

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 25 May 2022, commencing at 5.36pm and concluding at 5.47pm.

PRESENT Cr D Kennedy, 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), Acting Director Development (Alina Azar), Director Operations (Julian Geddes), Acting Chief Financial Officer (Neil Bungate), Manager Customer Services & Governance (Richard Cushway), 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

Apologies were received for Councillors Paine and Cavalier.

157/22 MOTION: Shelley / Karavas

That Council accept the apologies received for Councillors Paine and Cavalier.

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

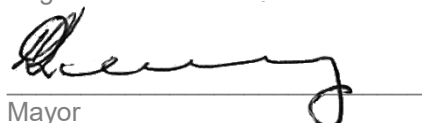
158/22 MOTION: Palmer / Stoddart

That the Minutes of the Ordinary Meeting held on 18 May 2022 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Nil


Mayor


General Manager

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 MID-WESTERN REGION TOWARDS 2040 COMMUNITY PLAN
GOV400098, COR400124, GOV400098

159/22 MOTION: Shelley / Karavas

That Council:

1. receive the report by the Acting Director Development on the Mid-Western Region Towards 2040 Community Plan; and
2. endorse the amended Mid-Western Region Towards 2040 Community Plan.

The motion was carried with the Councillors voting unanimously.

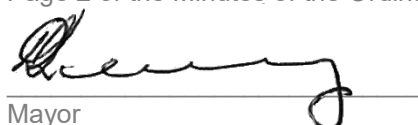
8.2 STUBBO SOLAR FARM VOLUNTARY PLANNING
AGREEMENT

GOV400098, LAN900125

160/22 MOTION: Palmer / Shelley

That Council:

1. receive the report by the Acting Director Development on the Stubbo Solar Farm Voluntary Planning Agreement;
2. place the draft Voluntary Planning Agreement and Explanatory Note on public exhibition for 28 days;
3. authorise the General Manager to finalise and execute the Voluntary Planning Agreement if no objections are received during the exhibition period; and
4. receive a further report following the exhibition period if



Mayor



General Manager

objections are received.

The motion was carried with the Councillors voting unanimously.

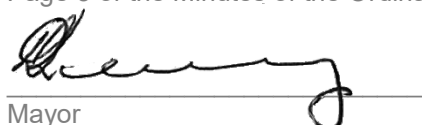
Item 9: Finance

9.1 SUBMISSIONS TO THE DRAFT 2022/23 OPERATIONAL PLAN
AND 2023/26 DELIVERY PROGRAM
GOV400098, FIN300201, GOV400098

161/22 MOTION: Shelley / Palmer

That Council:

1. receive the report by the Financial Planning Coordinator on the Submissions to the Draft 2022/23 Operational Plan and 2023/26 Delivery Program;
2. receive all public submissions to the Draft 2022/23 Operational Plan and 2023/26 Delivery Program as listed below, with the General Manager required to respond to each submissions as follows:
 - 2.1 Ms Sandra Smith be thanked for her submission and Council confirms that the demand for road sealing is higher than what Council can fund;
 - 2.2 Genevieve Palmer and Chris Pilley be thanked for their submissions and Council confirms that as a condition of the State Significant Development Consent related the construction of the new high school, a contribution to road upgrade works is to be made. This contribution will be used to seal the unsealed section of Bruce Road. It is proposed to include a budget of \$402,000 in the 2022-2023 Operational Plan for works on Bruce Road;
 - 2.3 Marton Newbould and Julia Morris be thanked for their submissions and Council confirms that this issue of heavy traffic in Lawson Street will be referred to the Local Traffic Committee for review.
3. make an amendment to the Draft Operational Plan 2022/23 to include an expenditure budget of \$402,000 for the sealing of Bruce Road, fully funded by contributions.
4. make the following amendments to the Draft 2022/23 Operational Plan and 2023/26 Delivery Program including Fees & Charges as exhibited;



Mayor



General Manager

4.1 Management Submissions

4.1.1 \$290,000 reduction for IT upgrades which was funded from unrestricted cash for each of the 2022/23, 2023/24, 2024/25 and 2025/26 budgets

4.1.2 \$610,832 increase for Interest expense and \$198,799 reduction for principal repayments on the loan for Mudgee Valley Park total over the 2022/23, 2023/24, 2024/25 and 2025/26 budgets

4.1.3 \$1,728,000 plant replacement budget transferred from 2021/22 to 2022/23, funded from plant replacement reserves

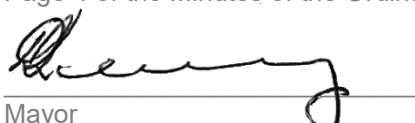
4.2 March 2022 Quarterly Budget Review Statement amendments where budgets are transferred from 2021/22 to 2022/23; and

5. make the following changes to the 2022/23 Fees and Charges as exhibited:

5.1 Change Description in 2022/23 Fees and Charges for Fee FC0584 - Application Fee (non-refundable) Road Closure - Council Road Reserve Fee to “Processes include preliminary internal investigations, status search/report and report back to applicant with investigation result and may also include administration and submission of a report to Council to determine if a road closure application will be accepted or refused for progression to the next Stage of the process”.

