

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN SEMINAR ROOMS, MUSWELLBROOK LIBRARY, 126 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 28 JANUARY 2025 COMMENCING AT 6.00PM.

PRESENT: Cr J. Drayton (Mayor), Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr L. Dunn (VC), Cr D. Hartley, Cr G.T. McNeill, Cr R. Mahajan (VC), 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 A. Hathway (Legal Counsel), Mr J. Hogan (Chief Financial Officer), Mrs M. Sandell-Hay (Governance Officer), Ms L. Ward (EA to the Mayor), Mr S. Iagunkov (Manager - Water & Wastewater), Mr T. Collins (Co-Ordinator - Media & Communications), Mr N. Mowbray (Policy Officer), Mr D. Fernandes (Project Manager - Property & Building), 3 people in the public gallery, 1 person in the virtual gallery and 1 media representative.

1. Applications for Attendance via Audio Visual Link

150 RESOLVED on the motion of Cr D. Douglas and Cr D. Marshall that:
Authority be given for Cr L. Dunn and Cr R. Mahajan to attend the Council Meeting via video link.

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

Against: Nil

2. Acknowledgement of Country

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

3. Civic Prayer

The Civic Prayer was read by Cr C. Bailey.

4. Apologies and Applications for a Leave of Absence

Nil



5. Confirmation of Minutes

Ordinary Council Meeting held in 17 December, 2024

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

The Minutes of the Ordinary Council Meeting held on **17 December, 2024** a copy of which has been distributed to all members, be taken as read and confirmed as a true record subject to the following amendment:

Item 17.4 - 2023-2024-0583 – Demolition of 88/108 Bridge Street Buildings

Dot point 2 to read:

“In accordance with clause 178(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”

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 10.2.1 - Cr Douglas advised Council that Wanaruah Local Aboriginal Land Council receives funding from Bengalla Mine.

Cr R. Mahajan - Declared a non-pecuniary interest in item 10.1.5. Cr Mahajan advised Council that he and his wife own a property listed in the report..

7. Mayoral Minute

Nil

8. Public Participation

Mr Guy Nichols - Spoke in opposition of Item 10.1.1 - DA 2023-72 - Child Care Centre, 200 Bridge Street, Muswellbrook

Mr Mitchell Flint - Spoke in support of Item 10.1.2 - DA 2024-12 - Construction of 33.3m high telecommunications tower , Karoola Park, Muswellbrook

9. Business Arising (From Previous Meetings)

9.3. Response to Questions from December Ordinary Council Meeting

152 RESOLVED on the motion of Cr C. Bailey and Cr D. Marshall 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. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. **Development Application No. 2023-72 - Child Care Centre, 200 Bridge Street Muswellbrook**

153

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

Council REFUSE DA 2023-72 involving the demolition of four existing dwelling and the construction of a centre based child area facility at 200-206 Bridge Street, Muswellbrook for the following reasons:

- Pursuant to Section 4.15(a)(i) of the Environmental Planning Act 1979 the proposed development would be incompatible with Section 5.10 (4) of the Muswellbrook Local Environmental Plan 2009. The demolition of the existing early 20th century dwellings would have an unacceptable impact on the historical significance of the Muswellbrook Business Heritage Area.
- Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979 the proposed development, as a consequence of the demolition of the early 20th century dwellings would have an unacceptable environmental impact by way of adversely impacting the historical and aesthetic values of the Muswellbrook Business Heritage Area.
- Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979 the proposed development would have a significant adverse environmental impact to adjoining properties as a consequence of the excessive earthworks, retaining walls, and fill balances proposed across the site and the inadequacy of engineering solutions to mitigate these environmental impacts including stormwater management, landscaping and visual intrusion.
- Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979 the proposed development would have significant adverse environmental impacts with regards to traffic management and safety. The proposed development does not incorporate suitable site access, off-streetcar parking and traffic solutions to manage the safety of vehicles and pedestrians accessing the site in context with the busy New England Highway road environment and the vulnerability of site users.
- Pursuant to Section 4.15(c) of the Environmental Planning and Assessment Act 1979 the following site attributes are viewed to make the subject site is unsuitable for the development proposed:
 - The subject sites location and relationship to the busy New England Highway road environment.
 - The location of the site within the Muswellbrook Business Heritage Area.
 - The natural topography of the site.
- Pursuant to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 the proposed development is not compatible with the



public interest environmental impacts regarding traffic, safety, earthworks and heritage outcomes.

