

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN SEMINAR ROOMS, MUSWELLBROOK LIBRARY, 127 BRIDGE STREET, MUSWELLBROOK ON 26 NOVEMBER 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, 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 P. Chambers (Chief Engineer), Ms K. Hamm (Manager – Governance & Risk), Mr J. Hogan (Chief Financial Officer), Ms K. Scholes (Manager - Infrastructure & Operations), Mr P. Ball (Manager - Works), Mr S. Iagunkov (Manager - Water & Wastewater), Ms A. Bird (Procurement Co-Ordinator), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms A. Cox (Corporate Planning & Reporting Officer), Mr I. Skaines (Grants & Community Engagement Co-Ordinator) and 1 person 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 Hartley.

3. Civic Prayer

The Civic Prayer was read by Cr Dunn.

4. Apologies and Applications for a Leave of Absence

Nil

5. Confirmation of Minutes

Ordinary Council Meeting held in 27 August, 2024

Extra-Ordinary Council Meetings held on 11 October, 2024 and 22 October, 2024

82 RESOLVED on the motion of Cr D. Douglas and Cr M. Morris that:

The Minutes of the Ordinary Council Meeting held on **27 August, 2024**, and the Extra-Ordinary Council Meetings held on **11 October, 2024 and 22 October, 2024**, copies of which have been distributed to all members, be taken as read and confirmed as a true record subject to the following amendment to Item 9.1 of the Minutes of the Extra-Ordinary Council Meeting held on 22 October, 2024 to remove Cr Marshall from voting on the matter as he was absent from the meeting room due to a Disclosure of Interest.

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. Disclosure of any Pecuniary or Non-Pecuniary Interests

Cr D. Douglas - Declared a non-pecuniary interest in Item 10.4.2. Cr Douglas advised Council that she is one of the volunteers of the Christmas Appeal which is seeking a fee waiver.

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

Cr A. Barry - Declared a pecuniary interest in Item 10.1.1. Cr Barry advised Council that she is an employee of AGL and works at Bayswater Power Station.

Cr M. Morris - Declared a non-pecuniary interest in Item 10.4.2. Cr Morris advised Council that he was one of the organisers of the Christmas Spectacular which is seeking sponsorship.

Cr M. Morris - Declared a non-pecuniary interest in Item 10.4.3. Cr Morris advised Council that is a member of the Board of the Upper Hunter Conservatorium of Music.

7. Mayoral Minute

Cr Drayton advised Council of the recent passing of a previous Councillor, Richard Shugg, and offered the family and friends of Mr Shugg Council's condolences.

8. Public Participation

Nil

9. Business Arising (From Previous Meetings)

Nil



10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. Local Government Boundary Adjustment - Bayswater Power Station

Disclosure of Interest

Cr Barry declared a pecuniary interest in this Item. Cr Barry advised Council that she is an employee of AGL and works at Bayswater Power Station.

At 6.06pm Cr Barry left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council RESOLVES to:

- A. Authorise the General Manager to consult Singleton Council on the proposed Local Government boundary adjustment shown in Figure 2, so that Bayswater Power Station is wholly located in the Muswellbrook Shire Council Local Government Area (the Proposal).
- B. Authorise the General Manager to consult AGL Macquarie, the Department of Primary Industries and Regional Development, Department of Planning, Housing and Infrastructure and other relevant agencies to obtain in-principle support for the Proposal.
- C. If Singleton Council is supportive of the Proposal, commence the process set out under section 218(E) of the *Local Government Act 1993* to effect a minor Local Government boundary adjustment.

In Favour Cr C. Bailey, 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 6.06pm Cr A. Barry returned to Council Chambers and resumed her chair at the meeting table.

**10.1.2. Road Naming Proposal - Denman Recreation Area**

84

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

Council APPROVES the concept of a road naming proposal, for the road in the Denman Recreation area, becoming Watkin Wynn Way, and that staff take the following steps:

- A. to publicly notify the naming proposal for community input in accordance with the Muswellbrook Community Participation Plan;
- B. should no objections be received, authorise the General Manger to proceed with registration with the Geographical Names Board of the road name "Watkin Wynn Way"; and
- C. should any objections be raised during the notification period, a further report be submitted to Council at the conclusion of the advertising and notification period.

