

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 19 March 2014, commencing at 5.35pm and concluding at 5.49pm

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JR Webb,
IN ATTENDANCE	General Manager (WL Bennett), Director Mid-Western Operations (B Cam), Director Development and Community Services (C Van Laeren), Director Finance and Administration (B Exelby), Manager Governance (I Roberts), Assistant Executive Secretary (A Baker)
MEDIA REPRESENTATIVES	Radio 2MG (M Heldon)

Item 1: Apologies

Apologies were received for the absences of Councillors Weatherley and White.

88/14 MOTION: Shelley / Cavalier

That the apologies for the absences of Councillors Weatherley and White be received and leave of absence granted.

The motion was carried with Councillors voting unanimously.

Award to a Councillor

89/14 MOTION: Walker / Cavalier

Council congratulate Councillor Martens for her recent award for service to Local Government.

The motion was carried with Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.1 as he is the owner of the property, subject to the planning proposal and report before Council.

Item 3: Confirmation of Minutes**90/14 MOTION: Cavalier / Walker**

That the Minutes of the Ordinary Meeting held on 5 March 2014 (Minute Nos. 66/14 to 87/14) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.

Item 4: Matters in Progress

Noted.

Item 5: Mayoral Minute

There is no Mayoral Minute.

Item 6: General Business

6.2 REPORTS TO COUNCIL

6.2.1 PLANNING PROPOSAL 220 ULAN ROAD – CONSIDERATION OF SUBMISSIONS

Councillor Kennedy declared a pecuniary conflict of interest in this matter, as he is the owner of this property, subject to the planning proposal, vacated the chair and left the meeting at 5.38pm, and did not participate in discussions or vote in relation to this matter. In his absence, Councillor Cavalier assumed the chair.

GOV400038, A0420258

91/14 MOTION: Shelley / Walker

That:

- 1. the report by the Manager Strategic Planning on the Planning Proposal 220 Ulan Road – Consideration of Submissions be received;**
- 2. Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to reduce the minimum lot size in respect to Lot 1 DP 1000182, 220 Ulan Road from 4000m² to 2000m² and that the plan be made subject to the Opinion issue by Parliamentary Counsel.**

The motion was put and carried on the casting vote of the Chairman of the meeting, with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Martens		✓
Cr Shelley	✓	

Councillors	Ayes	Nayes
Cr Thompson		✓
Cr Walker	✓	
Cr Webb		✓

Councillor Kennedy returned to the meeting at 5.40pm and resumed the chair.

6.2.2 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400038

92/14 MOTION: Shelley / Cavalier

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

The motion was carried with Councillors voting unanimously.

6.2.3 CAERLEON MUDGEES PROJECT ISSUES

GOV400038, F0740000

93/14 MOTION: Cavalier / Shelley

That:

- 1. the report by the General Manager on the Caerleon Mudgee project issues be received;**
- 2. Council defer the request from Caerleon Mudgee to financially contribute towards the cost of the Spine Road for the Caerleon subdivision until the completion of the first 50 allotments and Council consider all options available to it for funding the Spine Road;**
- 3. the General Manager be given delegated authority to negotiate with Caerleon Mudgee a 12 month deferral of the DSP charges payable by Caerleon Mudgee for their development generally in accordance with the same parameters as contained within the agreed Voluntary Planning Agreement.**

The motion was carried with Councillors voting unanimously.

6.2.4 MONTHLY STATEMENT OF BANK BALANCES AND
INVESTMENTS AS AT 28 FEBRUARY 2014

GOV400038, A0100056, A0140304

94/14 MOTION: Cavalier / Shelley

That:

- 1. the report by the Manager, Financial Planning on the Monthly statement of bank balances and investments as at 28 February 2014 be received;**
- 2. the certification of the Responsible Accounting Officer be noted.**

The motion was carried with Councillors voting unanimously.

6.2.5 ESSENTIAL ENERGY – PROPOSAL TO GIFT ALLOTMENT 1
DP 1178967 TO COUNCIL

GOV400038, P1973511

95/14 MOTION: Walker / Cavalier

That:

- 1. the report by the Revenue & Property Manager on Essential Energy - Proposal to Gift Allotment 1 DP 1178967 to Council be received;**
- 2. Council accept Essential Energy's proposal to gift Allotment 1 DP 1178967 to Mid-Western Regional Council;**
- 3. The General Manager be authorised to sign all necessary documentation in relation to the transfer of Allotment 1 DP 1178967 into Mid-Western Regional Council's ownership;**
- 4. Council authorises the affixing of the Common Seal to all documents necessary to complete the transfer of Allotment 1 DP 1178967 into Mid-Western Regional Council's ownership;**
- 5. Council pay its own legal costs for the transfer of the ownership of the land, the total amount of which is to be reimbursed to Council by the Rural Fire Service upon completion of the transfer;**
- 6. upon transfer of title of Allotment 1 DP 1178967, Council notify the public of its intention to classify the land as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the land be so classified as Operational;**

7. **Council publicly acknowledge Essential Energy's commitment to contributing to the safety of the community and appreciation of the services provided by the NSW Fire Service to the community of Gulgong.**

The motion was carried with Councillors voting unanimously.

