

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE SEMINAR ROOM, MUSWELLBROOK LIBRARY, 126 BRDGE STREET, MUSWELLBROOK ON 17 DECEMBER, 2024 COMMENCING AT 6.00PM.

PRESENT: Cr J. Drayton (Mayor), Cr C. Bailey, Cr A. Barry, Cr L. Dunn, Cr D. Hartley, Cr G.T. McNeill, 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), Ms K. Hamm (Manager – Governance & Risk), Mr J. Hogan (Chief Financial Officer), Mr P. Ball (Manager - Works), Mr P. Chandler (Technical Officer - Recreation & Property), Mr S. Iagunkov (Manager - Water & Wastewater), Mrs M. Sandell-Hay (Governance Officer), Ms A. Cox (IP&R Officer), 5 people in the public gallery and 1 media representative.

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 Bailey.

4. Apologies and Applications for a Leave of Absence

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

The apologies for inability to attend the meeting submitted by Cr D. Douglas (OAM) and Cr R. Mahajan be ACCEPTED and the necessary Leave of Absence be GRANTED.

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

5. Confirmation of Minutes

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

The Minutes of the Ordinary Council Meeting held on 26 November, 2024, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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

6. Disclosure of any Pecuniary or Non-Pecuniary Interests



Cr D. Hartley - Declared an insignificant non-pecuniary interest in Item 10.2.6 - Cr Hartley advised Council that he is a member of a Committee that uses the Olympic Park facilities.

Cr D. Marshall - Declared an insignificant non-pecuniary interest in Item 17.2. Cr Marshall advised Council that his daughter is employed by one of the Contractors mentioned in the report.

Cr D. Marshall - Declared an insignificant declared an insignificant non-pecuniary interest in Item 17.3. Cr Marhsall advised Council that his daughter is employed by one of the Contractors mentioned in the report.

Mr M. Lysaught - Declared a non-pecuniary interest in item 10.2.4. Mr Lysaught advised Council that he resides in the street that is mentioned in the report.

7. Mayoral Minute

Nil

8. Public Participation

Nil

9. Business Arising (From Previous Meetings)

Nil

10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. Draft Local Orders Policy for PUBLIC EXHIBITION

- 118 RESOLVED on the motion of Cr M. Morris and Cr L. Dunn that:
1. Council provides the public with a notice of intention to adopt the *DRAFT Local Orders Policy*, by placing it on public exhibition via Council's website for a period of 42 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 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



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

119 RESOLVED on the motion of Cr D. Hartley and Cr M. Morris that:

The information contained in this report be noted.

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

10.2. Infrastructure and Property

10.2.1. DRAFT Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy for PUBLIC EXHIBITION

120 RESOLVED on the motion of Cr M. Morris and Cr D. Marshall that:

1. Council provides notice of intention to adopt the attached *DRAFT Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy*, by placing it on public exhibition via Council's website for a period of 42 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 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

10.2.2. Draft Staff Housing Assistance Policy for PUBLIC EXHIBITION

121 RESOLVED on the motion of Cr R. Scholes and Cr C. Bailey that:

Council:

1. Provides notice of intention to adopt the reviewed *Draft Staff Housing Assistance Policy*, by placing it on public exhibition via Council's website for a period of 42 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 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



10.2.3. **Public Exhibition of amended Denman Tourist Park Master Plan**

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

1. Council provides notice of intention to adopt the amended *Denman Tourist Park Master Plan*, by placing it on public exhibition via Council's website for a period of 42 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 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

10.2.4. **Removal of Hazardous Trees**

Disclosure of Interest

Mr Lysaught declared a non-pecuniary interest in this item. Mr Lysaught advised Council that he resides in one of the streets mentioned in the report.

At 6.08pm Mr Lysaught left the meeting during discussion and voting on this item.

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

Council Approves:

1. The removal of:
 - a. The Privet Tree (*Ligustrum lucidum*) at 37 Adams Street, Muswellbrook.
 - b. The Red Gum tree (*Eucalyptus camaldulensis*) at Denman Cemetery.
 - c. Kurrajong tree (*Brachychiton populneus*) at 11 Karoola Avenue, Muswellbrook.
 - d. The Red Ironbark (*Eucalyptus sideroxyn*) at 43 Calgaroo Avenue, Muswellbrook.
 - e. The Silky Oak Tree (*Grevillea robusta*) at 6 Rutherford Road, Muswellbrook.
 - f. The Wilga Tree (*Geijera parviflora*) in the Forecourt of the Muswellbrook Regional Art Gallery.
2. The replacement of the Wilga Tree in the Muswellbrook Regional Art Gallery forecourt with *Tristanopsis laurina* 'Luscious' - Watergum
3. The removal of dead wood, application of fungicide and soil improvements to try and save the twelve (12) Himalayan Ash Trees (*Fraxinus Griffithi*) located in the Cook Street median.

