

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 16 February 2022, commencing at 5.35pm and concluding at 5.51pm.

PRESENT Cr D Kennedy, Cr S Paine, 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 (Julie Robertson), Director Operations (Julian Geddes), Executive Manager People and Performance (Michele George), Acting Chief Financial Officer (Neil Bungate), Manager Customer Services & Governance (Richard Cushway) and Executive Assistant (Mette Sutton).

Item 1: Apologies

An apology was received for Cr P Cavalier.

33/22 MOTION: Thompson / Paine

That the apology received for Cr Cavalier be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor D Kennedy declared a significant non-pecuniary conflict of interest in item 7.3 as he is the interim Chair of MRT.

Item 3: Confirmation of Minutes

34/22 MOTION: Thompson / Stoddart

That the Minutes of the Ordinary Meeting held on 2 February 2022 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Maintenance in Gulgong Res 317/21 of the Ordinary Meeting 3/11/2021

35/22 MOTION: Shelley / Stoddart

Council note that Res 317/21; that Council immediately straighten the sign posts, signs and garbage bins in Gulgong and surrounding

outskirts of Gulgong, is now complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

7.1 AUDIT RISK AND IMPROVEMENT COMMITTEE CHARTER
AND COMMITTEE MEMBERS

GOV400098, COR400236

36/22 MOTION: Shelley / Thompson

That Council:

1. receive the report by the Executive Manager, People and Performance on the Audit Risk and Improvement Committee Charter and Committee Members;
2. adopt the amended Audit, Risk and Improvement Committee Charter;
3. elect the Council representative Cr Dicker to the Audit, Risk and Improvement Committee;
4. appoint the alternate Council representative Cr Shelley to the Audit, Risk and Improvement Committee; and
5. re-appoint John Stuart and John Bentley as the two Independent Committee members to the Audit, Risk and Improvement Committee.

The motion was carried with the Councillors voting unanimously.

7.2 MURRAY DARLING ASSOCIATION REPORT

GOV400098, F0710037

37/22 MOTION: Shelley / Thompson

That Council receive and note the report by the General Manager on the Murray Darling Association Report.

The motion was carried with the Councillors voting unanimously.

Cr Kennedy declared a significant non-pecuniary conflict of interest in item 7.3 as he is the interim Chair of MRT, he left the Chambers at 5:38pm and did not participate in discussion or vote in relation to this matter.

Deputy Mayor, Cr Paine, proceeded to Chair the meeting.

7.3 MRT QUARTERLY REPORT: JULY TO SEPTEMBER 2021
GOV400098, F0770077, GOV400098

38/22 MOTION: Shelley / Thompson

That Council:

1. **receive the report by the General Manager on the MRT Quarterly Report: July to September 2021; and**
2. **authorise the General Manager to enter into contract negotiations with Mudgee Region Tourism.**

The motion was carried with the Councillors voting unanimously.

Cr Kennedy returned to the Chambers at 5:39pm and continued to Chair the meeting.

The following recommendations (item 8.1 to item 12.2) 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. 17/22 and concluding at Resolution No. 32/22.

Item 8: Development

8.1 LAND AND HOUSING SUPPLY MONITOR 1 JULY 2021 - 31
DECEMBER 2021
GOV400098, LAN900042, GOV400098

39/22 MOTION: Shelley / Karavas

That Council receive the report by the Manager, Strategic Planning on the Land and Housing Supply Monitor 1 July 2021 - 31 December 2021.

The motion was carried with the Councillors voting unanimously.

8.2 DELIVERY PROGRAM 2017/22 SIX MONTHLY PROGRESS
REPORT
GOV400098, COR400116, GOV400098

40/22 MOTION: Shelley / Karavas

That Council receive the report by the on the Delivery Program 2017/22 Six Monthly Progress Report.

The motion was carried with the Councillors voting unanimously.

8.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400098, A0420109, GOV400098

41/22 MOTION: Shelley / Karavas

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

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

9.1 COMMUNITY GRANTS PROGRAM - FEBRUARY 2022

GOV400098, FIN3000159, GOV400098

42/22 MOTION: Shelley / Karavas

That Council:

- 1. receive the report by the Financial Planning Coordinator on the Community Grants Program - February 2022;**
- 2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy, and:**

Mudgee Show Society	5,000
Australian Rural Education Centre Co-op Ltd	5,000
CWA Mudgee	5,000
Anglican Church of Rylstone and Kandos	1,500
Riding for the Disabled Association NSW Mudgee Centre	20,000
Gulgong Show Society	3,000
Rylstone, Ilford-Running stream & Kandos CWA	2,500
Arts Out West Inc (Auspikor)	3,000
Rylstone-Kandos Show Society Inc	5,000

Rotary Club of Mudgee Inc. and Rotary Club of Mudgee Sunrise Inc.	\$1,634.18
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3. **decline to provide financial assistance to the following applicants, for the reasons provided in the report:**

- **Gulgong Golf Club**

The motion was carried with the Councillors voting unanimously.

