

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 4 September 2013, commencing at 5.35 pm and concluding at 6.36 pm

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier, Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson (departed 6.33 pm), Cr MB Walker, Cr JK Weatherley, Cr JR Webb (Deputy Mayor), Cr L White.
IN ATTENDANCE	General Manager (WL Bennett), Director Mid-Western Operations (B Cam), 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 & C Bassett).

Item 1: Apologies

There were no apologies.

Item 2: Annual Elections

2.1 Delegations to the Mayor

A0100056, A0110016

334/13

MOTION: Shelley/Cavalier

That:

1. the report by the Manager Governance on the delegations for the Mayor for the period September 2013 to September 2014 be received;
2. pursuant to the provisions of Section 377 of the Local Government Act, 1993, Council delegate to the Mayor authority:
 - (a) to monitor the General Manager in the exercise of the General Manager's powers, duties and functions;
 - (b) to authorise work, not approved in the Budget/Management Plan, which in the Mayor's opinion, is urgent at a cost not exceeding \$20,000 except in the case of Bush Fire Emergency where the limit is \$50,000;
 - (c) to approve the attendance of any Councillor at meetings or functions between Council meetings, that the Mayor would normally attend on behalf of Council;
 - (d) to affix and witness the Common Seal of Council, in response to a resolution of Council, to any necessary documents in conjunction with the General Manager or another councillor;
3. the attached delegations for the Mayor be adopted.

The motion was put and carried.

2.2 Election of Mayor

A0100056, A0110008

MOTION: Shelley/Walker

That:

1. the report by the Manager Governance on the election of the Mayor for the period September 2013 to September 2014 be received;
2. Council determine that the Ballot for the election of the Mayor be by Open Voting;
3. the election be conducted by the General Manager and the Manager Governance.

335/13

AMENDMENT: Webb/Cavalier

That:

1. **the report by the Manager Governance on the election of the Mayor for the period September 2013 to September 2014 be received;**
2. **Council determine that the Ballot for the election of the Mayor be by Preferential Ballot;**
3. **the election be conducted by the General Manager and the Manager Governance.**

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

Councillor Kennedy then vacated the Chair.

The General Manager announced that two (2) nominations had been received, those being from Councillors Kennedy and Martens. No further nominations were forthcoming

The ballot was then conducted.

After the counting of votes, the General Manager declared Councillor Kennedy elected as Mayor for the ensuing twelve months.

Councillor Kennedy then assumed the Chair.

2.3 Election of Deputy Mayor

A0100056, A0110008

336/13

MOTION: Webb/Cavalier**That:**

- 1. the report by the Manager Governance on the election of the Deputy Mayor for the period September 2013 to September 2014 be received;**
- 2. Council determine that the Ballot for the election of the Deputy Mayor be by Preferential Ballot;**
- 3. the election be conducted by the General Manager and Manager Governance.**

The motion was put and carried.

The General Manager announced that two (2) nominations had been received, those being from Councillors Cavalier and Webb. No further nominations were forthcoming.

The ballot was then conducted.

After the counting of votes, the General Manager declared Councillor Cavalier elected as Deputy Mayor for the ensuing twelve months.

2.4 Council Advisory Committees

A0100056, A0110015

337/13

MOTION: Shelley/Cavalier**That:**

- 1. the report of the Manager Governance on Council Advisory Committees be received;**
- 2. Council confirm the numbers of Councillor representatives and membership of all proposed Council Advisory Committees with external membership as shown on the attached schedule**

The motion was put and carried.

338/13

MOTION: Walker/Webb

That Council appoints the following Councillor Representatives to the following Committees:

- (a) Mudgee Showground Management Committee (Councillor Webb)**
- (b) Gulgong Memorial Hall Committee (Councillors Cavalier & Thompson)**
- (c) Red Hill Reserve Working Party (Councillors Cavalier & Thompson)**

- (d) Mid-Western Regional Council Peak Sports Council (Councillor Weatherley and Chairs and Presidents of Sports Councils with one meeting per year)
- (e) Mudgee Sports Council Sub Committee (Councillor Weatherley)
- (f) Gulgong Sports Council Sub Committee (Councillors Cavalier & Thompson)
- (g) Rylstone Sports Council Sub Committee (Councillor Shelley)
- (h) Mid-Western Regional Council Heritage Committee (Councillor White)
- (i) Mudgee & Gulgong Access Committee (Councillors Webb and Thompson as the alternate member when Cr Webb was not available)
- (j) Rylstone & Kandos Access Committee (Councillor Martens)
- (k) Mid-Western Regional Cultural Development Committee (Councillor White)
- (m) Mudgee Regional Saleyards Committee (Councillors Weatherley & Webb)
- (n) Mid-Western Regional Youth Council (Councillors Cavalier & Kennedy)
- (o) Community Safety Committee (Mayor & Councillor Weatherley)
- (p) Noxious Weeds Control Advisory Committee (Councillor Webb)
- (q) Kandos Centennial Working Party (Councillor Martens)

The motion was put and carried.