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

10.1.3. Monthly Report to Council - Planning, Environment and Regulatory Services**Disclosure of Interest**

Cr Mahajan declared a pecuniary interest in this item. Cr Mahajan advised Council that a property he owns with his wife is mentioned in the report.

At 6.07pm Cr R. Mahajan left the Council Chambers and therefore took no part in discussion or voting on this item.

85

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

The information contained in this report be noted.

In Favour

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

Against:

Nil

At 6.09pm Cr Mahajan returned to Council Chambers and resumed his chair at the meeting table.



10.2. Infrastructure and Property

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

86 RESOLVED on the motion of Cr G. McNeill and Cr M. Morris that:

Council:

1. ADOPTS '*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 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

10.2.2. General Building Renewal Programme 2024/2025

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

Council approves the 2024/2025 General Building Renewal Programme as provided in the report.

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



10.2.3. General Recreation Programme 2024/2025 Including Small and Large Capital Grants

- 88** RESOLVED on the motion of Cr D. Douglas and Cr C. Bailey that:
- Council:
1. Approves the General Recreation Programme 2024/2025 as described in the report; and
 2. Supports advertising the Sport and Recreation Small and Large Capital Grants through December 2024 and January 2025.
- 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

10.2.4. Legal Permanent Road Closure of Part Yarraman Road

- 89** RESOLVED on the motion of Cr D. Marshall and Cr M. Morris that:
- Council authorises the commencement of the proposed road closure of part of Yarraman Road, including:
1. publishing a notice in the local newspaper and on Council's website seeking public submissions;
 2. notifying all adjoining landowners; and
 3. notifying all utilities authorities which may have assets affected by the closure:
- In Favour 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: Cr C. Bailey



10.2.5. FOGO - Additional Services

MOTION

Moved by Cr Douglas and Cr Mahajan that:

Council:

1. Provides an upsized 240L red lid bin to any residential premises on request with no upfront one-off bin exchange fee;
2. Endorses maintaining the current fee structure for Domestic Waste Management Charges for 2024/2025, including the fees for additional services, and the mechanisms for applying for a financial hardship subsidy;
3. Will review the Domestic Waste Management Charges for the 2025/2026 Budget, including the costs for the 240L red-lid bin exchange fee, and recovery of these costs through the annual charges over time; and
4. Approves the provision of an additional red lid bin pick up service within the waste collection zone over the Christmas, New Year period which will result in a weekly pickup service over consecutive weeks for each property.

AMENDED MOTION

Moved on the motion of Cr McNeill and Cr Marshal

Council:

1. Provides an upsized 240L red lid bin to any residential premises on request with no upfront one-off bin exchange fee;
2. Endorses maintaining the current fee structure for Domestic Waste Management Charges for 2024/2025, including the fees for additional services, and the mechanisms for applying for a financial hardship subsidy; and
3. Will review the Domestic Waste Management Charges for the 2025/2026 Budget, including the costs for the 240L red-lid bin exchange fee, and recovery of these costs through the annual charges over time.
4. Approves the provision of an additional red lid bin pick up service within the waste collection zone over the Christmas, New Year period which will result in a weekly pickup service over consecutive weeks for each property.
5. Any Additional charges associated with additional waste services, will only impact those who receive the additional waste services.
6. Prior to Council making any changes to our waste services the changes are to be outlined and publicly exhibited for a period of 28 days for community comment.
7. A further report be submitted to Council for consideration of submissions received during the exhibition period.

The motion was put to the vote and LOST.

90

RESOLVED on the motion of Cr D. Douglas and Cr R. Mahajan that:

Council:

1. Provides an upsized 240L red lid bin to any residential premises on request with no upfront one-off bin exchange fee;



2. Endorses maintaining the current fee structure for Domestic Waste Management Charges for 2024/2025, including the fees for additional services, and the mechanisms for applying for a financial hardship subsidy;
3. Will review the Domestic Waste Management Charges for the 2025/2026 Budget, including the costs for the 240L red-lid bin exchange fee, and recovery of these costs through the annual charges over time; and
4. Approves the provision of an additional red lid bin pick up service within the waste collection zone over the Christmas, New Year period which will result in a weekly pickup service over consecutive weeks for each property.

