

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE STEM LAB, DONALD HORNE BUILDING, 140 BRIDGE STREET MUSWELLBROOK ON 22 OCTOBER 2024 COMMENCING AT 6.00PM.**

**PRESENT:** Cr J. Drayton (Mayor), Cr C. Bailey, Cr A. Barry, Cr D. Douglas OAM, Cr L. Dunn, Cr D. Hartley, Cr G.T. McNeill (VC), Cr R. Mahajan, Cr D.E. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward.

**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), Mr P. Chambers (Chief Engineer), Ms K. Hamm (Manager – Governance & Risk), Mr J. Hogan (Chief Financial Officer), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms A. Cox (Corporate Planning & Reporting Officer) and 2 people in the public gallery.

## **1. Application to Attend Via Video Conferencing**

70 RESOLVED on the motion of Cr A. Barry and Cr D. Marshall that:  
Authority be given for Cr G. McNeill to attend the Council Meeting via video link.

In Favour: Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against: Nil

## **2. Acknowledgement of Country**

The Acknowledgement of Country was read by Cr Douglas

## **3. Apologies and Applications for a Leave of Absence**

Nil

## **4. Civic Prayer**

The Civic Prayer was read by Cr Dunn.

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

**Cr D. Marshall** - Declared a non-pecuniary interest in Item 9.1. Cr Marshall advised Council that his daughter is employed by the Contractor listed in the report.

## **6. Business (Specific Reports)**

### **6.1. Planning and Environment**

Nil



## 6.2. Infrastructure and Property

### 6.2.1. Review of options for the Denman to Sandy Hollow Water Pipeline

71 RESOLVED on the motion of Cr A. Barry and Cr D. Marshall that:  
Council approves discussion with Infrastructure NSW regarding the option of not proceeding with the Denman to Sandy Hollow water pipeline at this stage, but instead requesting that the Growing Local Economies grant funding be used to upgrade the Denman Water Treatment Plant to service future growth, including the pipeline in Almond Street, Denman, and replacing the Sandy Hollow Water Treatment Plant, reservoirs, and network.

In Favour Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against: Nil

## 6.3. Corporate Services

### 6.3.1. Delegations to the Mayor and General Manager

72 RESOLVED on the motion of Cr C. Bailey and Cr R. Mahajan that:  
The delegations to the:  
1. Mayor of Muswellbrook Shire Council, attached as appendix A, and  
2. General Manager of Muswellbrook Shire Council, attached as appendix B, subject to item g) being reinstated.  
be ENDORSED.

In Favour Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against: Nil



### 6.3.2. Filling of Vacancies on Council

**73** RESOLVED on the motion of Cr M. Morris and Cr G. McNeill that:  
Pursuant to section 291A (1) (b) of the Local Government Act 1993 Muswellbrook Shire Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Council, on 14 September 2024, are to be filled by countback of votes cast at that election for the office in accordance with section 291A of the Local Government Act 1993, and directs the General Manager to notify the NSW Electoral Commissioner within 7 days of the decision.

In Favour Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against: Nil

### 6.3.3. Fixing Day and Hour of Regular Council Meetings

**74** RESOLVED on the motion of Cr M. Morris and Cr D. Douglas that:  
Council determines that:

1. Ordinary Meetings of Council be held in the Meeting Room, Muswellbrook Library, 126 Bridge Street, Muswellbrook, from 6:00pm to 9:00pm on the fourth Tuesday of each calendar month;
2. A pre-meeting briefing session for Councillors be held from 4:00pm to 6:00pm immediately prior to each Ordinary Meeting on the fourth Tuesday of each calendar month;
3. As the fourth Tuesday in December 2024 will fall on the Christmas Eve, the meeting be scheduled for Tuesday 17 December 2024;
4. No Meeting be held in January 2025;
5. The Ordinary Council Meeting scheduled for March, 2025 be held in Sandy Hollow.
6. Two Ordinary Council Meetings be scheduled for 2025 to be held in Denman Memorial Hall.
7. The Ordinary Council Meeting scheduled for September 2025 be held in the Donald Horne Building, 140 Bridge Street, Muswellbrook.

In Favour Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against: Nil



#### 6.3.4. Audit, Risk and Improvement Committee

The Mayor asked for nominations for the position of non-voting member on the Audit Risk and Improvement Committee.

Cr R Scholes was nominated by Cr Marshall and Cr Barry. Cr Scholes accepted the nomination

Cr R. Mahajan was nominated by Cr McNeill. Cr Mahajan declined the nomination.

