

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 18 September 2013, commencing at 6.00 pm and concluding at 6.21 pm.

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PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr JP Thompson, Cr JR Webb, 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 (C Bassett)

## Item 1: Apologies

Apologies were received for the absence of Councillors Shelley, Walker and Weatherley.

353/13                    **MOTION:**                    **White/Cavalier**

**That the apologies for the absence of Councillors Shelley, Walker and Weatherley be received and leave of absence be granted.**

*The motion was put and carried.*

## Item 2: Disclosure of Interest

There were no disclosures of interest.

## Item 3: Confirmation of Minutes

354/13                    **MOTION:**                    **Cavalier / Thompson**

**That the Minutes of the Ordinary Meeting held on 4 September 2013 (Minute Nos. 334/13 to 352/13) 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.

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**Item 6: General Business**

## 6.1 NOTICES OF MOTION

*There were no Notices of Motion.*

## 6.2 REPORTS TO COUNCIL

## 6.2.1 CAERLEON VOLUNTARY PLANNING AGREEMENT

GOV400029, A0100056, A0420236

355/13 **MOTION: Cavalier / White****That:**

- 1. the report by the Director, Development and Community Services on the Caerleon Voluntary Planning Agreement be received;**
- 2. Council enter into the Caerleon Voluntary Planning Agreement as attached to this report.**

*The motion was put and carried.*

## 6.2.2 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING &amp; DETERMINED

GOV400029, A0100056

356/13 **MOTION: Cavalier / Webb**

**That the report by the Director, Development and Community Services on the Monthly Development Applications Processing & Determined, August 2013 be received.**

*The motion was put and carried.*

## 6.2.3 NAMING OF NEW UNNAMED ROADS OFF BATEMAN AVENUE

GOV400029, A0100056, R0790141

357/13 **MOTION: Webb / White****That:**

- 1. the report by the Revenue & Property Manager on the Naming of New Unnamed Roads off Bateman Avenue be received;**
- 2. Council name the new road reserves Janets Place (Road 1), Alexander Dawson Court (Road 2) & Wells Court (Road 3).**

*The motion was put and carried.*

6.2.4 REQUEST TO CLOSE THE MAJORITY OF CARRS GAP ROAD  
GOV400029, A0100056, R0790175

This matter was withdrawn.

6.2.5 MONTHLY BUDGET REVIEW FOR JULY 2013  
GOV400029, A0100056, FIN300062

358/13

**MOTION:** White / Cavalier

**That:**

1. the report by the Director, Finance & Administration on the Monthly Budget Review for July 2013 be received; and
2. the 2013/14 Operational Plan be amended in accordance with the variations as listed on pages 1-4 of the July 2013 Monthly Budget Review – 2013/14 Operational Plan/Delivery Program, and reproduced in the report below.

*The motion was put and carried.*

6.2.6 MONTHLY STATEMENT OF MID-WESTERN REGIONAL  
COUNCIL BANK BALANCES AND INVESTMENTS AS AT 31  
AUGUST 2013

GOV400029, A0100056, A0140304

359/13

**MOTION:** Cavalier / Webb

**That:**

1. the report by the Financial accountant on the Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 August 2013 be received;
2. the certification by the Responsible Accounting Officer be noted.

*The motion was put and carried.*

6.2.7 TENDER FOR THE SUPPLY AND DELIVERY OF BULK FUEL,  
OIL AND LUBRICANTS

GOV400029, A0100056, A0100026

360/13

**MOTION:** Thompson / Cavalier

**That:**

1. the report by the Director, Finance & Administration on the Tender for the supply and delivery of bulk fuel, oil and lubricants be received;

2. Council accept the tender of Centrel Pty Ltd trading as Reliance Petroleum BP as the single source supplier of bulk fuel for a period of 24 months from 1 October 2013 to 30 September 2015; and
3. Provision be allowed for a 12 month extension based on satisfactory bulk fuel supplier performance which may take this through to 30 September 2016; and
4. Council accept the tender of Castrol as the preferred supplier of oils and lubricants for a period of 24 months from 1 October 2013 to 30 September 2015; and
5. Provision be allowed for a 12 month extension based on satisfactory oil and lubricant supplier performance which may take this through to 30 September 2016.