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

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

10.2.6. Council Chambers - Concept Design

91 RESOLVED on the motion of Cr G. McNeill and Cr D. Hartley that:
Council endorses the proposed concept design attached to this report and approves progressing detailed design.

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

10.2.7. Draft Karoola Park Master Plan

92 RESOLVED on the motion of Cr A. Barry and Cr D. Marshall that:
Council ADOPTS the Karoola Park Master Plan attached to the report.

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



10.2.8. Denman to Sandy Hollow Pipeline

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

Council:

1. Notes the information in the report that following construction of the Denman to Sandy Hollow pipeline and Denman Water Treatment Plant upgrade the estimated Typical Residential Bill (TRB) will increase within an estimated range of 3.14% - 5.80% from the 2024/2025 TRB; and
2. Approves advising Infrastructure NSW that, subject to final approval and any other requirements of the funding body, Council intends to proceed with the detailed design and construction of the Denman to Sandy Hollow water pipeline and Denman Water Treatment Plant upgrade by calling tenders.

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

10.2.9. Major Projects

94 RESOLVED on the motion of Cr D. Marshall and Cr C. Bailey that:

Council NOTES the information contained in the report.

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



10.3. Corporate Services

10.3.1. 2024 End of Year Closure

95

RESOLVED on the motion of Cr M. Morris and Cr S. Ward that:

Council:

APPROVES the closure of Council's Administration Centre, Depots, and Water & Wastewater facilities as follows:

- Friday 6 December 2024 – Staff End of Year Function;
- 12 Noon Tuesday, 24 December 2024 to 7.00am Thursday, 2 January 2025 – Christmas/New Year closure period;
- Waste Operations as detailed in the report; and
- Muswellbrook and Denman Aquatic Centres, Muswellbrook Library and Muswellbrook Regional Arts Centre as detailed in the report.

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

10.3.2. Election to Council Committees and Delegate Positions

APPOINTMENT TO COMMITTEES

Council Committees

Committee 1	Community & Economy Committee	
No. of Cr Representatives	Usual Meeting Date/Time	
	2 nd Tuesday of every Odd Month commencing at 5.30pm	
Elected:	Cr Douglas	Chair
	Cr Dunn	Deputy Chair
	Cr Barry	
	Cr Morris	
	Cr Drayton	
	Cr Marshall	



Committee 2	Finance & Governance Committee
No. of Cr Representatives	Usual Meeting Date/Time
	2 nd Thursday of the month commencing at 4.00pm
Elected:	Cr Scholes Chair
	Cr Mahajan Deputy Chair
	Cr Barry Cr Dunn
	Cr Drayton Cr Morris

Committee 3	Future Fund Committee
No. of Cr Representatives	Usual Meeting Date/Time
12	
Elected:	Cr Scholes Chair
	Cr Morris Deputy Chair
	Cr Bailey Cr Hartley
	Cr Barry Cr McNeill
	Cr Douglas Cr Mahajan
	Cr Drayton Cr Marshall
	Cr Dunn Cr Ward



Committee 4	Infrastructure & Property Committee	
No. of Cr Representatives	Usual Meeting Date/Time	
8	2 nd Tuesday of every Even Month commencing at 5.30pm	
Elected:	Cr Bailey	Chair
	Cr Scholes	Deputy Chair
	Cr Drayton	Cr Marshall
	Cr Dunn	Cr Morris
	Cr Hartley	Cr Ward

Committee 5	State Significant Development Committee	
No. of Cr Representatives	Usual Meeting Date/Time	
9	2 nd Tuesday of the Month commencing at 4.00pm	
Elected:	Cr Drayton	Chair
	Cr Hartley	Deputy Chair
	Cr Bailey	Cr Marshall
	Cr Douglas	Cr Scholes
	Cr Dunn	Cr Ward
	Cr McNeill	

Advisory Committees

Committee 6	Muswellbrook Sport & Recreation Committee	
No. of Cr Representatives	Usual Meeting Date/Time	
4		
Elected:	Cr Hartley	Chair
	Cr McNeill	Deputy Chair
	Cr Marshall	Cr Scholes



