

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 18 March 2015, commencing at 5:53pm and concluding at 7:20pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (B Cam), Director Operations (D Colwell), Director Development (C Van Laeren), Director Corporate (C Phelan), Director Community (S Jones) Executive Secretary (M Sutton)
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (L Stanford), Radio 2MG (M Heldon)

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor White declared a pecuniary conflict of interest in Item 6.2.24 as MRTI is a financial member of Central NSW Tourism, her employer.

Councillor Shelley declared a non-pecuniary conflict of interest in Item 6.2.4 as his son is a member of Kandos-Rylstone Amateur Boxing Club.

Councillor Webb declared pecuniary conflict of interest in Item 6.2.19 as he owns property in the vicinity of the proposed Ulan Road works.

Item 3: Confirmation of Minutes

48/15 MOTION: Cavalier / White

That the Minutes of the Ordinary Meeting held on 18 February 2015 (Minute Nos. 8/15 to 47/15) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.

Item 4: Matters in Progress

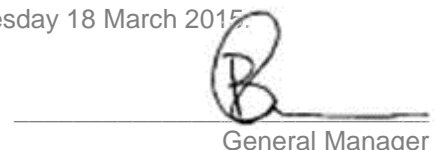
Regional Aviation Services

49/15 MOTION: Cavalier / Shelley

That Minute no. 537/14 be noted as completed.

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

Item 5: Mayoral Minute

There is no Mayoral Minute.

Item 6: General Business

6.1 NOTICES OF MOTION

6.1.1 COUNCIL LAND AT 45 DUNN STREET KANDOS

GOV400022, GOV400043

50/15 MOTION: Cavalier / White

That the report 6.2.8 be brought forward and dealt with before the notice of motion.

AMENDMENT: Martens / Webb

That the notice of motion be dealt with as printed in the business paper.

The amendment was put and lost with Councillors voting as follows:

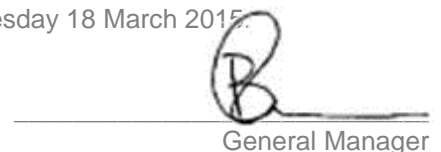
Councillors	Ayes	Nayes
Cr Cavalier		✓
Cr Kennedy		✓
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr Webb	✓	
Cr White		✓

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

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



Mayor



General Manager

6.2.8 OFFER TO PURCHASE 45 DUNN STREET KANDOS

GOV400043, P1985111

MOTION: Webb / Martens

That:

1. Council land at 45 Dunn Street Kandos be given to Kids and Carers Support Group at Kandos to build a Community House for the disabled subject to fees including agents fees owing to be paid by the Kids and Carers Support Group.
2. subject to the organisation becoming incorporated and if the project is not started within 5 years the land is returned to Council at no cost.

AMENDMENT: Cavalier / Weatherley

That:

1. the report by the Revenue & Property Manager on the Offer to Purchase 45 Dunn Street Kandos be received;
2. Council accepts the offer as disclosed in Attachment 2 appended in the Confidential Section of this Business Paper for the purchase of Allotment 1 DP 1192154, being 45 Dunn Street Kandos;
3. the Operational Plan for 2014/2015 be amended to reflect the proposed sale proceeds of allotment 1 DP 1192154;
4. the sale proceeds of Allotment 1 DP 1192154 be transferred to the Land Development Reserve with the Operational Plan 2014/2015 amended accordingly.

The amendment was put and lost with Councillors voting as follows:

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

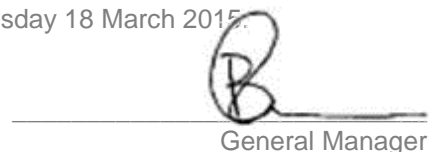
AMENDMENT: Weatherley / Walker

That:

1. this matter be deferred until such time as the Kids and Carers Group become incorporated and they can provide



Mayor



General Manager

Council with a copy of their constitution which will allow Council to verify their objectives and be satisfied that the project will be delivered.

2. The property be withdrawn from sale until this matter is resolved.

The amendment was put and lost with Councillors voting as follows:

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

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

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

As no decision was reached the matter will be referred to the next Council Meeting - Code of Meeting Practice Section 38(8).

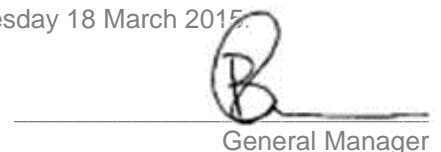
6.1.2 OBSTRUCTION OF PRAM RAMPS IN GULGONG

GOV400022, GOV400043

That Council investigate and implement a measure to prohibit motorists from parking and obstructing the pram ramps in Mayne Street Gulgong.

