bowditch advised Council that his daughter works for the contractor.

Cr M. Bowditch - Declared an insignificant non-pecuniary interest in Item 17.2 - Cr M. Bowditch advised Council that his daughter works for the contractor.

Cr M. Bowditch - Declared an insignificant non-pecuniary interest in Item 17.3 - Cr M. Bowditch advised Council that his daughter works for the contractor.

Cr M. Bowditch - Declared an insignificant non-pecuniary interest in Item 17.6 - Cr M. Bowditch advised Council that his daughter works for the contractor.

Cr M. Bowditch - Declared an insignificant non-pecuniary interest in Item 17.7 - Cr M. Bowditch advised Council that his daughter works for the contractor.

Cr M. Bowditch - Declared an insignificant non-pecuniary interest in Item 11.1 - Cr M. Bowditch, advised Council that he is on the Olympic Park Advisory Committee representing Group 21 Rugby League.

Cr M. Bowditch - Declared a non-pecuniary interest in Item 17.4 - Cr M. Bowditch advised Council that he is on the Olympic Park Advisory Committee representing Group 21 Rugby League.

Cr R. Mahajan - Declared a pecuniary interest in Item 10.1.10 - Cr R. Mahajan, advised Council that he owns the property.

Cr B. Woodruff - Declared a pecuniary interest in Item 10.1.4 - Cr B. Woodruff advised Council that his employer undertakes work for MACH Energy.



Cr B. Woodruff - Declared a pecuniary interest in Item 17.1 - Cr B. Woodruff advised Council that his employer undertakes work for MACH Energy.

Cr D. Douglas - Declared a non-pecuniary interest in Items 10.1.4 - Cr D. Douglas advised Council that the applicant provides funding to Wanaruah Local Aboriginal Land Council where she is the CEO.

Cr D. Douglas - Declared a non-pecuniary interest in Item 17.1 - Cr D. Douglas advised Council that the applicant provides funding to Wanaruah Local Aboriginal Land Council where she is the CEO.

Cr D. Douglas - Declared a non-pecuniary interest in Items 17.3 - Cr D. Douglas advised Council that Muswellbrook Common which is owned by Wanaruah Local Aboriginal Land Council where she is the CEO.

Cr G. McNeill - Declared a pecuniary interest in Items 10.1.8 - Cr G. McNeill advised Council that he is a part owner of a heritage item.

7. Mayoral Minute

This term we set out that this Council was sustainable moving forward and would like to acknowledge the fantastic work of both Councillors and Staff in keeping to that. We made the decision to not take on anymore projects so that we could complete the projects we already had. It has been a Council where we have got in and got things done.

8. Public Participation

Conflict of Interest

Cr R. Scholes declared a non-pecuniary interest in this Item. Cr R. Scholes advised Council that the applicant is a close neighbour.

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

Mr Chris Baldry - in support 10.1.3 DA 2021-13 - Modification - Request to Extend Time For Use of Demountable Classroom - 104 Hill Street Muswellbrook

Ms Janet Walsh - in support 10.1.3 DA 2021-13 - Modification - Request to Extend Time For Use of Demountable Classroom - 104 Hill Street Muswellbrook

At 6:15pm Cr R. Scholes returned to Council Chambers and resumed his chair at the meeting table.

9. Business Arising (From Previous Meetings)

Nil.



10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. **Development Application No. 100/2023 - Demolition of Existing Structures, Construction of 9 Serviced Apartments, Construction of 2 New Shop Fronts and Strata Subdivision - 37 Ogilvie Street Denman**

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

Council grants development consent to DA 2023/100 for the demolition of existing structures, construction of 9 serviced apartments, construction of 2 new shop fronts, and a strata subdivision at Lot 102 DP 1178581, 37 Ogilvie Street Denman, subject to the recommended conditions of consent included as Attachment B to the report.

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

Against: Nil

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

Conflict of Interest

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

At 6:17pm Cr D. Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council approves development application DA 2023-128 to permit the subdivision of one (1) lot into two (2) lots subject to the recommended conditions of consent in Attachment B.

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

Against: Nil

At 6:17pm Cr D. Marshall returned to Council Chambers and resumed his chair at the meeting table.

**10.1.3. DA 2021-13 - Modification - Request to Extend Time For Use of Demountable Classroom - 104 Hill Street Muswellbrook****Conflict of Interest**

Cr R. Scholes declared a non-pecuniary interest in this Item. Cr R. Scholes advised Council that the applicant is a close neighbour.