*The motion was put and carried.*

#### 6.2.8 TENDER FOR THE SUPPLY AND DELIVERY OF MGB GARBAGE BINS AND ASSOCIATED PARTS

GOV400029, A0100056, A0100026

361/13

**MOTION:** Thompson / Webb

**That:**

1. the report by the Director, Finance & Administration on the Tender for the supply and delivery of MGB garbage bins and associated parts be received;
2. Council accept the tender of Sulo MGB Ltd as the single source supplier of MGB garbage bins and associated parts for the period 1st October 2013 to 30th September 2015; and
3. Provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this through to 30 September 2016.

*The motion was put and carried.*

#### 6.2.9 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

GOV400029, A0100056, A0110004

362/13

**MOTION:** Cavalier / White

**That:**

1. the report by the Manager Governance on the Council's policy on Payment of Expenses and Provision of Facilities to Councillors be received;

2. Council note that no submissions were received in relation to the proposed policy on the Payment of Expenses and Provision of Facilities to Councillors;
3. Council formally adopt the proposed policy on the Payment of Expenses and Provision of Facilities to Councillors;
4. The Division of Local Government be advised that Council has formally adopted this policy and be provided with:
  - A copy of the adopted policy;
  - A copy of this report; and
  - A copy of the public notice that appeared in the Mudgee Guardian on 9 August 2013.

*The motion was put and carried.*

#### 6.2.10 FINANCIAL ASSISTANCE APPLICATIONS

GOV400029, A0100056, A0140201

363/13

**MOTION: Cavalier / Webb**

**That:**

1. the report by the Financial Accountant on the Financial Assistance Applications be received;
2. Council provide financial assistance to the Sheepdog Workers Club of \$707 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.

*The motion was put and carried.*

#### 6.2.11 WET AND DRY PLANT HIRE TENDER 2013/13 FOR ADDITIONAL CONTRACTORS STRAIT UP SERVICES PTY LTD AND MISKLE TRANSPORT AND EARTHMOVING PTY LTD

GOV400029, A0100056, A0411303

364/13

**MOTION: Cavalier / Webb**

**That:**

1. the report by the Business Manager Works on the Wet and Dry Plant Hire Tender 2013/03 for additional contractors, Strait Up Services Pty Ltd and Miskle Transport and Earthmoving Pty Ltd be received;
2. Council accepts the revised list of preferred contractors for tender 2013/03 for the provision of Wet and Dry plant hire in accordance with clause 178 of the Local Government (General) Regulation 2005 as listed below for Wet Hire.

