

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 17 May 2023, commencing at and concluding at

PRESENT Cr D Kennedy, Cr P Cavalier, Cr K Dicker, Cr A Karavas, Cr R Palmer, Cr P Shelley, Cr P Stoddart, Cr JP Thompson.

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Alina Azar), Director Operations (Julian Geddes), Chief Financial Officer (Leonie Johnson), Manager Customer Services & Governance (Richard Cushway) and Executive Administration Assistant (Kate Newbould).

Acknowledgement of Country

I would like to acknowledge the traditional owners of the lands on which we meet, the Wiradjuri people and pay our respects to elders past, present and emerging.

Item 1: Apologies

88/23 MOTION: Thompson / Cavalier

That the apology received for Cr Sam Paine be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

89/23 MOTION: Shelley / Cavalier

That the Minutes of the Ordinary Meeting held on 19 April 2023 be taken as read and confirmed.

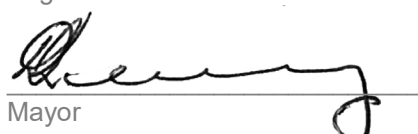
The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

90/23 MOTION: Shelley / Dicker

That Council note the following Matters in Progress as complete:

- That write to the Federal MP Andrew Gee and State MP Dugald Saunders seeking an MRI Machine and engage with medical community to identify priorities of service needs within the


Mayor


General Manager

LGA.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 ACCESS TO PROPERTY

GOV400103, GOV400022

91/23 MOTION: Shelley / Karavas**That Council:**

1. amends the ACCESS TO PROPERTIES Policy, to the following:-

- a) Where its states on page 4 under subheading Rural Accesses (or urban areas without kerb and gutter), "Where a crossover is proposed off a sealed road, the crossover shall also be sealed and drained. "Is to be amended to state "Where a crossover is proposed off a sealed road, the crossover shall be constructed to a minimum hard stand (compacted road base) and drained.

The motion was carried with the Councillors voting unanimously.

6.2 PERMANENT RESIDENTS IN COUNCIL CARAVAN PARKS

GOV400103, GOV400022

Item 6.2 was withdrawn by Councillor Thompson

6.3 FUTURE PLANS FOR JUBILEE OVAL

GOV400103, GOV400022

Item 6.3 was withdrawn by Councillor Thompson

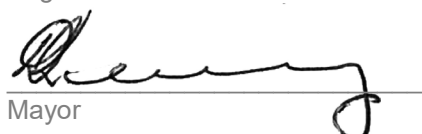
Item 7: Office of the General Manager

7.1 MRT QUARTERLY REPORT: JANUARY TO MARCH 2023

GOV400103, F0770077

92/23 MOTION: Shelley / Cavalier

That Council receive the report by the General Manager on the MRT Quarterly Report: January to March 2023.


Mayor


General Manager

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 DEVELOPMENT CONTROL PLAN 2013 - AMENDMENT 6 GOV400103, LAN900108

93/23 MOTION: Shelley / Cavalier

That Council:

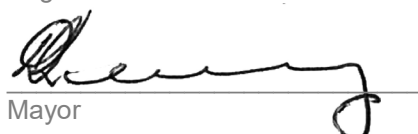
- A. receive the report by the Manager, Planning on the draft Development Control Plan 2013 - Amendment 6 ;**
- B. further amend the proposed changes to DCP 2013 as part of Amendment 6 as follows:**
 - (a) Figure 3 'indicative street hierarchy' road types to be renamed to be consistent with Table 1 and Table 2 road type descriptions of the Caerleon DCP**
 - (b) Table 1 and 2 road type definitions be consistent with Mid-Western Regional Development Control Plan (DCP) 2013 road standards for new development**
 - (c) Increase carriage way width of Minor Access Road Cul-de-sac (Longer than 100m) to 9.0m to support additional traffic volumes as per Table 1 description**
 - (d) Introduce a new road type within Table 1 and Table 2 Sub-arterial Road (Collector Road) to distinguish cross sections of the sub-arterial collector spine road from sub-arterial collector spine road with a median.**
 - (e) Provide additional specification to increase Cul-de-sac court bowl radius to 10m to accommodate turning circle of garbage trucks.**
- C. receive a further report following conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, no submissions are received, adopt the changes to the DCP as proposed.**

The motion was carried with the Councillors voting unanimously.