At 6:17pm Cr R. Scholes left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council approves the modification of Development Application No. 2021-13 to permit the continued use of the demountable classroom located at Lot 21 DP 828480, 104 Hill Street Muswellbrook through to 31 January, 2026 subject to amended conditions shown in Appendix B, and with further amendments that require:

A. All staff, except those with mobility issues, to park in Hill Street.

B. The school minibus is to be parked in the school's carpark except during school zone times (i.e 8:00am to 9:30am and 2:30pm to 4:00pm on school days).

C. The Coffee Cart in the school car park is to be removed by 11 October 2024.

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

Against: Nil

At 6:20pm am Cr R. Scholes returned to Council Chambers and resumed his chair at the meeting table.

10.1.4. Draft Planning Agreement - MACH Energy and Muswellbrook Shire Council for PUBLIC EXHIBITION**Conflict of Interest**

Cr B. Woodruff declared a non-pecuniary interest in this Item. Cr B. Woodruff advised Council that the Item/s relate to his employer.

Cr D. Douglas declared a non-pecuniary interest in this Item. Cr D. Douglas advised Council that the applicant provides funding to Wanaruah Local Aboriginal Land Council where she is the CEO.

Cr A. Barry declared a non-pecuniary interest in this Item. Cr A. Barry advised Council that her son is employed by the applicant.

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

At 6:20pm Cr B. Woodruff, Cr D. Douglas, Cr A. Barry and Cr M. Bowditch left the Council Chambers and therefore took no part in discussion or voting on this item.



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

Council:

1. Approves publicly exhibiting the draft Planning Agreement in Attachment A, in accordance with the requirements of the Environmental Planning and Assessment Act 1979; and
2. Delegates authority to the General Manager to execute the Planning Agreement following public exhibition, and to make appropriate amendments to the Planning Agreement which do not alter the intent of the draft Planning Agreement as exhibited, or result in material changes to the Planning Agreement, following consideration of any public submissions.

In Favour Cr S. Reynolds, Cr J. Lecky, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

At 6:22pm Cr A. Barry, Cr M. Bowditch, Cr D. Douglas and Cr B. Woodruff returned to Council Chambers and resumed their chairs at the meeting table.

10.1.5. Planning Proposal - Muswellbrook Council Works Depot

6 RESOLVED on the motion of Cr D. Douglas and Cr B. Woodruff that:

Council:

1. Prepares a Planning Proposal, pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, for an amendment to the Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to achieve the objective of ensuring that a Council works depot is a type of development permissible with consent at Lot 1 DP 819014.
2. Requests a Gateway Determination from the Department of Planning, Housing and Infrastructure, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the Environmental Planning and Assessment Act 1979;
3. Requests that the Director General of the Department of Planning, Housing and Infrastructure issues a Written Authorisation to Council to exercise delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal; and
4. Delegates authority to the General Manager to finalise the amendment to the Local Environmental Plan, unless submissions are received through the public exhibition of the Planning Proposal, in which case a further report to Council to consider the public submissions is to occur.

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

Against: Nil

**10.1.6. Planning Proposal - Rural Housing and Rural Lot Boundary Adjustments**

- 7 RESOLVED on the motion of Cr J. Drayton and Cr M. Bowditch that:
- Council RESOLVES to:
- A. Prepare a planning proposal, pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, for an amendment to the Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to:
 - i. insert a new clause 4.1C Exceptions to minimum subdivision lot size for boundary adjustments;
 - ii. amend clause 7.5 Erection of dwelling houses on land in certain rural and environmental protection zones to ensure dwellings are still permitted on lots created under previous planning instruments;
 - B. Forward the planning proposal to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination,
 - C. Exhibit the planning proposal in accordance with that gateway determination; and
 - D. Request Written Authorisation for Council to Exercise Delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.

In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr 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. Major Landcare Projects

- 8 RESOLVED on the motion of Cr J. Lecky and Cr D. Marshall that:
- Council APPROVES the allocations for the 2024-25 Major Landcare budget as proposed in Table 1 of the report.

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

Against: Nil

**10.1.8. Change to Local Heritage Assistance Grant size****Conflict of Interest**

Cr G. McNeill declared a non-pecuniary interest in this Item. Cr G. McNeill advised Council that he is a part owner of a heritage item.

At 6:25pm Cr G. McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

- 9 RESOLVED on the motion of Cr J. Lecky and Cr D. Marshall that:
Council APPROVES increasing the Local Heritage Assistance Grants to a maximum of \$4000.00 per property in any financial year.

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

Against: Nil

At 6:26pm Cr G. McNeill returned to Council Chambers and resumed his Chair at the meeting table.