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

10.1.2. **Development Application No 2024-12 - Telecommunications Tower, Karoola Park, Muswellbrook**

154 RESOLVED on the motion of Cr M. Morris and Cr D. Marshall that:
Council grants development consent to Development Application No 2024-12 being for the construction of a 33.3m High Telecommunications Tower at Lot 13 DP 1080309, Karoola Park Muswellbrook, subject to the recommended conditions of consent detailed in Attachment D.

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

Against: Cr L. Dunn

10.1.3. **Draft Rivers and Drainage Channels Policy for Public Exhibition**

155 RESOLVED on the motion of Cr R. Scholes and Cr G. McNeill that:
1. Council provides notice of intention to adopt the *Draft Rivers and Drainage Channels 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 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



10.1.4. **Muswellbrook Solar Farm - Submission to the Independent Planning Commission (and other related matters)**

156 RESOLVED on the motion of Cr R. Scholes and Cr S. Ward that:

Council resolves to:

1. Submit the draft submission in Attachment A, regarding the Muswellbrook Solar Farm, to the IPCn subject to the following amendment to the Disposal of Solar Panels to read:

"During all phases of the project life, no solar panels are to be disposed of at Council's waste management facility or any public or private landfills sites. All damaged or non-functioning solar panels should be recycled or rehabilitated and reused."; and

2. Commence preparation of a Road Maintenance Contributions Plan for both Sandy Creek Road and Muscle Creek Road.

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

Against: Nil

Due to technical issues Cr Mahajan and Cr Dunn did not vote on this item.

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

Disclosure of Interest

Cr R. Mahajan declared a non-pecuniary interest in this item. Cr Mahajan advised Council that he and his wife own a property listed in the report.

At 6.28pm Cr Mahajan left the Council Chambers and therefore took no part in discussion or voting on this item.

157 RESOLVED on the motion of Cr A. Barry 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 6.29pm Cr Mahajan returned to the Meeting.



10.2. Infrastructure and Property

10.2.1. Section 138 Roads Act 1993 Permit Bengalla Mining Company - Culverts and Water Pipes under Bengalla Road

Disclosure of Interest

Cr D. Douglas declared a non-pecuniary interest in this item. Cr Douglas advised Council that her employer, Wanaruah Local Aboriginal Land Council, receives funding from Bengalla.

At 6:29 pm Cr Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

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

Council delegates to the General Manager authority to sign the s.138 Roads Act 1993 permit for Bengalla Mining Company for the installation of stormwater culverts and water transfer pipes under Bengalla Link Road.

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

At 16.30pm Cr Douglas returned to Council Chambers and resumed her chair at the meeting table.

10.2.2. Intention to Enter Into a New Lease with Muswellbrook Golf Course

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

Council APPROVES, in compliance with the terms and conditions detailed in the report:

1. Entering into a new lease with the Muswellbrook Golf Club and Muswellbrook RSL Sub-Branch Club; and
2. Establishing a recurring 12-month licence agreement for the use of the Bell Street road reserve as a car park.

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. Regional Entertainment Centre Design

- 160 RESOLVED on the motion of Cr R. Scholes and Cr D. Douglas that:
- Council:
1. Supports the revised design scope for the Regional Entertainment Centre (Stage 1 – Theatre) as described in the report and under 'key changes';
 2. Proceed with the submission of a development application based on the revised design scope; and
 3. Support a Stage 2 – Studio and additional back of house for concept only.
- 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. Draft Memorandum of Understanding - St Heliers Correctional Centre

- 161 RESOLVED on the motion of Cr D. Douglas and Cr M. Morris that:
- Council authorises the General Manager to sign the Memorandum of Understanding (MoU) between the Department of Communities and Justice, Corrective Services NSW, and Muswellbrook Shire Council.
- In Favour Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward
- Against: Nil

