

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 16 FEBRUARY 2011, COMMENCING AT 5.54 PM AND CONCLUDING AT 7.23 PM.

Present: Cr D Kennedy (Mayor), Cr R Holden, Cr E Lang, Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb.

In Attendance: General Manager (W Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Regulatory and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Library and Community Services (S Jones), Manager Governance (I Roberts), Media Officer (E De Long).

Media Representatives: Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Rock).

ITEM 1: APOLOGIES

There were no apologies.

ITEM 2: CONFIRMATION OF MINUTES

08/11 **MOTION: Weatherley / Holden**

**That:**

- 1. the Minutes of the Ordinary Meeting held on 15 December 2010 (Minute Nos. 340/10 to 372/10) be taken as read and confirmed.**
- 2. the Minutes of the Extraordinary Council Meeting held on 19 January 2011 (Minute Nos. 01/11 to 07/11) be taken as read and confirmed.**

*The motion was put and carried.*

ITEM 3: DISCLOSURES OF INTEREST

Councillor Walker declared an interest in Item 8.1 in that his brother is associated with one of the tenderers.

ITEM 4: MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 5: REPORTS FROM COMMITTEES

PLANNING AND DEVELOPMENT COMMITTEE

09/11 **MOTION: Lang / Walker**

**That the matters resolved at the Planning and Development Committee meeting held on 2 February 2011 be received and confirmed.**

*The motion was put and carried.*

ASSETS COMMITTEE

10/11 **MOTION:** Walker / Weatherley

**That the matters resolved at the Assets Committee meeting held on 2 February 2011 be received and confirmed.**

*The motion was put and carried.*

CULTURAL AND COMMUNITY SERVICES COMMITTEE

11/11 **MOTION:** Shelley / Holden

**That the matters resolved at the Cultural and Community Services Committee meeting held on 2 February 2011 be received and confirmed.**

*The motion was put and carried.*

RECOMMENDATION COM.02/11 – BETTER FUTURES FUNDING AGREEMENT

A0100052, A0060048

12/11 **MOTION:** Shelley / Walker

**That:**

- 1. the report by the Manager Library and Community Services on the Better Futures Strategy Enhancement Package be received;**
- 2. Council support the concept of The Loft and accept the offer of funding from Communities NSW of \$22,050 for The Loft at Kandos Community Hall;**
- 3. Council execute the necessary documentation under the Common Seal of Council.**

*The motion was put and carried.*

RECOMMENDATION COM.03/11 – GLEN WILLOW PROGRESS REPORT – ADDITIONAL WORKS

A0100052, F0650108

13/11 **MOTION:** Walker / Weatherley

**That:**

1. the report by Group Manager Mid-Western Operations on the Glen Willow Regional Sports Project additional works be received;
2. Council proceed with the additional works of:

Road Works and Car Parks	\$ 408,000.00
Main Field -	\$ 115,000.00
Fencing -	\$ 160,000.00
Netball Courts (grass) -	\$ 135,000.00
Netball Amenities -	\$ 127,000.00
Landscaping and practice field-	\$ 55,000.00
<b>Total cost of additional works</b>	<b>\$1,000,000.00</b>

to complete this the Glen Willow Regional Sports Project;

3. Council funds these additional works totalling \$1,000,000.00 from Voluntary Planning Agreement money recently received.

*The motion was put and carried.*

RECOMMENDATION COM.04/11 – KANDOS BICENTENNIAL MUSEUM COMMITTEE – NOVEMBER AND DECEMBER 2010

A0100052, A0060123

14/11

**MOTION:** Thompson / Lang

**That:**

1. the report by the Manager Library and Community Services on the Kandos Bicentennial Museum for November and December 2010 be received;
2. Council accept the minutes of the Kandos Bicentennial Museum Committee ordinary meeting and annual general meeting of 11 November 2010 and ordinary meeting of 12 December 2010;
3. Council accept the nominations of Noel Costello, Bob Tomlinson, Marie Ford, Jill Baskerville, Peg Butler, Pam O'Connor, Ivy Tomlinson and Leslie Pennell to be members of the Kandos Bicentennial Museum Committee;
4. Council endorse the Kandos Bicentennial Industrial Museum Collection Policy.

