

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 16 March 2022, commencing at 6.06pm and concluding at 6.40pm.

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 (by phone).

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Julie Robertson), Executive Manager People and Performance (Michele George), Acting Chief Financial Officer (Neil Bungate), Manager Customer Services & 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

Councillor D Kennedy declared a significant non-pecuniary conflict of interest in item 14.2 as he is the interim chair of MRT.

Item 3: Confirmation of Minutes

66/22 MOTION: Shelley / Paine

That the Minutes of the Ordinary Meeting held on 16 February 2022 be taken as read and confirmed with the following amendment:

That item 13.1, be amended to read:

1. receive the report by the General Manager on the Acceptance of Funding – NSW Government Regional Events Acceleration Fund.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Mudgee Lookout at Caerleon Estate

67/22 MOTION: Shelley / Cavalier

That Resolution no.284/21 from the Ordinary meeting of 15/09/2021 in

regard to the Mudgee Lookout at Caerleon Estate be noted as complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 PEOPLES PARK GULGONG

GOV400098, F0650126

MOTION: Thompson / Cavalier

That Council support providing funding for a community garden and public amenities at the Peoples Park in Gulgong.

The motion was put and lost 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	✓	

6.2 WEED CONTROL SURROUNDING WINDAMERE DAM

GOV400098, A0100035

MOTION Thompson /

That Council contact the NSW Minister for Lands and Water to request better weed control of noxious weeds including blackberry and serrated tussock on State Land surrounding the Windamere Dam.

That motion was lost for want of a seconder.

6.3 REQUEST FOR ADDITIONAL STATE GOVERNMENT FUNDING FOR WEED CONTROL

GOV400098, A0100035

68/22 MOTION: Thompson / Shelley

That Council request the State Government increase funding to Councils for weed control in local government areas.

The motion was carried with the Councillors voting unanimously.

Item 7: Office of the General Manager

The following recommendations (item 7.1 to item 7.3) 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. 69/22 and concluding at Resolution No. 71/22.

7.1 PAYMENT OF SUPERANNUATION CONTRIBUTIONS FOR COUNCILLORS

GOV400098, GOV400006

69/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Governance Coordinator on the Payment of Superannuation Contributions for Councillors; and**
- 2. commence making a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a Councillor starting from the financial year commencing 1 July 2022.**

The motion was carried with the Councillors voting unanimously.

7.2 INTERNAL AUDIT POLICY REVIEW

GOV400098, COR400236, GOV400098

70/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Executive Manager, People and Performance on the Internal Audit Policy Review; and**
- 2. adopt the Internal Audit Policy.**

The motion was carried with the Councillors voting unanimously.

7.3 COUNCIL ADVISORY COMMITTEES

GOV400098, A0100024, A0100034

71/22 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Community on the Council Advisory Committees;
2. endorse Chris Hannaford, Pauline Hannaford, Cheryl Vassel, Charles Vassel, Toni Morrison and Peta Stamford to be members of the Gulgong Memorial Hall Committee;
3. endorse Victoria Barrett, Les Leighton, Rodger Barnes, Pamela Morris and Kerrie Edwards to be members of the Mid-Western Regional Access Committee; and
4. endorse Michael Sweeney, John Bentley, John Wood and Andrew Stein to be community members of the Rail Committee.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

- 8.1 ME0016/2022 - PROPOSED MODIFICATION TO DA0011/2020 FOR INTENSIVE PLANT AGRICULTURE AT 80 KEMPS VALLEY ROAD, KAINS FLAT LOT 57 DP255534
GOV400098, ME0016/2022

72/22 MOTION: Shelley / Cavalier

That Council refuse modification ME0016/2022 due to concerns about the impact of traffic on the unsealed road during construction.

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

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

The following recommendations (item 8.2 to item 11.4) 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. 73/22 and concluding at Resolution No. 88/22.

8.2 PLANNING PROPOSAL PUTTA BUCCA ROAD, LOT 2 DP
1252505

GOV400098, LAN900139, GOV400098

73/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager, Strategic Planning on the Planning Proposal Putta Bucca Road, Lot 2 DP 1252505 to rezone from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size and include a buffer and corresponding clause or similar to restrict and ensure future land uses consider odour;
2. provide initial support for a Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and
3. undertake community consultation as outlined within any approved Gateway Determination.