10.1.9. Muswellbrook Shire Community Benefit Fund Policy for Adoption

- 10 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:
Council ADOPTS:
1. The updated Muswellbrook Shire Community Benefit Fund (MSCBF) Policy, as provided in Attachment A.
2. The MSCBF Terms of Reference, pending Council acceptance of a minor change relating to a four-year term for the Advisory Committee; and
3. APPROVES the preparation and exhibition of the MSCBF Procedure for a period of 28 days.

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

Against: Nil



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

Conflict of Interest

Cr R. Mahajan declared a pecuniary interest in this Item. Cr R. Mahajan advised Council that he owns the property.

At 6:27pm Cr R. Mahajan left the Council Chambers and therefore took no part in discussion or voting on this item.

11 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 J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff

Against:

Nil

At 6:27pm Cr R. Mahajan returned to Council Chambers and resumed his chair at the meeting table.

10.2. Community Infrastructure

10.2.1. 2024-25 Capital Works Program - Roads and Drainage

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

Council ENDORSES:

The attached priority lists of work and the undertaking of the 2024-25 Capital Works Programs to the limit of approved funding under the various programs:

- a. Footpath Renewals as per attachment 1,
- b. Pram Ramp Renewal as per attachment 2,
- c. Kerb and Gutter Renewals as per attachment 3,
- d. Road Resealing as per attachment 4;
- e. Heavy Patching as per attachment 5; and
- f. Carpark Renewal as per attachment 6 with priority given to the renewal of the Karoola Park Carpark;
- g. the expenditure of the Rural Road Renewal budget on the identified section of road at Ch7.3 to Ch7.8 km Martindale Road as per attachment 7; and
- h. the expenditure of the Urban Road Renewal budget on the identified section of Carl St Muswellbrook as per attachment 8.

In Favour

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

Against:

Nil

**10.2.2. Joint Water Treatment Plant - Business Case**

13 RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:
Council APPROVES proceeding with the preparation of a business case with Upper Hunter Shire Council to consider the development of a joint water treatment plant.

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

Against: Nil

10.2.3. Possum Gully drainage upgrade

14 RESOLVED on the motion of Cr J. Lecky and Cr M. Bowditch that:
Council:
1. Notes the feasibility design and associated report for the 'Drainage Upgrades for Possum Gully'; and
2. Endorses progression of the feasibility design to the next design phase.

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

Against: Nil

10.2.4. Catchment Management Plan - Muscle Creek and Possum Gully

15 RESOLVED on the motion of Cr D. Douglas and Cr R. Scholes that:
Council RESOLVES to:
1. Note the draft Catchment Management Plan for Muscle Creek and Possum Gully; and
2. Publicly exhibit the draft plan for 28 days.

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

Against: Nil

**10.2.5. Northview Watermain Easement**

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

Council:

1. Delegates to the General Manager the authority to advise Land Registry Services NSW in writing that the relevant sections (45-46A & 47) of the Local Government Act 1993 have been complied with and that the easement for water supply over Lot 553 DP819739 is not prohibited under the Act.
2. Authorise the Council's seal and signatures to be affixed in accordance with the regulations to the dealings and associated documents to create the easement for water supply 3m wide over Lot 553 DP819739 in favour of Council.

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

Against: Nil

10.2.6. Concept Design - Palace Street Denman

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

Council:

1. ENDORSES the Concept Design attached to the report for the rehabilitation and stormwater drainage improvements in Palace Street, Denman; and
2. APPROVES the allocation of a budget of \$1,477,000 to be included in the 2024-25 Capital Budget for Roads and Drainage to improve stormwater drainage and to undertake road rehabilitation in Palace Street, Denman, allocating funding from the following available funding sources:

Road to Recovery Funding 2024	\$577,000
Drainage Reserve funds	\$900,000

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

Against: Nil



10.2.7. FOGO Implementation

COMMITTEE OF THE WHOLE

18 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:
The meeting move into Committee of the Whole at 6.49pm to further discuss the resolution in Open Council relating to Item 10.2.7 - FOGO Implementation

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

The recording of the meeting was stopped and members of the public left the meeting.

19 RESOLVED on the motion of Cr S. Reynolds and Cr G. McNeill that:
The meeting move out of Committee of the Whole.

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

The recording of the meeting resumed and members of the public returned to the meeting.

Moved and Seconded by Cr B. Woodruff and Cr G. McNeill:

Council APPROVES the application of eligibility criteria for persons or entities applying for a weekly red lid bin service, charged in accordance with Council's Fees and Charges.

