

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 18 October 2023, commencing at 5.38pm and concluding at 6.04pm.

PRESENT Cr D Kennedy, Cr S Paine, 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), Director Corporate Services (Leonie Van Oosterum), Manager Customer Services and Governance (Richard Cushway) and Executive Assistant (Mette Sutton).

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

There were no apologies.

Item 2: Disclosure of Interest

Cr Thompson declared a significant non-pecuniary conflict of interest in item 15.1 as he is the Chairman of the Red Hill Committee.

Item 3: Confirmation of Minutes

239/23 MOTION: Shelley / Cavalier

That the Minutes of the Ordinary Meeting held on 20 September 2023 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

240/23 MOTION: Shelley / Cavalier

That the Minutes of the Extraordinary Meeting held on 27 September 2023 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Nil



Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 ULAN AND COPE ROAD SAFETY - RUMBLE STRIPS
GOV400103, GOV400022

241/23 **MOTION: Shelley / Palmer**

That Council receive a report detailing costings and investigate opportunities for funding to install rumble strips along Ulan and Cope Roads for enhanced safety measures.

The motion was carried with the Councillors voting unanimously.

The Mayor tabled the Disclosure of Pecuniary Interest and other matters 1 July 2022 to 30 June 2023 for Councillors and Senior Staff.

Item 7: Office of the General Manager

7.1 CONFIRMATION OF APPOINTMENT OF COUNCILLOR
REPRESENTATIVES TO THE REGIONAL PLANNING PANEL
GOV400103, A0110015

242/23 **MOTION: Cavalier / Stoddart**

That Council:

1. **receive the report by the Director Community on the Confirmation of Appointment of Councillor Representatives to the Regional Planning Panel; and**
2. **confirm the appointment of Councillor Dicker and Councillor Shelley as representatives on the Regional Planning Panel for the remainder of the Council term.**

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 MUDGE AND GULGONG URBAN RELEASE STRATEGY
UPDATE - POST EXHIBITION
GOV400103, LAN900145

243/23 **MOTION: Cavalier / Palmer**

That Council:

1. **receive the report by the Manager Strategic Planning on the**



Mudgee and Gulgong Urban Release Strategy Update - Post Exhibition; and

2. **adopt the Mudgee and Gulgong Urban Release Strategy 2023 Update.**

The motion was carried with the Councillors voting unanimously.

8.2 2023-24 LOCAL HERITAGE GRANT ALLOCATION

GOV400103, GOV400087, GRA600055

244/23**MOTION: Cavalier / Thompson****That Council:**

1. **receive the report by the Manager Strategic Planning on the 2023-24 Local Heritage Grant Allocation; and**
2. **provide a Local Heritage Grant to the following projects:**
 - a) **\$4,375 for repair of stained glass window at Rylstone Anglican Church 45 Mudgee Street, Rylstone;**
 - b) **\$2,200 towards replacing roof guttering only at 45 Medley Street, Gulgong;**
 - c) **\$2,200 towards replacing the roof at 86 Medley Street, Gulgong; and**
 - d) **\$2,200 towards replacing roof at Gold and Fleece Hotel, 1883 Windeyer Road, Windeyer.**

The motion was carried with the Councillors voting unanimously.

8.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400103, A0420109

245/23**MOTION: Cavalier / Dicker****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: Corporate Services**9.1 MONTHLY STATEMENT OF INVESTMENTS AS AT 30 SEPTEMBER 2023**

GOV400103, FIN300053



Mayor

General Manager

246/23 **MOTION:** Cavalier / Palmer

That Council:

1. receive the report by the Chief Financial Officer on the Monthly Statement of Investments as at 30 September 2023; and
2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

9.2 MONTHLY BUDGET REVIEW - SEPTEMBER 2023

GOV400103, FIN300315

247/23 **MOTION:** Cavalier / Palmer

That Council:

1. receive the report by the Financial Planning Co-Ordinator on the Monthly Budget Review - September 2023; and
2. amend the 2023/24 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

The motion was carried with the Councillors voting unanimously.