The item was withdrawn.


Mayor


General Manager

6.1.3 RYLSTONE SKATE PARK

GOV400022, GOV400043

MOTION: Shelley / Cavalier

That:

1. Council put out for tender, design and construction for the Rylstone Skate Park;
2. Skate Park to be located, as in Option 1 of the previous business in Council, next to the existing playground by Rylstone Showground;
3. Council fund the Rylstone Skate Park up to, but not exceeding \$125k from capital reserves;
4. Council continue to apply for grant funding offset cost to ratepayers;

51/15

AMENDMENT: Thompson / Martens

That Council consider the construction of the Rylstone Skate Park as part of the 2015/16 budget process.

The amendment was put and carried and on being put as the motion was again carried with Councillors voting as follows:

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

6.1.4 BUSINESS USE OF THE FOOTPATH - RYLSTONE & KANDOS

GOV400022, GOV400043

52/15

MOTION: Cavalier / Thompson

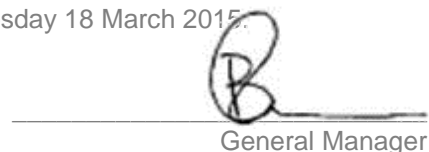
That:

1. Council review their business use of footpath policy specifically relating to the towns of Rylstone, Kandos and Gulgong; and
2. the fee for the business use of the footpath (as per Council policy dated 18 June 2014) not be applicable for business owners in Rylstone, Kandos and Gulgong.

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



Mayor



General Manager

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

6.2 REPORTS TO COUNCIL

6.2.1 GULGONG MEMORIAL HALL COMMITTEE

GOV400043, A0100024

53/15 MOTION: Cavalier / Thompson

That:

1. **the report by the Manager, Health and Building on the Gulgong Memorial Hall Committee be received;**
2. **Council note the minutes from the Gulgong Memorial Hall Committee meeting held on 2nd March 2015.**

The motion was carried with Councillors voting unanimously.

6.2.2 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400043

54/15 MOTION: Thompson / Cavalier

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

The motion was carried with Councillors voting unanimously.

6.2.3 MONTHLY BUDGET REVIEW JANUARY 2015

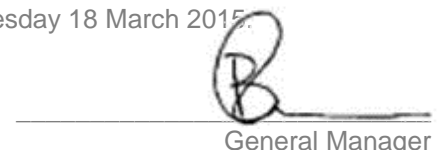
GOV400043, FIN300062

55/15 MOTION: Weatherley / Cavalier

That the report by the Manager Finance on the Monthly Budget Review January 2015 be received.

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

6.2.4 FINANCIAL ASSISTANCE APPLICATIONS

GOV400043, A0140201

Councillor Shelley declared a non-pecuniary conflict of interest in Item 6.2.4 as his son is a member of the Kandos-Rylstone Amateur Boxing Club.

56/15 MOTION: Kennedy / Cavalier

That:

1. the report by the Manager Finance on the Financial Assistance Applications be received;
2. Council provide a donation to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Goolma Public School	\$200
Twin Town Players	\$500
Mudgee Arts	\$250
Kandos-Rylstone Amateur Boxing Club	\$1000

3. Council provide an in-kind contribution to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Kandos Kids & Carers Support Group	\$750
Karen Wilkinson	\$206
Mudgee Community Health	\$80
Gulgong Holtermann Museum	up to \$500

The motion was carried with Councillors voting unanimously.

6.2.5 MONTHLY STATEMENT OF INVESTMENTS AND BANK BALANCES AS AT 28 FEBRUARY 2015

GOV400043, FIN300053

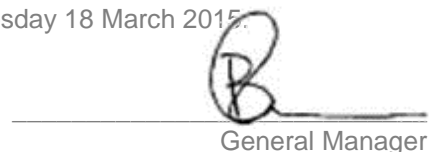
57/15 MOTION: White / Cavalier

That:

1. the report by the Manager Finance on the Monthly statement of investments and bank balances as at 28 February 2015 be received;
2. the certification of the Responsible Accounting Officer be noted.

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

6.2.6 LEASE TO VODAFONE NETWORK PTY LTD AT MT MISERY

GOV400043, P2042211

58/15

MOTION: Thompson / Martens**That:**

1. the report by the Revenue & Property Manager on the Lease to Vodafone Network Pty Ltd at Mt Misery be received;
2. Council accept the terms of the attached Heads of Agreement Document and enter into a new lease with Vodafone Network Pty Ltd for the Mt Misery antenna site;
3. Council authorise the General Manager to negotiate the terms of the proposed Lease agreement;
4. Council authorise the General Manager and Mayor to sign necessary documentation in relation to the Heads of Agreement and proposed Lease agreement;
5. Council authorises the Common Seal of Council to be affixed to all documentation necessary in relation to the proposed Lease agreement.

