



MINUTES

Extraordinary Council Meeting Tuesday 24 January 2023

Date: Tuesday 24 January 2023

Time: 5:00pm

**Location: Council Chambers
Cnr Camp & Weddin Streets
GRENFELL NSW 2810**

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**MINUTES OF WEDDIN SHIRE COUNCIL
EXTRAORDINARY MEETING
HELD AT THE COUNCIL CHAMBERS, CNR CAMP & WEDDIN STREETS, GRENFELL
NSW 2810
ON TUESDAY 24 JANUARY 2023 AT 5:00PM**

1 OPENING

I would like to welcome everybody to the extraordinary meeting for January, in accordance with the Weddin Shire Council Meeting Code of Meeting practice, this extraordinary meeting will be recorded for the purposes of audiovisual livestream and via Councils website and FaceBook page. Those in attendance are asked to refrain from making any defamatory statements and are to comply with all the relevant Weddin Shire Council Codes, policies and procedures at all times.

In accordance with the Weddin Shire Council Code of Meeting practice, clause 3.2 and section 3.6.6 of the *Local Government Act 1993*, if the Mayor receives a request in writing signed by at least two councillors, the Mayor must call an extraordinary meeting of council to be held as soon as practical, but in any event no more than fourteen days after receipt of the request.

A notice of motion for an extraordinary meeting was submitted to me January, 19th January 2023, to call for an extraordinary meeting by Councillors Diprose, Parlett, Frame and Howell.

2 ACKNOWLEDGEMENT OF COUNTRY

Weddin Shire Council would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land.

Weddin Shire Council would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.

3 ATTENDANCE AND APPLICATIONS FOR LEAVE

ATTENDANCE

PRESENT:

Cr Craig Bembrick (Mayor), Cr Paul Best (Deputy Mayor), Cr Jason Kenah, Cr Michelle Cook, Cr Phillip Diprose, Cr Glenda Howell, Cr Stuart McKellar, Cr Warwick Frame, Cr Jan Parlett.

IN ATTENDANCE:

Ms Noreen Vu (General Manager), Mr Michael Chalmers (Director Corporate Services) Prasanna Kariyawasam (Acting Director Infrastructure Services).

RECOMMENDATION

Mayor Bembrick: I move that:

Ms Rebecca Kennedy from the Office of Local Government to attend the closed council session for item 5.1 Notice of Motion relating to the General Manager's Performance Agreement and Action Plan.

RESOLUTION 001/23

Moved: Cr Kenah

Seconded: Cr Parlett

Ms Rebecca Kennedy from the Office of Local Government to attend the closed council session for item 5.1 Notice of Motion relating to the General Manager's Performance Agreement and Action Plan.

CARRIED**APOLOGIES**

Nil

LEAVE OF ABSENCE

Nil

LEAVE OF ABSENCE APPLICATION**4 CONFIRMATION OF MINUTES**

Nil

5 DISCLOSURES OF INTEREST

- Report 5.1 – Notice of Motion - General Manager's 2022 Performance Agreement and Action Plan Performance Agreement - General Manager, Noreen Vu

6 RECORDING**RECOMMENDATION**

Mayor Bembrick: I move that:

The closed session pertaining to item 5.1 the General Managers Performance Agreement and Action plan be recorded to be forwarded onto the Office of Local Government and also stored on Council's server for a period of 12 months.

MOTION OUTCOME 002/23

Moved: Mayor

Seconded: Cr McKellar

The closed session pertaining to item 5.1 the General Managers Performance Agreement and Action plan be recorded to be forwarded onto the Office of Local Government and also stored on Council's server for a period of 12 months.

Vote

For: Mayor Bembrick, Cr Frame, Cr Howell, Cr Best, Cr Kenah, Cr Cook, Cr McKellar

CARRIED

7 MOTIONS/QUESTIONS WITH NOTICE

The meeting now be closed to the public under Section 10A(2) of the *Local Government Act 1993* to consider the items following because of their confidential nature:

7.1 NOTICE OF MOTION - GENERAL MANAGER'S 2022 PERFORMANCE AGREEMENT AND ACTION PLAN PERFORMANCE AGREEMENT

This matter is considered to be confidential under Section 10A(2) - a of the *Local Government Act 1993*, and Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

7.1 NOTICE OF MOTION - GENERAL MANAGER'S 2022 PERFORMANCE AGREEMENT AND ACTION PLAN PERFORMANCE AGREEMENT

MOTION

That Council:

1. That both the General Manager's 2022 Performance Agreement and 2022 Action Plan Performance Agreement be reviewed by all councillors and possibly amended prior to 8 February 2023, and
2. That the Extraordinary Meeting be closed to the public as it relates to a staff member, and
3. That a Committee of the Whole be formed, with the exclusion of the GM.

MOTION PUT FORWARD BY CR PARLETT, CR DIPROSE, CR FRAME, CR HOWELL (19 JANUARY 2023)

RESOLUTION 006/23

Moved: Cr Parlett

Seconded: Cr Howell

7.1 NOTICE OF MOTION - GENERAL MANAGER'S 2022 PERFORMANCE AGREEMENT AND ACTION PLAN PERFORMANCE AGREEMENT

That Council:

1. That both the General Manager's 2022 Performance Agreement and 2022 Action Plan Performance Agreement be reviewed by all councillors and possibly amended prior to 8 February 2023, and
2. That the Extraordinary Meeting be closed to the public as it relates to a staff member, and
3. That a Committee of the Whole be formed, with the exclusion of the GM.