<b>CONTRACTOR</b>	<b>PLANT</b>	<b>PAYLOAD (T)</b>
Troy Kurtz Earthworks	Tipper	6
Adrian Ingram Plant Hire Pty Ltd	Tipper	6
Ian Colley Earthmoving Pty Ltd	Tipper	6
Ian Colley Earthmoving Pty Ltd	Tipper	6
Andrew Turner Excavations	Truck	6
Miskell Transport Pty Ltd	Rigid Tipper	12
Murkins Earthmoving Pty Ltd	Tipper	12
A1 Earthworx Mining and Civil Pty Ltd	Truck and Dog	12
CM Box Constructions Pty Ltd	Rigid Tipper	6
CM Box Constructions Pty Ltd	Truck	6
CM Box Constructions Pty Ltd	Truck	6
MSW Plant Hire Pty Ltd	Tipper	2
RJ Andrews Engineering Bobcat n Tipper Hire	Tipper	3
Cutting Edge Earthmoving and Excavations	Rigid Tipper	12
Digging it Earthworks	Truck	17
Adrian Ingram Plant Hire Pty Ltd	Rigid Tipper	12
Adrian Ingram Plant Hire Pty Ltd	Rigid Tipper	12
Adrian Ingram Plant Hire Pty Ltd	Rigid Tipper	12
Adrian Ingram Plant Hire Pty Ltd	Rigid Tipper	12
Terros Transport Pty Ltd	Rigid Tipper	12
Terros Transport Pty Ltd	Rigid Tipper	12
Max Phillips Plant Hire Pty Ltd	Bogie Tipper	12
Max Phillips Plant Hire Pty Ltd	Bogie Tipper	12
Boxsell Services Pty Ltd	Tipper	8
Comer Plant Hire	Bogie Truck	12
MSW Plant Hire Pty Ltd	Tipper	8
Ian Colley Earthmoving Pty Ltd	Tipper	12
Ian Colley Earthmoving Pty Ltd	Tipper	12
Ian Colley Earthmoving Pty Ltd	Tipper	12
Ian Colley Earthmoving Pty Ltd	Tipper	12
Ian Colley Earthmoving Pty Ltd	Tipper	12
Ian Colley Earthmoving Pty Ltd	Tipper	12
CE Mining Services Pty Ltd	Tipper	12
CE Mining Services Pty Ltd	Tipper	12
RJ Andrews Engineering Bobcat n Tipper Hire	Tipper	12
Mudgee Dolomite and Lime Pty Ltd	Truck	12
Mudgee Dolomite and Lime Pty Ltd	Truck	12
Mudgee Dolomite and Lime Pty Ltd	Truck	12
Miskell Transport Pty Ltd	Truck and Pig	24
JH & C Evans	Tipper	12
JH & C Evans	Tipper	12
A1 Earthworx Mining and Civil Pty Ltd	Truck and Dog	32
A1 Earthworx Mining and Civil Pty Ltd	Truck and Dog	24
A1 Earthworx Mining and Civil Pty Ltd	Truck and Side Tipper	
Murkins Earthmoving Pty Ltd	Truck and Dog	24
MSW Plant Hire Pty Ltd	Tipper	12
MSW Plant Hire Pty Ltd	Tipper	12
Ian Colley Earthmoving Pty Ltd	Truck and Dog	24
Ian Colley Earthmoving Pty Ltd	Truck and Dog	24
Max Phillips Plant Hire Pty Ltd	Bogie Tipper plus dog	24
Adrian Ingram Plant Hire Pty Ltd	Truck and Dog	32
Adrian Ingram Plant Hire Pty Ltd	Truck and Dog	32
Adrian Ingram Plant Hire Pty Ltd	Truck and Dog	24
Adrian Ingram Plant Hire Pty Ltd	Truck and Dog	24

CONTRACTOR	PLANT	PAYLOAD (T)
Ian Colley Earthmoving Pty Ltd	Truck and Dog	32
Terros Transport Pty Ltd	Truck and Dog	32
Terros Transport Pty Ltd	Truck and Dog	32
CE Mining Services Pty Ltd	Truck and Dog	24
CE Mining Services Pty Ltd	Truck and Dog	24
Mudgee Dolomite and Lime Pty Ltd	Truck and Dog	24
A1 Earthworx Mining and Civil Pty Ltd	Articulated Dump Truck	40
A1 Earthworx Mining and Civil Pty Ltd	Articulated Dump Truck	40
A1 Earthworx Mining and Civil Pty Ltd	Articulated Dump Truck	25
A1 Earthworx Mining and Civil Pty Ltd	Articulated Dump Truck	25
Mudgee Dolomite and Lime Pty Ltd	Truck and Dog	32
Mudgee Dolomite and Lime Pty Ltd	Truck and Dog	32
Maas Plant Hire Pty Ltd	Articulated Dump Truck	30
MSW Plant Hire Pty Ltd	Truck and Dog	24
Maas Plant Hire Pty Ltd	Articulated Dump Truck	40
Maas Plant Hire Pty Ltd	Articulated Dump Truck	30
Maas Plant Hire Pty Ltd	Articulated Dump Truck	40
Maas Plant Hire Pty Ltd	Rigid Dump Truck	55
Maas Plant Hire Pty Ltd	Rigid Dump Truck	70