The motion was carried with the Councillors voting unanimously.

8.3 REVIEW OF THE RYLSTONE STREET STUDY 2021

GOV400098, GRA600011

74/22

MOTION: Shelley / Cavalier

That Council receive and note the Review of the Rylstone Street Study 2021.

The motion was carried with the Councillors voting unanimously.

8.5 EMPLOYMENT ZONES REFORM

GOV400098, lan900010

75/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager, Strategic Planning on the Employment Zones Reform; and
2. endorse the Return Translation Detail for the employment zones land use tables and pond-based aquaculture, tank-based aquaculture & local distribution premises land use permissibility.

The motion was carried with the Councillors voting unanimously.

8.6 DRAFT STANDARD INSTRUMENT LOCAL ENVIRONMENTAL
PLAN AGRITOURISM AMENDMENT ORDER
GOV400098, LAN900033

76/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager, Strategic Planning on the Draft Standard Instrument Local Environmental Plan Agritourism Amendment Order;
2. endorse the following 'farm stay accommodation' and 'farm gate premises' clauses to be inserted into the Mid-Western Regional Local Environmental Plan 2012:

Farm Stay Accommodation:

(1) The objectives of this clause are—

- a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
- b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
- c) to cluster the location of buildings to be used for farm stay accommodation to maintain the principal use of the land for primary production.

(2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—

- a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than

the greater of —

- i. 3 times the number of bedrooms permitted under clause 5.4(5), or**
- ii. 20 guests, and**
- b) the gross floor area of a building used to accommodate guests will not be more than 75 square metres, and**
- c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than 8 at any 1 time, and**
- d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than 4, and**
- e) all buildings or moveable dwellings used to accommodate guests will be—**
 - i. on the same lot as an existing lawful dwelling house, or**
 - ii. on a lot—**
 - A. for which a minimum size is shown for a dwelling house on the Lot Size Map, and**
 - B. the size of which is not less than the minimum size shown.**

(3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.

(4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—

- a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—**
 - i. residential accommodation,**
 - ii. primary production operations,**
 - iii. other land uses, and**
- b) whether the development will have significant adverse impact on the following on or near the**

land—

- i. the visual amenity, heritage or scenic values,
 - ii. native or significant flora or fauna,
 - iii. water quality,
 - iv. traffic,
 - v. the safety of persons, and
- c) whether the development is on bush fire prone land or flood prone land, and
 - d) the suitability of the land for the proposed development, and
 - e) the compatibility of the development with nearby land uses

Farm Gate Premises:

(1) The objectives of this clause are—

- a) to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and
- b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.

(2) Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—

- a) the gross floor area of a building used for farm gate premises will not be more than 200 square metres, and
- b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more 50 persons.

(3) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—

- a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
 - i. residential accommodation,
 - ii. primary production operations,
 - iii. other land uses, and
- b) whether the development will have significant adverse impact on the following on or near the land—
 - i. the visual amenity, heritage or scenic values,
 - ii. native or significant flora or fauna,
 - iii. water quality,
 - iv. traffic,
 - v. the safety of persons, and
- c) whether the development is on bush fire prone land or flood prone land, and
- d) the suitability of the land for the proposed development, and
- e) the compatibility of the development with nearby land uses.

The motion was carried with the Councillors voting unanimously.

8.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400098, A0420109, GOV400098

77/22

MOTION: Shelley / Cavalier

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 AMENDMENT TO DEED OF COMPULSORY ACQUISITION BY

AGREEMENT ULAN WOLLAR ROAD

GOV400098, Roa100367 & 25501

78/22

MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Manager Property and Revenue on the Amendment to Deed of Compulsory Acquisition by Agreement Ulan Wollar Road;
2. note that the acquisition of Lot 1 DP 1254551 and the acquisition process required to obtain this Lot was considered and resolved by Council on 15/9/2021 Minute No 271/21;
3. agree to the terms in the revised agreement being Deed of Compulsory Acquisition by Agreement and with the accompanying Plan of Lot 1 DP 1254551 to be acquired as appended as Attachments 4 and 3, respectively, to this Report and;
 - a) enter into this agreement with TfNSW and the ARTC as under s29 of the Land Acquisition (Just Terms Compensation) Act 1991;
4. authorise the General Manager and the Mayor, if required to do so, to execute all necessary documentation to effect the revised Deed of Compulsory Acquisition by Agreement as appended as Attachment 4 to this Report; and
5. require Peabody Pastoral Holdings P/L or Wilpinjong Coal P/L be responsible for all reasonable costs, including all legal and other out of pocket costs, incurred by Council in considering and preparing the revised Deed of Compulsory Acquisition by Agreement as appended as Attachment 4 to this Report.

