

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE SEMINAR ROOMS, MUSWELLBROOK LIBRARY, 126 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 25 FEBRUARY 2025 COMMENCING AT 6.00PM

PRESENT: Cr J. Drayton (Mayor), Cr C. Bailey, Cr D. Douglas, 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 M. Lysaught (Director – Infrastructure & Property), Mr P. Chambers (Chief Engineer), Ms K. Hamm (Manager – Governance & Risk), Mr J. Hogan (Chief Financial Officer), Mr H. McTaggart (Development Co-Ordinator), Mrs D. Watson (Senior Planner), Mr T. Connell (Communications Co-Ordinator), Mr S. Iagunkov (Manager - Water & Wastewater), Mrs M. Sandell-Hay (Governance Officer), Ms L. Ward (EA to the Mayor & GM) and 11 people in the public gallery and 2 media representatives.

1. Applications for Attendance via Audio Visual Link

Nil

2. Acknowledgement of Country

The Acknowledgement of Country was read by Cr D. Hartley.

3. Civic Prayer

The Civic Prayer was read by Cr L. Dunn.

4. Apologies and Applications for a Leave of Absence

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

The apologies for inability to attend the meeting submitted by Cr A. Barry be ACCEPTED and the necessary Leave of Absence be GRANTED.

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.



5. Confirmation of Minutes

Ordinary Council Meeting held on 28 January, 2025

- 178 RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:
- The Minutes of the Ordinary Council Meeting held on **28 January, 2025**, 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 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 an insignificant non-pecuniary interest in Item 10.1.1. Cr Douglas advised Council that she receives funding donations for the Christmas Appeal that she runs as a volunteer.
- Cr D. Douglas** - Declared an insignificant non-pecuniary interest in Item 10.1.2. Cr Douglas advised Council that she receives funding donations for the Christmas Appeal that she runs as a volunteer.
- Cr D. Hartley** - Declared an insignificant non-pecuniary interest in Item 10.1.1. Cr Hartley advised Council that he owns an investment property on Acacia Drive.
- Cr D. Hartley** - Declared an insignificant non-pecuniary interest in Item 10.1.2. Cr Hartley advised Council that he owns an investment property on Acacia Drive.
- Cr R. Mahajan** - Declared a significant pecuniary interest in Item 10.1.4. Cr Mahajan advised Council that he and his wife own a property listed in the report.
- Cr D. Marshall** - Declared an insignificant non-pecuniary interest in Item 10.1.1. Cr Marshall advised Council he has friends and undertakes work for people who reside in the area of the proposed development.
- Cr D. Marshall** - Declared an insignificant non-pecuniary interest in Item 10.1.2. Cr Marshall advised Council that he has friends and undertakes work for people who reside in the area of the proposed development.
- Cr D. Marshall** - Declared an insignificant non-pecuniary interest in Item 17.3. Cr Marshall advised Council that his daughter is employed by one of the Contractors listed in the report.
- Cr M. Morris** - Declared an insignificant pecuniary interest in Item 10.2.3. Cr Morris advised Council that his employer will be approaching Council for support funding for the Upper Hunter Christmas Spectacular.
- Cr C. Bailey** - Declared a significant non-pecuniary interest in Item 10.4.1. Cr Bailey advised Council that she is a member of the Wybong Hall Committee.
- Cr G. McNeill** - Declared a significant non-pecuniary interest in Item 10.1.1. Cr McNeill advised Council that a close family friend and god-parent to one of his children lives on Ironbark Road and is directly impacted and vehemently opposed to the DCP.



Cr G. McNeill - Declared a significant non-pecuniary interest in Item 10.1.2. Cr McNeill advised Council that a close family friend and god-parent to one of his children lives on Ironbark Road and is directly impacted and vehemently opposed to the proposed development.

Cr R. Scholes - Declared an insignificant non-pecuniary interest in Item 10.1.1. Cr Scholes advised Council that some of the submitters are close friends and long term workmates.

Cr R. Scholes - Declared an insignificant non-pecuniary interest in Item 10.1.2. Cr Scholes advised Council that some of the submitters are close friends and long term workmates.

Cr L. Dunn - Declared an insignificant non-pecuniary interest in Item 10.1.1. Cr Dunn advised Council that she knows people that live in Ironbark Ridge.