6.2.6 ADA FINANCIAL ASSISTANCE REQUEST

GOV400038, A0140402

96/14 MOTION: Shelley / Martens

That:

1. **the report by the General Manager on the ADA Financial Assistance request be received;**
2. **Council makes a grant of \$2,636 to ADA Cottage to fund their recent development application and that an adjustment be made at the March Quarterly Budget Review to allow for this grant;**
3. **Council provide financial assistance to the Kandos Rylstone Boxing in the amount of \$1,000 fro Councillor Shelley's discretionary funds.**

The motion was carried with Councillors voting unanimously.

6.2.7 NAMING OF UNNAMED STREETS IN THE RIDGE ESTATE SUBDIVISION

GOV400038, R0790141

97/14 MOTION: Cavalier / Martens

That:

1. **the report by the Revenue & Property Manager on the Naming of unnamed streets in The Ridge Estate subdivision be received;**
2. **Council name road no 1 Hughson Avenue and road no 2 Rowe Street.**

The motion was carried with Councillors voting unanimously.

6.2.8 TENDER ASSESSMENT 2013-16 CHEMICAL SUPPLY HERBICIDES AND PESTICIDES

GOV400038, A0100056, COR400051

98/14 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Business Manager Resources & Recreation on the Tender Assessment 2013-16 for the provision of Chemical Supply Herbicides and Pesticides be received;**
- 2. Council accepts the tenders from the following companies to form a supply list for the provision of herbicide and pesticide chemicals:**
 - Landmark Mudgee**
 - Mudgee CRT Centre**
 - Globe Growing Solutions**
 - Living Turf**

The motion was carried with Councillors voting unanimously.

6.2.9 NOXIOUS WEEDS ADVISORY COMMITTEE

GOV400038, ENV200017

99/14 MOTION: Shelley / Walker**That:**

- 1. the report by the Noxious Weeds Administrator on the Noxious Weeds Advisory Committee be received;**
- 2. the minutes of the Noxious Weeds Advisory Committee held on Monday 3 March 2014 are noted.**

The motion was carried with Councillors voting unanimously.

6.2.10 QUARTERLY REPORT ON THE WORKERS COMPENSATION PREMIUM

GOV400038, A0100056, A0205004

100/14 MOTION: Cavalier / Walker**That the report by the Manager People & Culture being a Quarterly Report on the Workers Compensation Premium be received.**

The motion was carried with Councillors voting unanimously.

6.2.11 ANTI-DISCRIMINATION AND EQUAL EMPLOYMENT
OPPORTUNITY POLICY AND WORKPLACE BULLYING
POLICY

GOV400038, A0100021

101/14 MOTION: Shelley / Cavalier

That:

- 1. the report by the Manager, People and Culture on the Anti-Discrimination and Equal Employment Opportunity Policy and Workplace Bullying Policy be received;**
- 2. Council adopt the Anti-Discrimination and Equal Employment Opportunity Policy and the Workplace Bullying Policy.**

The motion was carried with Councillors voting unanimously.

6.2.12 REVIEW OF POLICY ON PAYMENT OF EXPENSES AND
PROVISION OF FACILITIES TO COUNCILLORS

GOV400038, A0110001

102/14 MOTION: Shelley / Cavalier

That:

- 1. the report by the Manager Governance on the Review of Policy on Payment of Expenses and Provision of Facilities to Councillors be received;**
- 2. Council formally adopt the proposed amendments to its policy on the Payment of Expenses and Provision of Facilities to Councillors.**

The motion was carried with Councillors voting unanimously.

Item 8: Confidential Session**103/14 MOTION: Shelley / Walker**

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: General Manager's Performance Review 2013-2014

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

Subject: Property Sale and Playground Purchase

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to public interest as it could prejudice Council's negotiations.

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

The motion was carried with Councillors voting unanimously.

8.1.1 General Manager's Performance Agreement

GOV400038, A0381421

104/14 MOTION: Walker / Shelley

That the report by the General Manager on the General Manager's Performance Agreement for the first eight months of the 2013/14 be received.

The motion was carried with Councillors voting unanimously.

Urgent Business Without Notice

8.1.2 Property Sale and Playground Purchase

GOV400038, P2215711, P2106111

105/14 MOTION: Webb / Cavalier

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 with Councillors voting unanimously.

8.1.2 Property Sale and Playground Purchase

GOV400038, P2215711, P2106111

106/14 MOTION: Webb / Cavalier

That:

- 1. the report by the General Manager on the Property Sale and Playground Purchase;**
- 2. Council purchases Lot 11 DP 1182613 being 10 Doug Gudgeon Drive, Mudgee for the sum of \$150,000 from Section 94 monies collected for the provision of playground facility in Mudgee South, and that the Operation and Delivery Plan for 2013/14 year be amended accordingly;**
- 3. Council sells to Mr Gus Gudgeon Lot 19 DP 1165148 being 35-39 Depot Road, Mudgee for the sum of \$150,000 with the proceeds being credited to the Land Development Reserve Fund and that the Operation and Delivery Plan for 2013/14 year be amended accordingly;**
- 4. the Mayor and General Manager be authorised to sign all documentation to complete the purchase in clause 2 above and the sale in clause 3 above and also be authorised to affix the common seal to any documentation if required;**
- 5. Each party involved with these transactions pays for their own legal costs.**

The motion was carried with Councillors voting unanimously.

Item 9: Open Council

107/14 MOTION: Cavalier / Webb

That the Council move to Open Council.

The motion was carried with Councillors voting unanimously.

The Manager Governance announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 5.49pm.