The criteria applying to demonstrate Genuine Additional Need for a Weekly Red Lid Bin Collection Service are as follows:

An application for genuine additional need must provide evidence, satisfactory to Council, demonstrating that the relevant household has:

- (a) two or more children in nappies;
- (b) six or more residents (excluding rooming houses, Airbnb's, other holiday and business rentals); or
- (c) one or more residents with ongoing medical conditions generating excess waste.

The motion was put to the vote and LOST.

In Favour Cr J. Lecky, Cr D. Marshall and Cr B. Woodruff

Against: Cr S. Reynolds, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr R. Scholes



10.3. Property and Place

10.3.1. Muswellbrook Shire Council - Draft 2023 Recreation Needs and Management Study

20 RESOLVED on the motion of Cr R. Scholes and Cr G. McNeill that:

Council:

1. Endorses the Draft 2023 Recreation Needs and Management Study and the changes recommended; and
2. Approves a final copy to be prepared for publication.

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

Against: Nil

10.3.2. Concept Design - Community Infrastructure Depot Muswellbrook

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

Council:

1. Endorses the detailed Concept Plan in principle;
2. Approves dividing the project into two stages;
3. Approves progressing the preparation of the Development Application (DA); and
4. Delegates authority to General Manager for the submission of the development application.

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

Against: Nil



10.3.3. Denman to Sandy Hollow Pipeline Options Report

- 22 RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:
- Council APPROVES:
1. The General Manager to advise Infrastructure NSW that the project is progressing; and
 2. A further report be provided to Council prior to tendering for detailed design and construction.
- In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff
- Against: Nil

10.3.4. Karoola Park - Draft Master plan

- 23 RESOLVED on the motion of Cr B. Woodruff and Cr J. Lecky that:
- Council:
1. APPROVES the Karoola Park - Draft Landscape Masterplan to be placed on public exhibition for a period of 28 days; and
 2. Requests a further report, providing the details of all public submissions received, to be submitted to Council following conclusion of the public exhibition period.
- In Favour Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff
- Against: Nil

10.3.5. Councillor Question - Volunteer Park

- 24 RESOLVED on the motion of Cr M. Bowditch 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 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. Council Caretaker Provisions

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

The information contained in the report be noted.

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

Against: Nil

10.4.2. Confirmation of General Manager's Delegations During Caretaker Period

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

Subject to the restrictions of section 377 of the *Local Government Act 1993* (NSW) and section 393B of the *Local Government (General) Regulation 2021* (NSW), Council delegates authority to the General Manager to exercise and/or perform on behalf of Council all functions of Council for the period from and including 16 August 2024 to 15 October 2024.

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

Against: Nil

10.4.3. Governance Arrangements - Committees of Council

27 RESOLVED on the motion of Cr D. Douglas and Cr G. McNeill that:

Council declares the membership of all sub-committees of Council open until the next term of Muswellbrook Shire Council beginning in October 2024.

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

Against: Nil

**10.4.4. Authorisation Under Section 226 of the Local Government Act**

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

Council notes the information provided in the report.

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

Against: Nil

10.4.5. Council Grant Funding and Community Engagement

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

Council notes the information contained in the report and endorses:

1. Revising and re-submitting Council's application under the Commonwealth Safer Local Roads and Infrastructure Program for the upgrade of Thomas Mitchell Drive;
2. Considering options for funding under the current and November rounds of the Clubgrants Category 3 Infrastructure Grants program, including upgrades and/or renewal of assets at the Muswellbrook Aquatic Centre, Muswellbrook Regional Arts Centre, or the Muswellbrook Emergency and Community Services Precinct;
3. Undertaking further investigation as to whether transport and other costs associated with the delivery of an Intergenerational Program in Muswellbrook are eligible for funding under the Tech Savvy Seniors Program;
4. Council staff to investigate the feasibility, including funding availability and community interest, in establishing a Regional University Study Hub in Muswellbrook to serve the Upper Hunter region, including the establishment of a body corporate (which is a condition to be eligible for funding);
5. Applying for funding under the Maker Projects - Community STEM Engagement grants 2024 in partnership with another organisation such as the Melt; and
6. Applying for funding for the construction of infrastructure and utilities to facilitate the delivery of the Wollombi Road Precinct project, and investigate whether master planning for the Muswellbrook South "Gateway Project" and potential options for other local land/housing developments for the benefit of the Muswellbrook Shire community are eligible to be submitted for funding.