(l) Australia Day Selection Committee

339/13

MOTION: Thompson/Cavalier

That the Councillor representatives on this Committee comprise the Mayor, Deputy Mayor and Councillors Shelley & Martens.

AMENDMENT: Shelley/Walker

That the Councillor representatives on this Committee comprise the Mayor, Deputy Mayor and Councillor Shelley.

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

2.5 Delegates to External Committees and other organisations

A0100056, A0110015

340/13

MOTION: Shelley/Cavalier

That:

1. the report by the Manager Governance on Delegates to external committees and other organisations for the period September 2013 to September 2014 be received;

2. Council appoint its delegates to the following external Committees or other organisations:
 - (a) Bushfire Management Committee (Councillors Cavalier & Webb)
 - (b) Rural Fire Service District Liaison Committee (Councillors Cavalier & Webb)
 - (c) Mudgee Region Tourism Inc (Councillor Kennedy with the General Manager or his nominee as observer)
 - (d) Ulan Coal Mine Community Consultative Committee (Councillor Webb)
 - (e) Wilpingjong Community Consultative Committee (Councillor Webb)
 - (f) Charbon Community Consultative Committee (Councillor Martens)
 - (g) Moolarben Community Consultative Committee (Councillor Webb)
 - (h) Inglenook Exploration Community Consultative Committee (General Manager or nominee)
 - (i) Central West Catchment Management Authority (Councillor Webb)
 - (j) Bells Line Expressway Group (Councillor Thompson)
 - (k) Macquarie Valley Weeds Advisory Committee (Councillor Webb)
 - (l) Joint Regional Planning Panel (Councillors Walker & Weatherley)
 - (m) Botobolar Community Committee (Councillor Webb)
 - (n) Goolma Amenities Committee (Councillor Thompson)
 - (o) Murray Darling Association (Councillor Webb & Mr Russell Holden)

The motion was put and carried.

Item 3: Disclosure of Interest

Councillor Thompson declared a pecuniary conflict of interest in Item 7.2.9 as he is the President of the Gulgong Turf Club.

Item 4: Confirmation of Minutes

341/13

MOTION: Walker/Cavalier

That the Minutes of the Ordinary Meeting held on 21 August 2013 (Minute Nos. 310/13 to 333/13) be taken as read and confirmed.

The motion was put and carried.

Item 5: Matters in Progress

Noted.

Item 6: Mayoral Minutes

There was no Mayoral Minute.

Item 7: General Business

7.1 NOTICES OF MOTION

7.1.1 RECORDING OF COUNCIL MEETINGS

A0100056, A0100035

342/13

MOTION: Walker/Weatherley**That the status quo be maintained.**

AMENDMENT: Webb/White

That Council reinstate recording of Council meetings.

This amendment was put and lost.

AMENDMENT: Shelley/White

That action be taken to recommence the recording of meetings, with an audio link provided on Council's website and copies of recording being made available to the public free of charge.

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

7.2 REPORTS TO COUNCIL

7.2.1 CAERLEON – ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 S73A AMENDMENT

GOV400029, A0100056, A0420238

343/13

MOTION: Walker/Weatherley**That:**

1. **the report by the Manager Strategic Planning on the Caerleon - Environmental Planning & Assessment Act 1979 s73A Amendment be received;**
2. **Council prepare an amendment to Local Environmental Plan 2012 to fix the mapping error in relation to the Caerleon site.**

The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier	✓	

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

7.2.2 MODIFICATION TO WILPINJONG COAL PROJECT – COUNCIL SUBMISSION

A0100056, A0420169

344/13

MOTION: Cavalier/Walker**That:**

1. the report by the Statutory/Strategic Planner on the Wilpinjong Coal Mine Modification be received;
2. Council make a submission in accordance attachment 1 to this report.

The motion was put and carried.

7.2.3 COBBORA HOLDING – VOLUNTARY PLANNING AGREEMENT

GOV400029, A0100056

345/13

MOTION: Walker/Cavalier**That:**

1. the report by the General Manager on the Cobbora Holding – Voluntary Planning Agreement be received; and
2. Council endorse in principle the draft Voluntary Planning Agreement with Cobbora Holding and agree to place this draft Voluntary Planning Agreement on public exhibition for 28 days.
3. the General Manager commence immediate discussions with Cobbora Holdings to endeavour to negotiate the inclusion of the upgrade of the rail level crossings in Gulgong and funding for the upgrade of the Upper Mebul Road in the Voluntary Planning Agreement.