In Favour Cr C. Bailey, Cr A. Barry, 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 6.11pm Mr Lysaught returned to the meeting room.

10.2.5. **Change of Waste Collection Day - Woodland Ridge and Ironbark Ridge**

- 124 RESOLVED on the motion of Cr D. Marshall and Cr C. Bailey that:
Council approves Council's contractor's requested change, and:
1. will determine, in collaboration with Council's contractor, an achievable changeover date; and
 2. will prepare and issue letters to the affected properties, notifying of the change.

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

10.2.6. **Olympic Park Grandstand and Amenities Design**

Disclosure of Interest

Cr Hartley declared an insignificant non-pecuniary interest in this item. Cr Hartley advised that he is a member of a committee that uses the Olympic Park facilities.

- 125 RESOLVED on the motion of Cr A. Barry and Cr C. Bailey that:
Council endorses the Olympic Park Grandstand and Amenities Design - Option 4 to allow detailed design documents to be completed to proceed for construction tender.

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

10.2.7. **Capital Works Programmes - Water and Sewer**

- 126 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:
Council:
1. Endorses the priority list of project works to be undertaken under Capital Budget allocations for Water and Sewer for the 2024-25 financial year;
 2. Approves \$150,000 funding reallocation from Mains Renewal and Replacement program GL 6310.4340.504 to Vehicle/Equipment Replacement, Acquisition/sales program GL 5330.4378.504 for the procurement of a Non-Destructive digger; and
 3. Approves proceeding with the procurement of a Non-Destructive digger



from the Water Capital Budget.

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

10.2.8. Large Plant Replacement Program

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

Council:

1. Supports the 2024/2025 Large Plant Replacement Programme as prioritised in the report; and
2. Approves the transfer of funds from the Plant Reserve to proceed with purchase of the Compact Footpath Sweeper.

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

10.2.9. NSW Disaster Recovery Funding Arrangements - Betterment Funding Wybong Road

128 RESOLVED on the motion of Cr C. Bailey and Cr D. Hartley that:

Council:

1. Authorises the General Manager to sign the Regional Roads Transport Recovery Package – TfNSW Funding Deed for Wybong Road; and
2. Endorses the engagement of Transport for NSW as a prescribed entity to undertake the delivery of the scope of works subject of the Regional Roads Transport Recovery Package – TfNSW Funding Deed for Wybong Road.

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



10.3. Corporate Services

10.3.1. January 2025 Ordinary Council Meeting

- 129 RESOLVED on the motion of Cr D. Marshall and Cr M. Morris that:
Council determines that:
1. An Ordinary Meeting of Council be held on Tuesday 28 January 2025 in the Meeting Room, Muswellbrook Library, 126 Bridge Street, Muswellbrook, From 6:00pm to 9:00pm.
 2. A workshop for Councillors will be held from 4:00pm to 6:00pm immediately prior to the Ordinary Council Meeting.
- In Favour Cr C. Bailey, Cr A. Barry, 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

10.3.2. DRAFT Community Engagement and Participation Plan for Public Exhibition

- 130 RESOLVED on the motion of Cr M. Morris and Cr A. Barry that:
Council resolves to place the draft Communication Engagement and Participation Plan on public exhibition for a period of 42 days before final consideration by Council.
- In Favour Cr C. Bailey, Cr A. Barry, 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

10.3.3. DRAFT Internal Audit Charter MSC050E for Adoption

- 131 RESOLVED on the motion of Cr L. Dunn and Cr M. Morris that:
Council adopts the *Draft Internal Audit Charter*.
- In Favour Cr C. Bailey, Cr A. Barry, 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

**10.3.4. DRAFT Debt Recovery Policy for Public Exhibition**

- 132 RESOLVED on the motion of Cr R. Scholes and Cr M. Morris that:
1. Council provides notice of intention to adopt the *DRAFT Debt Recovery Policy* by placing it on public exhibition via Council's website for a period of 42 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 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

10.3.5. Muswellbrook Shire Aquatic and Fitness Centre Policy for Adoption

- 133 RESOLVED on the motion of Cr D. Hartley and Cr D. Marshall that:
- Council ADOPTS the attached *Muswellbrook Shire Aquatic and Fitness Centre Policy*.
- In Favour Cr C. Bailey, Cr A. Barry, 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