Cr L. Dunn - Declared an insignificant non-pecuniary interest in Item 10.1.2. Cr Dunn advised Council that she knows people that live in Ironbark Ridge.

Cr J. Drayton - Declared an insignificant non-pecuniary interest in Item 10.1.1. Cr Drayton advised Council that he knows some of the community members that have made a submission.

Cr J. Drayton - Declared an insignificant non-pecuniary interest in Item 10.1.2. Cr Drayton advised Council that he knows some of the community members that have made a submission.

7. Mayoral Minute

Nil

8. Public Participation

Disclosure of Interest

Cr D. Marshall declared an insignificant non-pecuniary interest in Item 10.1.1 and 10.1.2 - Cr Marshall advised Council that he has friends and undertakes work for people who reside in the area of the proposed development..

Cr G. McNeill declared a significant non-pecuniary interest in Item 10.1.1 and 10.1.2. Cr McNeill advised Council that a close family friend and god-parent to one of his children lives on Ironbark Road and is directly impacted and vehemently opposed to the DCP.

Cr R. Scholes declared an insignificant non-pecuniary interest in Item 10.1.1 and 10.1.2. Cr Scholes advised Council that some of the submitters are close friends and long term workmates.

At 6.09pm Cr McNeill, Cr Marshall and Cr Scholes left the Council Chambers and therefore took no part in discussion on this item.

1. **Edward Fernon** – spoke in Support of Item 10.1.1 - Draft Development Control Plan - Ironbark Ridge Extension
2. **Edward Fernon** –spoke in Support of Item 10.1.2 - DA 2024-036 - for 33 Lot Subdivision and 76 Multi-Dwelling Houses - Ironbark Road Muswellbrook
3. **Julia King** – spoke in opposition to Item 10.1.2 - DA 2024-036 - for 33 Lot Subdivision and 76 Multi-Dwelling Houses - Ironbark Road Muswellbrook



- 4. Neil Pollard** – spoke in opposition to Item 10.1.2 - DA 2024-036 - for 33 Lot Subdivision and 76 Multi-Dwelling Houses - Ironbark Road Muswellbrook

At 6:34pm Cr McNeill, Cr Marshall and Cr Scholes returned to Council Chambers and resumed their chairs at the meeting table.

9. Business Arising (From Previous Meetings)

9.1. Response to Questions from January Ordinary Council Meeting

179 RESOLVED on the motion of Cr D. Marshall and Cr D. Douglas that:
Council notes the information contained in the report.

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

10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. Draft Development Control Plan - Ironbark Ridge Extension

Disclosure of Interest

Cr D. Douglas declared an insignificant non-pecuniary interest in this Item. Cr Douglas advised Council that she seeks funding donations for the Christmas Appeal that she runs as a volunteer.

Cr D. Hartley declared an insignificant non-pecuniary interest in this Item. Cr Hartley advised Council that he owns an investment property on Acacia Drive.

Cr D. Marshall declared an insignificant non-pecuniary interest in this Item. Cr Marshall advised Council that he has friends and undertakes work for people who reside in the area of the proposed development..

Cr R. Scholes declared an insignificant non-pecuniary interest in this Item. Cr Scholes advised Council that some of the submitters are close friends and long term workmates.

Cr G. McNeill declared a significant non-pecuniary interest in this Item. Cr McNeill advised Council that a close family friend and god-parent to one of his children lives on Ironbark Road and is directly impacted and vehemently opposed to the DCP.

Cr L. Dunn declared an insignificant non-pecuniary interest in this Item. Cr Dunn advised Council that she knows people that live in Ironbark Ridge.

Cr J. Drayton declared an insignificant non-pecuniary interest in this Item. Cr Drayton advised Council that he knows some of the community members that have made a submission.

At 6:37pm Cr Marshall, Cr Scholes and Cr McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.



MOTION:

Moved by Crs Dunn and Morris

To adopt the Development Control Plan – Ironbark Ridge Extension, provided in Attachment A, in accordance with Section 14 of the Environmental Planning and Assessment Regulation 2021.

FORESHADOWED MOTION:

Defer a decision relating to the adoption of the Draft Development Control Plan to allow further consideration of any necessary changes related to aspects of the plan relating to DA 2024/36.

MOTION:

Moved by Crs Dunn and Morris:

To adopt the Development Control Plan – Ironbark Ridge Extension, provided in Attachment A, in accordance with Section 14 of the Environmental Planning and Assessment Regulation 2021.

