

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 15 May 2013, commencing at 6.27 pm and concluding at 7.02 pm

PRESENT Cr D Kennedy (Mayor), Cr P Cavalier, Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb (Deputy Mayor), Cr L White.

IN ATTENDANCE Acting General Manager (B Cam), Acting Director Mid-Western Operations (S Mullinger), Director Development and Community Services (C Van Laeren), Director Finance and Administration (C Phelan), Manager Governance (I Roberts)

MEDIA REPRESENTATIVES Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Heldon).

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor White declared a significant non-pecuniary conflict of interest in Item 6.2.2 in that one of the employees of Barnardos was on her ticket at the recent elections.

Councillor White declared a pecuniary conflict of interest in Item 6.2.11 as she is employed in the tourism industry.

Item 3: Confirmation of Minutes

169/13 MOTION: Shelley/Cavalier

That the Minutes of the Ordinary Meeting held on 1 May 2013 (Minute Nos. 154/13 to 168/13) be taken as read and confirmed.

The motion was put and carried.

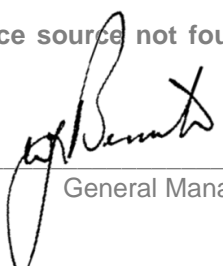
Item 4: Matters in Progress

Noted.

Item 5: Mayoral Minutes

There was no Mayoral Minute.


Mayor


General Manager

Item 6: General Business**6.1 NOTICES OF MOTION**

There are no Notices of Motion.

6.2 REPORTS TO COUNCIL**6.2.1 DRAFT RECREATION STRATEGY**

A0100056, A0420239

170/13

MOTION: Shelley/Walker**That:**

- 1. the report by the Manager Strategic Planning on the Draft Recreation Strategy be received;**
- 2. the Draft Recreation Strategy be placed on public exhibition for a period of 28 days.**
- 3. following the exhibition period, the Draft Recreation Strategy be presented back to Council for adoption.**

The motion was put and carried.

6.2.2 THE LOFT, KANDOS

A0100056, A0060048

Councillor White declared a significant non-pecuniary conflict of interest in Item 6.2.2 in that one of the employees of Barnardos was on her ticket at the recent elections, left the meeting at 6.33 pm and did not participate in discussions or vote in relation to this matter.

171/13

MOTION: Shelley/Cavalier**That:**

- 1. the report by the Manager, Community Services on the The Loft, Kandos be received;**
- 2. Council endorse \$5000 from the Social and Cultural Plan budget be paid to Barnardos Mudgee, for the purpose of increasing staff levels at The Loft, Kandos.**

The motion was put and carried.

Councillor White returned to the meeting at 6.34 pm.

6.2.3 QUARTERLY BUDGET REVIEW – MARCH 2013

A0100056, A0149935

172/13

MOTION: Walker/Weatherley**That:**

1. the report by the Financial Accountant on the Quarterly Budget Review – March 2013 be received;
2. the 2012/13 Operational Plan be amended in accordance with the variations as listed on pages 13 to 24 of the March 2013 Quarterly Budget Review; and
3. the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted.

The motion was put and carried.

6.2.4 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES AND INVESTMENTS AS AT 30 APRIL 2013

A0100056, A0140304

173/13

MOTION: Webb/Cavalier**That:**

1. the investment report by the Financial Accountant be received;
2. the certification by the Responsible Accounting Officer be noted.

The motion was put and carried.

6.2.5 FINANCIAL ASSISTANCE APPLICATIONS

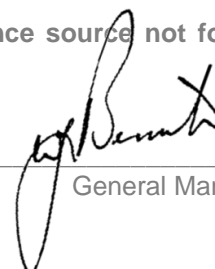
A0100056, A0140201

174/13

MOTION: Webb/White**That:**

1. the report by the Financial Accountant on the financial assistance applications be received;
2. Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met, with the funding from the general financial assistance vote:

Gulgong RSL Sub-branch	\$1,000
Australian Caravan Club	\$2,500
Can Assist – Mudgee Branch	\$ 650
Mudgee Wine Grape Growers Association Inc	\$2,500



3. The following amounts be distributed from Councillor discretionary votes:

Can Assist – Mudgee Branch	Cr White	\$350
Euundere Provisional School Management Committee	Cr White	\$500

The motion was put and carried.

6.2.6 MUDGEE SEWERAGE AUGMENTATION PROGRESS REPORT

A0100056, A0100055, F0740001

175/13

MOTION: Walker/Cavalier

That the report by the Business Manager Services on the Mudgee Sewerage Augmentation Progress Report be received.

The motion was put and carried.

6.2.7 REDBANK CREEK DAM

A0100056, F0710006, F0710004

176/13

MOTION: Webb/Walker

That:

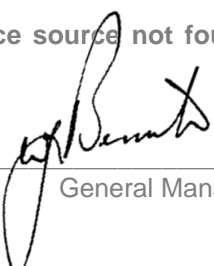
1. the report by the Acting General Manager on the Redbank Creek Dam be received;
2. Council adopt, in principle, the design and remediation work to Redbank Creek Dam;
3. Council invites tenders from selected persons only as per section 55(4) of the Local Government Act.