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Committee 7	Denman Sport & Recreation Committee	
No. of Cr Representatives	Usual Meeting Date/Time	
5		
Elected:	Cr Barry	Chair
	Cr Ward	Deputy Chair
	Cr Hartley	
	Cr McNeill	
	Cr Marshall	

Committee 8	Muswellbrook Bypass Committee	
No. of Cr Representatives	Usual Meeting Date/Time	
7		
Elected:	Cr Scholes	Chair
	Cr Marshall	Deputy Chair
	Cr Barry	Cr Hartley
	Cr Drayton	Cr Ward
	Cr Dunn	

Reference Group

Committee 9	Aboriginal Cultural Inclusion
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Further consultation with stakeholders to be taken in regards to this Committee.

**Statutory Committees****Committee 10 Local Emergency Management Committee**

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly at 9.00am
Elected:	Cr Marshall

Committee 11 Muswellbrook Shire Bush Fire Management Committee

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly on Wednesdays
Elected:	Cr Marshall

Committee 12 Rural Fire Service - Service Level Agreement Liaison Committee

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly on Tuesday/Wednesday @ 2pm
Elected:	Cr Dunn

Committee 14 Muswellbrook Shire Local Traffic Committee

No. of Cr Representatives	Usual Meeting Date/Time
2	3rd Tuesday of each month @ 10.30am in Admin Centre
Elected:	Cr Marshall Representative
	Cr Hartley Alt Delegate

**Community Consultative Committees****Committee 15 AGL Macquarie Dialogue Group**

No. of Cr Representatives	Usual Meeting Date/Time	
1	Quarterly (currently Wednesday afternoon 3:00pm to 5:00pm)	
Elected:	Cr McNeill	Representative
	Cr Scholes	Alt Delegate

Committee 16 Bengalla Coal Consultative Committee

No. of Cr Representatives	Usual Meeting Date/Time	
1	Quarterly (currently Wednesday afternoon 3:00pm to 5:00pm)	
Elected:	Cr Hartley	Representative
	Cr Dunn	Alt Delegate

Committee 17 Dartbrook Coal Consultative Committee

No. of Cr Representatives	Usual Meeting Date/Time	
1	Quarterly (currently Wednesday morning 9:00am to 11:00am)	
Elected:	Cr Bailey	Representative
	Cr Scholes	Alt Delegate

**Committee 18 Liddell Coal Consultative Committee**

No. of Cr Representatives	Usual Meeting Date/Time
1	Bi-annually (currently Wed morning 9:00am to 11:00am)
Elected:	Cr Douglas Representative
	Cr Marshall Alt Rep

Committee 19 Mangoola Consultative Committee

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly (currently Wed 1:00pm to 3:00pm)
Elected:	Cr Bailey Representative
	Cr Dunn Alt Rep

Committee 20 Mt Arthur Coal Consultative Committee

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly (currently Wednesday morning 9:00am to 11:00am)
Elected:	Cr Drayton Representative
	Cr Dunn Alt Rep

**Committee 21 MACH Energy Mt Pleasant Mine Consultative Committee**

No. of Cr Representatives	Usual Meeting Date/Time	
1	Quarterly (currently Thur 10:00 to 12 noon)	
Elected:	Cr Douglas	Representative
	Cr Marshall	Alt Rep

Committee 22	Muswellbrook Coal Consultative Committee
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No. of Cr Representatives	Usual Meeting Date/Time	
1	Biannually (currently Tue 12:00 noon to 2:00pm)	
Elected:	Cr Scholes	Representative
	Cr Marshall	Alt Rep

Committee 23 Maxwell Coal Consultative Committee

No. of Cr Representatives	Usual Meeting Date/Time	
1	Quarterly (currently Thursday morning 10:00am to 12:00 noon)	
Elected:	Cr Ward	Representative
	Cr Marshall	Alt Rep