The motion was carried with the Councillors voting unanimously.

9.3 DRAFT LONG TERM FINANCIAL PLAN 2021-2031

GOV400098, FIN300201, GOV400098

79/22

MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Acting Chief Financial Officer on the Draft Long Term Financial Plan 2021-2031;
2. endorse the draft Long Term Financial Plan 2021-20301 to

go on public exhibition for a period of 28 days;

3. request a report be returned to Council after the period of exhibition, if any submissions are received for consideration; and
4. if no submissions are received adopt the Long Term Financial Plan 2021-2031.

The motion was carried with the Councillors voting unanimously.

9.4 NAMING OF THREE NEW STREETS IN A SUBDIVISION OFF KNOX CRESCENT, CAERLEON

GOV400098, P26545, R0790063

80/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Property Support Officer on the naming of three new streets in a subdivision off Knox Crescent, Caerleon;
2. name Road 1 Moore Street, name Road 2 Margaret Lane and name Road 3 Orchard Court; and
3. approve the inclusion of Neil in Council's pre-approved names list.

The motion was carried with the Councillors voting unanimously.

9.5 MONTHLY BUDGET REVIEW - FEBRUARY 2022

GOV400098, FIN300315, GOV400098

81/22

MOTION: Shelley / Cavalier

That Council

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review for February 2022;
2. amend the 2021/22 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report; and
3. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the hire of a loader to replace Council's damaged

in an incident.

The motion was carried with the Councillors voting unanimously.

9.6 RFT 2021/50 - WET AND DRY PLANT HIRE TENDER
GOV400098, COR400468

82/22

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Procurement Officer on the RFT 2021/50 - Wet and Dry Plant Hire Tender;**
2. **accept the provision of Wet and Dry Plant Hire for 3 years, in accordance with Clause 178 of the Local Government (General) Regulation 2021:**
3. **delegate the authority to the Manager Procurement & Fleet to accept any additional suppliers seeking inclusion to the Tender 2021/50 for the provision of Wet and Dry Plant Hire during the term of the contract; and**
4. **adopt the following suppliers to provide services under RFT 2021/50 Wet and Dry Plant Hire:**
 - 1) **A1 Earthworx**
 - 2) **Adrian Ingram Plant Hire**
 - 3) **Agile Arbor Pty Limited**
 - 4) **Andrew Turner Excavations**
 - 5) **Bennetts Towing**
 - 6) **Cleanaway Co**
 - 7) **Coates Hire**
 - 8) **Comer Plant Hire**
 - 9) **Complete Crushing Services**
 - 10) **Conplant Pty Ltd**
 - 11) **Corey's Cleanup**
 - 12) **Cutting Edge Earthmoving & Excavations**
 - 13) **Ezyquip Hire**
 - 14) **Ice Earthmoving**
 - 15) **JA Rural**
 - 16) **Jackson's Haulage Gulgong**
 - 17) **JH & C Evans**

- 18) Kandos Operations
- 19) McWhelan Pty Ltd T/AS Vacsafe
- 20) Miskle Transport & Earthmoving
- 21) Mudgee Electronics Pty. Limited
- 22) Murkins Earthmoving
- 23) Orange Hire
- 24) P.J.L. Constructions Complete Mine Services
- 25) R & J Andrews Engineering Bobcat & Tipper Hire
- 26) Rollers Aust
- 27) Troy Kurtz
- 28) Ulan Water
- 29) Western Haulage

The motion was carried with the Councillors voting unanimously.