The motion was put and carried.

7.2.4 APPEAL BY MAC GROUP PTY LTD – PROGRESS REPORT

A0100056, A0420251, P1048568

Councillor Thompson apologised and left the meeting at 6.33 pm.

346/13 **MOTION:** **Shelley/Weatherley**

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.

7.2.5 CATCHMENT A DRAINAGE PROJECT

A0100056, F05060027, A0100050, A0411307

347/13 **MOTION:** **Cavalier/White**

That:

1. **the report by the Manager, Development Engineering on the Catchment A Drainage Project be received;**
2. **Council terminates Request for Tender 2013/09;**
3. **Council accepts the tender submitted by the A1 Earthworx Civil and Mining Pty Ltd for the construction of two stormwater detention basins, Mudgee at a contract price of \$534,561.50 (inclusive of GST) in accordance with clause 178 of the Local Government (General) Regulation 2005;**
4. **Council authorises the General Manager to finalise and execute the contract on behalf of Council with A1 Earthworx Civil and Mining Pty Ltd for the construction of Catchment A detention basins, Mudgee RFT 2013/13; and that the General Manager be given delegation to approve contract variations of up to 5% of the contract price.**
5. **The unsuccessful tenderers be notified that their tenders were unsuccessful.**

The motion was put and carried.

7.2.6 FINANCIAL ASSISTANCE APPLICATIONS

A0100056, A0140201

This item was withdrawn.

7.2.7 TENDER ASSESSMENT NO 2013-11 – KANDOS SWIMMING POOL LEASE

GOV400029, A0100056, COR400046

348/13

MOTION: Shelley/Martens**That:**

1. **the report by the General Manager on the Tender Assessment No 2013-11 – Kandos Swimming Pool Lease (Supplementary Report) be received;**
2. **Council accepts the tender of Ross Lomax for Tender 2013-11 for the lease of the Kandos Swimming Pool at a fee to be negotiated by the General Manager to be no greater than \$148,005 inclusive of GST, and that Council authorises the General Manager to enter into a contract with Ross Lomax in accordance with clause 178 of the Local Government (General) Regulation 2005;**
3. **Council authorises the General Manager to finalise and execute the contract on behalf of Council with Ross Lomax for a period of three years;**
4. **The unsuccessful tenderers be notified that their tenders were unsuccessful.**

The motion was put and carried.

7.2.8 GOVERNANCE POLICY REVIEW

GOV400029, A0100056, A0100021

349/13

MOTION: Walker/Weatherley**That:**

1. **the report by the Manager Governance on the Governance Policy Review be received;**
2. **Council adopt the revised Public Interest Disclosure Internal Reporting policy;**
3. **Council confirm and adopt the existing Vandalism policy.**

The motion was put and carried.

7.2.9 GULGONG TURF CLUB

GOV400029, A0100056, AO140201

Councillor Thompson had already declared a pecuniary conflict of interest in this matter as he is the President of the Gulgong Turf Club but had already apologised and left the meeting at 6.33 pm before this matter had come before the Chair.

350/13

MOTION: Shelley/Cavalier**That:**

- 1. the report by the General Manager on the Gulgong Turf Club be received;**
- 2. Council makes a contribution of \$500 from the Financial Assistance budget to the camel races at the Gulgong racecourse organised by the Gulgong Turf Club.**

AMENDMENT: Martens/**That:**

- 1. the report by the General Manager on the Gulgong Turf Club be received;**
- 2. Council makes a contribution of \$3,000 from the Financial Assistance budget to the camel races at the Gulgong racecourse organised by the Gulgong Turf Club.**

The amendment lapsed for want of a seconder. The motion was put and carried.

Item 8: Urgent Business Without Notice

8.1 Swimming Pool Fees

A0100056, A0640002

351/13

MOTION: Walker/Shelley**That this matter be dealt with as urgent business without notice.**

The Mayor having ruled the matter to be of great urgency, the motion was put and carried.

352/13

MOTION: Kennedy/Walker**That the Council's Schedule of Fees and Charges be altered to provide that amateur Swimming Clubs in the region will only be charged \$11 plus GST per hour for use of the swimming lanes.**

The motion was put and carried.

Item 9: Confidential Session

There were no matters discussed in the confidential session.

Closure

There being no further business the meeting concluded at 6.36 pm.