9.3 GRANTS COMMISSION FINANCIAL ASSISTANCE GRANT
2023-24

GOV400103, GRA600041

248/23 **MOTION:** Cavalier / Paine

That Council:

1. receive the report by the Financial Planning Co-Ordinator on the Grants Commission Financial Assistance Grant 2023-24;
2. note the correspondence received from the Local Government Grants Commission attached to this report;
3. amend the 2023/24 Budget to recognise a transfer from other internal restrictions due to the advance payment of part of the 2023/24 financial assistance grant being a general purpose component of \$5,227,865 and local roads component of \$3,085,479 and offset with an equal amount of reduction in grant income;



4. amend the 2023/24 Budget to increase grant income for the general purpose component by \$673,734 and the roads component by \$328,303; and
5. amend the 2023/24 Budget to increase the Rural Sealed Extension program budget expenditure by the increased roads component grant amount of \$328,303, with the balance of funds to increase General Fund unrestricted cash by \$673,734.

The motion was carried with the Councillors voting unanimously.

9.4 COMMUNITY GRANTS PROGRAM - OCTOBER 2023
GOV400103, GRA600009

249/23 MOTION: Shelley / Palmer

That Council:

1. receive the report by the Acting Financial Planning Co-ordinator on the Community Grants Program - October 2023;
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:

Mudgee Historical Society Inc.	\$1,000
Lions Club of Mudgee Inc.	\$ 2,500
Kandos Rylstone Men's Shed Inc.	\$ 1,231
Mudgee Gulgong Wolves FC Inc.	\$ 500

3. not provide financial assistance to the following applicants for the reason provided in the report:

Mudgee Region Rail Inc.	\$ 10,000
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The motion was carried with the Councillors voting unanimously.

9.5 RFT 2023-20 - SUPPLY OF QUARRY PRODUCTS
GOV400103, COR400618

250/23 MOTION: Cavalier / Thompson

That Council:

1. receive the report by the Procurement Officer on the RFT 2023-20 - Supply of Quarry Products;
2. accept the following tenderers for Tender RFT 2023-20 for the provision of Supply of Quarry Products in accordance with Clause 178 of the Local Government (General)



Mayor



General Manager

Regulations 2005 – Part 7 Tendering, for the appointment to a Pre-Qualified Panel:

- Hunter Blue Metal Pty Ltd;
 - Kandos Operations Pty Ltd;
 - Mudgee Dolomite & Lime;
 - Regional Quarries Australia Pty Ltd; and
 - Ulan Quarry.
3. **accept the commencement date is 1st November 2023 and expiry is 31st October 2025;**
 4. **provision be allowed for a two (2) year extension and that the extension will only be executed based on service provider performance which may take this contract to 31st October 2027;**
 5. **delegate authority to Procurement Officer or their nominated Council representative to notify suppliers of their submission outcome;**
 6. **delegate the authority to the Manager Procurement & Fleet to accept Boral Resources (Country) Pty Ltd for Tender RFT 2023-20 for the provision of Supply of Quarry Products in accordance with Clause 178 of the Local Government (General) Regulations 2005 – Part 7 Tendering, for the appointment to the Pre-Qualified Panel upon receipt of the executed Panel Deed; and**
 7. **delegate the authority to the Manager Procurement & Fleet to accept additional suppliers seeking inclusion to the Tender 2023-20 for the provision of Supply of Quarry Products during the term of the contract.**

The motion was carried with the Councillors voting unanimously.

9.6 EXEMPTION FROM TENDER - PROCUREMENT AND CONTRACT MANAGEMENT SYSTEM

GOV400103, COR400678

251/23 MOTION: Cavalier / Paine

That Council:

1. **receive the report by the Manager Procurement and Fleet on the Exemption from Tender - Supply of a Procurement & Contract Management System;**
2. **approve an exemption from tender, in accordance with Section 55 (3) (i) of the Local Government Act 1993 for the supply of a procurement and contract management system and system support for a period of five (5) years; noting**



Mayor



General Manager

- that due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - 3.1 Council has invested a significant amount of budget and resources constructing the Portt system over the last three years, therefore going to market would not be the best 'value for money' for the community as works to date would need to be repeated and the process recommenced; and
 - 3.2 The implementation has taken three years, this exemption permits Council to continue with the selected organisation directly;
 4. accept Single Cell Mobile Consulting Pty Ltd t/a Portt (Portt) as the approved supplier for the Procurement & Contract Management System being a software as a service arrangement for a term of three (3) years with two (2) x one (1) year extension options, therefore a potential five (5) year contract period;
 5. accept the value for first three years of this Contract to be \$159,588 excluding GST, and including an agreed indexation;
 6. delegate authority to the Manager Procurement & Fleet to endorse or decline any extension period, noting that should the two years be endorsed the value of these extension periods would equate to an additional \$124,448 excluding GST, and including an agreed indexation – a total contract value of \$284,036;
 7. delegate authority to the Manager Procurement & Fleet to vary the Contract to a cumulative value of 10% of the total contract value should additional modules be identified and within budget; and
 8. delegate authority to the General Manager or their delegate to amend budgets as required should the recommendation be endorsed.