10.3.6. State of the Shire Report - 2021/2024

- 134 RESOLVED on the motion of Cr G. McNeill and Cr M. Morris that:
- Council notes the *2021 – 2024 State of the Shire Report*.
- In Favour Cr C. Bailey, Cr A. Barry, 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

10.3.7. Report on Investments held as at 30 November 2024

- 135 RESOLVED on the motion of Cr R. Scholes and Cr A. Barry that:
- Council NOTES Council's Investments as at 30 November 2024.
- In Favour Cr C. Bailey, Cr A. Barry, 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



10.3.8. Monthly Financial Report - November 2024

- 136 RESOLVED on the motion of Cr R. Scholes and Cr D. Hartley that:
Council notes the Financial Reports for the month ending 30 November 2024.
- In Favour Cr C. Bailey, Cr A. Barry, 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

10.4. Community and Economy

10.4.1. Draft Awarding of Grants and Contributions Policy for Public Exhibition

- 137 RESOLVED on the motion of Cr M. Morris and Cr D. Marshall that:
1. Council provides notice of intention to adopt the *Draft Awarding of Grants and Contributions Policy*, by placing it on public exhibition via Council's website for a period of 42 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 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

10.4.2. Council Grant Funding Update

- 138 RESOLVED on the motion of Cr D. Hartley and Cr M. Morris that:
Council notes the information contained in the report and endorses Council staff to review and apply for funding opportunities contained within the report.
- In Favour Cr C. Bailey, Cr A. Barry, 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



11. Minutes of Committee Meetings

11.1. Local Traffic Committee Minutes - 12/11/2024

139 RESOLVED on the motion of Cr D. Marshall and Cr C. Bailey that:
The Minutes of the Local Traffic Committee Meeting held on 12 November 2024 be NOTED and the recommendations contained therein be ADOPTED.

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

11.2. Local Traffic Committee Minutes - 10/12/2024

140 RESOLVED on the motion of Cr D. Marshall and Cr M. Morris that:
The Minutes of the Local Traffic Committee Meeting held on 10 December 2024 be NOTED and the recommendations contained therein ADOPTED.

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

11.3. Australia Day Nomination Committee - 10/12/2024

141 RESOLVED on the motion of Cr M. Morris and Cr A. Barry that:
Council NOTES the minutes of the meeting of the Australia Day Committee held on 10 December, 2024 and ADOPTS the recommendations contained therein.

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

12. Notices of Motion

Nil

13. Councillors Reports

13.1 Martindale Public School Presentation Day

Cr Marshall advised Council that he attended the Martindale Public School Christmas Party / Presentation Day recently.

**13.2 Upper Hunter Weeds Authority**

Cr McNeill advised Council that he recently attended the Upper Hunter Weeds Authority Meeting which was the first one for the term and congratulated Cr Marshall on his appointment as Deputy Chair. Cr McNeill also advised Council that further information on the Upper Hunter Weeds Authority would be provided to future meetings.

13.3 Parliamentary Enquiry - Nuclear Energy Proposal

Cr McNeill also advised Council that he attended the parliamentary enquiry regarding the proposal for nuclear energy.

13.4 South Muswellbrook Public School Presentation Day

Cr Scholes advised Council that he recently attended the second part of the South Muswellbrook Public School Presentation. Cr Scholes also advised that he had been attending the presentation days for approximately 30 years and was quite impressed with the school.

13.5 Muswellbrook High School Presentation Day

Cr Scholes also advised Council that he attended the Muswellbrook High School Presentation held recently and encouraged the schools in nominating students for the Australia Day awards.

13.6 Sandy Hollow Public School Presentation Day

Cr Bailey advised Council that she attended the Sandy Hollow Public School presentation day.

13.7 Appreciation

Cr Drayton thanked Councillors for attending the various functions that have been held recently

14. Written Questions**14.1. Denman Bridge**

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

The information contained in the report be NOTED.

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

15. Questions for Next Meeting**15.1 Ability Swing in Simpson Park**

Cr Marshall inquired as to what had happened to the ability swing in Simpson Park?

15.2 Common Road Lookout

Cr Morris inquired whether the lookout located at the top of the common could be reinstated?

15.3 Assessment of Trees in Denman Park

Cr McNeill advised that there were some mature trees in the park on the bottom side of the railway line in Denman that have died and asked whether these could be assessed and possibly replaced?



