

# Minutes of the Extraordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 12 January 2022, commencing at 5.36pm and concluding at 5.58pm.

PRESENT Cr D Kennedy (Mayor), Cr S Paine (Deputy Mayor), Cr P Cavalier, Cr K Dicker, Cr A Karavas, Cr Palmer, Cr P Shelley, Cr Stoddart, Cr JP Thompson.

IN ATTENDANCE General Manager (Brad Cam), Director, Community (Simon Jones), Director Development (Julie Robertson), Director Operations (Julian Geddes), Chief Financial Officer (Leonie Johnson), Executive Manager People and Performance (Michele George), Manager Customer Services & Governance (Richard Cushway) and Executive Assistant (Mette Sutton).

The Acknowledgement of Country was spoken by General Manager, Brad Cam.

All Councillors in turn read the oath/affirmation in the presence of the General Manager.

Cr Palmer – affirmation  
Cr Shelley – oath  
Cr Paine – affirmation  
Cr Karavas – oath  
Cr Kennedy – oath

Cr Dicker – oath  
Cr Cavalier – affirmation  
Cr Thompson – oath  
Cr Stoddart - oath

## Item 1: Apologies

There were no apologies.

## Item 2: Disclosure of Interest

There were no disclosures of interest.

## Item 3: Confirmation of Minutes

Nil

## Item 4: Office of the General Manager

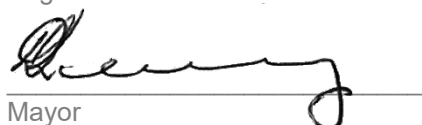
### 4.1 DELEGATIONS OF THE MAYOR

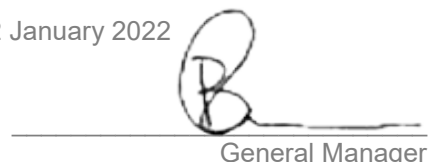
GOV400098, GOV400098

01/22 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Governance Coordinator on the Delegations of the Mayor;
2. pursuant to the provisions of Section 377 of the Local

  
Mayor

  
General Manager

**Government Act, 1993, delegate to the mayor authority:**

- a. to monitor the General Manager in the exercise of the General Manager's power, duties and functions;
  - b. to authorise expenditure on works approved in the Operational Plan for an amount up to \$20,000;
  - c. to authorise work, not approved in the Operational Plan, which in the Mayor's opinion is urgent, at a cost not exceeding \$20,000 except in the case of Bush Fire Emergency where the limit is \$50,000;
  - d. to approve the attendance of any Councillor at meetings or functions between Council meetings that the Mayor would normally attend on behalf of Council;
  - e. to approve professional development activities, including conference attendance, within the budget limits of the Professional Development Program;
  - f. to affix and witness the Common Seal of Council, in response to a resolution of Council, to any necessary documents in conjunction with the General Manager or another Councillor; and
3. note the Role of Mayor in accordance with section 226 of the Local Government Act attached.

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

#### 4.2 ELECTION OF THE MAYOR

GOV400098, GOV400054, GOV400098

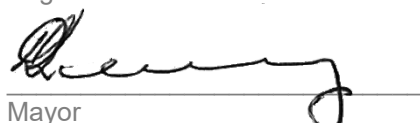
02/22

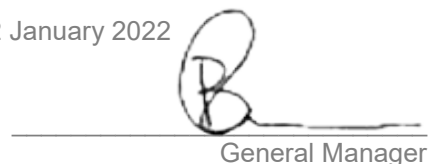
**MOTION: Shelley / Palmer**

**That Council:**

1. receive the report by the Governance Coordinator on the Election of the Mayor;
2. determine that the Ballot for the election of the Mayor be by Open Voting;
3. designate the General Manager as Returning Officer for the election with the election to be conducted by the General Manager and the Manager Customer Services and Governance; and
4. Elect the Mayor for the term of 2 years.