The motion was carried with the Councillors voting unanimously.

9.7 NAMING OF A BRIDGE ON BURRENDONG DAM ROAD
OVER MEROO CREEK, YARRABIN

GOV400103, ROA100071

252/23

MOTION: Shelley / Thompson

That Council:



Mayor



General Manager

1. receive the report by the Revenue Officer on the naming of a bridge on Burrendong Dam Road, over Meroo Creek, Yarrabin;
2. formally approve the name of Flynn Bridge; and
3. advertise approved name and submit name to Government Gazette.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

Nil

Item 11: Community

11.1 COMMUNITY & CULTURAL SERVICES QUARTERLY UPDATE
- JULY TO SEPTEMBER 2023

GOV400103, COS300010

253/23 MOTION: Cavalier / Karavas

That Council:

1. receive the report by the Director Community on the Community & Cultural Services Quarterly Update - July to September 2023; and
2. note the recent services provided and activities coordinated by Council's Community & Cultural Services Team.

The motion was carried with the Councillors voting unanimously.

11.2 MUDGEE CENTRE OF EXCELLENCE TRAINING FACILITY
PROGRESS REPORT

GOV400103, FIN300368

254/23 MOTION: Cavalier / Palmer

That Council:

1. receive and note the report by the Director Community on the Mudgee Centre of Excellence Training Facility Progress Report; and
2. provide an additional \$3,000,000 in funding in the 2024/25 year for the Mudgee Centre of Excellence Training Facility



Project to be funded from unrestricted cash.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

11.3 POLICY REVIEW - CAMERA SURVEILLANCE

GOV400103, GOV400047

255/23

MOTION: Thompson / Dicker**That Council:**

1. receive the report by the Governance Co-ordinator on the Policy Review - Camera Surveillance;
2. place the draft Camera Surveillance policy on public exhibition for 28 days; and
3. adopt the Camera Surveillance policy if no submissions are received through the public exhibition process.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

Nil

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

Cr Thompson declared a significant non-pecuniary conflict of interest in item 15.1 as he is the Chairman of the Red Hill Committee. He left the room at 5.48pm, and did not participate in discussion or vote on the following matters. Cr Thompson did not return to the meeting.

256/23

MOTION Cavalier / Palmer**That pursuant to the provisions of Section 10 of the Local**


Mayor



General Manager

Government Act, 1993, the meeting be closed to the public.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	

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 they were being dealt with in this way.

Item 15: Urgent Confidential Business Without Notice

257/23

MOTION: Cavalier / Palmer

That Council accept item 15.1 Red Hill Reserve Working Party as Urgent Confidential Business Without Notice.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	

15.1 Red Hill Reserve Working Party

The reason for dealing with this report confidentially is that it relates to alleged contraventions of any code of conduct requirements applicable under section 440 in accordance with Section 10A(2)(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 alleged contraventions of any code of conduct requirements applicable under section 440.

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

15.1 RED HILL RESERVE WORKING PARTY

GOV400103, A0190002



Mayor



General Manager

258/23

MOTION: Cavalier / Palmer**That Council:**

1. receive the report by the Director Community on the Red Hill Reserve Working Party; and
2. dissolve the Red Hill Reserve Working Party and inform Committee members of this decision.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	

259/23

MOTION: Cavalier / Palmer

That Council accept item 15.2 Gulgong Natural History Museum Project as Urgent Confidential Business Without Notice.

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

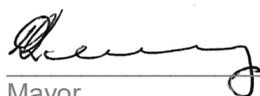
Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	

15.2 Gulgong Natural History Museum Project

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 (2) (d) (i) of the Local Government Act, 1993.

15.2 GULGONG NATURAL HISTORY MUSUEM PROJECT

GOV400103, FIN300410



Mayor



General Manager

260/23

MOTION: Cavalier / Paine**That Council:**

1. note the communication from Michael Durrant advising of his withdrawal from the Gulgong Natural History Museum project;
2. resolve to discontinue work on the Gulgong Natural History Museum project; and
3. advise the funding body and the community of this decision.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas		✓
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	

Item16:**Open Council**

261/23

MOTION: Cavalier / Palmer**That Council move to Open Council.**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	

The General Manager announced the decisions taken in Confidential Session.

Item17: Closure

There being no further business the meeting concluded at 6.04pm.



Mayor



General Manager