*The motion was put and carried.*

ITEM 5.4 – MUDGEES LIBRARY BUILDING OPTIONS AND LAWSON PARK WEST

A0100052, A0060214, P0159911, F0620022

15/11

**MOTION:** Walker / Lang

**That:**

1. the report by the General Manager on the Mudgee regional library facility and Lawson Park West be received;
2. Council include in the 2011/12 draft Management plan for public consultation the option of the renovation and extension of the Mudgee Town Hall building with only a two level extension as its preferred option for a regional library facility at a cost of \$3,600,000;
3. Council include in the 2011/12 draft Management Plan the landscaping plan for Lawson Park West promoting the Option 1 that does include any additional car parking;
4. Council seeks specific comment on the option for the renovation and extension of the Mudgee Town Hall building from the Friends of the Library, the Mudgee Performing Arts Society, the Cudgegong Southbank Working Party and the Cultural Development Committee.

**AMENDMENT:** Martens / Thompson

**That:**

1. Repairs to the existing Library be immediately carried out from available funds.
2. A decision regarding consideration of either extension of the present Library or construction of the new building at Cudgegong Southbank be deferred to the 2012/13 Management Plan when a long term financial plan is prepared. In the meantime, Council attempt to raise funds for the new library by sale of land (including the Stocklands site), grants and VPA's but not loans.
3. The possibility of the incorporation of a tourist facility in the new library be considered if the new library is built.
4. Options such as the upgrade of the library building being funded by lessees be canvassed and a further report be submitted to Council.

**AMENDMENT:** Shelley / Holden

That Council adhere to the selected design (Option 1) for the Library and Meeting Rooms at Cudgegong Southbank and proceed with this development as soon as possible.

*The first amendment was put and lost. The second amendment was put and lost. The motion was put and carried.*

FINANCE AND CORPORATE COMMITTEE

16/11 **MOTION:** Shelley / Lang

**That:**

1. the matters resolved at the Finance and Corporate Committee meeting held on 2 February 2011 be received and confirmed.
2. the recommendations from the Finance and Corporate Committee meeting held on 2 February 2011 in respect of the following items be adopted.
  - 2010/11 Quarterly Budget Review – December 2010
  - Financial Assistance
  - Policy Review

*The motion was put and carried.*

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

6.1.1 INVESTIGATION INTO OPTIONS TO COMBAT VANDALISM  
A0100035, A0100052,

17/11 **MOTION:** Lang / Holden

**That Council immediately investigates in liaison with the police all options in the Mid-Western community to endeavour to control the petty vandalism which is costing ratepayers many thousands of dollars per year. Solutions to be investigated include:**

- Installation of CCTV at Council premises around the region
- Council employing night patrol security guards
- Representation to State Government to increase police numbers

*The motion was put and carried.*

6.1.2 FLOOD DAMAGE TO ROADS

A0100035, A0100052, F0560010

18/11 **MOTION:** Thompson / Lang

**That Council immediately apply to be able to reconstruct our flood damaged roads which are not only almost untrafficable, but are a risk to people's lives.**

*The motion was put and carried.*

6.1.3 COBBORA MINE DEVELOPMENT

A0100035, A0100052, A0420213

19/11

**MOTION:**                    **Thompson / Kennedy**

**That Council arrange a meeting with our neighbouring council areas who would be involved in the Cobbora Mine development.**

*The motion was put and carried.*

6.1.4 DIRECTIONAL SIGNAGE

A0100035, A0100052, R0790215

20/11

**MOTION:**                    **Holden / Kennedy**

**That Council erect appropriate directional signage to its “natural assets” including the Drip, Hands on Rock, Dunns Swamp etc and approach the National Parks and Wildlife Service for funding.**

*The motion was put and carried.*

6.1.5 RECIPROCAL SIGNAGE AT KEY INTERSECTIONS

A0100035, A0100052, R0790215

21/11

**MOTION:**                    **Holden / Shelley**

**That Council enter into formal negotiations with its neighbouring Councils for reciprocal signage at the key intersections to our (and their) regions.**

*The motion was put and carried.*

6.1.6 NAME FOR SITE IDENTIFIED AS CUDGEGONG SOUTHBANK

A0100035, A0100052, A0060214

**MOTION:**                    **Holden / Kennedy**

That Council name the site currently identified as Cudgegong South Bank, “Loneragan Park”.