- 9.2 NAMING OF NEW STREETS IN A SUBDIVISION OFF SPRING FLAT ROAD, BURRUNDULLA
GOV400098, P26371, R0790041, DA0154/2020

43/22 MOTION: Shelley / Karavas

That Council:

1. **receive the report by the Property Support Officer on the naming of new streets in a subdivision off Spring Flat Road, Burrundulla; and**
2. **formally approve the names of Polo Crescent and Goodman Road.**

The motion was carried with the Councillors voting unanimously.

- 9.3 NAMING OF A NEW ROAD IN A SUBDIVISION OFF WILBETREE ROAD, MENAH
GOV400098, P11946, R0790041, DA0225/2020

44/22 MOTION: Shelley / Karavas

That Council:

1. **receive the report by the Property Support Officer on the naming of a new road in a subdivision off Wilbetree Road, Menah; and**
2. **formally approve the name of Sallarges Lane.**

The motion was carried with the Councillors voting unanimously.

- 9.4 QUARTERLY BUDGET REVIEW - DECEMBER 2021
GOV400098, FIN300240, GOV400098

45/22 MOTION: Shelley / Karavas

That Council:

1. receive the report by the Financial Planning Coordinator on the Quarterly Budget Review - December 2021;
2. amend the 2021/22 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report;
3. amend the 2021/22 Budget for the Cudgegong Waters Caravan Park House project by \$35k to be funded from unrestricted cash; and
4. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.

The motion was carried with the Councillors voting unanimously.

9.5 MONTHLY BUDGET REVIEW - JANUARY 2022

GOV400098, FIN300315, GOV400098

46/22 MOTION: Shelley / Karavas

That Council receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review for January 2022.

The motion was carried with the Councillors voting unanimously.

9.6 MONTHLY STATEMENT OF INVESTMENTS AS AT 31
JANUARY 2022

GOV400098, FIN300053, GOV400098

47/22 MOTION: Shelley / Karavas

That Council:

1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 31 January 2022; and
2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

9.7 THE COMMON LOOKOUT VALUATION

GOV400098, 26419

48/22 MOTION: Shelley / Karavas

That Council:

1. receive the report by the Chief Financial Officer on the Common Lookout Valuation; and
2. note the valuation result.

The motion was carried with the Councillors voting unanimously.

9.8 COUNCIL SERVICE DELIVERY BENCHMARKING REPORT -
2019/20 DATA COMPARATIVES

GOV400098, FIN300163

49/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Chief Financial Officer on the Council Service Delivery Benchmarking Report - 2019/20 Data Comparatives; and
2. note the comparative analysis provided in the OLG Mid-Western Regional Council Report.

The motion was carried with the Councillors voting unanimously.

9.9 POLICY REVIEW - PROCUREMENT POLICY

GOV400098, GOV400047, GOV400098

50/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Chief Financial Officer on the Policy Review - Procurement Policy;
2. place the revised Procurement Policy on public exhibition for 28 days; and
3. adopt the revised Procurement Policy if no submissions are received.

The motion was carried with the Councillors voting unanimously.

9.10 CONTRACTOR MANAGEMENT POLICY REVIEW

GOV400098, COR4000019, GOV400098

51/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Chief Financial Officer on the Contractor Management Policy Review;
2. note the submissions received on the Contractor Management Policy.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations**10.1 ACCEPTANCE OF PREPARING AUSTRALIAN COMMUNITIES FUNDING IF SUCCESSFUL**

GOV400098, GRA600015, GOV400098

52/22**MOTION: Shelley / Karavas****That Council:**

1. receive the report by the Manager - Infrastructure Planning on the acceptance of Preparing Australian Communities - Local Stream funding if successful in application;
2. accept up to \$88,110 in funding from the Australian Government's Preparing Australian Communities funding stream;
3. allocate the following Budgets for a resilience expo, funded by grant funding, as follows:
 - 3.1 amend the 2021/22 Budget to allocate \$10,000;
 - 3.2 amend the 2022/23 Budget to allocate \$78,810; and
4. authorise the General Manager to finalise and sign the funding agreement.

The motion was carried with the Councillors voting unanimously.

Item 11: Community**11.1 CHANGES TO COMMONWEALTH HOME SUPPORT PROGRAM**

GOV400098, COS300025, COS300013

53/22**MOTION: Shelley / Karavas****That Council receive the report by the Manager, Community & Cultural**

Services on the Changes to Commonwealth Home Support Program.

The motion was carried with the Councillors voting unanimously.

11.2 NAMING OF 70 COURT STREET MUDGEES

GOV400098, P1122711

54/22 MOTION: Shelley / Karavas**That Council:**

- 1. receive the report by the Director Community on the Naming of 70 Court Street Mudgee; and**
- 2. endorse Kildallon Education Centre as the name for the former TAFE site at 70 Court Street Mudgee.**

The motion was carried with the Councillors voting unanimously.