**Community Funding Investment Committees****Committee 24 Bengalla Community Funding Investment Committee**

No. of Cr Representatives	Usual Meeting Date/Time
Elected:	Mayor

Committee 25 Dartbrook Community Funding Investment Committee

No. of Cr Representatives	Usual Meeting Date/Time
Elected:	Mayor

**Committee 26 MACH Energy Mt Pleasant Mine Community Funding
Investment Committee**

No. of Cr Representatives	Usual Meeting Date/Time
Elected:	Mayor

Committee 27 Mangoola Community Funding Investment Committee

No. of Cr Representatives	Usual Meeting Date/Time
Elected:	Mayor

**Committee 28 Malabar Community Funding Investment Committee**

No. of Cr Representatives	Usual Meeting Date/Time
Elected:	Mayor

Committee 29 Mt Arthur Community Funding Investment Committee

No. of Cr Representatives	Usual Meeting Date/Time
Elected:	Mayor

Committee 30 Ridgелands Community Funding Investment Committee

No. of Cr Representatives	Usual Meeting Date/Time
Elected:	Mayor

External Committees**Committee 31 Arts Upper Hunter**

No. of Cr Representatives	Usual Meeting Date/Time
1	1st Tuesday of March, June, September and December at 5.30pm (subject to discussion at their December Board Meeting)
Elected:	Cr Dunn

**Committee 32 Local Health Advisory Committee**

No. of Cr Representatives	Usual Meeting Date/Time	
1		
Elected:	Cr Bailey	Representative
	Cr Douglas	Alt Rep

Committee 33 Upper Hunter County Council (Weeds Authority)

No. of Cr Representatives	Usual Meeting Date/Time	
2	3rd Thursday of February, May, August and November @ 4pm	
Elected:	Cr McNeill	
	Cr Marshall	

Committee 34 Joint Regional Planning Panel

Expressions of Interest to be called for a community representative.

**Committee 35 Hunter Joint Organisation**

No. of Cr Representatives	Usual Meeting Date/Time
1	Quarterly @ 10am in Thornton
Elected:	Mayor

- 96 RESOLVED on the motion of Cr D. Marshall and Cr R. Mahajan that:
1. The Committee Structure be endorsed.
 2. Elections by show of hands be held for Councillor positions on the committees.
 3. The Chair and Deputy Chair be elected for the committees.
 4. The appointment of Councillors to Committees and Delegate positions be approved to September, 2028.
 5. Expressions of Interest be called for a Community Representative on the Joint Regional Planning Panel.

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

10.3.3. Register of Pecuniary Interest

- 97 RESOLVED on the motion of Cr A. Barry and Cr D. Marshall that:
- The tabling of the Register of Pecuniary Interests for the period 30/06/2023 to 30/6/2024 be NOTED.

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

**10.3.4. 2023/2024 Annual Report**

98 RESOLVED on the motion of Cr R. Mahajan and Cr M. Morris that:

Council:

1. ENDORSES the 2023/2024 Annual Report, including the audited Financial Statements; and
2. Delegates to the General Manager authority to publish the 2023/2024 Annual Report on Council's website and to forward a link to the Report to the NSW Office of Local Government, Minister for Local Government, and the Minister for Disability Services.

In Favour Cr 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

10.3.5. Small Sites Electricity Contracting Options

99 RESOLVED on the motion of Cr S. Ward and Cr M. Morris that:

Council:

1. RESOLVES to procure 100% renewable energy for small sites from 01 January 2025 in alignment with Council's Net Zero Strategy;
2. AUTHORISES the General Manager to accept or decline the offers for a small site electricity contract obtained via the NSW Government Scheme 3062 and the prescribed agency, Procurement Australia; and
3. AUTHORISES the General Manager to negotiate, agree, and to enter into a Contract for the supply of electricity to Small Sites on Council's behalf.

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



10.3.6. Presentation of the 2023/24 Audited Financial Statements

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

The information contained in this report be noted.

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

10.3.7. September 2024 Quarterly Budget Review

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

Council endorses the proposed changes in the September 2024 Quarterly Budget Review.

