

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 15 May 2024, commencing at 5.49pm and concluding at 6.15pm.

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

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Alina Azar), Director Operations (Julian Geddes), Acting Director Corporate Services (Kristie Ward), Chief Financial Officer (Neil Bungate), Executive Assistant (Mette Sutton) and Executive Administration Assistant (Jen Marsden).

## 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

Apologies were received for Cr P Cavalier and Cr P Shelley.

88/24 MOTION: Palmer / Thompson

That the apologies received for Cr P Cavalier and Cr P Shelly be accepted.

*The motion was carried with the Councillors voting unanimously.*

### Item 2: Disclosure of Interest

Councillor Dicker declared a significant non-pecuniary conflict of interest in item 11.1 as she has a personal association with the recommended independent committee member.

### Item 3: Confirmation of Minutes

89/24 MOTION: Paine / Dicker

That the Minutes of the Ordinary Meeting held on 17 April 2024 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 UPDATE ON MUDGEES ADMINISTRATION BUILDING UPGRADE**

GOV400105, A0160001

**90/24 MOTION: Thompson / Paine**

**That Council and the community receive an update from the General Manager on the progress of the Mudgee Administration Building upgrade.**

*The motion was carried with the Councillors voting unanimously.*

The General Manager provided a verbal update, noting that Council had previously supported the further development of the concept plans for the Mudgee Administration Building Upgrade and that the development application has not yet been submitted. It was also noted that Council has not approved a budget for any future building works.

**Item 7: Office of the General Manager**

Nil

**Item 8: Development****8.1 DRAFT EMPLOYMENT LANDS STRATEGY (INDUSTRIAL) 2024**

GOV400105, LAN900156

**91/24 MOTION: Palmer / Paine****That Council:**

- 1. receive the report by the Manager Strategic Planning on the Draft Employment Lands Strategy (Industrial) 2024;**
- 2. note the recommendation of the Draft Employment Lands Strategy (Industrial) 2024 to update the Town Structure Plans Figure 3-1, Mudgee, Figure 3-2 Gulgong, Figure 3-3 Rylstone, and Figure 3-4 Kandos as contained in the Mid-Western Regional Comprehensive Land Use Strategy, Part C Strategy 2010;**
- 3. place the Draft Employment Lands Strategy (Industrial) 2024 on public exhibition for a period of 28 days; and**

4. 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 Draft Employment Lands Strategy (Industrial) 2024.

*The motion was carried with the Councillors voting unanimously.*

## 8.2 EVENTS ASSISTANCE APPLICATIONS

GOV400105, ECO800009, FIN300052

92/24

**MOTION: Stoddart / Thompson**

**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 late applicants (includes cash and in-kind amounts) for period 2 in 2023/24:

Period 2 - 1 January to 30 June	2023/24
• Western Premier League Magic Round	\$1,400
• Henry Lawson Festival	\$2,500

3. increase the expenditure budget in 2023/24 for events assistance by \$3,525 to be funded from unrestricted cash; and
4. provide multi-year Events Assistance funding to the below applicants (includes cash and in-kind amounts) for period 1 and period 2 in 2024/25, 2025/26 and 2026/27:

	2024/25		2025/26		2026/27
	Period 1	Period 2	Period 1	Period 2	Period 1
Sculptures in the Garden	\$3,000		\$3,000		\$3,000
Cementa	\$2,500		\$0.00		\$2,500
Mudgee Show Jumping	\$2,500		\$2,500		\$2,500
Mudgee Rodeo	\$3,000		\$3,000		\$3,000
Mudgee Vet's Golf Week	\$1,000		\$1,000		\$1,000
Western Premier League Magic Round		\$1,400		\$1,400	
Henry Lawson Festival		\$2,500		\$2,500	

*The motion was carried with the Councillors voting unanimously.*

### 8.3 ACCEPTANCE OF GRANT FUNDING FOR THE WELCOME EXPERIENCE

GOV400105, GRA600020

93/24

**MOTION: Karavas / Dicker****That Council:**

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding for The Welcome Experience;
2. if successful, accept \$609,000 grant funding from RDA Orana for the Welcome Experience local connector concierge service over a two year period;
3. if successful, amend the 2023/24 and 2024/25 budgets as follows:
  - 3.1 In 2023/24 set a budget of \$60,900 for the commencement of the Welcome Experience project to be fully funded by grants;
  - 3.2 In 2024/25 set a budget of \$274,050 for the execution of the Welcome Experience project year 1 to be fully funded by grants;
  - 3.3 In 2025/26 set a budget of \$274,050 for the execution of the Welcome Experience project year 2 to be fully funded by grants; and
4. authorise the Director Community to finalise and sign the funding agreement.