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

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

The General Manager announced that one nomination had been received for the position of Mayor, that being for Councillor Kennedy. The General Manager declared Councillor Kennedy as Mayor, unopposed.

The Mayor proceeded to Chair the meeting, commencing with a welcome to his fellow Councillors. He congratulated the Councillors and in particular the three new councillors, noting that it is good to see younger community people on the Council, showing pride and passion for the community. The Mayor thanked his fellow Councillors for their ongoing support and thanked senior staff, noting that the senior staff of MWRC are exceptional.

#### 4.3 ELECTION OF DEPUTY MAYOR

GOV400098, GOV400054, GOV400098

03/22

**MOTION: Shelley / Thompson**

**That Council:**

1. **receive the report by the Governance Coordinator on the Election of Deputy Mayor;**
2. **determine that the Ballot for the election of the Deputy Mayor be by Open Voting;**
3. **elect the Deputy Mayor for the Mayoral term (2 years) or less; and**
4. **designate the General Manager as the Returning Officer for the election with the election to be conducted by the General Manager and the Manger Customer Services and Governance.**

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

The General Manager announced that one nomination had been received for the position of Deputy Mayor, that being for Councillor Paine. The General Manager declared Councillor Paine as Deputy Mayor, unopposed.

Cr Paine addressed the Council. He said it will be a pleasure to be Deputy Mayor again and that he is looking forward to it.

#### 4.4 RECOGNITION OF OUTGOING COUNCILLORS

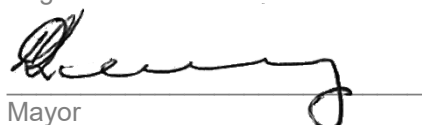
GOV400098, A0110038

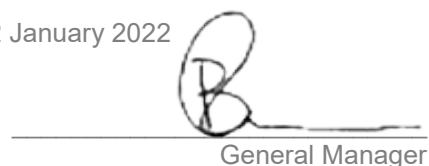
04/22

**MOTION: Shelley / Cavalier**

**That Council:**

1. **receive the report by the Governance Coordinator on the Recognition of Outgoing Councillors; and**

  
Mayor

  
General Manager

2. recognise the service of former Councillors Martens, Holden and O'Neill:
- Esmé Elizabeth Martens first elected 25<sup>th</sup> March 2006 ending 4<sup>th</sup> December 2021 continuous service for 15 years 8 months (4 terms)
  - Russell Holden 2008 – 2012 and 2016 - 2021 (2 terms)
  - John O'Neill 2016 – 2021

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

4.5 COUNCILLOR CASUAL VACANCIES WITHIN 18 MONTHS OF THE ELECTION

GOV400098, GOV400015, GOV400098

05/22 MOTION: Shelley / Paine

That Council:

1. receive the report by the Governance Coordinator on the matter of Councillor casual vacancies within 18 months of the election; and
2. in accordance with section 291A of the Local Government Act 1993 declare that casual vacancies occurring in the office of a councillor within 18 months of the election are to be filled by a countback of votes cast at the election.

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

4.6 DELEGATIONS OF THE GENERAL MANAGER

GOV400098, GOV400002

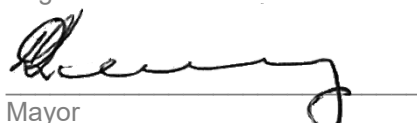
06/22 MOTION: Shelley / Cavalier

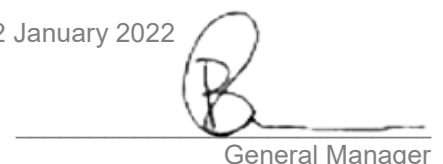
That Council:

1. receive the report by the Governance Coordinator on the Delegations of the General Manager; and
2. review and adopt the instrument of delegations of authority of the General Manager to be dated 12<sup>th</sup> January 2022.