CONTRACTOR	PLANT	
Ian Colley Earthmoving Pty Ltd	Float	tri Axle
Murkins Earthmoving Pty Ltd	Float	tri Axle
Miskell Transport Pty Ltd	Low Loader	tri Axle
Ian Colley Earthmoving Pty Ltd	Float	quad
A1 Earthworx Mining and Civil Pty Ltd	Float	tri Axle
	Semi with trailer or drop deck	
Strait up Services Pty Ltd	Float	quad
A1 Earthworx Mining and Civil Pty Ltd	Dolly	quad dolly
Ian Colley Earthmoving Pty Ltd	Truck and Float	quad
Mudgee Dolomite and Lime Pty Ltd	Semi with extended drop deck	
Strait up Services Pty Ltd	Float	quad
A1 Earthworx Mining and Civil Pty Ltd		

CONTRACTOR	PLANT
Strait up Services Pty Ltd	4T Telehandler
Strait up Services Pty Ltd	Crane 14t Frenna
Mudgee Cranes	Crane 14t
Strait up Services Pty Ltd	Crane 18t Frenna
Strait up Services Pty Ltd	Crane 20t Frenna
Mudgee Cranes	Crane 16t
Countrywide Cranes	Crane 20t
Countrywide Cranes	Crane 20t
Mudgee Cranes	Crane 30t
Mudgee Cranes	Crane 20t
Strait up Services Pty Ltd	Crane 50t truck mount
Mudgee Cranes	Crane 55t
Countrywide Cranes	Crane 55t
Strait up Services Pty Ltd	Crane 60t (85t with reduced counterweight)
Countrywide Cranes	Crane 80t
Mudgee Cranes	Crane 80t
Countrywide Cranes	Crane 100t

Countrywide Cranes	Crane 130t
Strait up Services Pty Ltd	Crane (85t full counterweight)
Mudgee Cranes	Crane 160t

3. **Additional contractors may be included on the preferred suppliers list if required during the contract period by resolution of Council.**

*The motion was put and carried.*

#### 6.2.12 2014 WASTE FUND CAPITAL WORKS

GOV400029, A0100056, F0570008

365/13

**MOTION: Cavalier / White**

**That:**

1. **the report by the Business Manager Resources & Recreational on the 2014 Waste Fund Capital Works be received;**
2. **that Council endorse the 2014 waste fund capital works program as follows:**
  - **Rural Waste Depot Upgrades**
  - **Wollar WTS - fencing - \$20,000**
  - **Goolma WTS - fencing - \$10,000**
  - **Lue WTS - fencing - \$10,000**
  - **Mudgee Waste Depot Upgrades**
  - **Weather station - \$10,000**
  - **Leachate pump - \$4,000**
  - **bin lifter - \$10,000**
  - **Waste sites rehabilitation**
  - **Birriwa - \$20,000**
  - **Goolma - \$20,000**
  - **Mudgee - \$60,000**

*The motion was put and carried.*

#### 6.2.13 CODE OF CONDUCT REVIEW COMMITTEE

GOV400029, A0100056, GOV400008

**MOTION: Thompson / Martens**

**That:**

1. **the report by the General Manager on the Code of Conduct Review Committee be received;**
2. **Council endorse the following Panel for Code of Conduct investigations and the General Manager be authorised to nominate one person from this Panel for Code of Conduct investigations when and if they arise.**
  - **Alex Irving**
  - **AllyGroup**
  - **Christopher Gallagher**



- David Crofts
- Greg Waters
- Internal Audit Bureau
- John Harcourt Turner
- John Kleem Consulting
- Linda Petterson Consulting
- LKA Group
- Lloyd Graham
- Mediate Today
- Peter Taylor
- Pinnacle Integrity
- Planning Urban Earth
- Prevention Partners
- Raquel Grieve
- Sharon Handstein
- Sinc Solutions
- Strategic Risk Solutions
- Terence Healey
- Train Reaction
- Woodward Legal