*The motion was carried with the Councillors voting unanimously.*

### 8.4 POLICY REVIEW - STREET BANNER USAGE POLICY

GOV400105, ECO800001

94/24

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

1. receive the report by the Manager Economic Development on the Policy Review - Street Banner Usage Policy;
2. place the revised Street Banner Usage Policy on public exhibition for 28 days; and
3. adopt the revised Street Banner Usage Policy if no submissions are received during the exhibition period.

*The motion was carried with the Councillors voting unanimously.*

8.5 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING  
AND DETERMINED

GOV400105, A0420109

**95/24 MOTION: Stoddart / Paine**

**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 BUDGET REVIEW - APRIL 2024

GOV400105, FIN300315

**96/24 MOTION: Thompson / Dicker**

**That Council receive the report by the Accountant Reporting & Analysis and Chief Financial Officer on the Monthly Budget Review - April 2024.**

*The motion was carried with the Councillors voting unanimously.*

9.2 QUARTERLY BUDGET REVIEW - MARCH 2024

GOV400105, FIN300240

**97/24 MOTION: Stoddart / Palmer**

**That Council:**

- 1. receive the report by the Financial Planning Coordinator and Chief Financial Officer on the Quarterly Budget Review - March 2024;**
- 2. amend the 2023/24 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report;**
- 3. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the necessary costs for the MSTP inlet works which requires immediate replacement due to mechanical step screen failure;**
- 4. note that the previously approved loan funding for the Mudgee Landfill Extension project is no longer required with alternate funding recommended in the attached March Quarterly Budget Review; and**

5. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.**

*The motion was carried with the Councillors voting unanimously.*

9.3 MONTHLY STATEMENT OF INVESTMENTS AS AT 30 APRIL 2024

GOV400105, FIN300053

98/24 MOTION: Paine / Stoddart

**That Council:**

1. **receive the report by the Financial Planning Coordinator and Chief Financial Officer on the Monthly Statement of Investments as at 30 April 2024; and**
2. **note the certification of the Responsible Accounting Officer.**

*The motion was carried with the Councillors voting unanimously.*

9.4 COMMUNITY GRANTS PROGRAM - MAY 2024

GOV400105, GRA600009

99/24 MOTION: Paine / Karavas

**That Council:**

1. **receive the report by the Financial Planning Co-ordinator on the Community Grants Program - May 2024;**
2. **provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:**

• Arts Council of Gulgong Inc	\$4,500
• Gulgong Arts Council	\$1,500
• Carers NSW Ltd	\$4,500
• The Business Concierge Ltd	\$1,875
• Cementa Inc	\$4,000
• Rotary Club of Mudgee – Gardens of Mudgee	\$1000
• Rylstone Kandos & District Dog Club Inc	\$1,500
• Kandos Returned Services Community Club	\$1,000
• Rotary Club of Mudgee Inc. and Rotary Club of Mudgee Sunrise Inc.	\$3,086

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

- **Mudgee Markets Stallholder Association**
- **Gulgong Public School**

AMENDMENT Thompson / nil

Amendment as per the motion, plus the provision of financial assistance to the Gulgong Public School \$1000.

*The amendment lapsed for want of a seconder.*

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

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

#### 9.5 POLICY REVIEW – BORROWING

GOV400105, FIN300032

100/24

**MOTION: Palmer / Stoddart**

**That Council:**

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

*The motion was carried with the Councillors voting unanimously.*

#### 9.6 POLICY REVIEW - FINANCIAL RESERVES

GOV400105, FIN300065

101/24

**MOTION: Paine / Dicker**

**That Council:**

1. receive the report by the Chief Financial Officer on the Policy Review - Financial Reserves;
2. place the revised Financial Reserves Policy on public

**exhibition for 28 days; and**

- 3. adopt the revised Financial Reserves Policy if no submissions are received.**