In Favour Nil

Against: Cr C. Bailey, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr R. Mahajan, Cr M. Morris and Cr S. Ward

The motion was put to the vote and LOST

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

Defer a decision relating to the adoption of the Draft Development Control Plan to allow further consideration of any necessary changes related to aspects of the plan relating to DA 2024/36.

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 S. Ward

Against: Nil

10.1.2. Development Application 2024-36 - for 33 Lot Subdivision and 76 Multi-Dwelling Houses - Ironbark Road Muswellbrook

Disclosure of Interest

Cr D. Douglas declared an insignificant non-pecuniary interest in this Item. Cr Douglas advised Council that she seeks funding donations for the Christmas Appeal that she runs as a volunteer.

Cr D. Hartley declared an insignificant non-pecuniary interest in this Item. Cr Hartley advised Council that he owns an investment property on Acacia Drive.

Cr D. Marshall declared an insignificant non-pecuniary interest in this Item. Cr Marshall advised Council that he has friends, and undertakes work for people who reside in the area of the proposed development.

Cr R. Scholes declared an insignificant non-pecuniary interest in this Item.



Cr Scholes advised Council that some of the submitters are close friends and long term workmates.

Cr G. McNeill - Declared a significant non-pecuniary interest in this Item.

Cr McNeill advised Council that a close family friend and god-parent to one of his children lives on Ironbark Road and is directly impacted and vehemently opposed to the DCP.

Cr L. Dunn- Declared an insignificant non-pecuniary interest in this Item.

Cr Dunn advised Council that she knows people that live in Ironbark Ridge.

Cr J. Drayton - Declared an insignificant non-pecuniary interest in this Item.

Cr Drayton advised Council that he knows some of the community members that have made a submission.

Cr Marshall, Cr McNeill and Cr Scholes remained absent from the Chambers and therefore took no part in discussion or voting on this item.

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

Council defers the determination of DA 2024/36 to enable the applicant to give further consideration to the density of the multi-dwelling housing development proposed and the opportunity for amendments to the proposal that:

1. Reduces the overall number of units proposed.
2. Increase the diversity of housing proposed within the multi-dwelling housing estate, including by:
 - Exploring the incorporation of detached dwellings in place of a number of semi-detached dual occupancies.
 - Exploring the provision of housing units or dwellings which incorporate additional visually distinctive external design components to increase diversity of building appearance.
 - Exploring the inclusion of housing options with differing rates of bedrooms/occupation than the proposal for all 76 as 2 bedroom residences.
3. In context with changes to the composition of housing, give further consideration to the off-street car parking requirements of the Muswellbrook Development Control Plan and in doing so provide off-street parking at a rate consistent with minimum Development Control Plan requirements.

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 S. Ward

Against: Nil

At 6:44 pm Cr McNeill, Cr Marshall and Cr Scholes returned to Council Chambers and resumed their chair/s at the meeting table.



10.1.3. Adoption of Muswellbrook Shire Local Housing Strategy

182 RESOLVED on the motion of Cr G. McNeill and Cr R. Scholes that:
Council adopts the Muswellbrook Shire Local Housing Strategy in Attachment B and authorises the General Manager to forward the Strategy to the Department of Planning, Housing and Infrastructure for endorsement.

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

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

Disclosure of Interest

Cr R. Mahajan declared a significant pecuniary interest in this Item.

Cr Mahajan advised Council that he and his wife own a property listed in the report.

At 6:47pm Cr Mahajan left the Council Chambers and therefore took no part in discussion or voting on this item.

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

The information contained in this report be noted.

In Favour Cr C. Bailey, 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 6:48 pm Cr Mahajan returned to Council Chambers and resumed his chair at the meeting table.

10.2. Corporate Services

10.2.1. Debt Recovery Policy for Adoption

184 RESOLVED on the motion of Cr C. Bailey and Cr L. Dunn that:

Council adopts the *Debt Recovery Policy*.

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



10.2.2. Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy for Adoption

185 RESOLVED on the motion of Cr D. Marshall and Cr R. Scholes that:
Council adopts the *Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy*.

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

10.2.3. Awarding of Grants and Contributions Policy for Adoption

Disclosure of Interest

Cr M. Morris declared an insignificant pecuniary interest in this Item. Cr Morris advised Council that his employer will be approaching Council for support funding for the Upper Hunter Christmas Spectacular.