Cr McKellar requested the Minutes note he is AGAINST this motion

Vote

For: Cr Diprose, Cr Frame, Cr Howell, Cr Cook, Cr Parlett

Against: Cr McKellar, Cr Best, Cr Kenah

CARRIED

8. CLOSED COUNCIL

RECOMMENDATION

The meeting now be closed to the public under Section 10A(2) of the *Local Government Act 1993* to consider the items following because of their confidential nature:

7.1 Notice of Motion - General Manager's 2022 Performance Agreement and Action Plan Performance Agreement

This matter is considered to be confidential under Section 10A(2) - a of the *Local Government Act 1993*, and Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

7.2 INCREASE OF GENERAL MANAGER DELEGATION FOR EMERGENCY WORKS

This matter is considered to be confidential under Section 10A(2) - d(i) and d(ii) of the *Local Government Act 1993*, and Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with 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.

RESOLUTION 003/23

Moved: Cr Best

Seconded: Cr Frame

Moved to Closed Council at 5:15PM

The meeting now be closed to the public under Section 10A(2) of the *Local Government Act 1993* to consider the items following because of their confidential nature:

7.1 Notice of Motion - General Manager's 2022 Performance Agreement and Action Plan Performance Agreement

This matter is considered to be confidential under Section 10A(2) - a of the *Local Government Act 1993*, and Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

7.2 INCREASE OF GENERAL MANAGER DELEGATION FOR EMERGENCY WORKS

This matter is considered to be confidential under Section 10A(2) - d(i) and d(ii) of the *Local Government Act 1993*, and Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with 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.

CARRIED

RECOMMENDATION

Mayor recommends move that we deal with item 5.2 first.

RESOLUTION 004/23

Moved: Cr McKellar

Seconded: Cr Kenah

I move that the we deal with item 5.2 first.

CARRIED

RECOMMENDATION**7.2 INCREASE OF GENERAL MANAGER DELEGATION FOR EMERGENCY WORKS**

That Council:

1. Note the information contained in this report.
 2. Delegate the General Manager's financial delegation from \$249,999 to \$499,999 for emergency works defined under clause 170A of the *Local Government (General) Regulation 2021* which is valid until 31 October 2023.
-

RESOLUTION 005/23

Moved: Cr Diprose

Seconded: Cr Frame

7.2 INCREASE OF GENERAL MANAGER DELEGATION FOR EMERGENCY WORKS

That Council:

1. Note the information contained in this report.
2. Delegate the General Manager's financial delegation from \$249,999 to \$499,999 for emergency works defined under clause 170A of the *Local Government (General) Regulation 2021* which is valid until 31 October 2023.

CARRIED

[5.21pm – General Manager Noreen Vu, Director Corporate Michael Chalmers and A/g Director Infrastructure, Prassana Kariyawasam – leave the meeting]

RECOMMENDATION**7.1 NOTICE OF MOTION - GENERAL MANAGER'S 2022 PERFORMANCE AGREEMENT AND ACTION PLAN PERFORMANCE AGREEMENT**

That Council:

1. That both the General Manager's 2022 Performance Agreement and 2022 Action Plan Performance Agreement be reviewed by all councillors and possibly amended prior to 8 February 2023, and
 2. That the Extraordinary Meeting be closed to the public as it relates to a staff member, and
 3. That a Committee of the Whole be formed, with the exclusion of the GM.
-

RESOLUTION 006/23

Moved: Cr Parlett

Seconded: Cr Howell

7.1 NOTICE OF MOTION - GENERAL MANAGER'S 2022 PERFORMANCE AGREEMENT AND ACTION PLAN PERFORMANCE AGREEMENT

That Council:

1. That both the General Manager's 2022 Performance Agreement and 2022 Action Plan Performance Agreement be reviewed by all councillors and possibly amended prior to 8 February 2023, and
2. That the Extraordinary Meeting be closed to the public as it relates to a staff member, and
3. That a Committee of the Whole be formed, with the exclusion of the GM.

Cr McKellar requested the Minutes note he is AGAINST this motion

Vote

For: Cr Diprose, Cr Frame, Cr Howell, Cr Cook, Cr Parlett

Against: Cr McKellar, Cr Best, Cr Kenah

CARRIED

RECOMMENDATION

The meeting return to Open Council.

RESOLUTION 019/23

Moved: Cr Frame

Seconded: Cr Best

The meeting return to Open Council.

CARRIED

[7:25pm – General Manager Noreen Vu, Director Corporate Michael Chalmers enter meeting]

8 RETURN TO OPEN COUNCIL

[7:26pm – return to Open Council]

9 REPORT ON CLOSED COUNCIL

7.1 NOTICE OF MOTION - GENERAL MANAGER'S 2022 PERFORMANCE AGREEMENT AND ACTION PLAN PERFORMANCE AGREEMENT**RESOLUTION 006/23**

Moved: Cr Best

Seconded: Cr Frame

After some very positive discussion, decisions were made however they are confidential and in accordance with paragraph 2A, Section 10A, of the *Local Government Act 1993*, personal matters concerning a particular individual other than councillors, will remain confidential.

CARRIED

7.2 INCREASE OF GENERAL MANAGER DELEGATION FOR EMERGENCY WORKS**RESOLUTION 005/23**

Moved: Cr Diprose

Seconded: Cr Frame

That Council:

1. Note the information contained in this report.

Delegate the General Manager's financial delegation from \$249,999 to \$499,999 for emergency works defined under clause 170A of the *Local Government (General) Regulation 2021* which is valid until 31 October 2023.

CARRIED

10 CLOSURE

RESOLUTION 020/23

Moved: Cr Frame

Seconded: Cr Best

CARRIED

The Meeting closed at 7:28pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 February 2023.

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CHAIRPERSON