

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 17 April 2024, commencing at 5.37pm and concluding at 5.46pm.

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) 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 Kennedy declared a pecuniary conflict of interest in item 8.1 as he is an owner of the property subject of the development application.

### Item 3: Confirmation of Minutes

65/24 MOTION: Shelley / Palmer

**That the Minutes of the Ordinary Meeting held on 20 March 2024 be taken as read and confirmed.**

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

### Item 4: Matters in Progress

Road Maintenance

66/24 MOTION: Shelley / Cavalier

**That Council note Resolution No.198/22 of the Ordinary Meeting 20/07/2022, Road Maintenance, 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 LAND AND ENVIRONMENT PLAN

GOV400105,

## MOTION

That Council commence a new Land and Environment Plan for the Council area.

Item 6.1 was withdrawn by Cr Thompsom.

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

Nil

**Item 8: Development**

Councillor Kennedy declared a pecuniary conflict of interest in item 8.1 as he is an owner of the property subject of the development application. He left the Chambers at 5:39pm and did not participate in discussion or vote in relation to this matter.

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

8.1 DA0238/2024 - PAN-415255 - BOUNDARY ADJUSTMENT (3 INTO 3 LOTS) - OLD BOMBIRA 7 MOGGS LANE BOMBIRA  
GOV400105, DA0238/2024

67/24 MOTION: Cavalier / Karavas

**That Council:**

- A. receive the report by the Town Planner on the Development Application DA0238/2024 - PAN-415255 - Boundary Adjustment (3 into 3 lots) - Old Bombira 7 Moggs Lane BOMBIRA;
- B. That Development Application DA0238/2024 - PAN-415255 - Boundary Adjustment (3 into 3 lots) - Old Bombira 7 Moggs Lane BOMBIRA be approved subject to the following conditions and Statement of Reasons:

**CONDITIONS****APPROVED PLANS**

1. The development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

| Title / Name:      | Drawing No / Document Ref | Revision | Date       |
|--------------------|---------------------------|----------|------------|
| Existing Site Plan | L01                       | A        | 18/10/2023 |
| Proposed Site Plan | L02                       | B        | 22/02/2024 |

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

#### GENERAL

2. This consent is for a boundary adjustment (3 into 3 Lots) only. No physical works are approved under this consent.
3. Proposed Lot 101 and Lot 102 is to have a minimum area of 4000m<sup>2</sup>.

#### PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

4. Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with NSW Land Registry Services.

Note – The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.

5. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
6. All costs associated with the preparation of a Survey Plan and associated easement documentation are to be borne by the developer.
7. Prior to the issue of a subdivision certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.

#### ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".

2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court, pursuant to section 8.10(1)(b).
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

#### STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The development was not required to be publicly notified in accordance with Council's Community Participation Plan 2019. No submissions were received.

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

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

Councillor Kennedy returned to the Chambers at 5.40pm and continued to Chair the meeting.

8.2 PLANNING PROPOSAL - 10 - 12 BURRUNDULLA AVENUE,  
MUDGEE

GOV400105, LAN900189

**68/24 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Manager, Strategic Planning on the Planning Proposal at 10-12 Burrundulla Avenue, Mudgee, Lot 122 DP 1074283 for the part rezoning to R3 Medium Density Residential, with a 600m2 minimum lot size and a 8.5 height limit;
2. provide initial support for the Planning Proposal to amend Mid-Western Regional Local Environmental Plan 2012 and submit to the NSW Department of Planning, Housing and Infrastructure via the NSW Planning Portal 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 in any approved Gateway determination.

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

The following recommendations (item 8.3 to item 12.2) 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. 69/24 and concluding at Resolution No.84/24.

