

PRESENT: Cr M.L. Rush, Cr S.L. Bailey, Cr. M. Bowditch, Cr J.F. Eades, Cr J.P. Foy, Cr M.I. Green, Cr G.T. McNeill, Cr R.W. Scholes, Cr S.M. Reynolds, Cr S.J. Ward and Cr B.N. Woodruff.

IN ATTENDANCE: Ms F. Plesman (Acting General Manager), Mr D. Finnigan (Interim Director, Community Infrastructure), Ms C. O'Brien (Acting Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Ms N. Cowley (Manager, Corporate Services), Mr M. Lysaught (Manager, Property & Building), Mr J. Brown (Executive Services Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager), 4 people in the public gallery and 1 media representative.

1 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the General Manager.

2 CIVIC PRAYER

The Civic Prayer was read by the Mayor.

3 APOLOGIES AND LEAVE OF ABSENCE

234 RESOLVED on the motion of Crs Eades and Green that:

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

235 RESOLVED on the motion of Crs McNeill and Bowditch that:

The Minutes of the Ordinary Meeting held on 13 March 2018, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

5 DISCLOSURE OF ANY PECUNIARY AND NON PECUNIARY INTEREST

Cr G. McNeill – Declared a non-pecuniary interest in Item 10.1. Cr McNeill advised Council that he owns a property in close proximity to the proposed development.

Cr M. Bowditch – Declared a pecuniary interest in Item 13.1 and 13.2. Cr Bowditch advised Council that he is employed at Mt Pleasant Mine.

6 PUBLIC PARTICIPATION

Nil

7 MAYORAL MINUTES

8 GENERAL BUSINESS

8.1 SPONSORSHIP REQUEST - HUNTER LIFE EDUCATION HUNTER SOPABOX DERBY

236 RESOLVED on the motion of Crs Reynolds and Bailey that:

1. Council resolves to partner with Hunter Life Education and provide sponsorship support for \$2,500 allocated from the Economic Development and Innovation budget.
2. A donation is provided to Hunter Life Education represented by the waiver of Development Application fees for the Hunter Soapbox Derby 2018.

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 DA20/2018 FIRST USE & FIT OUT TO EXISTING COMMERCIAL BUILDING FOR 'REPCO'

Disclosure of Interest

Cr McNeill declared a non-pecuniary interest in this item. Cr McNeill advised Council that he owns property in close proximity to the proposed development. At 6.04pm Cr McNeill left the Meeting Room and therefore took no part in discussion or voting on this item.

237 RESOLVED on the motion of Crs Rush and Bowditch that:

Council consider this application at Ordinary Council Meeting scheduled to be held on 8 May, 2018.

In Favour: Crs S. Bailey, M. Bowditch, J. Eades, J. Foy, M. Green, S. Reynolds, M. Rush, R. Scholes and S. Ward.

Against: Nil.

At 6.05pm Cr McNeill returned to the Meeting Room.

10.2 DA19/2018 REBUILD DENMAN MEMORIAL HALL AFTER FIRE

238 RESOLVED on the motion of Crs Ward and Reynolds that:

Development Application No. 20/2018 proposing Rebuild of Denman Memorial Hall After Fire at Lot 1 DP 7890911 & Lot 1 DP 152143, 30 Ogilvie Street Denman be approved subject the conditions in Appendix A to the report and the waiving of S7.12 Contributions.

In Favour: Crs S. Bailey, M. Bowditch, J. Eades, J. Foy, M. Green, G. McNeill, S. Reynolds, M. Rush, R. Scholes and S. Ward.

Against: Nil.

11 COMMUNITY INFRASTRUCTURE

Nil

12 CORPORATE AND COMMUNITY SERVICES

12.1 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES

239 RESOLVED on the motion of Crs Reynolds and Foy that:

The information contained in this report be noted.

12.2 EASY TO DO BUSINESS - SERVICE NSW

240 RESOLVED on the motion of Crs Reynolds and Foy that:

1. Council delegates authority to the General Manager to enter into an agreement with Service NSW for Easy to do Business.
2. Any necessary documents be authorised for execution under the Common Seal of Council.

12.3 SPONSORSHIP REQUEST - UPPER HUNTER WINE AND FOOD AFFAIR

241 RESOLVED on the motion of Crs Bailey and Ward that:

Council approve the request for an additional one-off \$5,000 cash contribution, from the sundry donations allocation for the 2018 Upper Hunter Wine and Food Affair.