The motion was carried with Councillors voting unanimously.

6.2.7 NOISE FM PTY LTD REQUEST TO CO-LOCATE ANTENNAS
AT COUNCIL'S FACILITIES

GOV400043, A0070005, P2042211, P0501311

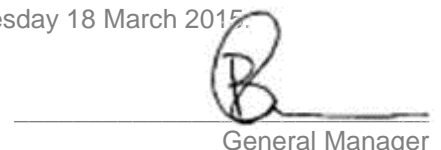
59/15

MOTION: Cavalier / White**That:**

1. the report by the Revenue & Property Manager on the Noise FM Pty Ltd Request to Co-locate Antennas at Council's Facilities be received;
2. Council enters into a Licence agreement with Noise FM Pty Ltd to allow Noise FM Pty Ltd to co-locate an antenna on Council's facility at Mount Misery, Mudgee and an antenna on Council's facility at Flirtation Hill, Gulgong as specified in Attachment 2 of this Report;
3. Council approve an annual Licence fee of \$462.00 (GST inclusive) per facility, per annum, which is to be increased annually by the Consumer Price Index, for the placement of the equipment;
4. the term of the proposed initial Licence agreement be for a period of 12 months;



Mayor



General Manager

5. Council authorise the General Manager to negotiate all other terms of the proposed Licence agreement;
6. Council authorise the General Manager and Mayor to sign necessary documentation in relation to the proposed Licence agreement;
7. Council authorises the Common Seal of Council to be affixed to all documentation necessary in relation to the proposed Licence agreement.

The motion was carried with Councillors voting unanimously.

6.2.9 REALIGNMENT AND ROAD CLOSURE OF PART OF GEORGE CAMPBELL DRIVE MUDGEE

GOV400043, F0470025, A0150046, P2239611

60/15

MOTION: Cavalier / Thompson

That:

1. the report by the Revenue & Property Manager on the Realignment and Road Closure of Part of George Campbell Drive Mudgee be received;
2. Council proceed with the road closure of that part of George Campbell Drive depicted as "A" on the attached plan and proceed with the road opening and dedication of the land depicted as "B" on the attached plan over part allotment 2 DP 1186687;
3. the General Manager and Mayor be authorised to sign all necessary documentation in relation to the closure of that part of George Campbell Drive and the realignment of George Campbell Drive by way of road opening and dedication;
4. Council authorises the affixing of the Common Seal to all documents necessary to complete the closure of that part of George Campbell Drive and the realignment of George Campbell Drive by way of road opening and dedication.

The motion was carried with Councillors voting unanimously.

6.2.10 TENDER FOR THE PANEL - SUPPLY AND DELIVERY OF ROAD SAFETY BARRIER SYSTEMS - T441415HUN

GOV400043, GOR500017

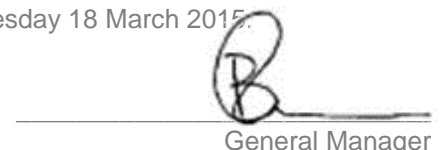
61/15

MOTION: Walker / Cavalier

That:

1. the report by the Procurement Manager on the Tender for the panel - supply and delivery of road safety barrier systems - T441415HUN be received;


Mayor


General Manager

2. **Council accept Category 2 – Supply only panel with Ingal Civil, A1 Highways and Roadworks as suppliers;**
3. **Provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this through to the 31 March 2018.**

The motion was carried with Councillors voting unanimously.

6.2.11 ADDITIONAL SUPPLIER - RFT 2013/04 GENERAL
CONTRACTORS PREFERRED SUPPLIER – MUDGEE
COMPLETE SERVICES

GOV400043, A0411304, COR400049

62/15 MOTION: White / Cavalier

That:

1. **The report by the Procurement Manager on the Additional Supplier - RFT 2013/04 General Contractors Preferred Supplier - Mudgee Complete Services be received;**
2. **Council accepts the additional supplier for Tender 2013/04 for the provision of General Contractors;**

Contractor: Mudgee Complete Services
Services Provided: General Building Work, Ceramic Tiling and Labour Hire

The motion was carried with Councillors voting unanimously.