8.2 DRAFT MUDGEES AND GULGONG URBAN RELEASE STRATEGY 2023 UPDATE GOV400103, LAN900145

94/23 MOTION: Palmer / Shelley

That Council:


Mayor


General Manager

1. receive the report by the Manager, Strategic Planning on the Draft Mudgee and Gulgong Urban Release Strategy 2023 Update;
2. place the Draft Mudgee and Gulgong Urban Release Strategy 2023 Update on public exhibition for a period of 28 days; and
3. receive a further report following conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, no submissions are received, adopt the Mudgee and Gulgong Urban Release Strategy 2023 Update.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 8.3 to item 8.6) were adopted as a whole, being moved by Cr Shelley seconded by Cr Karavas and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 95/23 and concluding at Resolution No. 98/23.

8.3 ACCEPTANCE OF GRANT FUNDING

GOV400103, GOV400103

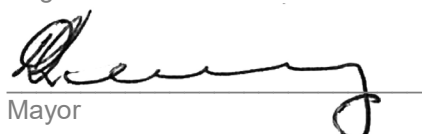
95/23

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Manager - Economic Development on the Acceptance of Grant Funding;
2. if successful, accept the grant funding from the following grant funding bodies:

Grant Fund	Project	Grant Amount Requested
Cricket Australia - Natural Disaster Recovery Fund	Replacement of 2 cricket nets at Rylstone Showground	\$42,000
Australian Government - Local Roads and Community Infrastructure Program (Phase 4)	Rylstone Caravan Park Upgrade – installation of 5 new cabins; water, sewer, electrical, internet and fire services; camp sites; drainage; roads; parking; fencing; wash bay; signage; laundry appliances; and landscaping following demolition works.	\$1,525,932


Mayor


General Manager

3. if successful, amend the 2023/24 and 2024/25 budgets as follows:
- 3.1 2023/24 set an expenditure budget for Rylstone Showground Cricket Net Replacement of \$42,000 to be fully funded by grants;
- 3.2 2023/24 set an expenditure budget for Rylstone Caravan Park Upgrades of \$466,200 to be funded by grants, and \$574,068 to be funded from unrestricted cash;
- 3.3 2024/25 set an expenditure budget for Rylstone Caravan Park Upgrades of \$1,059,732 to be funded by grants;
4. authorise the General Manager to finalise and sign the funding agreements.

The motion was carried with the Councillors voting unanimously.

8.4 EVENTS ASSISTANCE APPLICATIONS

GOV400103, ECO800009, FIN300052

96/23

MOTION: Shelley / Karavas

That Council:

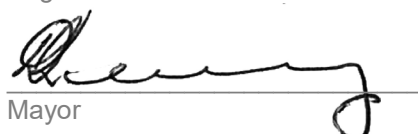
1. receive the report by the Events Coordinator on the Events Assistance Applications;
2. provide multi-year Events Assistance funding to the below applicants (includes cash and in-kind amounts) for the period of 2023, 2024 and 2025; and

	2023	2024	2025
Rylstone Show Society	\$2500	\$2500	\$2500
Mudgee Dressage Group	\$500	\$500	\$500
Cudgegong Valley Pioneer Club	\$1000	\$1000	\$1000

3. provide Events Assistance to the below applicant (includes cash and in-kind amounts) for Period 1, July – December 2023:

Mudgee Mud Dragons	\$1500
NSW Rural Doctors Network	\$2500
Central Tablelands Branch Australia Stockhorse	\$500

The motion was carried with the Councillors voting unanimously.


Mayor


General Manager

8.5 COUNTRY UNIVERSITY CENTRE MUDGEE REGION
GOV400103, ECO800022

97/23 MOTION: Shelley / Karavas

That Council:

1. receive the report by the Manager - Economic Development on the Country University Centre Mudgee Region; and
2. amend the Budget to increase Council's cash commitment to CUC Mudgee Region by \$230,000, funded by cash reserves, and reduce Council's in-kind commitment by \$104,300, per the financial implications in this report.