*The motion was carried with the Councillors voting unanimously.*

#### 9.7 POLICY REVIEW - RELATED PARTY DISCLOSURE

GOV400105, FIN3000139

**102/24**

**MOTION: Palmer / Stoddart**

**That Council:**

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

*The motion was carried with the Councillors voting unanimously.*

#### 9.8 LOAN FUNDING MUDGEES VALLEY PARK EXPANSION

GOV400105, A0140322, GOV4000105

**103/24**

**MOTION: Paine / Dicker**

**That Council:**

- 1. receive the report by the Chief Financial Officer on the Loan Funding Mudgees Valley Park Expansion;**
- 2. delegate authority to the General Manager and Mayor, if required, to enter into a fixed rate finance agreement with the bank that provides the best value loan for the sum of \$6,350,000 for a term of ten years, at the rate supplied;**
- 3. reduce the Mudgees Valley Park Expansion budget and loan borrowings by \$380,359 as a result of savings in stage 2 funds;**
- 4. amend the 2023/24 and 2024/25 budgets to reflect the full drawdown of \$6,350,000 loan funds in 2023/24;**
- 5. amend the budget to increase the repayments and interest based on the loan schedule attached;**
- 6. note that a revised borrowing return will be submitted to**



**the Office of Local Government; and**

- 7. apply the Common Seal of Council to the Deemed Charge over Council rates.**

*The motion was carried with the Councillors voting unanimously.*

9.9 CLASSIFICATION OF LAND - LOT 1200 DP 1301185  
DRAINAGE RESERVE AT 21 MOORE STREET, CAERLEON  
GOV400105, PAR300003

**104/24**

**MOTION: Paine / Dicker**

**That Council:**

- 1. receive the report by the Property Officer on the Classification of Land - Lot 1200 DP 1301185 Drainage Reserve at 21 Moore Street, Caerleon;**
- 2. authorise the General Manager and Mayor, where additionally required to do so, to sign all documentation necessary to classify Lot 1200 DP 1301185 as Operational Land;**
- 3. authorise the Common Seal of Council to be affixed, where necessary, in relation to the classification of Lot 1200 DP 1301185 as Operational Land; and**
- 4. notify the public of its intention to classify the Drainage Reserve at Lot 1200 DP 1301185 as Operational Land in accordance with Chapter 6, part 2 Division 1 Local Government Act 1993, by publicly exhibiting the proposal for 28 days, and should there be no public submissions from the public, the land be so classified as Operational Land.**

*The motion was carried with the Councillors voting unanimously.*

9.10 PERMANENT PARTIAL ROAD CLOSURE AT LEWIS STREET,  
MUDGEES  
GOV400105, GOV400105, ROA100595, PAN360707

**105/24**

**MOTION: Palmer / Stoddart**

**That Council:**

- 1. receive the report by the Property Officer on the Permanent Partial Road Closure at Lewis Street, Mudgee;**
- 2. note that there were no objections received during the 28 day notice period and formal closure of Part Lewis Street,**

**Mudgee can now proceed to completion;**

3. **authorise the permanent road closure of Part Lewis Street, Mudgee, and resultant freehold land parcel to remain in Council ownership;**
4. **authorise the General Manager to sign all documentation, where necessary, in relation to the proposed road closure, and subsequent lot consolidation with Council owned land identified as Lot 404 DP756894;**
5. **authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed road closure, and subsequent lot consolidation with Council owned land identified as Lot 404 DP756894;**
6. **arrange the preparation, lodgement, and registration of the relevant closure and lot consolidation plan; and**
7. **authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the proposed road closure, and subsequent lot consolidation with adjoining Council owned land identified as Lot 404 DP756894.**

*The motion was carried with the Councillors voting unanimously.*

9.11 PERMANENT PARTIAL ROAD CLOSURE AT SALEYARDS  
LANE, MUDGEE

GOV400105, ROA100605

106/24

**MOTION: Stoddart / Palmer**

**That Council:**

1. **receive the report by the Property Officer regarding the Permanent Partial Road Closure at Saleyards Lane, Mudgee;**
2. **note that no written objections were received during the 28 day notice period and formal closure of Part of Saleyards Lane, Mudgee can now proceed to completion;**
3. **authorise the permanent road closure of Part Saleyards Lane, Mudgee and the resultant freehold land parcel to remain in Council ownership;**
4. **authorise the General Manager to sign all documentation, where necessary, in relation to the proposed road closure, and subsequent lot consolidation with adjoining Council owned land identified as Lot 2 DP510997, Lot 30**