6.2.12 CLASSIFICATION OF LAND – LOT 35 DP 1199766 DRAINAGE
RESERVE 6A SAWYERS PLACE MUDGEE

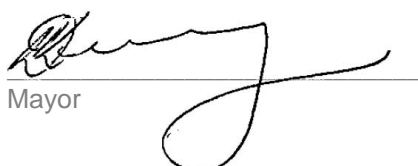
GOV400043, A0210007,P2318311

63/15 MOTION: Weatherley / Shelley

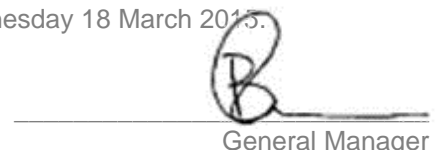
That:

1. **the report by the Revenue & Property Manager on the Classification of Land – Lot 35 DP 1199766 Drainage Reserve 6A Sawyers Place Mudgee be received;**
2. **Council notify the public of its intention to classify Lot 35 DP 1199766 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.**

The motion was carried with Councillors voting unanimously.



Mayor



General Manager

6.2.13 CULTURAL DEVELOPMENT COMMITTEE

GOV400043, A0420172

64/15 MOTION: Shelley / Martens

That:

- 1. the report by the Director, Community on the Cultural Development Committee be received;**
- 2. Council note the minutes of the Cultural Development Committee meeting held on 11 February 2015.**

The motion was carried with Councillors voting unanimously.

6.2.14 GULGONG BANNER DESIGNS

GOV400043, A0310032

65/15 MOTION: Cavalier / Thompson

That:

- 1. the report by the Director, Community on the Gulgong Banner Designs be received;**
- 2. Council resolve to place the two design proposals for generic Gulgong banners on public exhibition for a period of 14 days to seek community feedback.**

The motion was carried with Councillors voting unanimously.

6.2.15 COMPARATIVE INFORMATION ON NSW COUNCILS

GOV400043, A0170031

66/15 MOTION: Cavalier / White

That Council receive the report by the Director, Community on the Comparative Information on NSW Councils.

The motion was carried with Councillors voting unanimously.

6.2.16 PUBLIC ART PLAN

GOV400043, COU500009

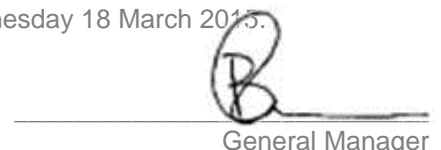
67/15 MOTION: Weatherley / White

That:

- 1. the report by the Director, Community on the Public Art Plan be received;**
- 2. Council place the Public Art Plan on public exhibition for 28 days to seek comment and input from the community.**

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

6.2.17 MUDGEES SPORTS COUNCIL

GOV400043, A0100013

68/15

MOTION: Thompson / Weatherley**That:**

1. the report by the Director, Community on the Mudgee Sports Council be received;
2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 2 February 2015 and 23 February 2015 be noted.

The motion was carried with Councillors voting unanimously.

6.2.18 CLARKES CREEK ROAD, WINDEYER

GOV400043, R0074001

69/15

MOTION: Cavalier / White**That:**

1. the report by the Business Manager Works on the Clarkes Creek Road, Windeyer be received;
2. Council do not undertake maintenance works on the unmaintained section on Clarkes Creek Road, Windeyer.

The motion was carried with Councillors voting unanimously.

6.2.19 ULAN ROAD UPGRADE – INVESTIGATION & DESIGN
CONTRACT – VARIATIONS TO CONTRACT

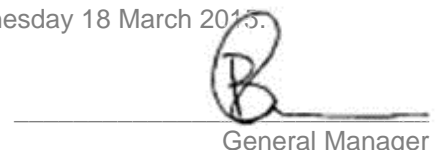
GOV400043, COR400061

Councillor Webb declared a non-pecuniary conflict of interest in Item 6.2.19 as he owns property in the vicinity of the proposed Ulan Road works, left the meeting at 7.04pm, and did not participate in discussion or vote in relation to this matter.

70/15

MOTION: Shelley / Cavalier**That:**

1. the report by the Senior Works Engineer on the Ulan Road Upgrade – Investigation & Design Contract – Variations to Contract be received;
2. Council accepts GHD Pty Ltd (GHD) October 2014 – February 2015 Variations to Contract 2014/01 for the Investigation and Design of the Ulan Road Upgrade to the value of \$27,215.00 excl. GST; and
3. Council delegate authority to the General Manager to approve any additional variations up to a further 5% of the amended contract value of \$384,460 excl. GST.


Mayor
General Manager

The motion was carried with Councillors voting unanimously.

Councillor Webb returned to the meeting at 7.05pm.