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

Against: Nil



10.4.6. **Draft Muswellbrook Shire Aquatic and Fitness Centre Policy for PUBLIC EXHIBITION**

30 RESOLVED on the motion of Cr R. Scholes and Cr G. McNeill that:

1. Council APPROVES the attached *Draft Muswellbrook Shire Aquatic and Fitness Centre 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 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 Annual Financial Statements - Audit Authorisation**

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

Council AUTHORISES:

1. The submission of the 2023-24 General Purpose Financial Reports, Special Purpose Financial Reports, and Special Schedules for Muswellbrook Shire Council to the Auditor;
2. The Mayor, the Deputy Mayor, General Manager, and Responsible Accounting Officer be authorised to sign the reports upon completion of the audit.

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

Against: Nil

10.4.8. **Monthly Financial Report - June 2024**

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

Council NOTES the Financial Reports for the month ending 30 June 2024.

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

Against: Nil



10.4.9. Report on Investments held as at 30 June 2024

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

Council NOTES Council's Investments as at 30 June 2024.

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

Against: Nil

10.5. Community and Economy

10.5.1. New Years Eve - Sponsorship Proposal

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

Council APPROVES the General Manager to negotiate with, and enter into a sponsorship agreement, with Thiess for the sponsorship of the proposed Wanaruah Skies Drone Show for the 2024 New Years Eve event.

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

Against: Nil

10.5.2. Economic Development Update

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

Council NOTES the information contained in the report.

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

Against: Nil



10.5.3. Community Services

36 RESOLVED on the motion of Cr J. Drayton 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 J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff

Against: Nil

10.5.4. Australia Day Awards 2025 Nominations & Guidelines

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

Council ADOPTS the Australia Day 2025 Nomination Guidelines and Criteria.

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

Against: Nil

11. Minutes of Committee Meetings

11.1. Olympic Park Precinct Development Advisory Committee Meeting - 4 June 2024

Conflict of Interest

Cr M. Bowditch declared an insignificant non-pecuniary interest in this Item 11.1. Cr M. Bowditch, advised Council that he is on the Olympic Park Advisory Committee representing Group 21 Rugby League.

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

Council NOTES the minutes of the meeting of the Olympic Park Precinct Development Advisory Committee held on Tuesday, 4 June 2024.

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

Against: Nil



11.2. Regional Entertainment Centre Development Advisory Committee Meeting - 6 June, 2024

39 RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:
Council NOTES the minutes of the meeting of the Regional Entertainment Centre held on Thursday, 6 June 2024.

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

Against: Nil

11.4. Local Traffic Committee Meeting - 9 July, 2024

40 RESOLVED on the motion of Cr D. Marshall and Cr M. Bowditch that:
Council NOTES the minutes of the meeting of the Local Traffic Committee held on 9 July 2024 and ADOPTS the recommendations contained therein.

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

Against: Nil

12. Notices of Motion

Nil.

13. Councillors Reports

13.1 Yarning Circle at St Joseph's Aberdeen

Cr Woodruff advised Council that he attended the Yarning Circle opening at St Joseph's Aberdeen, it was a great achievement with 90% funded by donations. Shows what a great community we have around the school.

13.2 NAIDOC Week

Cr Douglas advised Council what an amazing community it was in regards to NAIDOC Week, it is a very important time of the year and with all the events that were on and we are very grateful to the community who supported them. There was hundreds of people who attended to NAIDOC Fun Day and thank you to the community for the support and the respect shown throughout NAIDOC Week.



13.3 National General Assembly

Cr McNeill advised Council that he attended along with the Mayor and the General Manager the National General Assembly in Canberra. The Assembly was well attended with around 1200 Councillors from across the country, the guest speakers were excellent and enlightening. Cr McNeill further advised Council he would provide a written report.

13.4 Challenges and Opportunities Synopsis

Cr Reynolds advised Council of the importance of keeping the Challenges and Opportunities Synopsis current and ongoing into the next term of Council. He advised that we were the only Council providing this to the Ministers.

Cr Reynolds also advised Council as well as attending the National General Assembly we had several meetings with Ministers and attending meetings with the Hunter Joint Organisation.

Cr Reynolds further advised Council he attending the Kayuga Fire Station and congratulate this Council for helping to deliver this infrastructure.

14. Written Questions

Nil.

15. Questions for Next Meeting

Nil.

16. Adjournment into Closed Council

41 RESOLVED on the motion of Cr L. Dunn 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 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. Mount Pleasant Road Closure and Works Deed

Conflict of Interest

Cr D. Douglas declared a non-pecuniary interest in this Item. Cr D. Douglas advised Council that the applicant provides funding to Wanaruah Local Aboriginal Land Council where she is the CEO.

Cr A. Barry declared a non-pecuniary interest in this Item. Cr A. Barry advised Council that her son is employed by the applicant.

Cr B. Woodruff declared a non-pecuniary interest in this Item. Cr B. Woodruff advised Council that his employer undertakes work for MACH Energy.

