

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 14 December 2022, commencing at 5.45pm and concluding at 5.59pm.

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 and Cr JP Thompson.

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Alina Azar) Chief Financial Officer (Leonie Johnson) 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

There were no disclosures of interest.

Item 3: Confirmation of Minutes

360/22 MOTION: Palmer / Cavalier

That the Minutes of the Ordinary Meeting held on 16 November 2022 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

Nil

The following recommendations (item 7.1 to item 8.4) 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.361/22 and concluding at Resolution No.367/22.

Item 7: Office of the General Manager

7.1 DELEGATION OF AUTHORITY GENERAL MANAGER / DECEMBER 2022 - JANUARY 2023

GOV400098, A0230005

361/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Governance Co-ordinator on the Delegation of Authority General Manager / December 2022 - January 2023; and**
- 2. suspend the operation of the exclusions listed in Part 4 of the General Manager's Delegations of Authority for the period 1 December 2022 to 31 January 2023.**

The motion was carried with the Councillors voting unanimously.

7.2 ADMINISTRATION OF THE SEPTEMBER 2024 LOCAL GOVERNMENT ELECTIONS

GOV400098, GOV400067, A0170031

362/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Manager, Customer Services & Governance on the Administration of the September 2024 Local Government Elections; and**
- 2. pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act"), authorise the General Manager to enter into a contract for the Electoral Commissioner to administer all elections, council polls and constitutional referenda of the Council for the contract period including the September 2024 Elections.**

The motion was carried with the Councillors voting unanimously.

7.3 CODE OF MEETING PRACTICE

GOV400098, GOV400009

363/22 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Community on the Code of Meeting Practice;
2. note the proposed changes to the Code of Meeting Practice related to attendance by Councillors at meetings via audio-visual link;
3. place on public exhibition a draft of the Code of Meeting Practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code; and
4. adopt the Code of Meeting Practice if no submissions are received during the period of 42 days.

The motion was carried with the Councillors voting unanimously.

Item 8: Development**8.1 PLANNING PROPOSAL GENERAL AMENDMENT - TOURIST AND VISITOR ACCOMMODATION 2022/23**

GOV400098, LAN900151

364/22**MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Manager, Strategic Planning on the Planning Proposal General Amendment – Tourist and Visitor Accommodation 2022/23 to include a provision requiring the land on which tourist and visitor accommodation occurs to satisfy Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones of the Mid-Western Regional Local Environmental Plan 2012;
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 and Environment via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979;
3. advise the NSW Department of Planning and Environment that Council's General Manager (or delegate) will be the nominated Local Plan Making Authority for this proposed amendment; and
4. undertake community consultation as outlined within any

approved Gateway Determination.

The motion was carried with the Councillors voting unanimously.

8.2 STANDARD INSTRUMENT (LOCAL ENVIRONMENTAL PLANS) AMENDMENT (AGRITOURISM) ORDER 2022
GOV400098, LAN900033

365/22**MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Manager, Strategic Planning on the Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022; and
2. endorse the following 'farm stay accommodation' and 'farm gate premises' clauses and objective to be inserted into the Mid-Western Regional Local Environmental Plan 2012:

Farm Stay Accommodation

(1) The objectives of this clause are as follows—

(a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,

(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.

Additional Objective: cluster location of buildings to maintain principal use of 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 all buildings or manufactured homes used to accommodate guests on the landholding will be—

(a) on the same lot as an existing lawful dwelling house, or

(b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.

(3) Subclause (2) does not apply if the development is a 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 a 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 a significant adverse impact on the following on or near the land—

- (i) the visual amenity or 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 development, and

(e) the compatibility of the development with nearby land uses.

Farm Gate Premises

(1) The objectives of this clause are as follows—

(a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,

(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 land unless the consent authority has considered—

(a) whether the development will result in noise or pollution that will have a 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 a significant adverse impact on the following on or near the land—

- (i) the visual amenity or 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.

8.3 ACCEPTANCE OF NSW GOVERNMENT GRANTS

GOV400098, GRA600051

366/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager - Economic Development on the Acceptance of NSW Government Grants;
2. if successful, accept the grant funding from the following NSW Government grant funding bodies:

Grant Fund	Project	Grant Amount Requested
2022 Summer Holiday Break Program	Youth Summer School Holiday Program	\$11,148
ClubGrants Infrastructure Grants	Rylstone Showground Amenities Upgrade: show society amenities building and arena lighting	\$200,000

Fixing Local Roads - Pothole Repair Round	Fast-track urgent road maintenance and potholes	\$778,670
Places to Swim (Open Spaces Program)	Cudgegong Waters Park amenities building	\$445,000
Places to Swim (Open Spaces Program)	Rylstone River Walk	\$378,500
Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program	Rylstone Showground arena lighting	\$287,000
Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program	Victoria Park Gulgong amenities building	\$354,125
Crown Reserves Improvement Fund	Rylstone Showground arena lighting and amenities upgrade	\$187,500

3. if successful, amend the 2023/24 and 2024/25 budgets in accordance with the adjustments listed on the Financial Implication section of this report;
4. if successful, authorise the General Manager to finalise and sign the funding agreements with the NSW Government; and
5. amend the 2023/24 income for Glen Willow Lighting Upgrade to be \$2,324,206 grant funded and \$685,794 funded by Capital Reserves.