9.7 MONTHLY STATEMENT OF INVESTMENTS AS AT 28
FEBRUARY 2022

GOV400098, FIN300053, GOV400098

83/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 28 February 2022; and
2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

- 10.1 LAND PURCHASE FOR ROAD RESERVE - PART LOTS 200 DP871982, 1 DP1136687, 201 DP871982 & 43 DP47253 AND PROPOSED ACQUISITION OF CROWN LAND PART LOTS 42/45 DP47253, 7311 DP1129242 AND MACQUARIE RIVER RESERVE 56146 ULLAMALLA

GOV400098, ROA100462

84/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager - Infrastructure Planning and Manager Property and Revenue on the land purchase for road widening of existing registered road reserve servicing the location of the planned new bridge at Dixons Long Point, Ullamalla NSW;
2. resolve to purchase a total of approximately 3.8 ha of land from Lot 200 DP871982, Lot 1 DP1136687, Lot 201 DP871982 and Lot 43 DP47253 for the purpose of dedication as public road reserve by agreement with the Landowner at a sale price to be determined by appropriate independent valuation;
3. agree, at its own cost, to procure the appropriate independent valuation, preparation, lodgement and registration of appropriate subdivision plans giving effect to the transfer to road reserve and; as relevant, demolish the Landowners existing boundary fencing and gates and relocate to new property boundaries;
4. authorise the General Manager to finalise negotiations with the Landowner to effect the land purchase and subsequently enter into a Heads of Agreement with the Landowner to record the parties' agreement in respect to the terms on all relevant matters concerning the land purchase and the compensation to be paid;
5. authorise the General Manager to complete and execute all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road;
6. authorise the Mayor to execute all documentation, where additionally required to do so, in relation to effect the subdivision and land purchase for the purpose of the public road;
7. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road; and
8. receive further reports relating to the proposed road closures and the acquisition of Crown land as outlined in this Report in due course.
9. resolve to submit notification of proposed acquisition and then acquire by compulsory acquisition under s77 and S178 of the Roads Act 1993 (Roads Act) and Land Acquisition (Just Terms Compensation) Act 1991 NSW (Just Terms Act) a total of approximately 2.0 ha of Crown

land from Lot 7311 DP1129242, Lot 42 DP47253, Lot 45 DP47253 and the Macquarie River – Reserve 56146 – Beds of all Rivers for the purpose of construction the new bridge and dedication as public road reserve by a compulsory acquisition.

10. resolve to apply for Crown lands license for site investigation and road and bridge construction whilst the above notification process is underway.

The motion was carried with the Councillors voting unanimously.

Item 11: Community

11.1 COMMUNITY AND CULTURAL SERVICES - OCTOBER TO DECEMBER 2021 QUARTERLY REPORT

GOV400098, COS300010

85/22 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager, Community & Cultural Services on the Community and Cultural Services - October to December 2021 Quarterly Report; and
2. note the recent services provided and activities coordinated by Council's Community and Cultural Services Department.

The motion was carried with the Councillors voting unanimously.

11.2 GLEN WILLOW STAGE 2 PROGRESS UPDATE

GOV400098, COR400303, COR400277, COR400332, PAR300585, COR400273

86/22 MOTION: Shelley / Cavalier

That Council receive the report by the Director Community on the Glen Willow Stage 2 Progress Update.

The motion was carried with the Councillors voting unanimously.

11.3 MUDGEES ARTS PRECINCT PROGRESS UPDATE

GOV400098, COR400301, REC800038

87/22 MOTION: Shelley / Cavalier

That Council receive the report by the Director Community on the

Mudgee Arts Precinct Progress Update.

The motion was carried with the Councillors voting unanimously.

11.4 FLIRTATION HILL MUDGEE MASTERPLAN FOLLOWING PUBLIC EXHIBITION

GOV400098, GOV400088, F0650008

88/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager - Recreation Services on the Flirtation Hill Mudgee Masterplan following Public Exhibition;
2. note that no public submissions were received;
3. note the minor amendments made to the draft Master Plan at the request of the former Council; and
4. adopt the draft Flirtation Hill Mudgee Master Plan.

The motion was carried with the Councillors voting unanimously.