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

At 7:39pm Cr S. Reynolds, Cr D. Douglas, Cr A. Barry, Cr B. Woodruff and Cr M. Bowditch left the Council Chambers and therefore took no part in discussion or voting on this item.

Cr G. McNeill assumed the role of Chair for the conduct of this item.

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

Council authorises the General Manager to finalise the negotiations with MACH Energy Australia Pty Ltd around the financial considerations and other matters contained within the Mount Pleasant Road Closure and Works Deed.

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

Against: Nil.

At 7:40pm Cr S. Reynolds, Cr A. Barry, Cr D. Douglas and Cr B. Woodruff returned to Council Chambers and resumed their chairs at the meeting table.



17.6. Contract 2023-2024-0602 - Replacement of Road Causeway on Dry Creek Road - Tender Evaluation Report

Conflict of Interest

Cr M. Bowditch declared an insignificant non-pecuniary interest in this Item. Cr M. Bowditch advised Council that his daughter works for the contractor.

Cr D. Marshall declared a non-pecuniary interest in this Item. Cr D. Marshall advised Council that his daughter is employed by the contractor.

Cr M. Bowditch remained absent from the meeting and at 7:40 pm Cr D. Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

Cr S. Reynolds resumed the role of Chair for the remainder of the meeting.

43 RESOLVED on the motion of Cr J. Drayton and Cr D. Douglas that:

Council:

1. Acknowledges the advice from Transport for NSW that the Essential Public Asset Reconstruction (EPAR) for the Replacement of Dry Creek Causeway was endorsed at the approvals meeting held 23 July 2024 for the claimed value of \$705k.
2. Accepts the Tender submitted by KCE Pty Ltd for Contract 2023-2024-0602 Replacement of Road Causeway on Dry Creek Road, Wybong for the lump sum of \$557,100, exclusive of GST; and
3. Authorises the General Manager authority to enter into a Contract for the Replacement of the Road Causeway on Dry Creek Road.

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

Against: Nil.



17.7. Contract 2023-2024-0603 - Denman Recreation Reserve Works - Bell Street, Denman - Tender Evaluation Report

Conflict of Interest

Cr D. Marshall declared a non-pecuniary interest in this Item. Cr D. Marshall advised Council that his daughter is employed by the contractor.

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

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

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

Council:

1. Accepts the tender submitted by KCE Pty Ltd for Contract 2023-2024-0603 – Denman Recreation Reserve Works – Bell Street, Denman for the lump sum of \$1,124,300.00, exclusive of GST, plus a provisional item amount of \$192,500; and
2. Delegates the General Manager authority to enter into a contract for the Denman Recreation Reserve Works – Bell Street, Denman under Contract 2023-2024-0603 and acceptance of the provisional item to construct and seal the portion of Bell Street between ch 0 and ch 182m from Almond Street.
3. Investigate options for two additional netball courts.

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

Against: Nil.

At 7:53pm Cr D. Marshall returned to Council Chambers and resumed his chair at the meeting table.



17.8. Contract 2023-2024-0611 - Detailed Design Olympic Park Grandstand and Amenity - Detailed Design Consultant

Conflict of Interest

Cr M. Bowditch declared a non-pecuniary interest in this Item. Cr M. Bowditch advised Council that he is on the Olympic Park Advisory Committee representing Group 21 Rugby League.

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

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

Council:

1. Accepts the tender submitted by Barnson Pty. Limited for Contract 2023-2024-0611 Detailed Design Olympic Park Grandstand and Amenity for the lump sum of \$535,600.00, exclusive of GST; and
2. Authorises the General Manager to enter into a contract for project 2023-2024-0611.

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

Against: Nil.

At 7:54pm Cr M. Bowditch returned to Council Chambers and resumed his chair at the meeting table.

17.9. Contract 2023-2024-0604 - Muswellbrook Indoor Sports and Youth Centre Construction

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

Council:

1. Declines to accept any of the tenders for Contract 2023-2024-0604 Muswellbrook Indoor Sports and Youth Centre Construction, as further tender and contract clarifications are required;
2. In accordance with clause 177(3)(e) of the Local Government (General) Regulation 2005 enter into negotiations with the preferred tenderer as described in the report because it is considered most likely to achieve the best value outcome for Council; and
3. A further report be submitted to Council for determination of the awarding of the contract.

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

Against: Nil.



17.10. Contract 2023-2024-0588 - Replacement of Road Causeway on Baerami Creek Road - Tender Evaluation Report

Conflict of Interest

Cr D. Marshall declared a non-pecuniary interest in this Item. Cr D. Marshall advised Council that his daughter is employed by the contractor.