**Note: General Manager Instrument of Delegation is attached to the minute.**

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

  
Mayor

  
General Manager

**Item 5: Finance**5.1 TOURISM SERVICES AND REGIONAL MARKETING  
EXPRESSION OF INTEREST 2021/54

GOV400098, COR400472, GOV400098

07/22

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

1. receive the report by the Chief Financial Officer on the Tourism Services and Regional Marketing Expression of Interest 2021/54;
2. note that three EOI proposals were received, and one late EOI proposal which was not assessed;
3. note that no viable proposals were received as part of this EOI process; and
4. request an additional report be brought back to Council detailing the alternate cost of providing Tourism Services and Regional Marketing internally (not through a contract arrangement), outlining any benefits and disadvantages to current service levels.

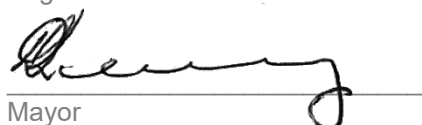
AMENDMENT: Thompson /

That Council support the continuation of the way the MRT is currently being run.

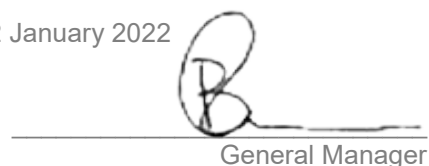
The amendment was lost for want of a seconder.

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

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



Mayor



General Manager

**Item 6: Urgent Business Without Notice**

Nil

**Item 7: Confidential Session****08/22 MOTION: Cavalier / Karavas**

**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.

**7.1 Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Government 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).***

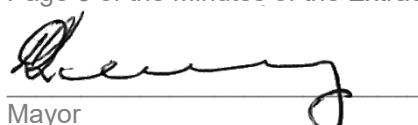
Following an enquiry from the Mayor, the General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

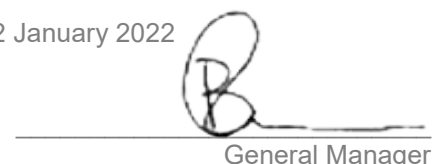
7.1 SALE OF LAND TO RECOVER OVERDUE RATES AND CHARGES - CHAPTER 17, PART 2, DIVISION 5, SECTION 713 LOCAL GOVERNMENT ACT, 1993

GOV400098, GOV400087, A0340011

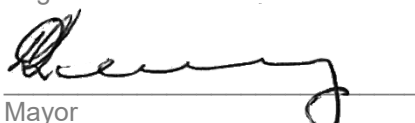
**09/22 MOTION: Shelley / Cavalier****That Council:**

- 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 Government 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: 5291, 6668, 13902, 20974, 21215 and 23755 and note that the General Manager has signed the General Manager's Certificates for each of the properties;**

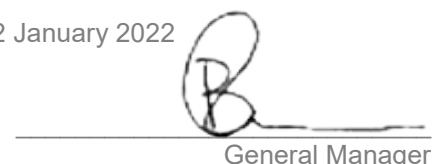
  
Mayor

  
General Manager

3. approve Friday 29 April 2022, 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 29 April 2022;
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, that fails to sell at the Auction on 29 April 2022;
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 29 April 2022 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 29 April 2022 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



Mayor



General Manager

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 Flynn's Solicitors, as Council's legal representative in this matter.

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

**Item 8: Urgent Confidential Business Without Notice**

Nil

**Item 9: Open Council**

10/22

**MOTION: Cavalier / Karavas**

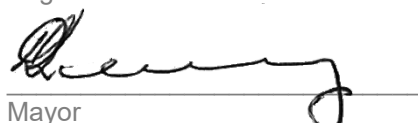
**That Council move to Open Council.**

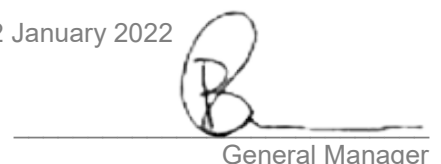
*The motion was carried with the Councillors voting unanimously.*

The General Manager announced the decisions taken in Confidential Session.

**Item 10: Closure**

There being no further business the meeting concluded at 5.58pm.

  
Mayor

  
General Manager