DP1268151, and Lot 29 DP 1267151;

5. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed road closure, and subsequent lot consolidation with adjoining Council owned land identified as Lot 2 DP510997, Lot 30 DP1268151, and Lot 29 DP 1267151;
6. arrange for the preparation, lodgement, and registration of the relevant closure and lot consolidation plan; and
7. authorise the Common Seal to be affixed to all documentation, where necessary, in relation to the proposed closure, and subsequent lot consolidation with adjoining Council owned land identified as Lot 2 DP510997, Lot 30 DP1268151, and Lot 29 DP1267151.

*The motion was carried with the Councillors voting unanimously.*

9.12 COMMUNITY LAND PLAN OF MANAGEMENT - ADOPTION  
GOV400105, COU500102

107/24

**MOTION:** Paine / Karavas

**That Council:**

1. receive the report by the Manager - Property and Revenue on the Community Land Plan of Management - Adoption;
2. note that no submissions were received during the PoM exhibition period or as a result of the public hearing;
3. note that further Native Title Manager advice as cited in Attachment 3 to this Report has been considered in relation to the Community Land Plan of Management;
4. adopt the Community Land Plan of Management as cited in Attachment 2 to this Report, in accordance with Section 40 of the Local Government Act 1993 and in accordance with Section 3.23(6) of the Crown Land Management Act 2016;
5. authorise the General Manager to make minor editorial modifications in the finalisation of the Community Land Plan of Management if necessary; and
6. forward the adopted Community Land Plan of Management to the NSW Department of Planning, Housing and Infrastructure – Crown Lands and Public Spaces for information.

*The motion was carried with the Councillors voting unanimously.*

**Item 10: Operations****10.1 DRAFT WALKING & CYCLING STRATEGIC PLAN FOR PUBLIC EXHIBITION**

GOV400105, ROA100587

**108/24 MOTION: Paine / Dicker****That Council:**

1. receive the report by the Manager, Infrastructure Planning on the Draft Walking & Cycling Plan for public exhibition;
2. place the draft Mid-Western Regional Walking & Cycling Plan on public exhibition for a period of 28 days;
3. adopt the Mid-Western Regional Walking & Cycling Plan should no public submissions be received; or
4. receive a further report, should submissions be provided as part of public exhibition process, to consider any submissions made.

*The motion was carried with the Councillors voting unanimously.*

**Item 11: Community**

Councillor Dicker declared a significant non-pecuniary conflict of interest in item 11.1 as she has a personal association with the recommended independent committee member. She left the room at 6:06pm and did not participate in discussion or vote in relation to this matter.

**11.1 AUDIT RISK AND IMPROVEMENT COMMITTEE - ADDITIONAL INDEPENDENT COMMITTEE MEMBER**

GOV400105, COR400236

**109/24 MOTION: Karavas / Palmer****That Council:**

1. receive the report by the Director Community on the Audit Risk and Improvement Committee - Additional Independent Committee Member; and
2. endorse the appointment of Emma Thomas as an independent Committee Member for a four year term from 1 July 2024 to 30 June 2028.

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

Councillors	Ayes	Nayes

Cr Kennedy	✓
Cr Paine	✓
Cr Karavas	✓
Cr Palmer	✓
Cr Stoddart	✓
Cr Thompson	✓

Councillor Dicker returned to the Chambers at 6:07pm.

### 11.2 LIBRARY SERVICES QUARTERLY REPORT - JANUARY TO MARCH 2024

GOV400105, F0620020

**110/24 MOTION: Dicker / Karavas**

**That Council receive and note the Library Services Quarterly Report - January to March 2024 by the Manager Library Services.**

*The motion was carried with the Councillors voting unanimously.*

### 11.3 MUDGEES CENTRE OF EXCELLENCE TRAINING CAMP PROGRESS UPDATE

GOV400105, FIN300368

**111/24 MOTION: Palmer / Stoddart**

**That Council receive and note the report by the Director Community on the Mudgee Centre of Excellence Training Camp Progress Update.**