10.3. Corporate Services

10.3.1. Appointment of Acting General Manager - 1/01/2025 to 31/12/2025

- 162 RESOLVED on the motion of Cr C. Bailey and Cr M. Morris that:
- Council appoints:
1. For the period 1 January 2025 to 30 April 2025:
 - a. The person holding the position of Director Community and Economy be appointed to act as General Manager, if the General Manager is on leave, sick, or otherwise absent from work for any reason. Such appointment is to cease upon the return to work of the General Manager or other resolution of the Council.
 - b. If the person specified in point a. above is unable or unwilling to act as



General Manager at any time during the specified period, the person holding the position of Director Environment and Planning be appointed to act as General Manager if the General Manager is on leave, sick or otherwise absent from work for any reason. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.

- c. If the persons specified in points a. and b. above are unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Infrastructure and Property be appointed to act as General Manager if the General Manager is on leave, sick or otherwise absent from work for any reason. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
2. For the period 1 May 2025 to 31 August 2025:
 - a. The person holding the position of Director Environment and Planning be appointed to act as General Manager if the General Manager is on leave, sick or otherwise absent from work for any reason. Such appointment is to cease upon the return to work of the General Manager or other resolution of the Council.
 - b. If the person specified in point a. above is unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Infrastructure and Property be appointed to act as General Manager if the General Manager is on leave, sick or otherwise absent from work for any reason. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
 - c. If the persons specified in points a. and b. above are unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Community and Economy be appointed to act as General Manager if the General Manager is on leave, sick or otherwise absent from work for any reason. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
 3. For the period 1 September 2025 to 31 December 2025:
 - a. The person holding the position of Director Infrastructure and Property be appointed to act as General Manager if the General Manager is on leave, sick or otherwise absent from work for any reason. Such appointment is to cease upon the return to work of the General Manager or other resolution of the Council.
 - b. If the person specified in point a. above is unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Community and Economy be appointed to act as General Manager if the General Manager is on leave, sick or otherwise absent from work for any reason. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
 - c. If the persons specified in points a. and b. above are unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Environment and Planning be appointed to act as General Manager if the General



Manager is on leave, sick or otherwise absent from work for any reason. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.

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

Against: Nil

10.3.2. Half-Day Public Holiday 2025

163 RESOLVED on the motion of Cr C. Bailey and Cr A. Barry that:
Council APPROVES community consultation to be undertaken regarding a half-day public holiday for the Muswellbrook Cup Day from noon on Tuesday 4 November 2025, and that a further report be submitted to Council providing the results of the period of public consultation.

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. Authorisation Under Section 226 of the Local Government Act

164 RESOLVED on the motion of Cr D. Marshall and Cr D. Hartley that:
Council notes the information 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



10.3.4. Draft Model Code of Conduct and Procedures for Public Exhibition

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

1. Council provides notice of intention to adopt the *Draft Code of Conduct* and the *Draft Procedures for the Administration of the Code of Conduct*, by placing them 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 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. Draft Borrowing Policy for Public Exhibition

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

1. Council provides notice of intention to adopt the *DRAFT Borrowing 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 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. Monthly Financial Report - December 2024

167 RESOLVED on the motion of Cr R. Scholes and Cr S. Ward that:

Council notes the Financial Reports for the month ending 31 December 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

**10.3.7. Report on Investments held as at 31 December 2024**

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

Council NOTES Council's Investments as at 31 December 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. Notification of Change in the Opening Hours of Denman Library**

169 RESOLVED on the motion of Cr D. Marshall and Cr D. Douglas 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: Cr A. Barry

10.4.2. Muswellbrook Shire Council Events Program

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

Council:

1. Notes the report and supports, in principle, the 2025/2026 Event Program provided in the report; and
2. Requests a further report to be submitted to Council, providing a resourcing strategy, including funding and staffing requirements, to deliver the Event Program, and for the funding strategy to be included in the development of the 2025/2026 Operational Plan and Budget.

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

Against: Nil

Cr Marshall inquired whether Council could approach the Wybong Hall Committee in regards to assisting with the Wybong Hall Mouse Races at the end of March, 2025.



11. Minutes of Committee Meetings

Nil

12. Notices of Motion

Nil

13. Councillors Reports

13.1 2025 Australia Day

Cr Barry advised Council that she attended the 2025 Australia Day Ceremony held on Sunday 26 January, 2025 and congratulated Council staff involved in organising this event.