At 6:49pm Cr Morris left the Council Chambers and therefore took no part in discussion or voting on this item.

186 RESOLVED on the motion of Cr D. Hartley and Cr R. Scholes that:
Council adopts the *Awarding of Grants and Contributions Policy*.

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 R. Scholes and
Cr S. Ward

Against: Nil

At 6:50pm Cr Morris returned to Council Chambers and resumed his chair at the meeting table.

10.2.4. Local Orders Policy for Adoption

187 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:
Council adopts *Local Orders Policy*.

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



10.2.5. Staff Housing Assistance Policy for Adoption

188 RESOLVED on the motion of Cr R. Scholes and Cr M. Morris that:
Council adopts the *Staff Housing Assistance Policy*.

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

10.2.6. Draft Contributions to Boundary Fencing Policy for Public Exhibition

{resolution-number} RESOLVED on the motion of Cr D. Douglas and Cr D. Hartley that:

1. Council provides notice of intention to adopt the *Draft Contributions to Boundary Fencing Policy*, by placing it on public exhibition via Council's website for a period of 28 days;
2. As an interim arrangement until adoption of the policy, Council may, at its discretion, apply the draft policy to assist with its determination of any requests for assistance; and
3. A further report be submitted to Council for consideration of submissions received during the exhibition period.

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



10.2.7. DRAFT Councillor Expenses and Facilities Policy for Public Exhibition

- 190 RESOLVED on the motion of Cr G. McNeill and Cr M. Morris that:
1. Council provides notice of intention to adopt the *DRAFT Councillors Expenses and Facilities Policy* by placing it 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 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

10.2.8. DRAFT Library Membership Policy and DRAFT Library Collection Management Policy for Public Exhibition

- 191 RESOLVED on the motion of Cr S. Ward and Cr D. Marshall that:
1. Council endorses the *DRAFT Library Membership Policy* and *DRAFT Library Collection Management Policy* for placement on public exhibition via Council's website for a period of 28 days.
 2. A further report be submitted to Council for consideration once the exhibition period has been completed.

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

10.2.9. Councillor Request Management Procedure

- 192 RESOLVED on the motion of Cr R. Scholes and Cr M. Morris that:
- Council notes the *Councillor Request Management Procedure*.

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



10.2.10. Policies Recommended for Rescission

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

Council resolves to rescind the following policies:

1. Community Services Policy;
2. Development Cost Estimating Policy;
3. Economic Diversification Policy;
4. Leased Council Property - public liability cover required;
5. Provision of Information to and Interaction Between Councillors and Staff;
and
6. Risk Management of Council Facilities

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

10.2.11. The Local Government Performance Excellence Program

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

The information contained in this report be noted.

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



10.2.12. Finance and Governance Committee - Terms of Reference

- 195 RESOLVED on the motion of Cr R. Scholes and Cr M. Morris that:
- Council:
1. ENDORSES the Terms of Reference for the Finance and Governance Committee.
 2. Delegates authority to the Finance and Governance Committee to:
 - a. Place Council policies on public exhibition.
 - b. Make decisions regarding the submission of applications for grant programs.
 - c. Make decisions on the awarding of community grant applications received by Council.
- 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

10.2.13. State Significant Development Committee - Terms of Reference

- 196 RESOLVED on the motion of Cr C. Bailey and Cr D. Marshall that:
- Council:
1. ENDORSES the Terms of Reference for the State Significant Committee.
 2. Delegates authority to the State Significant Development Committee to:
 - Authorise submissions and responses to the Department of Planning, Housing and Infrastructure and the Independent Planning Commission (IPC).
 - Assess State Significant Development and prepare submissions and responses relating to state significant development in the Muswellbrook Shire.
- 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



10.2.14. Infrastructure & Property Committee - Terms of Reference

- 197** RESOLVED on the motion of Cr L. Dunn and Cr D. Hartley that:
Council ENDORSES the Terms of Reference for the Infrastructure and Property Committee.
- 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

10.2.15. December 2024 Quarterly Budget Review

- 198** RESOLVED on the motion of Cr L. Dunn and Cr R. Scholes that:
Council endorses the proposed changes in the December 2024 Quarterly Budget Review.
- 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

10.2.16. Monthly Financial Report - January

- 199** RESOLVED on the motion of Cr R. Scholes and Cr C. Bailey that:
Council notes the Financial Reports for the month ending 31 January 2025.
- 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

**10.2.17. Report on Investments held as at 31 January 2025**

200 RESOLVED on the motion of Cr R. Scholes and Cr R. Mahajan that:

Council notes the Investments held as at 31 January 2025.