The motion was carried with the Councillors voting unanimously.

8.4 NRMA ELECTRIC VEHICLE FAST CHARGING SITES GOV400098, ECO800023

367/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager - Economic Development on the NRMA Electric Highway;

2. authorise the General Manager to negotiate appropriate locations for a new four bay EV charging station; and
3. authorise the General Manager to engage and execute agreements with the NRMA to identify and authorise the instalment of EV fast charging station in Mudgee.

The motion was carried with the Councillors voting unanimously.

8.5 UPDATE ON MUDGEES AIRPORT 04/22 RUNWAY GRASS STRIP

GOV400098, F0470008

368/22

MOTION: Shelley / Paine

That Council receive the report by the Business Development Coordinator on the Update on Mudgee Airport 04/22 Runway Grass Strip.

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	✓	

8.6 DRAFT CONTAMINATED LAND USE PLANNING POLICY

GOV400098, LAN900010

369/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Town Planner and Manager, Planning on the Draft Contaminated Land Use Planning Policy;
2. does not endorse the Draft Contaminated Land Use Planning Policy outlined in this report, at this time.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 8.7 to item 12.3) 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.370/22 and concluding at Resolution No.384/22.

8.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400098, A0420109

370/22 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 MONTHLY BUDGET REVIEW - NOVEMBER 2022

GOV400098, FIN300315

371/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - November 2022; and**
- 2. amend the 2022/23 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.

9.2 MONTHLY STATEMENT OF INVESTMENTS AS AT 30
NOVEMBER 2022

GOV400098, FIN300053

372/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 30 November 2022; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.3 NEW AND AMENDED FEES AND CHARGES 2022/23

GOV400098, FIN300117

373/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Financial Planning Coordinator on the New and Amended Fees and Charges 2022/23;
2. amend the following fee amounts, as written:

Service Type	Amended Fee	Current Fee amount (\$)	Amended fee amount (\$)
Development Applications	Concurrence of a public / statutory authority to a Development Application as required under the EPA Act or an environmental planning instrument	\$320 per concurrence authority plus \$140 administration fee	\$374 per concurrence authority plus \$164 administration fee
Development Consent Modifications Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act	Advertising of Division 8.2 [Previously known as 82A(1)]	\$620	\$725
Development Consent Modifications Review of Determination under Division 8.2 of the Environmental Planning	Review of rejection of development application – If estimated cost less than \$100,000	\$55	\$64
	Review of rejection of	\$150	\$175

and Assessment Act	development application – If estimated cost is more than \$100,000 and less than \$1,000,000		
	Review of rejection of development application – If estimated cost is more than \$1,000,000	\$250	\$292
	Review of a Modified consent decisions d8.2 [Previously known as s96(AB)]	50% of original fee	50% of fee that was payable for the application the subject of appeal

3. remove the following fee amounts, as written, and place on public exhibition for 28 days;

Service Type	Fee to remove	Fee amount (\$)
Development Consent Modifications Modifications involving minor error, misdescription or miscalculation	Modification of consent under s4.55 (1) Environmental Planning & Assessment Act – typographical error on notice of determination	No charge
Subdivision Applications Subdivision Certificates	Registration of privately issued Subdivision Certificate	\$36

4. amend the following fee amounts, as written, to come into effect 1st January 2023; and

Service Type	Amended Fee	Current Fee amount (\$) effective until 31 December 2022	Amended fee amount (\$) effective from 1 January 2023
Subdivision Application	Long Service	Refer to Section 34 of the	Refer to Section 34 of

s Other Subdivision Applications & Inspections	Levy	Building and Construction Industry Long Service Payments Act 1986. The current levy rate is 0.35% of the value of building and construction work where the cost of building is \$25,000 or more (inclusive of GST)	the Building and Construction Industry Long Service Payments Act 1986. The current levy rate is 0.25% of the value of building and construction work where the cost of building is \$250,000 or more (inclusive of GST)
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5. endorse the new and amended fees following the 28-day public exhibition period if no submissions are received.

The motion was carried with the Councillors voting unanimously.