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

10.3.8. Monthly Financial Report - October 2024

102 RESOLVED on the motion of Cr R. Mahajan and Cr D. Hartley that:

Council notes the Financial Reports for the month ending 31 October 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



10.3.9. Report on Investments held as at 31 October 2024

103 RESOLVED on the motion of Cr R. Scholes and Cr M. Morris that:

Council NOTES Council's Investments as at 31 October 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

10.4. Community and Economy

10.4.1. Arts Upper Hunter - Funding Deed

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

Council:

1. APPROVES the attached *Arts Upper Hunter Funding Deed* to be placed on public exhibition 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 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

**10.4.2. Council Grant Funding and Community Engagement****Disclosure of Interest**

Cr Douglas declared a non-pecuniary interest in this item. Cr Douglas advised Council that she is one of the volunteers of the Christmas Appeal which is seeking a fee waiver.

Cr Morris declared a non-pecuniary interest in this item. Cr Morris advised that he was one of the organisers of the Christmas Spectacular which is seeking sponsorship.

At 7:11pm Cr Douglas and Cr Morris left the Council Chambers and therefore took no part in discussion or voting on this item.

105

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

Council notes the information contained in the report and endorses Council staff to consider options for:

1. Submitting an application to deliver Stage 2 of the Denman Tourist Park development, which is a key infrastructure project within the Shire under the Crown Reserves Improvement Fund. The grant application could cover the construction of amenities, showers, laundry, outdoor BBQ, gate entry to the tourist park and fencing, and picnic shelters;
2. Applying for funding under the Club Grants 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. Applying for funding under the Get NSW Active grant program, including the construction of shared paths near Muswellbrook South Public School and Muswellbrook Hospital Precinct/Muswellbrook High School;
4. Applying for funding under the Commonwealth Active Transport Fund for a shared path in Wollombi Road, linking the area, including Hunter Park and Hunter Park Family Centre, to the existing path in Skellatar Stock Route and Ironbark Road;
5. Applying for funding under the Create NSW Arts and Cultural Funding Program Cultural Access stream for a joint project with the Upper Hunter Conservatorium of Music and Arts Upper Hunter;
6. Council provides Denman Public School with a fee waiver of \$305 for the staging of their Presentation Event at Denman Memorial Hall on Tuesday, 17 December 2024; and
7. Council provides the Muswellbrook High School P&C Association with "We Live Here" cards to the value of \$75 to be used as prizes to support their Christmas Raffle.

In Favour

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

Against:

Nil



At 7:12pm Cr Douglas returned to Council Chambers and resumed her chair at the meeting table.

10.4.3. Hunter Regional Conservatorium - 2025 Scholarship Program

Disclosure of Interest

Cr Morris declared a pecuniary interest in this item. Cr Morris advised Council that he is member of the Board of the Upper Hunter Conservatorium of Music Inc.

Cr Morris remained absent from the Council Chambers and therefore took no part in discussion or voting on this item.

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

1. Council supports the Hunter Regional Conservatorium 2025 Scholarship Program with a contribution of \$3,800 to support one recipient who is a resident of Muswellbrook with a 60 minute lesson allocated from GL 075.1880.568.
2. The Hunter Regional Conservatorium provide details of the recipient to Council once the scholarship is awarded and report of the student's progress at the end of the scholarship period.

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 R. Scholes and Cr S. Ward

Against: Nil

At 7:13 pm Cr Morris returned to Council Chambers and resumed their chair/s at the meeting table.

Ms Pope left the meeting at 7.13pm

11. Minutes of Committee Meetings

Nil

12. Notices of Motion

Nil

13. Councillors Reports

13.1 Local Government NSW Annual Conference

Cr Marshall advised Council that he attended the Local Government NSW Annual Conference recently together with the Mayor and Cr Scholes. Cr Drayton advised Council that further information would be provided in due course.

13.2 Council On-Boarding Programme

Cr Drayton acknowledged the work undertaken by staff in providing the Councillor On-Boarding Training and Councillors for attending those sessions.

14. Written Questions

Nil



15. Questions for Next Meeting

Nil

16. Adjournment into Closed Council

107 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 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 7:17pm Cr Douglas left the meeting.

17. Closed Council

17.1. Insurance Report

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

Council NOTES the insurance coverage outlined in the attached policies and schedules

In Favour: Cr C. Bailey, Cr A. Barry, 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.