5.2 Change Description in 2022/23 Fees and Charges for Fee FC0585 - Application Progress Fee (non-refundable) Road Closure– Council Road Reserve to “Process includes Council administration of notification requirements under S38B of the roads act, review of submissions, and compilation of final report to Council seeking approval or rejection of the application”.

5.3 Change Description in 2022/23 Fees and Charges for Fee FC0586 - Formal Road Closure Processing Fee (non-refundable) to “Process includes Council administration, internal/external department referrals, and contractor sourcing, engagement and management. Where actual costs exceed this fee, Council will invoice for the balance. The fee does not include the costs for survey/s, valuation/s, legal fees or value of the land which is subject to negotiation in



Mayor



General Manager

accordance with Council's Land Acquisition Disposal Policy, valuation and any other relevant considerations".

- 5.4 Remove Part of the Description under the fees subheading 'All Other MWRRC Sports Complexes excluding Glen Willow' which states "The hire and use of Council community buildings is subject to the relevant terms and conditions, which covers aspects such as access, payment terms, and cancellation fees. Prior to entering into a facility hire arrangement, users should review the applicable terms and conditions. A cancellation fee of 50% of the hire fee will apply when less than 21 days' notice is provided of cancellation."
 - 5.5 Change Fee amount for Fee FC0321 'Filing Fee - Statement Liquidated Claim \$0.01 to \$20,000 - Corp' from \$212 to \$290
 - 5.6 Change Fee amount for Fee FC0321 'Filing Fee - Statement Liquidated Claim \$20,001 to \$100,000 - Corp' from \$518 to \$600
 - 5.7 Add a fee unit of "Per Hour" for Fee FC0330 'Preparation Fees - other documents'
6. note that the amended 2022/23 Operational Plan and 2023/24 Delivery Program will be brought back to Council at the June Ordinary Council Meeting for endorsement, including making of the rates.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

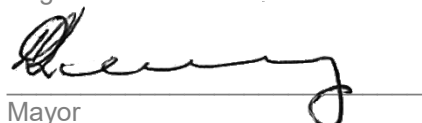
10.1 COUNCILLOR REPRESENTATIVES ON ADVISORY COMMITTEES AND OTHER EXTERNAL BODIES

GOV400098, A0110015

162/22 MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Director Community on the Councillor Representatives on Advisory Committees and Other External Bodies; and
2. appoint Councillor Thompson as an additional representative for the Cudgegong Bushfire Management Committee.


Mayor


General Manager

The motion was carried with the Councillors voting unanimously.

Item 11: Community

Nil

Item 11: Reports from Committees

Nil

Item 12: Urgent Business Without Notice

Nil

Item 14: Confidential Session

163/22 MOTION: Palmer / Shelley

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 Loan Funding Mudgee Valley Park

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 Quotes and rates provided by the bank which are confidential.

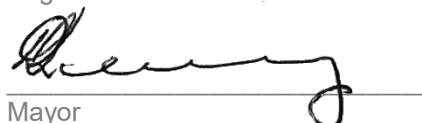
Following an enquiry from the Mayor, the General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

14.1 LOAN FUNDING MUDGEE VALLEY PARK

GOV400098, A0140322, GOV400098

164/22 MOTION: Palmer / Stoddart

That Council:


Mayor


General Manager

1. receive the report by the Financial Planning Coordinator on the Loan Funding Mudgee Valley Park; and
2. delegate authority to the General Manager, if required, to enter into a finance agreement with the bank that provides the best value loan for the sum of \$7,400,000 for a term of ten years, at the rate supplied;
3. amend the operational plan to increase the repayments and interest for the change in the loan rates; and
4. apply the Common Seal of Council to the Deemed Charge over Council rates.

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

165/22 MOTION: Palmer / Dicker

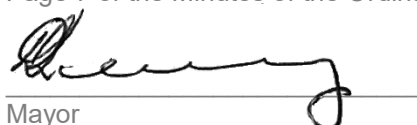
That Council move to Open Council.

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