9.4 COMMUNITY GRANTS PROGRAM - DECEMBER 2022

GOV400098, FIN3000159

374/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Financial Planning Coordinator on the Community Grants Program - December 2022; and
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:
 - Gulgong Chamber of Commerce Inc. \$10,000
 - Mudgee Show Society \$5,000
 - Mid-Western People Against Violence Committee \$5,000
 - Gulgong and District Campdraft Association \$5,625
 - Cudgegong Antique Machinery Club Inc. \$335
3. provide events assistance to the following application in accordance with the Events Assistance Policy;

- **Gulgong Chamber of Commerce Inc. – Gulgong Folk festival for \$2,500**

The motion was carried with the Councillors voting unanimously.

9.5 POLICY REVIEW - PROCUREMENT POLICY

GOV400098, GOV400087, GOV400047

375/22

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager Procurement and Fleet on the Policy Review - Procurement Policy;**
2. **accept the revised policy name of 'Sustainable Procurement & Contract Management Policy';**
3. **place the revised Sustainable Procurement & Contract Management Policy on public exhibition for 28 days; and**
4. **adopt the Sustainable Procurement & Contract Management Policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

9.6 POLICY REVIEW - ASSET DISPOSAL

GOV400098, GOV400047

376/22

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Assets Accountant on the Policy Review - Asset Disposal;**
2. **place the revised Asset Disposal Policy on public exhibition for 28 days; and**
3. **adopt the Asset Disposal Policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

9.7 POLICY REVIEW - COMMUNITY GRANTS PROGRAM

GOV400098, GRA600009

377/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Financial Planning on the Policy Review - Community Grants Program;
2. place the revised Community Grants Program Policy on public exhibition for 28 days; and
3. adopt the revised Community Grants Program Policy if no submissions are received.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations**10.1 RURAL CUSTOMER WATER FILL STATION -
INTRODUCTORY PERIOD REVIEW**

GOV400098, WAT500087

378/22**MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Project Officer, Water and Sewer and Manager Water and Sewer on the Rural Customer Water Fill Station - Introductory Period Review;
2. note the submission received during the public exhibition period; and
3. endorse commencement of the Water Filling Station per KL fee of \$3.42 from 1 January 2023.

The motion was carried with the Councillors voting unanimously.

Item 11: Community**11.1 INDOOR POOL BUSINESS CASE - FINAL REPORT**

GOV400098, GOV400088, FO640002

379/22**MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Manager - Recreation Services on the Indoor Pool Business Case - Final Report;
2. note the Mudgee Indoor Pool Business Case Final Report and the data to be used to guide future aquatic facilities;

3. **investigate financing options and grant opportunities for the construction of an indoor swimming pool; and**
4. **continue to consult with community on the scale and mix of potential aquatic facilities.**

The motion was carried with the Councillors voting unanimously.

11.2 RFT 2022/75 CLEANING OF COUNCIL BUILDINGS

GOV400098, COR400566

380/22

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Coordinator Building Services on the RFT 2022/75 Cleaning of Council Buildings;**
2. **accept Absolute Cleaning as the sole provider for RFT 2022/75 Cleaning of Council Buildings;**
3. **note that the service contract period is for 3 years with no extension period;**
4. **approve the tender value \$636,310.48 for the first twelve (12) month as a base value and acknowledge that CPI is to be applied annually;**
5. **delegate the General Manager to approve contract variations for additional cleaning schedules as required;**
6. **delegate relevant Council Officers to approve additional unplanned cleaning services outside regular servicing schedules, within financial delegation and approved budget; and**
7. **notify Tenderers in writing of the outcome of the evaluation and subsequent Council endorsement of these recommendations.**

The motion was carried with the Councillors voting unanimously.

11.3 CONFLICTS OF INTERESTS POLICY - DEALING WITH COUNCIL-RELATED DEVELOPMENT THROUGHOUT THE DEVELOPMENT PROCESS

GOV400098, GOV400047

381/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Governance Co-ordinator on the Conflicts of Interests Policy - Dealing with Council-Related Development throughout the Development Process;
2. place the Conflicts of Interests Policy - Dealing with Council-Related Development throughout the Development Process on exhibition for 28 days to seek feedback from the community; and
3. adopt the Conflicts of Interests Policy - Dealing with Council-Related Development throughout the Development Process 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 GULGONG MEMORIAL HALL COMMITTEE MEETING - NOVEMBER 2022

GOV400098, GOV400088, A0100024

382/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Community on the Gulgong Memorial Hall Committee Meeting - November 2022;
2. note the minutes from the Gulgong Memorial Hall Committee meetings held on 9 November 2022; and
3. appoint Ray Thackeray to be a member of the Gulgong Memorial Hall Committee.

The motion was carried with the Councillors voting unanimously.

12.2 RAIL COMMITTEE MEETING MINUTES - NOVEMBER 2022

GOV400098, TRA300009

383/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Community on the Rail Committee Meeting Minutes - November 2022;
2. note the minutes of the Rail Committee Meeting -

November 2022; and

3. **note the survey outcomes provided by the Rail Committee; and**
4. **support the continued representation to the State Government on passenger rail services.**

The motion was carried with the Councillors voting unanimously.