8.4 STREETScape GUIDE FOR GULGONG, KANDOS, MUDGEE & RYLSTONE

GOV400098, LAN900114

89/22

MOTION Shelley / Paine

That Council:

1. receive and note the Streetscape Guide for Gulgong, Kandos, Mudgee and Rylstone; and
2. place the Streetscape Guide for Gulgong, Kandos, Mudgee and Rylstone on public exhibition for 28 days for comment.

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	✓	

9.2 MUDGEE AERO CLUB LEASE REQUEST

GOV400098, F0470002

90/22

MOTION Cavalier / Shelley

That Council:

1. receive the report by the Property Co-ordinator on the Mudgee Aero Club Lease Request;
2. acknowledge the key objectives of the Mudgee Regional Airport Master Plan 2015, as Attachment 3, and only consider commercial lease applications in respect to the South East Development Zone identified as Lots 1-13 DP1271269 at Mudgee Airport;
3. accept the rental valuation determination for Lots 1-13 by City Valuers as at 11 October 2021, as per Confidential Attachment;
4. note that authority has been previously approved for the General Manager to negotiate the rental amounts for no more than 10% less than the rental valuation for all 13 lots;
5. not approve the proposed lease of Lot 2 DP1271269 to the Mudgee Aero Club as they do not meet the criteria for commercial development; and
6. note that under the Mudgee Regional Airport Masterplan 2015 there may be future release of land at the airport that may be a better fit for not-for-profit groups such as the Mudgee Aero Club; and
7. organise a meeting between the Mudgee Aero Club, the General Manager, Mayor and any Councillors that wish to attend, to discuss specific issues that relate to the Mudgee Aero Club request.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - FEBRUARY 2022

GOV400098, A0100009, GOV400098

91/22

MOTION: Shelley / Dicker

That Council receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - February 2022.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

92/22 MOTION: Paine / Palmer

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 Westview Drive In Expression Of Interest

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 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 the public interest as it involves discussion of 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 Westview Drive In's business operations and financial position.

14.2 Tourism Services and Regional Marketing Service Contract

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 the Delivery of Tourism Services.

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 WESTVIEW DRIVE IN EXPRESSION OF INTEREST

GOV400098, ECO800015

93/22

MOTION: Paine / Palmer**That Council:**

1. receive the report by the Manager Economic Development on the Westview Drive In Expression Of Interest ; and
2. note the information provided by the owner of Westview Drive In and the advice that the infrastructure has been sold.

The motion was carried with the Councillors voting unanimously.

Cr Kennedy declared a significant non-pecuniary conflict of interest in item 14.2 as he is the interim chair of MRT, he left the meeting at 6:37pm and did not vote or participate in discussion in relation to this matter.

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

14.2 TOURISM SERVICES AND REGIONAL MARKETING SERVICE CONTRACT

GOV400098, COR400472

94/22

MOTION: Stoddart / Shelley**That Council:**

1. receive the report by the Acting Chief Financial Officer on the Tourism Services and Regional Marketing Service Contract;
2. note the information in the report detailing the alternate cost of providing Tourism Services and Regional Marketing internally;
3. approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the delivery of Tourism Services and Regional Marketing, noting that due to the unavailability of competitive or reliable tenderers, a satisfactory result would not be achieved by inviting tenders;
4. note the reasons why a satisfactory result would not be achieved by inviting tenders are:
 - a) the market has already been tested appropriately via an expression on interest and no viable proposals

were received, and therefore there is no benefit in revisiting as a tender;

5. note the further information provided by Mudgee Region Tourism Incorporated regarding the delivery of Tourism Services and Regional Marketing in response to the Resolution (Min 38/22) authorising the General Manager to enter into negotiations with Mudgee Region Tourism;
6. amend the 2022/23, 2023/24 and 2024/25 budget for the delivery of Tourism Services to increase expenditure by \$122,000 funded from unrestricted cash;
7. accept the offer from Mudgee Region Tourism Incorporated for the delivery of Tourism Services and Regional Marketing for the price of \$760,000 excluding GST; and
8. delegate authority to the General Manager to finalise the contract and approve variations to an accumulative total of +/-5% of the finalised contract sum.

The motion was carried with the Councillors voting unanimously.

Councillor Kennedy returned to the Chambers at 6:38pm and continued to Chair the meeting.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

95/22 MOTION: Dicker / Thompson

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 6.40pm.