15.4 **Water at Showground Update**

Cr Marshall inquired whether there had been any progress regarding water at the Showground.

Mr Finnigan advised Council that ongoing discussions have been held with the Managers of the Showground with further meetings scheduled in an effort to address funding requirements.

16. **Adjournment into Closed Council**

143 RESOLVED on the motion of Cr A. Barry and Cr G. McNeill 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 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.

Members of the public left the meeting at this stage.

17. **Closed Council**

17.1. **Contract 2024-2025-0620 - Supply and Installation of Playground Equipment and Softfall at Karoola Park**

144 RESOLVED on the motion of Cr M. Morris and Cr A. Barry that:

Council:

1. Accepts the submission from Moduplay Group Pty Ltd for the Lump Sum \$342,280.00, excluding GST, for Contract 2024-2025-0620 Supply and Installation of Playground Equipment and Softfall at Karoola Park, subject to successful negotiations regarding the provision of contractor's security;
2. Authorises the General Manager to accept the submission from Austek Construction Pty Ltd – Option 1 for the Lump Sum of \$349,979.78, excluding GST, should the negotiations with Moduplay Group Pty Ltd prove unsuccessful; and
3. Delegates to the General Manager authority to enter into a Contract for the Supply and Installation of Playground Equipment and Softfall at Karoola Park.

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

**17.2. 2024-2025-0623 Replacement of Rainbow Creek Timber Bridge with Reinforced Concrete Blocks Culvert****Disclosure of Interest**

Cr Marshall declared an insignificant non-pecuniary interest in this item. Cr Marshall advised Council that his daughter is employed by one of the Contractors mentioned in the report.

145 RESOLVED on the motion of Cr D. Marshall and Cr M. Morris that:

Council:

1. Accepts the Tender submitted by KCE Pty Ltd for Contract 2024-2025-0623 Replacement of Rainbow Creek Timber Bridge with Reinforced Concrete Box Culverts (RCBC) for the lump sum of \$363,800.00, exclusive of GST; and
2. Delegates to the General Manager authority to enter into a Contract for the Replacement of Rainbow Creek Timber Bridge with RCBC under contract 2024-2025-0623.

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

17.3. Contract 2023-2024-0610 for Design and Construction of Muswellbrook Sewage Pumping Station 1**Disclosure of Interest**

Cr Marshall declared an insignificant non-pecuniary interest in this item. Cr Marshall advised Council that his daughter is employed by one of the Contractors mentioned in the report.

146 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:

Council:

1. Approves the transfer of \$1,933,273 from the Sewerage Account (Section 64 Sewer Reserves) to ledger number GL 6310.4364.504 to enable fulfilment of the contract project budget for the replacement of Muswellbrook Sewage Pumping Station 1 (MSPS-1);
2. Accepts the Tender submitted by KCE Pty Ltd for Contract 2023-2024-0610, Design and Construction of MSPS-1 for the lump sum of \$3,266,971.85, exclusive of GST; and
3. Delegates to the General Manager authority to enter into a Contract for the Design and Construction of MSPS-1.

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

**17.4. 2023-2024-0583 - Demolition of 88-108 Bridge Street Buildings**

147 RESOLVED on the motion of Cr A. Barry and Cr M. Morris that:

Council:

1. Declines to accept any of the tenders for Contract 2023-2024-0583 - Demolition of 88–108 Bridge Street Buildings 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 it is considered most likely to achieve the best value outcome for Council;
3. Delegates to the General Manager authority to enter into a Contract for 2023-2024-0583 - Demolition of 88–108 Bridge Street buildings, subject to satisfactory conclusion of contract negotiation; and
4. Submit a further report to Council advising of the outcome of contract negotiations.

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

17.5. Demolition of Fire Damaged Building

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

Council:

1. Endorses proceeding generally in accordance with the draft Deed of Agreement – Works and Sale for the Fire Damaged Building identified in the report; and
2. Delegates to the General Manager the authority to negotiate the final Deed of Agreement and proceed to execution.

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



18. Resumption of Open Council

149 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 D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward.

Against: Nil.

Members of the public returned to the meeting room. The Mayor read out the resolutions of Closed Council.

The Mayor thanked Councillors for their transitioning into the new term of Council and wished everyone a Merry Christmas.

19. Closure

The meeting was declared closed at 6.52pm.

THE MINUTES OF THE MEETING (PAGES 1 to 15) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 28 JANUARY 2025 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 17 DECEMBER 2024.

.....
Mr D. Finnigan
General Manager

.....
Cr J. Drayton
Chairperson