**17.2. 2024-2025-0615 - Construction of a New Shared Path - Karoola Park Muswellbrook**

109 RESOLVED on the motion of Cr D. Marshall and Cr S. Ward that:

Council:

1. Accepts the tender submitted by Hunter Wide Civil Pty Ltd for Contract 2024-2025-0615 – Construction of a New Shared Path and drainage improvements in Karoola Park, Muswellbrook, as per schedule of rates, and
2. Delegates the General Manager authority to enter into a contract for the Construction of a New Shared Path and drainage improvements in Karoola Park, Muswellbrook, under Contract 2024-2025-0615.

In Favour: Cr C. Bailey, Cr A. Barry, 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.

17.3. 2024-2025-0621 Drainage Condition Assessment

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

Council:

1. DECLINES to accept all tender submissions received for the project Stormwater Drainage Condition Assessment (2024-2025-0621), due to all tender submissions exceeding the available budget;
2. DELEGATES authority to the General Manager to enter into negotiations with Total Drain Cleaning Services Pty Ltd, in accordance with Section 178(3)(e) of the Local Government (General) Regulation 2021, due to a favourable tender assessment and the availability to complete the services;
3. AUTHORISES the General Manager to enter into a Contract for the Services on Council's behalf; and
4. REQUESTS an information report be provided to the December 2024 Ordinary Council Meeting providing detail on the negotiation outcome.

In Favour: Cr C. Bailey, Cr A. Barry, 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.



17.4. 2023-2024-0576 - Wet and Dry Hire and 2023-2024-0599 - Trade Services - Delegation for Negotiation with Additional Tenderers on Panel Contracts

111 RESOLVED on the motion of Cr R. Scholes and Cr M. Morris that:

Council:

1. Authorises the General Manager to enter into negotiations with JR & EG Richards Pty Ltd for onboarding to the panel contract '2023-2024-0576 Wet and Dry Hire'.
2. Authorises the General Manager to enter contract negotiations with the following Tenderers for Panel Contract 2023-2024-0599:
 - i. ARA Fire Protection Services;
 - ii. Fitt Resources Pty Ltd;
 - iii. Hunter H2O Holdings;
 - iv. Safegroup Automation;
 - v. Trility Solutions Pty Ltd; and
 - vi. Xylem Water Solutions.
3. Notes the additional tenderers accepted as part of the Trade Services Panel Contract 2023-2024-0599 for services to the Water and Wastewater operations by the General Manager. 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. DK Heavy Plant Services Pty Ltd;
 - ii. EMF Group Pty Ltd as Trustee for the EMF Group Unit Trust; and
 - iii. Alliance Automation Pty Ltd.

In Favour: Cr C. Bailey, Cr A. Barry, 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.

17.5. Application Under Undetected Water Leaks Policy

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

Council APPROVES a reduction of \$7,906.50 for the non-residential sewer charges as detailed in the report.

In Favour: Cr C. Bailey, Cr A. Barry, 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.

**17.6. Urban and Rural Resealing Programme 2024/2025**

113 RESOLVED on the motion of Cr D. Marshall and Cr C. Bailey that:

Council approves contracting Fulton Hogan to deliver Council's Shire Road Resealing Programme 2024/2025 and the resealing of segment 27170 on the Golden Highway as part of the Road Maintenance Council Contract for Transport for NSW, 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 C. Bailey, Cr A. Barry, 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.

17.7. Urban Pavement Renewal Programme 2024/2025

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

Council approves contracting Downer EDI Works Pty Ltd to deliver Council's Urban Road Renewal Programme 2024/2025 and the State Road Heavy Patching and AC Overlay scheduled work order 2024/2025 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 C. Bailey, Cr A. Barry, 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.

18. Resumption of Open Council

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

The meeting return to Open Council.

In Favour: Cr C. Bailey, Cr A. Barry, 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 to return to the Meeting.

The Mayor read out the resolutions from Closed Council.



19. Closure

The meeting was declared closed at 7.47pm.

THE MINUTES OF THE MEETING (PAGES 1 to 31) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 17 DECEMBER, 2024 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 26 NOVEMBER, 2024.

.....
Mr D. Finnigan
General Manager

.....
Cr J. Drayton
Chairperson