The motion was carried with the Councillors voting unanimously.

8.6 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED
GOV400103, A0420109

98/23 MOTION: Shelley / Karavas

That Council receive the report by the Manager Planning on the Monthly Development Applications Processing and Determined.

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

9.1 NAMING OF NEW STREET IN A SUBDIVISION OFF PLENTY
ROAD, SPRING FLAT
GOV400103, P23444, R0790141

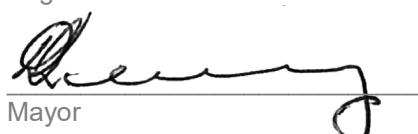
99/23 MOTION: Thompson / Shelley

That Council:

1. receive the report by the Property Support Officer on the naming a new street in a subdivision off Plenty Road, Spring Flat;
2. formally approve the name of Mervyns Lane; and
3. advertise approved name and submit name to Government Gazette.

The motion was carried with the Councillors voting unanimously.

9.2 NAMING OF A PARK AT 2A MARKET STREET, MUDGEE


Mayor


General Manager

GOV400103, P27002, PAR300020

- 100/23** **MOTION: Shelley / Palmer**
1. receive the report by the Property Support Officer on the naming of a park at 2A Market Street, Mudgee;
 2. support the name Dairy Park; and
 3. submit Council's recommendation to the Geographical Names Board who are the final authority on naming places.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 9.3 to item 11.2) were adopted as a whole, being moved by Cr Shelley seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 101/23 and concluding at Resolution No. 107/23.

9.3 CLASSIFICATION OF LAND - LOT 2 DP530722 AT 31 PITTS LANE, PUTTA BUCCA

GOV400103, GOV400088

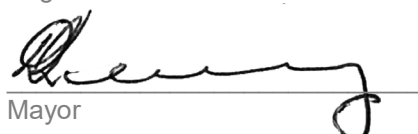
- 101/23** **MOTION: Shelley / Cavalier**
- That Council:**
1. receive the report by the Property Officer on the Classification of Land - Lot 2 DP530722 at 31 Pitts Lane, Putta Bucca;
 2. give public notice of a proposed resolution to classify Lot 2 DP530722 as Operational land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and
 3. receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

The motion was carried with the Councillors voting unanimously.

9.4 MONTHLY BUDGET REVIEW - APRIL 2023

GOV400103, FIN300315

- 102/23** **MOTION: Shelley / Cavalier**
- That Council:**
1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - April 2023; and


Mayor


General Manager

2. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the budget to cover the cost of emergency repairs due to water ingress at Mortimer Street commercial building in April 2023.

The motion was carried with the Councillors voting unanimously.

9.5 MONTHLY STATEMENT OF INVESTMENTS AS AT 30 APRIL 2023

GOV400103, FIN300053

103/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Finance on the Monthly Statement of Investments as at 30 April 2023; and
2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

9.6 COMMUNITY GRANTS PROGRAM - MAY 2023

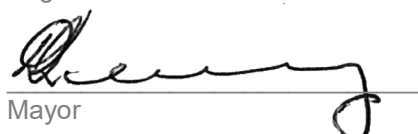
GOV400103, FIN3000159

104/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Community Grants Program - May 2023;
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:

Cudgegong Valley Physical Culture	\$1,156
Business Mudgee	\$600
Kandos Rylstone Film Society	\$5,000
Rylstone Kandos Business Chamber	\$10,000
Cooks Gap & District Progress Association	\$4,500
Pink Up Mudgee	\$2,000
Windeyer Progress Association	\$2,500
Arts Council Gulgong Inc.	\$1,250
The Business Concierge Ltd	\$1,875
Warrabingga Native Title Claimants Aboriginal Corporation	\$5,000


Mayor


General Manager

3. **decline to give financial assistance to the Bingman Landcare – Lue Action Group for the reasons provided in the report.**

The motion was carried with the Councillors voting unanimously.

