

Minutes of the Extraordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 31 January 2020, commencing at 2.20pm and concluding at 2.38pm.

PRESENT Cr P Shelley, Cr D Kennedy, Cr E Martens, Cr JP Thompson, Cr S Paine,
Cr A Karavas, Cr J O'Neill, Cr R Holden.

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director
Operations (Garry Hemsworth), Chief Financial Officer (Leonie Johnson),
Executive Manager Human Resource (Michele George), Lindsay Dunstan
(Manager Statutory Planning), Manager Governance (Tim Johnston) and
Executive Assistant (Mette Sutton).

Item 1: Apologies

An apology for Cr P Cavalier was received.

01/20 MOTION: Martens / Holden

That the apology for Cr Cavalier be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Cr Kennedy provided an explanation as to why he would remain in the meeting for this matter when he had removed himself from the meeting when the previous development application was rejected and before the Land & Environment Court. The reason he didn't partake in discussion or vote over that period of time was because the development application had casual accommodation, entertainment, beer, wine, all services that he provides, so he saw fit to stand out from those discussions. The original development application was for 34 permanent residential units, a total different ball game. This matter is about Council investigating the purchase of the theatre or not.

Cr Thompson asked for clarification on the difference between the types of accommodation.

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Mayor Kennedy responded that the original DA was for 34 permanent residential apartments, not tourism accommodation.

When considering the Urgent Business Without Notice, Cr Martens declared a pecuniary conflict of interest in item 5.1, left the meeting at 2.37pm and did not participate or vote in relation to this matter.

Item 3: Confirmation of Minutes

Nil.



Item 4: Community

4.1 INFORMATION ON THE REGENT THEATRE

GOV400087, P0020011

02/20

MOTION: Shelley / Karavas**That Council:**

1. recognise the heritage value of the Regent Theatre and the importance placed on this building by many in the community; and
2. write to the Premier and the Member for the Dubbo electorate encouraging the State Government to purchase this important building on behalf of the community;

The motion was put and carried on the casting vote of the Mayor, with Councillors voting as follows:

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Shelley | ✓ | |
| Cr Kennedy | ✓ | |
| Cr Martens | | ✓ |
| Cr Thompson | | ✓ |
| Cr Paine | | ✓ |
| Cr Karavas | ✓ | |
| Cr O'Neill | ✓ | |
| Cr Holden | | ✓ |

Cr Holden put forward a notice to rescind the resolution for item 4.1 – Information on the Regent Theatre, signed by Councillors Thompson and Martens.

03/20

MOTION: Shelley / Holden

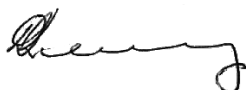
That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.

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.

4.1 Information on the Regent Theatre - Rescission Motion

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 and information that would, if disclosed, confer a commercial




advantage on a competitor of the Council in accordance with Section 10A(2)(d)(i) and (d)(ii) 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 commercial property opportunity being considered by Council.

RESCISSION MOTION: Holden / Thompson

That the resolution for item 4.1 be rescinded.

The rescission motion was lost on the casting vote of the Mayor, with Councillors voting as follows:

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Shelley | | ✓ |
| Cr Kennedy | | ✓ |
| Cr Martens | ✓ | |
| Cr Thompson | ✓ | |
| Cr Paine | ✓ | |
| Cr Karavas | | ✓ |
| Cr O'Neill | | ✓ |
| Cr Holden | ✓ | |

Item 5: Open Council

04/20 MOTION: Shelley / Paine

That Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

Following the confidential session, the General Manager confirmed the earlier resolution of Council being resolution no.02/20.

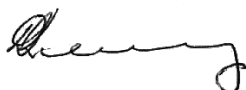
Item 6: Urgent Business Without Notice

05/20 MOTION: Shelley / Holden

That Council consider the Urgent Business Without Notice in regard to the report on Disaster Recovery Funding – Bushfire.

The motion was carried with the Councillors voting unanimously.

Cr Martens declared a pecuniary conflict of interest in item 5.1, left the meeting at 2.37pm and did not participate or vote in relation to this matter.




5.1 DISASTER RECOVERY FUNDING - BUSHFIRE

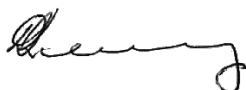
GOV400087, GRA600016

06/20

MOTION: Shelley / Holden**That Council:**

1. receive the report by the Chief Financial Officer on the Disaster Recovery Funding Bushfire;
2. note that the Commonwealth Government announced an allocation of Disaster Recovery Funding (DRF) for bushfire affected communities on 9 January 2020 resulting in \$1,000,000 of immediate assistance;
3. note that a Program of Works for this funding is required within 3 months;
4. amend the 2019/20 budget to allocate \$1,000,000 of DRF from the Federal Government towards bushfire recovery functions;
5. amend the 2019/20 budget to allocate funds from the DRF to the following activities;
 - 5.1 \$50,000 to employ a Bushfire Recovery Liaison Officer to provide immediate assistance to bushfire impacted residents and communities within the Local Government Area (LGA);
 - 5.2 \$250,000 to install 11 large water tanks at strategic locations across the LGA;
6. note that a further report will be brought back to Council at the February Ordinary Council Meeting recommending the allocation of the remaining \$700,000 grant funding;
7. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the immediate employment of a Bushfire Recovery Liaison Officer;
8. note the installation of water tanks will be at Rural Fire Service sites, on a mix of Council owned and Crown Land sites as discussed in this report; and
9. request Council report back to the Commonwealth Government within the timeframes set.

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



| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Shelley | ✓ | |
| Cr Kennedy | ✓ | |
| Cr Thompson | ✓ | |
| Cr Paine | ✓ | |
| Cr Karavas | ✓ | |
| Cr O'Neill | ✓ | |
| Cr Holden | ✓ | |

Cr Martens returned to the meeting at 2.38pm.

Item 7: Urgent Confidential Business Without Notice

Nil.

Item 8: Closure

There being no further business the meeting concluded at 2.38pm.