12.3 RED HILL COMMITTEE MEETING - 12 OCTOBER 2022

GOV400098, A0190002

384/22

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Red Hill Committee held on 12 October 2022; and**
2. **note the minutes of the Red Hill Committee meeting held on 12 October 2022.**

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

385/22

MOTION: Shelley / Cavalier

That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.

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 Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Governments Act, 1993

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) 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)

personnel matters concerning particular individuals (other than councillors).

14.2 Commercial Opportunity

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 Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a commercial property opportunity being considered by Council.

15.1 Mudgee Sewerage Network and Treatment Plant Upgrade 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 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 NSW Government requests that this information be kept 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.

The motion was carried with the Councillors voting unanimously.

14.1 SALE OF LAND TO RECOVER OVERDUE RATES AND CHARGES - CHAPTER 17, PART 2, DIVISION 5, SECTION 713 LOCAL GOVERNMENTS ACT, 1993

GOV400098, A0340011

386/22

MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Revenue Coordinator on the Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Governments Act, 1993;**
- 2. agree to sell under Chapter 17, Part 2, Division 5, Section 713 of the Local Government Act 1993, the lands held under the following Property Numbers: 5259, 14800 and 25565 and note that the General Manager has signed the**

General Manager's Certificates for each of the properties;

3. **approve Friday 21 April 2023, as the date for the Auction;**
4. **authorise the General Manager to appoint an Auctioneer and determine the time and venue for the Auction on 21 April 2023;**
5. **authorise the General Manager to arrange the publication of the mandatory advertisement in accordance with Section 715(1) Local Government Act 1993;**
6. **authorise the General Manager to exercise delegated authority to deal with matters arising out of the sale process so as to ensure continuous and smooth running of the Sale process;**
7. **authorise the General Manager to determine any reserve prices;**
8. **authorise the General Manager to negotiate the sale of any property, by private treaty in accordance with Section 716(2) Local Government Act 1993, which fails to sell at the Auction on 21 April 2023;**
9. **authorise the General Manager to consider arrangements for payment of rates and charges and to withdraw properties from the Auction where satisfactory arrangements have been accepted or where a property no longer meets the requirements under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993;**
10. **authorise the General Manager to execute the contract documents on behalf of Council in relation to all properties that are sold at the Auction on 21 April 2023 and; to execute the contract documents on behalf of Council in relation any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;**
11. **authorise the General Manager to take such action, if necessary, (including court proceedings if required) as may reasonably be required to give vacant possession of any properties sold at the Auction on 21 April 2023 and; to take such action, if necessary, (including court proceedings if required) as may reasonably be required to give vacant possession to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;**
12. **authorise the General Manager and Mayor to sign all documentation necessary to facilitate the processes under**

Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993 and; to sign all documentation relating to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;

13. authorise the Common Seal of Council be affixed to all documentation necessary to facilitate the processes under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993 and; to all documentation relating to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8; and
14. appoint Mr Stephen Flynn of Flynns Solicitors, as Council's legal representative in this matter.

The motion was carried with the Councillors voting unanimously.

14.2 COMMERCIAL OPPORTUNITY

GOV400098, COM100008, 233911

387/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Property and Revenue on the Commercial Opportunity;
2. authorise the General Manager to negotiate contract terms to purchase the chattels identified in Attachment 1 of this report;
3. prepare a business case for the proposal as set out in this report;
4. bring a report back to Council to provide the business case and set out budgets if required; and
5. note that the details around this commercial opportunity are to remain confidential until the purchase is confirmed or until the opportunity passes, after which the details in this report will become available to the public.

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

The Mudgee Sewerage Network and Treatment Plant Upgrade Project matter was ruled by the Chair to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

388/22 MOTION: Shelley / Cavalier

That the Mudgee Sewerage Network and Treatment Plant Upgrade Project be considered as Urgent Business Without Notice.

The motion was carried with the Councillors voting unanimously.

15.1 MUDGEE SEWERAGE NETWORK AND TREATMENT PLANT
UPGRADE PROJECT

GOV400098, F0740039

389/22 MOTION: Shelley / Paine

That Council:

1. **receive the report by the Manager Water and Sewer on the Mudgee Sewerage Network and Treatment Plant Upgrade Project;**
2. **amend the 2022/23 and 2023/24 Budgets in accordance with the adjustments listed in the Financial Implications section of this report; and**
3. **maintain confidentiality of the contents of this report until such time as specified by this report, after which this report will be made publicly available.**

The motion was carried with the Councillors voting unanimously.

Item 16: Open Council

390/22 MOTION: Shelley / Cavalier

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 5.59pm.