9.7 COUNCIL SERVICE DELIVERY BENCHMARKING REPORT -
2020/21 DATA COMPARATIVES

GOV400103, COR400236

105/23 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Chief Financial Officer on the Council Service Delivery Benchmarking Report - 2020/21 Data Comparatives; and**
2. **note the comparative analysis provided in the OLG Mid-Western Regional Council Report and the Snowy Monaro Group 4 Financial Sustainability Benchmarking Report.**

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

Nil

Item 11: Community

11.1 LIBRARY SERVICES - QUARTERLY REPORT

GOV400103, F0620020

106/23 MOTION: Shelley / Cavalier

That Council receive and note the Library Services - Quarterly Report by the Manager Library Services.

The motion was carried with the Councillors voting unanimously.

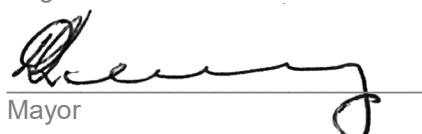
11.2 REQUEST FOR EXEMPTION FROM TENDER - MUDGEES
VALLEY CARAVAN PARK STAGE 3 CABINS

GOV400103, FIN300299

107/23 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Director Community on the**

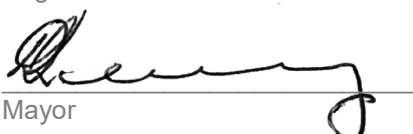

Mayor


General Manager

Request for Exemption from Tender - Mudgee Valley Caravan Park Stage 3 Cabins;

2. approve an exemption from tender, in accordance with section 55 (3)(i) of the Local Government Act 1993, for the Mudgee Valley Caravan Park Stage 3 Cabins;
3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - a) the market has been recently tested via public marketplace on VendorPanel for the Mudgee Valley Caravan Park Stage 2 project (RFT 2021-29) with six responses received and a contract being awarded to Hoek Modular Homes Pty Ltd;
 - b) the same organisations would be targeted if we tendered for this project (via VendorPanel) and the view is a different result will not be achieved by inviting fresh tenders; and
 - c) that with a significant amount of existing infrastructure at Mudgee Valley Caravan Park already therefore recently been provided by Hoek Modular Homes Pty Ltd , a consistent presentation and efficiencies in ongoing maintenance can be achieved by working with the same supplier;
4. delegate authority to the General Manager or their delegate to enter negotiations with Hoek Modular Homes Pty Ltd within the existing budget already provided; and
5. delegate authority to the General Manager or their delegate to then finalise the contract for the Mudgee Valley Caravan Park Cabins Project and approve contract variations within the approved budget for the project, provided a satisfactory outcome can be negotiated with Hoek Modular Homes Pty Ltd.

The motion was carried with the Councillors voting unanimously.


Mayor


General Manager

Item 12: Reports from Committees

Nil

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

Nil

Item 15: Urgent Confidential Business Without Notice**108/23 MOTION: Cavalier / Stoddart**

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

The motion was carried with the Councillors voting unanimously.

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

15.1 Council Organisational Structure

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed, relate to personnel matters concerning particular individuals other than Councillors in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of personnel matters concerning particular individuals other than Councillors.

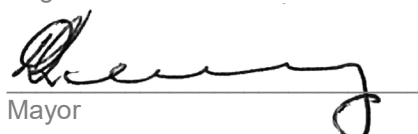
Following an enquiry from the Mayor, the General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

15.1 ORGANISATIONAL STRUCTURE

GOV400103

109/23 MOTION: Shelley / Cavalier

- 1. receive the report by the General Manager on the proposed Council Organisational Structure;**
- 2. support in principle the changes to the Council organisational structure presented by the General Manager and authorises the General Manager to continue and finalise the consultation process with staff and unions over**



Mayor



General Manager

- the changes;**
- 3. confirm that consultation was undertaken with the General Manager over the changes to senior staff; and**
 - 4. propose changes to the senior staff as documented in this report.**

The motion was carried with the Councillors voting unanimously.

Item 16: Open Council

110/23

MOTION: Palmer / Stoddart

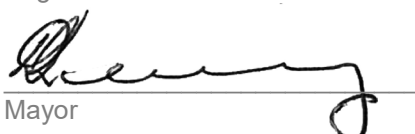
That Council move to Open Council

The motion was carried with the Councillors voting unanimously.


The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 5.47pm.



Mayor



General Manager