11.3 CHILDREN AND VULNERABLE PEOPLE POLICY

GOV400098, COS300011, COS300043, COS300797

55/22 MOTION: Shelley / Karavas**That Council:**

- 1. receive the report by the Manager, Community & Cultural Services on the Children and Vulnerable People Policy;**
- 2. place the Children and Vulnerable People Policy on public exhibition for 28 days; and**
- 3. adopt the policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

11.4 KANDOS AND RYLSTONE OFF-LEASH DOG PARK

GOV400098, F0650139, F0650146

56/22 MOTION: Shelley / Karavas**That Council:**

- 1. receive the report by the Manager - Recreation Services on the Kandos and Rylstone Off-Leash Dog Park;**
- 2. endorse the Kandos Off-Leash Dog Park to be constructed at Darton Park, Kandos appended as Attachment 1 to this**

Report; and

3. **endorse the Rylstone Off-Leash Dog park to be constructed at the Rylstone Showground appended as Attachment 2 to this report.**

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees**12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES 26 NOVEMBER 2021**

GOV400098, COR400236, GOV400098

57/22 MOTION: Shelley / Karavas**That Council:**

1. **receive the report by the Executive Manager, People and Performance on the Audit Risk and Improvement Committee Minutes 26 November 2021; and**
2. **endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 26 November 2021.**

The motion was carried with the Councillors voting unanimously.

12.2 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - NOVEMBER AND DECEMBER 2021

GOV400098, A0100009, GOV400098

58/22 MOTION: Shelley / Karavas

That Council receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - November and December 2021.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice**59/22 MOTION: Shelley / Stoddart**

That Council accept item 13.1 Acceptance of Funding – NSW Government Regional Events Acceleration Fund, as Urgent Business Without Notice.

The motion was carried with the Councillors voting unanimously.

13.1 ACCEPTANCE OF FUNDING – NSW GOVERNMENT
REGIONAL EVENTS ACCELERATION FUND

GOV400098, GRA600048

60/22 MOTION: Shelley / Palmer

That Council:

1. receive the report by the General Manager on the 0;
2. if successful, accept \$150,000 in grant funding from the NSW Government Regional Events Acceleration Fund;
3. if successful, amend the 2021/22 budget to increase grant funding by \$150,000 and increase expenditure by \$150,000; and
4. if successful, authorise the General Manager to finalise and sign the funding agreement with the NSW Government.

Item 14: Confidential Session

61/22 MOTION: Paine / Thompson

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.

14.1 General Manager's Performance Agreement 2021-2022: 6 Monthly Review

The reason for dealing with this report 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.

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 the General Manager.

14.2 Enterprise Resource Planning System Upgrades

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it 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 discussion around commercial information provided by Council's ERP supplier.

14.3 FlyPelican Regional Service Subsidy

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it 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 FlyPelican's business operations and financial position.

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.

14.1 GENERAL MANAGER'S PERFORMANCE AGREEMENT 2021-2022: 6 MONTHLY REVIEW

GOV400098, A0381418, GOV400098

62/22 MOTION: Shelley / Paine

That Council receive the report by the Executive Manager, People and Performance on the General Manager's Performance Agreement 2021-2022.

The motion was carried with the Councillors voting unanimously.

14.2 ENTERPRISE RESOURCE PLANNING SYSTEM UPGRADES

GOV400098, A000000

63/22 MOTION: Paine / Dicker**That Council:**

- 1. receive the report by the Chief Financial Officer on the Enterprise Resource Planning System Upgrades;**
- 2. upgrade Council's Enterprise Resource Planning System from on-premise to Software as a Solution;**
- 3. amend the 2022/23, 2023/24 and 2024/25 budgets to increase the ICT software and licensing budget by \$290,000 per annum, to be funded from unrestricted cash; and**
- 4. approve an exemption from tender, in accordance with Section 55(3)(I) of the Local Government Act 1993, for the upgrade of the existing ERP from on-premise to software**

as a solution based on the fact that Technology One are the only provider that can upgrade our existing data without reimplementation.

The motion was carried with the Councillors voting unanimously.

14.3 FLYPELICAN REGIONAL SERVICE SUBSIDY

GOV400098, ECO0800028

64/22

MOTION: Stoddart / Shelley

That Council:

1. receive the report by the Director Development on the FlyPelican Regional Service Subsidy;
2. approve the request from FlyPelican to postpone the commencement of a 6 week ramp-up schedule on the Mudgee to Sydney air service to a more suitable time prior to 30 June 2022 given the ongoing COVID-19 situation utilising funds already allocated for this purpose; and
3. approve the request from FlyPelican to extend the current subsidy for 1 return flight per week beyond 31 December 2021 until the balance of funds already allocated for this purpose has been exhausted.

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

65/22

MOTION: Thompson / Palmer

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 5.51pm.