8.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING  
AND DETERMINED - MARCH 2024

GOV400105, A0420109

**69/24 MOTION: Shelley / Cavalier**

**That Council receive the report by the Manager Planning on the Monthly Development Applications Processing and Determined for March 2024.**

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

8.4 POLICY REVIEW - MEDIA POLICY

GOV400105, ECO800001

**70/24 MOTION: Shelley / Cavalier**

**That Council:**

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

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

## **Item 9: Corporate Services**

### 9.1 POLICY REVIEW - LAND ACQUISITION AND DISPOSAL GOV400105, GOV400047

**71/24 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Acting Manager - Property and Revenue on the Policy Review - Land Acquisition and Disposal;
2. place on public exhibition for 28 days the revised Land Acquisition and Disposal Policy; and
3. adopt the revised Land Acquisition and Disposal Policy if no submissions are received during the exhibition period.

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

### 9.2 NAMING OF NEW STREETS IN A SUBDIVISION OFF HONE CREEK DRIVE, CAERLEON GOV400105, P27362 R0790141

**72/24 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Property Support Officer on the Naming of new streets in a subdivision off Hone Creek Drive, Caerleon;
2. name road 1 Barclay Street and name road 2 Price Road;
3. add to Council's Pre-Approved names list the additional submissions for Astill, Shipley, Longton, Salinger, Randall, Thompson and Hamilton Lowe for future use; and
4. advertise the proposed names and receive a further report at the end of the exhibition period to formalise the name of these streets.

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

9.3 NAMING OF A NEW STREET IN A SUBDIVISION OFF RIFLE RANGE ROAD, MUDGEE

GOV400105, P11969 R0790141

73/24

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Property Support Officer on the naming of a new street in a subdivision off Rifle Range Road, Mudgee;
2. formally approve the name of Wilton Grove; and
3. publish formal declaration of the approved name in the NSW Government Gazette, and notify the naming in accordance with Council's Road, Bridge and Place Naming Policy.

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

9.4 MONTHLY STATEMENT OF INVESTMENTS AS AT 31 MARCH 2024

GOV400105, FIN300053

74/24

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 31 March 2024; and
2. note the certification of the Responsible Accounting Officer.

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

9.5 MONTHLY BUDGET REVIEW - MARCH 2024

GOV400105, FIN300315

75/24

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - March 2024; and
2. amend the 2023/24 and 2024/25 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.*

**9.6 DRAFT DELIVERY PROGRAM 2022/25 AND DRAFT OPERATIONAL PLAN 2024/25**

GOV400105, FIN300417

**76/24****MOTION: Shelley / Cavalier****That Council:**

- 1. receive the report by the Financial Planning Coordinator on the Draft Delivery Program 2022/25 and Draft Operational Plan 2024/25;**
- 2. endorse the Draft Delivery Program 2022/25 and Draft Operational Plan 2024/25 to go on public exhibition for a period of 28 days commencing Thursday 18 April; and**
- 3. request a further report be presented following the exhibition period including a review of any submissions made on the Draft Delivery Program 2022/25 and Draft Operational Plan 2024/25.**

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

**9.7 MWRC DISTRIBUTED BATTERY ENERGY STORAGE SYSTEM**

GOV400105, A000000

**77/24****MOTION: Shelley / Cavalier****That Council:**

- 1. receive the report by the Director Corporate Services on the MWRC Distributed Battery Energy Storage System;**
- 2. endorse the preliminary concept to establish a distributed battery energy storage system (battery initiative);**
- 3. requires staff to seek grant funding to support the battery initiative;**
- 4. require a report be brought back to Council with a Capital Expenditure Review based on the attached commercial plan; and**
- 5. amend the budget as follows, if grant funding is successful:**
  - 5.1 2024/25: \$3,645,000, funded from \$3,645,000 grant;**



and

- 5.2 2025/26: \$2,159,000, funded \$1,305,000 grant funding and \$854,000 from unrestricted cash.