*The motion was carried with the Councillors voting unanimously.*

### 11.4 MUDGEES VALLEY PARK EXPANSION PROJECT PROGRESS UPDATE

GOV400105, FIN300365, COR400446

**112/24 MOTION: Palmer / Stoddart**

**That Council receive and note the report by the Director Community on the Mudgee Valley Park Expansion Project Progress Update.**

*The motion was carried with the Councillors voting unanimously.*

### 11.5 MRT QUARTERLY REPORT - JANUARY TO MARCH 2024

GOV400105, F0770077

**113/24 MOTION: Thompson / Paine**

**That Council receive the report by the Director Community on the MRT Quarterly Report - January to March 2024.**

*The motion was carried with the Councillors voting unanimously.*

## 11.6 POLICY REVIEW - STATEMENT OF BUSINESS ETHICS

GOV400105, INM700014

**114/24 MOTION: Palmer / Dicker**

**That Council:**

- 1. receive the report by the Governance Co-ordinator on the Policy Review - Statement of Business Ethics;**
- 2. place the Statement of Business Ethics on exhibition for 28 days; and**
- 3. adopt the Statement of Business Ethics if no submissions are received during the exhibition period.**

*The motion was carried with the Councillors voting unanimously.*

## **Item 12: Reports from Committees**

### 12.1 RAIL COMMITTEE MINUTES - 19 APRIL 2024

GOV400105, TRA300009, A0100034, GOV400105

**115/24 MOTION: Paine / Karavas**

**That Council:**

- 1. receive the report by the Director Community on the Rail Committee Minutes - 19 April 2024; and**
- 2. endorse the minutes of the Rail Committee Meeting held on Friday, 19 April 2024.**

*The motion was carried with the Councillors voting unanimously.*

### 12.2 MID-WESTERN REGIONAL YOUTH COUNCIL

GOV400105, COS300610

**116/24 MOTION: Paine / Dicker**

**That Council:**

- 1. receive the report by the Acting Manager Community & Cultural Services on the Mid-Western Regional Youth Council**
- 2. note the minutes of the Mid-Western Regional Youth Council meetings convened on 14 November 2023 and 12**

**March 2024; and**

- 3. endorse the current Youth Councillors and their elected positions:**
- **Esther Palombini (Youth Mayor), Aaron Croll (Deputy Youth Mayor), Kirilee Besant, Joshua Smith, Bronte Furness, Chevelle McCrohon.**

*The motion was carried with the Councillors voting unanimously.*

**12.3 GULGONG MEMORIAL HALL COMMITTEE MEETING**  
GOV400105, A0100024, GOV400105

**117/24 MOTION: Thompson / Stoddart**

**That Council:**

- 1. receive the report by the Director Community on the Gulgong Memorial Hall Committee Meeting; and**
- 2. note the minutes from the Gulgong Memorial Hall Committee meetings held on Wednesday, 24 April 2024.**

*The motion was carried with the Councillors voting unanimously.*

**12.4 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - APRIL 2024**

GOV400105, A0100009

**118/24 MOTION: Karavas / Dicker**

**That Council receive the report by the Administration Assistant - Infrastructure Planning on the Local Traffic Committee Meeting Minutes - April 2024.**

*The motion was carried with the Councillors voting unanimously.*

**Item 13: Urgent Business Without Notice**

Nil

**Item 14: Confidential Session**

**119/24 MOTION: Dicker / 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 Major Event Glen Willow Exemption from Tender**

**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 commercial negotiations.**

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 MAJOR EVENT GLEN WILLOW EXEMPTION FROM TENDER GOV400105, ECO800009

120/24

**MOTION: Stoddart / Paine**

**That Council:**

1. receive the report by the Manager Economic Development on the Major Event Glen Willow Exemption from Tender;
2. approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, for the provision of NRL Entertainment at Glen Willow Regional Stadium due to the limited market and that a tender would not obtain a workable result;
3. authorise the General Manager to engage with the NRL Teams detailed within the report to provide NRL football entertainment services for the 2024/25 and 2025/26 financial years; and
4. authorise the General Manager to sign an Agreement with the NRL Teams detailed within the report.

*The motion was carried with the Councillors voting unanimously.*

#### **Item 15: Urgent Confidential Business Without Notice**

Nil

#### **Item 16: Open Council**

121/24

**MOTION: Paine / Karavas**



**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 6.15pm.

Unconfirmed