22/11

**AMENDMENT:**            **Shelley / Walker**

**That consideration of this matter be deferred for further investigation.**

*The amendment was put and carried and on being put as the motion was again carried.*

6.2 REPORTS TO COUNCIL

6.2.1 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL  
BANK BALANCES AND INVESTMENTS AS AT 31 JANUARY 2011

A0100052, A0140304

23/11

**MOTION:**                    **Shelley / Walker**

**That the Investment Report as at 31 January 2011 by the Management Accountant be received and the certification by the Responsible Accounting Officer noted.**

*The motion was put and carried.*

6.2.2 ECONOMIC DEVELOPMENT UPDATE

A0100052, A0820020

24/11

**MOTION: Lang / Shelley**

**That the report by the General Manager on Economic Development Update be received.**

*The motion was put and carried.*

6.2.3 GLEN WILLOW ENTRANCE OPTIONS

A0100052, R9208006

**MOTION: Walker / Lang**

That:

1. the report of the Manager Technical Services on the Glen Willow Entrance Options be received;
2. Council approve Option 3 in principle subject to further investigation into drainage and flooding issues – a roundabout incorporating the Ulan Rd / Pitts Lane intersection and the Ulan Rd / Lue Rd intersection with an estimated budget of \$735,000.00 for the project noting the budgets are preliminary until the detailed designs and acquisition negotiations are complete.

**AMENDMENT: Webb /**

That:

1. the report of the Manager Technical Services on the Glen Willow Entrance Options be received;
2. Council approve Option 4 – bridge over the Cudgegong River at Cox Street, Mudgee with an estimated budget of \$995,000.

25/11

**AMENDMENT: Holden / Weatherley**

That:

1. **the report of the Manager Technical Services on the Glen Willow Entrance Options be received;**
2. **Council approve Option 3 in principle subject to further investigation into drainage and flooding issues – a roundabout incorporating the Ulan Rd / Pitts Lane intersection and the Ulan**

Rd / Lue Rd intersection with an estimated budget of \$735,000.00 for the project noting the budgets are preliminary until the detailed designs and acquisition negotiations are complete;

3. Council give consideration to the future development of Option 4 as part of the 2011/12 Management Plan process – bridge over the Cudgegong River at Cox Street, Mudgee with an estimated budget of \$995,000.

*The first amendment lapsed for want of a seconder. The second amendment was put and carried and on being put as the motion was again carried.*

6.2.4 DA0159/2011 CROWN APPLICATION BY GREATER WESTERN AREA HEALTH SERVICE FOR DEMOLITION OF AN EXISTING, NON-HERITAGE BUILDING AND CONSTRUCTION OF A HEALTHONE PRIMARY HEALTH FACILITY WITHIN THE GROUNDS OF GULGONG DISTRICT HOSPITAL

A0100052, P1014061

26/11

**MOTION:** Walker / Holden

**That:**

1. the report by Senior Statutory Planner on a Crown application for establishment of a HealthONE Primary Care Facility, Gulgong, be received;
2. it be noted that in approving a HealthONE under its regulatory role, Council is strongly of the opinion that the public interest will not be served until an MPS and/or Hospital is built in Gulgong;
3. Council grant consent to Crown application DA 0159/2011 for demolition of the existing western side clinic building (non heritage) and construction of a new health facility building on Lot 195 DP 755434, Goolma Road, Gulgong, subject to the following conditions of consent:

**CONDITIONS**

**APPROVED PLANS**

1. Development is to be carried out in accordance with stamped plans DA01A, A02B, DA03A, & L01 dated November 2010 to January 2011, Statement of Environmental Effects dated November 2010 and Heritage Impact Statement dated December 2010, prepared by John Blackwood Architects and accompanying application DA 0159/2011 received by Council on 23 November 2010, except as varied by the conditions listed herein.



**Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans.**

**Major modifications will require the lodgement of a new development application.**

#### **HERITAGE**

- 2. A Conservation Management Plan for the Gulgong District Hospital site is to be prepared to NSW Heritage Office standards by a qualified professional and submitted to Council for consideration within a period of six (6) months from the granting of this approval.**
- 3. Appropriate measures are to be undertaken to ensure that the Gulgong District Hospital site and its decommissioned buildings are regularly maintained and secured against water ingress, vermin and vandals. To that effect, a site-specific Plan of Management is to be prepared and submitted to Council for consideration within a period of three (3) months from the granting of this approval.**
- 4. A complete, photographic archival record of the 1966 clinic is to be prepared prior to its demolition and deposited with Council.**
- 5. The commemoration plaque of the demolished clinic is to be salvaged and re-fixed as an historical reference feature, forming part of the public entrance of the new HealthONE building.**
- 6. Appropriate vegetation protection measures for significant vegetation are to be undertaken during the entire period of works.**
  - (a) A tree root and branch protection zone is to be established under the guidance of a qualified arborist. Within that zone there must be no vehicular traffic, storage of materials or work sheds for the duration of works. If required, an alternate, a temporary entrance may be established to allow construction site access.**
  - (b) Irrigation, mulching, feeding and aeration of tree root zones is to be undertaken by a qualified arborist.**
  - (c) Tree health is to be monitored for the duration of works and for a period of twelve (12) months after completion of works by a qualified arborist and 'signed off', thereafter, to Council's satisfaction.**
- 7. Tree pruning is to be strictly controlled and undertaken by a qualified arborist. Only pruning which is absolutely essential, so as to allow passenger vehicle entry to the facility, may be undertaken.**