AMENDMENT: Thompson/Martens

That consideration of this matter be deferred to allow the consulting engineer to provide Council with a risk management report and for Council to consult with its insurers.

The amendment was put and lost. The motion was put and carried.


 Mayor


 General Manager

6.2.8 CLASSIFICATION OF WOOLLEYS ROAD, UPPER BYLONG AS A BUS ROUTE

A0100056, A0170051, R0799013

177/13

MOTION: Shelley/Cavalier**That:**

1. **the report by the Manager Technical Services on the addition of Woolleys Road, Upper Bylong to the existing Bus Route be received;**
2. **that Woolleys Road, Upper Bylong be endorsed for inclusion as part of the Bylong School Bus Route.**

The motion was put and carried.

6.2.9 MUDGEES SPORTS COUNCIL

A0100056, A0360013

178/13

MOTION: Shelley/Weatherley**That:**

1. **the report by the Director, Mid-Western Operations on the Mudgee Sports Council be received;**
2. **That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 25 March 2013 be noted.**

The motion was put and carried.

6.2.10 DESIGNATING ORTHODOX SECTION OF MUDGEES GENERAL CEMETERY

A0100056, F0520005

179/13

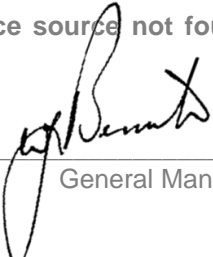
MOTION: White/Cavalier**That:**

1. **the report by the Business Manager Resources & Recreational on the Designating Orthodox section of Mudgee General Cemetery be received;**
2. **Council approve the designating of an Orthodox section in the Mudgee General cemetery.**

The motion was put and carried.



Mayor



General Manager

6.2.11 MRTI QUARTERLY REPORT MARCH 2013

A0100056, F0770077

Councillor White declared a pecuniary conflict of interest in that she is employed in the tourism industry, left the meeting at 6.45 pm and did not participate in discussions or vote in relation to this matter.

180/13

MOTION: Martens/Cavalier**That the report by the Acting General Manager on the MRTI Quarterly Report March 2013 be received.**

The motion was put and carried.

Councillor White returned to the meeting at 6.46 pm.

6.2.12 PROPOSED CHANGE OF COUNCIL MEETING DATE

A0100056, A0100013

MOTION: Thompson/Martens**That:**

1. the report by the Director, Finance & Administration on the Proposed change of Council Meeting date be received;
2. the Council meeting scheduled for Wednesday 5 June 2013 be moved to Wednesday 12 June 2013; and
3. public notice of the change in meeting date be given.

181/13

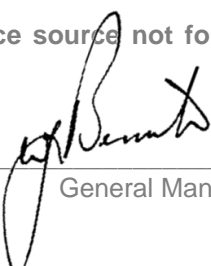
AMENDMENT: Webb/Cavalier**That:**

1. the report by the Director, Finance & Administration on the Proposed change of Council Meeting date be received;
2. the Council meeting scheduled for Wednesday 5 June 2013 be moved to Thursday 6 June 2013; and
3. public notice of the change in meeting date be given.

The amendment was put and carried and on being put as the motion was again carried.



Mayor



General Manager

6.2.13 ROAD ASSET MANAGEMENT PLAN 2013/14 – 2022/23

A0100056, A0420212, A0010002

182/13 **MOTION:** **Walker/White****That:**

1. the report by the Business Manager Works on the Road Asset Management Plan 2013/14 – 2022/23 be received;
2. Council adopt the revised Road Asset Management Plan 2013/14 – 2022/23.

The motion was put and carried.

Item 7: Urgent Business Without Notice

There was no urgent business without notice.

Item 8: Confidential Session183/13 **MOTION:** **Walker/Cavalier**

That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.

Following the motion to close the meeting being moved and seconded, the Manager Governance announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

Subject: Appeal by Mac Group Pty Ltd – Progress Report

The reason for dealing with this matter confidentially is that it relates to advice that would otherwise be privileged for production in legal proceedings on the grounds of legal professional privilege in accordance with Section 10A(2)(g) of the Local Government Act, 1993.

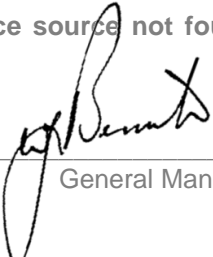
As this matter is currently before the Court, discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it might prejudice the Council's legal position.

Following an enquiry from the Mayor, the Manager Governance advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

The motion was put and carried.



Mayor



General Manager

8.1.1 Appeal by Mac Group Pty Ltd – Progress Report

A0100056, A0420251, P1048568

184/13

MOTION: Shelley/Cavalier

That the report by the Manager Statutory Planning on the Appeal by Mac Group Pty Ltd – Progress Report be received.


The motion was put and carried.

Item 9: Open Council

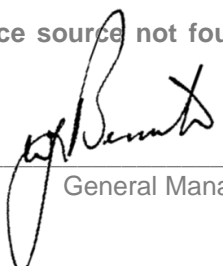
The Manager Governance announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.02 pm.



Mayor



General Manager