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

10.2.18. DRAFT Community Engagement and Participation Plan for Endorsement

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

Council adopts the Communication Engagement and Participation Plan.

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

10.3. Infrastructure and Property**10.3.1. Request for Contribution to Boundary Fence Adjacent to Council Operational Land**

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

Council approves making a contribution of \$2,118.47, inclusive of GST, to the replacement of the boundary fence of the property adjoining Council's 'Operational Land' being the Drainage Reserve (Lot 4 DP1284529) located at 155 Maitland Street Muswellbrook.

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



10.3.2. Catchment Management Plan - Muscle Creek and Possum Gully

203 RESOLVED on the motion of Cr R. Scholes and Cr S. Ward that:
Council ADOPTS the Catchment Management Plan for Muscle Creek and Possum Gully, including its prioritised actions for remediation works, subject to future grant funding availability.

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

10.4. Community and Economy

10.4.1. Wybong Mouse Races Sponsorship

Disclosure of Interest

Cr C. Bailey declared a significant non-pecuniary interest in this Item. Cr Bailey advised Council that she is a member of the Wybong Hall Committee.

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

204 RESOLVED on the motion of Cr G. McNeill and Cr D. Douglas that:
Council approves sponsorship of \$5,000 to the Wybong Community Hall Committee towards the Wybong Mouse Races to be held on 29 March 2025.

In Favour 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 7.12pm Cr Bailey returned to the Meeting room and resumed her usual chair at the meeting table.

10.4.2. Awarding of Sponsorship - Upper Hunter Veteran Golfers Association

205 RESOLVED on the motion of Cr L. Dunn and Cr M. Morris that:
Council APPROVES cash Sponsorship of \$300.00 to Upper Hunter Veteran Golfers Association for the staging of the 2025 Veterans Week of Golf from 9-14 March 2025.

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



11. Minutes of Committee Meetings

Nil

12. Notices of Motion

Nil

13. Councillors Reports

13.1 Cr D. Hartley

Cr Hartley advised that he had attended the Girls Day Out held at Olympic Park Muswellbrook on the weekend which is targeted to young girls to try out a number of different sports. Cr Hartley further advised Council that the event had been well attended with approximately 110 girls ranging in age from 6 to 16 years.

13.2 Cr D. Marshall

Cr Marshall advised Council that he had attended the Men's Breakfast held recently with Paddy Sheehan from Coolmore Stud, who was a special guest, provided a lot of information on Winks the racehorse.

13.3 Cr G. McNeill

Cr McNeill advised Council that he also attended the Men's Breakfast held with the special guest from Coolmore Stud.

13.4 Cr J. Drayton

Cr Drayton advised Council that he had attended meetings in Canberra with the Hunter Joint Organisation seeking funding for various projects and that a further report would be provided to Council on the outcome of those meetings.

14. Written Questions

Nil

15. Questions for Next Meeting

15.1 Council Gym Facilities

Cr D. Hartley inquired whether Council could investigate the feasibility of increasing the aquatic gym to a 24 hour facility?

15.2 Rum Distillery

Cr L. Dunn advised that she had received a number of inquiries from residents in regards to the rum distillery raising concerns with odours and inquired whether Council had considered this?

Cr Drayton advised Council that this matter would be considered when determining the Development Application.

Cr G. McNeill inquired whether the waste products would be transported outside the shire?

Cr Drayton advised Council that he was not aware of anything being organised as yet, although a large percentage of the waste product is reused it will require applications to be submitted to Council.



16. Adjournment into Closed Council

206 RESOLVED on the motion of Cr D. Marshall 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 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.

Members of the public left the meeting at this stage.