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Walker and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No.71/15 and concluding with Resolution No. 75/15.

- 6.2.20 Local Traffic Committee Minutes of Meeting held 13 February 2015
- 6.2.21 Rylstone Kandos Flood Study & Committee
- 6.2.22 Mudgee Saleyards Management Committee
- 6.2.23 Mudgee Showground Management Committee
- 6.2.25 Restart NSW Deed – Wollar Road

6.2.20 LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING HELD
13 FEBRUARY 2015

GOV400043, A0100009

71/15 MOTION: Shelley / Walker

That the report by the Director, Operations on the Local Traffic Committee Minutes of Meeting held 13 February 2015, items 15/01 – 15/06 be received; accepted and endorsed.

6.2.21 RYLSTONE KANDOS FLOOD STUDY & COMMITTEE

GOV400043, WAT500052

72/15 MOTION: Shelley / Walker

That:

- 1. the report by the Director, Operations on the Rylstone Kandos Flood Management Committee be received;**
- 2. Council endorse the recommendations of the Rylstone Kandos Flood Management Committee as detailed in the meeting minutes;**
- 3. Council adopt The Flood Study for Kandos and Rylstone.**

6.2.22 MUDGEE SALEYARDS MANAGEMENT COMMITTEE

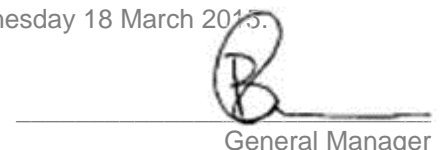
GOV400043, F0720036

73/15 MOTION: Shelley / Walker

That:

- 1. the report by the Director, Operations on the Mudgee Saleyards Management Committee be received;**


Mayor


General Manager

2. **the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held 12th February 2015 be noted.**

6.2.23 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE

GOV400043, F0650007

74/15

MOTION: Shelley / Walker**That:**

1. **the report by the Director, Operations on the Mudgee Showground Management Committee be received;**
2. **the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 9th October 2014 be noted.**

6.2.25 RESTART NSW DEED – WOLLAR ROAD

GOV400043, GRA600029

75/15

MOTION: Shelley / Walker**That:**

1. **the report by the Director Corporate on the Restart NSW Deed – Wollar Road be received; and**
2. **Council authorise the Mayor and General Manager to affix the common seal of Council to the Restart NSW Deed for the Wollar Road Upgrade.**

6.2.24 MRTI QUARTERLY REPORT DECEMBER 2014

GOV400043, F0770077

Councillor White declared a pecuniary conflict of interest in Item 6.2.24 as MRTI is a financial member of Central NSW Tourism, her employer, left the room at 7.06pm, did not participate in discussion or vote in relation to this matter.

76/15

MOTION: Shelley / Martens**That the report by the General Manager on the MRTI Quarterly Report December 2014 be received.**

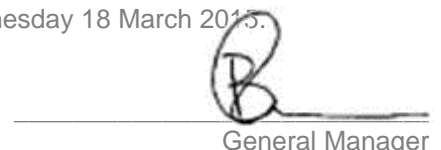
The motion was carried with Councillors voting unanimously.

Councillor White returned to the meeting at 7.07pm.

Item 7: Urgent Business Without Notice

Nil.



Mayor

General Manager

Item 8: Confidential Session**77/15 MOTION: Weatherley / Martens**

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 General Manager announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

Subject: Triamble Road Realignment

The reason for dealing with this matter confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) 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 involves negotiations on the purchase of land.

Following an enquiry from the Mayor, the General Manager 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 carried with Councillors voting unanimously.

8.1.1 Triamble Road Re-alignment

GOV400043, R4008001

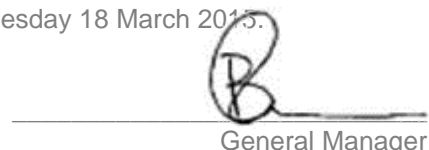
78/15 MOTION: Walker / Weatherley

That Council put forward a formal proposal, to resolve the Triamble Road issue, to the Government including a project plan, design and estimated cost of the preferred project.

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

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


Mayor


General Manager

Item 9: Open Council

79/15 MOTION: Shelley / Thompson

That the Council move to Open Council.

The motion was carried with Councillors voting unanimously.

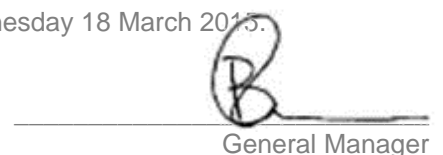
The General Manager announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.20pm.



Mayor



General Manager