12.4 RAIL NOISE ABATEMENT PROJECT - PUBLIC EXHIBITION

242 RESOLVED on the motion of Crs McNeill and Reynolds that:

Council endorses the Stage 1 Concept to proceed to Development Application.

13 REPORTS FROM COMMITTEES

13.1 MT PLEASANT COMMUNITY FUNDING INVESTMENT COMMITTEE - 16/11/2017

Disclosure of Interest

Cr Bowditch declared a pecuniary interest in items 13.1 and 13.2. Cr Bowditch advised Council that he is currently employed at Mt Pleasant Mine. At 6.07pm Cr Bowditch left the Meeting Room and therefore took no part in discussion or voting on this item and Item 13.2.

243 RESOLVED on the motion of Crs Green and Scholes that:

The Minutes of the Mt Pleasant Community Funding Investment Committee Meeting held on Thursday 16 November 2017 be received and the recommendations contained therein ADOPTED.

13.2 MT PLEASANT COMMUNITY FUNDING INVESTMENT COMMITTEE - 13/09/2017

244 RESOLVED on the motion of Crs Green and Eades that:

The Minutes of the Mt Pleasant Community Funding Investment Committee Meeting held on Wednesday 13 September 2017 be received and the recommendations contained therein ADOPTED.

At 6.08pm Cr Bowditch returned to the Meeting Room.

13.3 INFRASTRUCTURE COMMITTEE - 28/03/2018

245 RESOLVED on the motion of Crs Scholes and Green that:

The Minutes of the Infrastructure Committee Meeting held on Wednesday 28 March 2018 be received and the recommendations contained therein ADOPTED.

13.4 CORPORATE POLICY AND PLANNING COMMITTEE - 28/03/2018

246 RESOLVED on the motion of Crs Bailey and Scholes that:

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 28 March 2018 be received and the recommendations contained therein ADOPTED.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS

16.1 EASTER FAMILY FUN DAY

Cr Janelle Eades reported that she helped out with the Easter Family Fun Day event held on Saturday 31 March, 2018 at Highbrook Park. Cr Eades advised that when she left at 12 noon there had been 500 people in attendance. Cr Eades congratulated staff on organising such a successful event.

16.2 SENIOR WEEK EVENTS

Cr Michelle Green reported that she had received great feedback on a number of events that were held during Seniors Week. Cr Green congratulated the library staff on their efforts in co-ordinating these events which proved very positive for those who attended.

16.3 SPORT AND RECREATION MEETING

Cr Graeme McNeill reported that he had attended the Sport & Recreation meeting which was held recently. Cr McNeill congratulated staff on their efforts in ensuring the meeting was effective.

16.4 DOG PARK

Cr Michelle Green reported that the Dog Park is underway.

17 QUESTIONS FOR NEXT MEETING

17.1 SPORT & RECREATION COMPARISON

Cr McNeill inquired whether in light of the presentation given by the Sport & Rec Manager i.e. "Funding of Sport by Council in Muswellbrook LGA", a comprehensive breakdown of Sport and Recreation could be provided together with a comparison with other Local Government Areas regarding expenditure and budget allocations and that this funding information include the following

- a) The per capita cost and how that compares with similar LGAS ?
- b) The number of people directly and indirectly benefiting from these facilities ?
- c) An estimated economic benefit from sport related events e.g. from day & weekend fixtures that bring in people for either the day or overnight ?

17.2 IRRIGATION OF BOTTOM OVAL AT DENMAN

Cr McNeill inquired on behalf of Peter Barry (Rep for Junior rugby league Denman & Sandy Hollow) whether Council would allow the watering of the original football ground, at no cost to the club, during periods when the use of the main oval is prohibited e.g. presently ground renovation / over sow program? The club believes the net cost to council would be more than negated by the savings generated by protecting & managing the surface of the main grounds. The club also requests that this matter be given some urgency due to the dry conditions & the present need to use the bottom oval for training. As sport's spokesperson, I fully support this proposal based on the costs associated with surface management, as well as recognition of the commitment of this club in terms of the assistance provided with the improvement & management of this asset, which is second to none?