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

At 7:54pm Cr M. Bowditch and Cr D. Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council:

1. Declines to accept any of the tenders for the Contract, because all of the tenders exceeded the available budget and invite, in accordance with section 167, 168 or 169, fresh tender submissions based on different details; and,
2. Request that new tenderers provide change in scope proposals to undertake works to the upper limit of the available funding.

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

Against: Nil.

17.11. Contract 2023-2024-0582 - Merton Street Stormwater Drainage

Conflict of Interest

Cr D. Marshall declared a non-pecuniary interest in this Item. Cr D. Marshall advised Council that his daughter is employed by the contractor.

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

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

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

Council approves a variation to the scope of work under contract 2023-2024-0582 for the value of \$442,374.60, exclusive of GST, to undertake full width road reconstruction of Merton Street, Denman (Palace Street to Paxton Street).

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

Against: Nil.

At 7:55pm Cr D. Marshall and Cr M. Bowditch returned to Council Chambers and resumed their chairs at the meeting table.

**17.12. Contract 2023-2024-0609 - Procurement of 4WD Tractor**

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

Council:

1. Accepts the Tender submitted by RDO Equipment for Contract 2023-2024-0609 Procurement of 4wd Tractor and Attachments for the lump sum of \$337,050, exclusive of GST; and
2. Authorises the General Manager authority to enter into a Contract for the 2023-2024-0609 Procurement of 4wd Tractor and Attachments.

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

Against: Nil.

17.13. Panel Contract 2023-2024-0599 Trade Services

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

Council:

1. APPROVES the below listed Trade and Services providers as Panel Source Suppliers for Building Trade Services. This contract will span two years, from 1 September 2024 to 31 August 2026, with a provision for a 12-month extension based on satisfactory supplier performance, potentially extending the contract to 31 August 2027;
 - i. Subject to financial checks and onboarding in the Councils Contractor Management System VAULT. The successful suppliers are categorised into twelve groups as specified in the tender document, listed under the relevant categories in order of preference, recommending four suppliers per category;

BUILDING TRADE SERVICES

CATEGORY 1 - ELECTRICAL SERVICES:

1. Fast Fire Protection
2. Warren Ward Refrigeration
3. The Trustee for EMF Group
4. AVE Technologies

CATEGORY 2 - HVAC (Heating, Ventilation, and Air Conditioning) SERVICES:

1. Warren Ward Refrigeration
2. The Trustee for EMF Group
3. Andrews Air Conditioning
4. Strike Force



CATEGORY 3 - PLUMBING SERVICES:

1. Gavin Scott Plumbing
2. Fenton Plumbing
3. Booth Contracting
4. Strike Force

CATEGORY 4 – ENGINEERING FABRICATION & METAL WORKS:

1. Munro Engineering
2. The Trustee for EMF Group
3. Bretts Maintenance
4. DK Heavy Plant Services

CATEGORY 5 – CARPENTRY & JOINERY WORKS:

1. Bretts Maintenance
2. Strike Force
3. Westbury Construction
4. Dukes Protective Coatings

CATEGORY 6 – PLASTERING & LINING SERVICES:

1. Strike Force
2. Westbury Construction
3. S Michael Cleaning Services
4. Dukes Protective Coatings

CATEGORY 7 – PAINTING & DECORATIVE SERVICES:

1. DK Heavy Plant Services
2. Strike Force
3. Westbury Construction
4. Dukes Protective Coatings

CATEGORY 8 – IRRIGATION MAINTENANCE SERVICES:

1. Booth Contracting
2. Strike Force

CATEGORY 9 – SOLAR PANEL MAINTENANCE SERVICES:

1. Strike Force
2. Pachena Electrical
3. Mullane Construction
4. Elite

CATEGORY 10 – ROOF PLUMBING MAINTENANCE SERVICES:

1. Munro Engineering
2. Strike Force
3. Booth Contracting
4. Mullane Construction

CATEGORY 11 – FIRE SAFETY MAINENANCE SERVICES:

1. Fast Fire Protection
2. Booth Contracting



3. Wormald Australia
4. ARA Fire protection Services

CATEGORY 12 – SECURITY SERVICES:

1. Muswellbrook Security Services
 2. CVEM Security Group
 3. AVE Technologies
 4. Cityguard Protection Services
2. APPROVES the below listed Service Providers as Panel Source Suppliers for Specialised Services for Water and Wastewater Operations. This contract will span two years, from 01 September 2024 to 31 August 2026, with a provision for a 12-month extension based on satisfactory supplier performance, potentially extending the contract to 31 August 2027;
- i. Subject to financial checks and onboarding in the Councils Contractor Management System VAULT;