Cr Marshall advised Council that he also attended the 2025 Australia Day Ceremony and reiterated Cr Barry's comments.

Cr Drayton also congratulated the Events Team on their achievements in organising the Australia Day event especially in ensuring the inclusiveness of this major event. Cr Drayton also congratulated all the winners.

13.2 Premiers Department Forum

Cr Scholes advised Council that he attended a Forum together with Cr Douglas that was put on by the Premier's Department in regards to looking at how State Departments can receive and deliver information to communities with a draft report being prepared.

14. Written Questions

Nil

15. Questions for Next Meeting

15.1 Waiving of Denman Junior Tennis Fees

Cr Dunn Noted that during the last term of Council, the fees for junior players had been waived for Denman Tennis and inquired whether this had been successful in encouraging more juniors to play tennis in Denman?

Cr Drayton advised that this would be investigated and a report submitted to Council.

15.2 Muswellbrook Aquatic Aerobics Classes

Cr McNeill inquired whether participants could be advised through a group text if classes were cancelled on short notice?

Cr McNeill also inquired whether consideration could be given to reducing the length of time that the classes were not available over the Christmas / New Year Holiday period?

15.3 Walking Trail at Sandy Hollow

Cr McNeill inquired whether Council has ever considered developing the Giants Leap Walking Trail at Sandy Hollow as a tourist attraction?



15.4 Memorial - Intersection of Maitland Road and Thompson Street

Cr Morris inquired whether any progress has been made in regards to the Memorial at the intersection of Maitland Road and Thompson Street?

Cr Drayton advised that he and Cr Douglas had met with community members last week and were currently in discussions with the family regarding the installation of a small memorial at this site.

16. Adjournment into Closed Council

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

Against: Nil.

Members of the public left the meeting at this stage.

Andrew Carol, MRW Constructions Pty Ltd provided a brief overview of the company to Councillors.

Mr Carol left the meeting at this stage.

17. Closed Council

17.1. Contract 2023-2024-0604 Muswellbrook Indoor Sports and Youth Centre Construction - Tender Negotiation

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

Council:

1. Accepts the outcome of negotiations with MRW Constructions Pty Ltd for the Muswellbrook Indoor Sports and Youth Centre Construction (Contract 2023-2024-0604) as detailed in the report;
2. Allocates additional funding, as detailed in the report, to meet the shortfall in funding to award the construction contract; and
3. Authorises the General Manager to enter into a Contract for the services 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.



17.2. Affix Council Seal and Signatures to Release Easement for Rail Loop Purposes

173 RESOLVED on the motion of Cr S. Ward and Cr D. Marshall that:
Council authorises the seal and signatures to be affixed in accordance with the regulations to the Transfer Releasing Easement to remove an easement for a railway loop burdening Council land (Road) as outlined 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.

17.3. Stormwater Drainage Condition Assessment Contract

174 RESOLVED on the motion of Cr R. Scholes and Cr M. Morris 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.

17.4. Intention to Elect to be Appointed Crown Land Managers of Lot 213 DP 752484

175 RESOLVED on the motion of Cr D. Marshall and Cr C. Bailey that:
Council:
1. Elects to be appointed Crown Land Manager of Lot 213 DP 752484, the Boronia Building and attached bowling green on Wilkinson Avenue, Muswellbrook;
2. Requests of Crown Lands for Council to be appointed Crown Land Manager from 1 July 2025; and to
3. Amend the adopted Plan of Management for the Olympic Park Precinct.

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.



18. Resumption of Open Council

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

The meeting return to Open Council.

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

Against: Nil.

Members of the public were invited back into the Meeting Room.

The Mayor read out the resolutions from Closed Council

19. Closure

The meeting was declared closed at 7.26pm.

**THE MINUTES OF THE MEETING (PAGES 1 to 15) WERE CONFIRMED AT THE
ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON
25 FEBRUARY, 2025 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS
OF THE MEETING HELD ON TUESDAY 28 JANUARY, 2025.**

.....
Mr D. Finnigan
General Manager

.....
Cr J.Drayton
Mayor