17.3 GOAL POSTS

Cr McNeill inquired on behalf of John Marco (Rep for Muswellbrook Junior Rugby League) whether Council could assist with the purchase and installation of goal posts for Olympic park field three? Again the reasoning is based on the need to train on an alternate ground during periods of renovations/restrictions on the main ovals. The cost of this project is approximately \$4000 dollars. My recommendation is that council provide a letter of support to reimburse 50% of the cost, conditional to the small capital grants program being adopted by council in June. I.e. it would simple the acceptance of an application that would normally only be available after the grant program had been released. Although this is not completely consistent with the rules it is somewhat similar with something we did for Denman's football stand. Council could investigate the installation of goal posts on ovals 2 and 3 at Olympic Park for training purposes?

17.4 AQUATIC CENTRE

Cr McNeill inquired whether there is another option other than the Recreation Reserve to cover the overrun at the pool?

Ms O'Brien indicated that the Recreation Reserve would not be used to cover the costs.

17.5 NETBALL COURTS INSURANCE CLAIM

Cr McNeill inquired whether an update could be provided on the Netball courts insurance claim, together with some indication as to when this may be finalized, why the process has been so drawn out and whether anything can be done to facilitate a quicker resolution?

18 ADJOURNMENT INTO CLOSED COUNCIL

247 RESOLVED on the motion of Crs Bailey and Scholes 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 following provisions:

19.1 ECONOMIC DEVELOPMENT GRANT OPPORTUNITY

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 TENDER AWARD - DESIGN OF MUSWELLBROOK SEWERAGE TRANSPORTATION SYSTEM UPGRADE, CONTRACT NO. 10014051 (MSC 2017-2018-0324-B1)

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 RECRUITMENT OF GENERAL MANAGER

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Members of the public left the meeting at 6.20pm.

19 CLOSED COUNCIL

19.1 ECONOMIC DEVELOPMENT GRANT OPPORTUNITY

248 RESOLVED on the motion of Crs Rush and Bailey that:

Council allocate \$20,000 from the Jobs Creation Fund, on the basis of matched funding, towards the development of a concept design for the proposed precinct for the new Upper Hunter Show and Muswellbrook Race Club in readiness for grant funding.

19.2 TENDER AWARD - DESIGN OF MUSWELLBROOK SEWERAGE TRANSPORTATION SYSTEM UPGRADE, CONTRACT NO. 10014051 (MSC 2017-2018-0324-B1)

249 RESOLVED on the motion of Crs Scholes and Foy that:

Council

1. Accept the award of Contract No. 10014051 (MSC 2017-2018-0324-B1) for the Design of Muswellbrook Sewerage Transportation System Upgrade to Aurecon Australasia Pty Ltd for the amount of \$ 274,942.87 excluding GST and contingencies;
2. Approve related financial commitments including contingencies as detailed in the report;
3. Approve the further Contractual negotiation regarding a limitation on insurance liability and key personnel allocation, and delegate the finalisation of this matter to the Executive Manager Water and Waste.

All staff left the meeting at 6.21pm except for Mrs Sandell-Hay and Mr Brown.

19.3 RECRUITMENT OF GENERAL MANAGER

250 RESOLVED on the motion of Crs Rush and Bailey that:

1. Hudson Global Resources (Aust) Pty Limited be appointed to undertake the recruitment of the General Manager
2. Council delegate authority to the Mayor to undertake the following:
 - Ensure the general manager position description is current and evaluated in terms of salary to reflect the responsibilities of the position
 - Ensure the proposed salary range reflects the responsibilities and duties of the position
 - the position is advertised according to the requirements of the Act
 - information packages are prepared
 - applicants selected for interview are notified.
3. A selection panel be appointed consisting of the Mayor, Deputy Mayor, Cr Green and Cr Ledlin.

20 RESUMPTION OF OPEN COUNCIL

251 RESOLVED on the motion of Crs Bailey and Foy that:

The meeting return to Open Council.

21 CLOSURE

The meeting was declared closed at 6.41pm.

THE MINUTES OF THE MEETING (PAGES 1 TO 8) WERE CONFIRMED AT THE ORDINARY
COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON TUESDAY 8
MAY, 2018 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE
MEETING HELD ON TUESDAY 10 APRIL, 2018

.....
Ms F. Plesman

General Manager

.....
Cr M. Rush

Chairperson