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

**Item 10: Operations**

Nil

**Item 11: Community**

11.1 ROBERTSON PARK MUDGEES MASTER PLAN - POST EXHIBITION REPORT

GOV400105, GOV400103

**78/24 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Manager Recreation Services on the Robertson Park Mudgees Master Plan - Post Exhibition Report;
2. note that five public submissions were received;
3. note the minor amendments made to the draft Master Plan following public submissions received;
4. adopt the Robertson Park Master Plan; and
5. investigate financing options and grant opportunities for staged implementation of Master Plan components.

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

11.2 COMMUNITY AND CULTURAL SERVICES QUARTERLY REPORT

GOV400105, COS300010

**79/24 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Director Community on the Community and Cultural Services Quarterly Report; 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.*

**11.3 SOLAR ARRAY PROGRESS REPORT**

GOV400105, ENE100032

**80/24 MOTION: Shelley / Cavalier**

**That Council receive and note the report by the Director Community on the Solar Array Progress Report.**

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

**11.4 REVIEW OF MUDGEES LIBRARY OPENING HOURS**

GOV400105, F0620008

**81/24 MOTION: Shelley / Cavalier****That Council:**

- 1. receive the report by the Manager Library Services on the Review of Mudgee Library Opening Hours;**
- 2. note the submission received from the community during the exhibition period; and**
- 3. endorse the following opening hours for the Mudgee Library to begin from 1 July 2024:**
  - o Monday, Tuesday, Wednesday, Friday: 9:00am – 5:30pm**
  - o Thursday: 9:00am – 7:30pm**
  - o Saturday: 9:30am – 1:30pm**

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

**11.5 RESCISSION OF POLICY - ACCESS TO INFORMATION**

GOV400105, GOV40047

**82/24 MOTION: Shelley / Cavalier****That Council:**

- 1. receive the report by the Governance Co-ordinator on the Rescission of Policy - Access to Information;**
- 2. acknowledge that the content of the Access to Information Policy is included in Council's Agency Information Guide;**
- 3. endorse the rescission of the Access to Information Policy;**
- 4. place the proposal for the rescission of the Access to**

- Information Policy on public exhibition for 28 days; and**
- 5. rescind the Access to Information Policy if no submissions are received following the public exhibition period.**

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

**Item 12: Reports from Committees**

12.1 SPORTS ADVISORY GROUPS UPDATE - MEETINGS  
FEBRUARY 2024

GOV400105, A0360013, A036003, A0360030

**83/24 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Sport and Recreation Liaison Officer on the Sports Advisory Groups Update - Meetings February 2024; and
2. note the Meeting Notes from the Gulgong, and Mudgee Sports Advisory Groups.

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

12.2 BOTOBOLAR COMMUNITY COMMITTEE MEETING MINUTES  
- 26 MARCH 2024

GOV400105, A0060107

**84/24 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Director Community on the Botobolar Community Committee Meeting Minutes - 26 March 2024; and
2. endorse the minutes of the Botobolar Community Committee meeting held on 26 March 2024.

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

**Item 13: Urgent Business Without Notice**

Nil

**Item 14: Confidential Session**

**85/24 MOTION: Cavalier / 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 Purchase of Cabin at Mudgee Valley Park**

***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 a commercially private transaction.***

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 PURCHASE OF CABIN AT MUDGEE VALLEY PARK

GOV400105, COM100027

86/24

**MOTION: Shelley / Dicker**

**That Council:**

- 1. receive the report by the Manager Economic Development on the Purchase of Cabin at Mudgee Valley Park;**
- 2. approve the purchase of specified cabin at Mudgee Valley Park at market value;**
- 3. reallocate the approved budget funds initially designated for the Mudgee Valley Park Stage 3 Expansion loan, intended for the purchase of a new one-bedroom cabin, towards the acquisition, renovation, and fit-out of a specified two-bedroom cabin at Mudgee Valley Park; and**
- 4. delegate authority to the General Manager to negotiate, finalise and execute the contract of sale for the specified cabin at Mudgee Valley Park.**

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

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

**Item 16: Open Council**

**87/24 MOTION: Karavas / Paine**

**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 5.46pm.

Unconfirmed