SPECIALISED SERVICES FOR WATER AND WASTEWATER OPERATIONS

1. ARA Fire Protection Services.
2. Arcopro Welding Services
3. Ave Technologies Pty Ltd
4. Bioaction Pty Ltd
5. Booth Contracting
6. Bretts Maintenance
7. Briken Group Services
8. Demand Plumbing
9. Finn Valley Plant
10. Fitt Resources Pty Ltd
11. Hunter H2O Holdings
12. Jac Pump Services
13. Knock contractors



14. Mullane Construction
15. Munro Engineering
16. Pachena Electrical
17. Safegroup Australia
18. SAS Water Solutions Pty Ltd
19. Strike Force
20. The Trustee for EMF Group
21. Trility Solutions Australia P/L
22. Warren Ward Refrigeration
23. Xylem Water Solutions

3. APPROVES, subject to the outcome of negotiations, the below listed Trade and Services providers as Panel Source Suppliers for Building Trade Services and Specialised Services for Water and Wastewater Operations;
 - i. Subject to financial checks and onboarding in the Councils Contractor Management System VAULT;

BUILDING TRADE SERVICES

- AD Carpentry & Maintenance
- Haebich Pty Ltd
- Paul John Stringer

SPECIALISED SERVICES FOR WATER AND WASTEWATER OPERATIONS

- Breakpoint H2O Pty Ltd

4. Delegates to the General Manager authority to enter into contracts with the tenderers listed above.

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

Against: Nil.



17.2. Regional Procurement Tender - T022425HUN Panel Contract for Provision of Labour Hire

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

Council:

1. Accepts the following companies to be awarded as panel source suppliers to Muswellbrook Shire Council Regional Procurement Contract T022425HUN for Provision of Labour Hire (Category 1 – Blue Collar) for the period 1 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. CBD Plant & Labour Pty Ltd;
- ii. CGH Services Pty Ltd t/a Corestaff and Beilby Downing Teal;
- iii. DOB Enterprises Pty Ltd t/a MBC recruitment and also Macquarie Labour Hire;
- iv. ICombined360 Services Group P/L;
- v. Labour Co-operative Ltd t/a LabourCo, CREWhunter;
- vi. Newada Pty Ltd t/a Men and Women at Work;
- vii. Rarekind People;
- viii. Programmed Skilled Workforce Pty Ltd t/a Programmed Skilled Workforce;
- ix. Workforce Infrastructure Australia Pty Ltd; and
- x. Workforce Recruitment and Labour Services t/a Workforce Recruitment and Labour Services Pty Ltd.

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

Against: Nil.



17.3. Refinancing the Muswellbrook Marketplace Shopping Centre

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

Council:

1. Delegates to the General Manager the authority to negotiate the lowest fixed interest rate with one of the four major banks for an amount of AUD\$5,879,111 on a fixed term of 4 years, amortising over 4 years with quarterly repayments with a start date of 14 August 2024 and otherwise in accordance with the terms offered by the selected bank; and
2. Delegates to the General Manager authority to execute this loan agreement to refinance the purchase of Muswellbrook Marketplace Shopping Centre with the financial institution that provides the lowest borrowing cost to Council.

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

Against: Nil.

17.4. Paxton Street Drainage Matters

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

Council NOTES the information in the report.

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

Against: Nil.



17.5. Queen Street Road Reserve

Conflict of Interest

Cr D. Douglas declared a non-pecuniary interest in this Item. Cr D. Douglas advised Council that Muswellbrook Common which is owned by Wanaruah Local Aboriginal Land Council where she is the CEO.

At 7:59pm Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council:

1. Supports the proposed closure of a section of the Queen Street Road Reserve in principle; and
2. Requests a further report to be provided to Council following consultation with residence owners and adjacent property owners.

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

Against: Nil.

At 8:00pm Cr D. Douglas returned to Council Chambers and resumed her chair/s at the meeting table.

18. Resumption of Open Council

55 RESOLVED on the motion of Cr M. Bowditch and Cr G. McNeill that:

The meeting return to Open Council.

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

Against: Nil.

Members of the public were invited to return to the meeting.

The Mayor and Acting General Manager read out the Resolutions of Closed Council.

19. Closure

The meeting was declared closed at 8:13 pm.



THE MINUTES OF THE MEETING (PAGES 1 to 34) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 27 AUGUST 2024 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 23 JULY 2024.

.....
Mr M Lysaught
Acting General Manager

.....
Cr S. Reynolds
Chairperson