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

Council appoints Cr Scholes as a non-voting member to Council's Audit, Risk and Improvement Committee for the Council's current Term of Office.

In Favour Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against: Nil

#### 6.3.5. 2024 Local Government Annual Conference

Cr Drayton advised the meeting that he would asked for nominations for the position of voting delegate to attend the 2024 Annual Local Government Conference.

Cr Scholes was nominated by Cr Dunn.

Cr Marshall was nominated by Cr Mahajan.

An election was held by show of hands.

Cr Scholes received 9 votes

Cr Marshall received 3 votes.

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

1. Councillors Drayton and Scholes be authorised to attend the 2024 Annual Local Government Conference to be held 17 to 19 November 2024 as voting delegates.

2. Cr Marshall also be authorised to attend the Conference as an observer.

3. Arrangements be made for registration, accommodation, and travel to the Conference.

In Favour Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against: Nil



## 6.4. Community and Economy

### 6.4.1. Denman Wine, Food and Film Affair - Suspension of Alcohol-Free Zones

77           RESOLVED on the motion of Cr A. Barry and Cr D. Douglas that:  
Council approves the temporary suspension of alcohol-free zones in Ogilvie Street and Paxton Street, Denman, for the conduct of the Denman Wine, Food & Film Affair, from 11:00 a.m. to 4:00 p.m. on Saturday, 2 November 2024.

In Favour   Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn,  
Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall,  
Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against:    Nil

Cr Douglas also acknowledged the hard work undertaken by Council staff and members of the Denman Chamber of Commerce in regards to organising this event.

## 7. Notices of Motion

### 7.1. FOGO

78           RESOLVED on the motion of Cr D. Douglas and Cr R. Mahajan that:  
It is requested that the General Manager reviews the logistics of providing an upsized 240L red lid bin to any residential premises that requests one, and that the upsized red bin is provided to the residential premises with no charge applying for the supply of the bin.

In Favour   Cr C. Bailey, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley,  
Cr R. Mahajan, Cr M. Morris and Cr R. Scholes

Against:   Cr A. Barry, Cr G. McNeill, Cr D. Marshall and Cr S. Ward



## 8. Adjournment into Closed Council

79 RESOLVED on the motion of Cr A. Barry and Cr D. Marshall 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 C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against: Nil.

Members of the public left the meeting at this stage.

## 9. Closed Council

### 9.1. 2024-2025-0614 - Upgrade of Road and Drainage, Palace Street, Denman

#### Disclosure of Interest

**Cr Marshall** declared a non-pecuniary interest in this item. Cr Marshall advised Council that his daughter is employed by the Contractor.

At 6.36pm Cr Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

80 RESOLVED on the motion of Cr A. Barry and Cr C. Bailey that:

Council:

1. Accepts the tender submitted by Hunter Wide Civil Pty Ltd for Contract 2024-2025-0614 – Upgrade of Road and Drainage in Palace Street, Denman, for the lump sum of \$1,117,440.00, exclusive of GST, plus a provisional item amount of \$225,000;
2. Delegates to the General Manager authority to enter into a contract for the Upgrade of Road and Drainage in Palace Street, Denman under Contract 2024-2025-0614 and acceptance of the provisional item to relocate watermain with PVC-M, DN100 along Place Street approximately 500 m; and
3. Endorses an amount of \$33,056 to be journalled from GL 3500.4035.504 Heavy Patching to project 2024-2025-0614 to allocate a total project budget of \$1,510,056.

In Favour: Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against: Nil.



At 6.38pm Cr Marshall returned to Council Chambers and resumed his chair at the meeting table.

## 10. Resumption of Open Council

81 RESOLVED on the motion of Cr R. Mahajan and Cr C. Bailey that:

The meeting return to Open Council.

In Favour: Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn,  
Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall,  
Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against: Nil.

Members of the public were invited back to the meeting.

The Mayor read out the resolutions from Closed Council.

## 11. Closure

The meeting was declared closed at 6.41pm.

**THE MINUTES OF THE EXTRA-ORDINARY MEETING (PAGES 1 to 7) WERE  
CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK  
SHIRE COUNCIL HELD ON 26 NOVEMBER, 2024 AND ARE A FULL AND ACCURATE  
RECORD OF PROCEEDINGS OF THE MEETING HELD ON 22 OCTOBER 2024.**

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

.....  
Cr J. Drayton  
**Chairperson**