366/13

**AMENDMENT: Webb / White****That:**

1. **the report by the General Manager on the Code of Conduct Review Committee be received;**
2. **Council endorse the following Panel for Code of Conduct investigations and the General Manager be authorised to nominate one person from this Panel for Code of Conduct investigations when and if they arise.**
  - **Alex Irving**
  - **AllyGroup**
  - **Christopher Gallagher**
  - **David Crofts**
  - **Greg Waters**
  - **Internal Audit Bureau**
  - **John Harcourt Turner**
  - **John Kleem Consulting**
  - **Linda Petterson Consulting**
  - **LKA Group**
  - **Lloyd Graham**
  - **Mediate Today**
  - **Peter Taylor**
  - **Pinnacle Integrity**
  - **Planning Urban Earth**
  - **Prevention Partners**
  - **Raquel Grieve**
  - **Sharon Handstein**

- Sinc Solutions
- Strategic Risk Solutions
- Terence Healey
- Train Reaction
- Woodward Legal
- Stephen Flynn

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

#### 6.2.14 MUDGEE & GULGONG ACCESS COMMITTEE

GOV400029, A0100056, A0060008

367/13

**MOTION: White / Webb**

**That:**

1. **the report by the Manager, Community Services on the Mudgee & Gulgong Access Committee be received;**
2. **Council note the minutes of the Mudgee & Gulgong Access Committee meetings held on 6 August and 3 September 2013**
3. **Council endorse the appointment of Graham Hedrick, Madeleine McCarthy and Steven Waller to the Mudgee & Gulgong Access Committee.**

*The motion was put and carried.*

#### 6.2.15 CULTURAL DEVELOPMENT COMMITTEE – PUBLIC ART POLICY

GOV400029, A0100056, A0420172

368/13

**MOTION: Webb / White**

**That:**

1. **the report by the Manager, Community Services on the Cultural Development Committee - Public Art Policy be received;**
2. **Council note the minutes of the Cultural Development Committee meeting ordinary meeting held on 15 July 2013 and additional meeting held on 30 August, 2013;**
3. **Council defer consideration of the Public Art Policy developed by the Cultural Development Committee until such time as the draft policy is amended to provide that Council shall have the final decision on the selected artwork.**

*The motion was put and carried.*

## 6.2.16 GULGONG SPORTS COUNCIL

GOV400029, A0100056

369/13

**MOTION: Webb / Cavalier****That:**

1. the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;
2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 10 July 2013 be noted.

*The motion was put and carried.*

## 6.2.17 2013 CHRISTMAS CLOSE DOWN

GOV400029, A0100056, A0260003

370/13

**MOTION: White / Cavalier****That:**

1. the report by the General Manager on the 2013 Christmas Close Down be received;
2. Council notes that administrative centres, works depots and the Libraries will close for the Christmas holidays at 12 noon on Friday 20 December 2013, returning on Thursday 2 January 2014; and
3. Public will be notified through the Community News and appropriate signs be affixed to the doors of Council's premises advertising of the closure period.

*The motion was put and carried.*

**Item 7: Urgent Business Without Notice**

There was no urgent business without notice.

**Item 8: Confidential Session**

371/13

**MOTION: Cavalier / Webb**

**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 matters would be considered in confidential session and the reason why they were being dealt with in this way.

**Subject: 8.1.1 General Manager's Performance Agreement**

*The reason for dealing with this matter confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.*

**Subject: 8.2.1 Categorisation for rating purposes of land used or held for any mining purpose – Progress Report to 2 September 2013**

*The reason for dealing with this matter confidentially is that it relates to advice concerning litigation, or advice that would otherwise be privileged from 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 the matters referred to in this report are still before the Court, discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it might prejudice 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.*

## 8.1.1 General Manager's Performance Agreement

GOV400029, A0100056, A0381421

372/13 **MOTION: Cavalier / Martens**

**That consideration of this matter be deferred.**

*The motion was put and carried.*

## 8.2.1 Categorisation For Rating Purposes of Land Used or Held For Any Mining Purpose – Progress Report to 2 September 2013

GOV400029, A0100056, A0340047, A0340048, A0340007

373/13 **MOTION: Webb / Cavalier**

**That the report by the Revenue & Property Manager on the Categorisation For Rating Purposes of Land Used or Held For Any Mining Purpose – Progress Report to 2 September 2013 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 6.21 pm.