17. Closed Council

17.1. Panel Contract 2024-2025-0629 for Legal Services

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

Council RESOLVES to:

1. Subject to paragraph (3) of this resolution, accept the below firms to be appointed as panel source suppliers for the Legal Services Panel Contract (2024-2025-0629) for the period of 11 March 2025 to 10 March 2028:
 - i. M.R Anderson & J.S Gill & J Gray & L. Cho t/a ClarkeKann;
 - ii. G.N Beattie & J.N Ede & L.G Motta & S.H Patterson & C Rose t/a Wilshire Webb Staunton Beattie Lawyers;
 - iii. Hunter Councils Legal Services Ltd t/a Local Government Legal;
 - iv. J.B. Adams & D.R Baird & G Bonura & G Butterfield & P.J Crittenden & J.H Marsden & T.C Reeve & A.J Seton & J.R Thornton & N Youssef t/a Marsdens Legal;
 - v. G.T. Connellan & Others t/a Moray & Agnew;
 - vi. Redenbach Group Pty Ltd t/a Redenbach Legal;
 - vii. Shaw Reynolds Lawyers Pty Ltd; and
 - viii. RM Hassall, AS White & Others t/a Sparke Helmore Lawyers,
2. Delegates to the General Manager authority to accept those tenders without contract departures and enter into contracts for the Legal Services Panel Contract (2024-2025-0629).
3. Delegates to the General Manager authority to negotiate with those tenderers requesting contract departures and subject to satisfactory contract negotiations enter into contracts for the Legal Services Panel Contract (2024-2025-0629).

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.



17.2. Tender 2024-2025-0628 - Investigation and Design Bylong Valley Way CH32.4-CH34.4

208 RESOLVED on the motion of Cr S. Ward and Cr C. Bailey that:

Council resolves:

1. Accept the Tender submitted by Mu Group Consulting Pty Ltd for Contract 2024-2025-0628, Investigation and Design for Bylong Valley Way CH32.4 – CH34.4 for the lump sum of \$107,893.20, exclusive of GST;
2. Delegates to the General Manager authority to engage a consultant for geotechnical investigations separate to this contract, or determine to include geotechnical investigations as a provisional item under this contract, based on a commercial assessment; and
3. Delegates to the General Manager authority to enter into a Contract for the Investigation and Design for Bylong Valley Way CH32.4 – CH34.4.

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 7.28pm Cr Marshall returned to the meeting room and resumed his chair at the meeting table.

17.3. Tender 2024-2025-0624 - Granular Heavy Patching at Various Locations

Disclosure of Interest

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

At 7:25pm Cr Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council:

1. Accepts the Tender submitted by Stabilcorp Pty Ltd for Standing Offer Deed 2024-2025-0624 – Granular Heavy Patching at Various Locations for the duration of 18 months; and
2. Delegates to the General Manager authority to enter into a Contract for the Granular Heavy Patching at Various Locations

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

Against: Nil.



At 7.28pm Cr Marshall returned to the meeting room and resumed his chair at the meeting table.

17.4. Refinancing Loans - Roads Infrastructure & Aquatic Centre

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

Council Delegates to the General Manager authority to:

1. Negotiate the lowest fixed interest rate with one of the four major banks for an amount of AUD\$995,804 for Loan 1. The start date of the loan will be on 24 March 2025 in accordance with the terms offered by the selected bank; and
2. Execute Loan 1 agreement to refinance the Bridge Replacement over Muscle Creek at the Olympic Park Precinct with the financial institution that provides the lowest borrowing cost to Council.
3. Negotiate the lowest fixed interest rate with one of the four major banks for an amount of AUD\$1,362,214 for Loan 2. The start date of the loan will be 22 April 2024 in accordance with the terms offered by the selected bank; and
4. Execute Loan 2 agreement to refinance the Muswellbrook Aquatic Centre with the financial institution that provides the lowest borrowing cost to Council.

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.

17.5. Maitland Road Memorial Request

211 RESOLVED on the motion of Cr R. Scholes and Cr D. Hartley that:

Council approves the request proposed in the report and supports the establishment of a respectful and sensitive memorial that is absent of seating.

In Favour: Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Scholes and Cr S. Ward.

Against: Cr C. Bailey, Cr R. Mahajan, Cr D. Marshall and Cr M. Morris.

18. Resumption of Open Council

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

The meeting return to Open Council.

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.



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 7.41pm.

THE MINUTES OF THE MEETING (PAGES 1 to 20) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 25 MARCH, 2025 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 25 FEBRUARY, 2025.

.....
Mr D. Finnigan
General Manager

.....
Cr J. Drayton
Chairperson