8. A signage plan for the site is to be submitted to Council for approval.

#### **HEALTH & BUILDING**

9. All construction work is to be compliant with the relevant provisions of the Building Code of Australia.
10. Demolition of the clinic building is to be undertaken in a responsible manner, with due regard to the collection, storage and disposal of hazardous materials. All hazardous waste is to be removed from the site.
11. All non-hazardous material is to be recycled, wherever possible.
12. A Section 68 application must be submitted to Council for plumbing and drainage works.

#### **ENGINEERING**

##### **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

13. Approval for discharge of liquid trade waste to the sewer is required prior to the issue of a Construction Certificate. An application form is to be submitted for this purpose, including discharge rate and site plan details.

##### **ENGINEERING CONSTRUCTION**

14. Car parking within the development is to comply with the following:
  - (a) Each parking space is to have minimum dimensions of 5.4m x 2.6m;
  - (b) Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
  - (c) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
  - (d) The provision of 15 off street parking spaces, including one disabled parking space.
15. Driveways are to have a minimum width sufficient to allow manoeuvring access in accordance with Roads & Traffic Authority standards and, where not specified to be of a permeable material, sealed with a hard standing, all weather material and maintained in a satisfactory condition at all times.

16. Sections of driveway that encroach upon the drip line of significant vegetation are to be constructed in a permeable paving material. Excavation is to be limited to enable the paving level to finish at the existing ground level.
17. Vehicular entrances comprising kerb laybacks and concrete footway crossings are to be provided to service the development. These are to be provided in a form that maintains the existing road condition and drainage.
18. The vehicular entry and exits are to have a minimum width of 6 metres (at the kerb line), the exception being the single lane, one way main entrance in the form of a half-circle.
19. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
20. The adjustment of any existing utility services or installation of new services is to be at the full cost of the developer.
21. All vehicles are to enter and leave the site in a forward direction at all times.
22. All loading and unloading in connection with the facility shall be carried out wholly within the site.
23. The main, single-lane entrance is to be reserved for passenger vehicles only. Heavy vehicles and deliveries are to be directed to the secondary, western entrance.
24. Stormwater is to be collected from all impervious areas and conveyed to Councils existing street drainage system.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

25. All car parking, associated driveway works and landscaping are to be completed prior to occupation of the development.

*The motion was put and carried as a recommendation to Council with Councillors voting as follows:*

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
<i>Cr Holden</i>	✓	
<i>Cr Kennedy</i>	✓	
<i>Cr Lang</i>	✓	
<i>Cr Martens</i>	✓	
<i>Cr Shelley</i>	✓	
<i>Cr Thompson</i>	✓	
<i>Cr Walker</i>	✓	
<i>Cr Weatherley</i>	✓	
<i>Cr Webb</i>	✓	

6.2.5 MUDGEE REGION TOURISM INC QUARTERLY REPORT –  
DECEMBER 2010

A0100052, F0770077

27/11 **MOTION:** Shelley / Holden

**That the report by the General Manager on the Mudgee Region Tourism Inc Quarterly Report (December 2010) and the Annual Report and Financial Statements to the 30<sup>th</sup> June 2010 be received.**

*The motion was put and carried.*

6.2.6 REVIEW OF CODE OF CONDUCT AND ACCESS TO  
INFORMATION POLICY

A0100052, A0110003, A0220040, A0100021

28/11 **MOTION:** Shelley / Lang

**That:**

- 1. the report by the Manager Governance on the review of the Code of Conduct and Access to Information policy be received;**
- 2. Council adopt the proposed changes to the Code and the policy.**

*The motion was put and carried.*

6.2.7 ULAN COAL LIMITED (ULAN CONTINUED OPERATIONS  
PROJECT) VOLUNTARY PLANNING AGREEMENT

A0100052, A0420221

29/11 **MOTION:** Holden / Thompson

**That:**

- 1. the report by the General Manager on the Ulan Coal Limited (Ulan Continued Operations Project) Voluntary Planning Agreement be received;**
- 2. in accordance with the Environment and Planning Act Council adopt the Voluntary Planning Agreement with Ulan Coal Limited for their Ulan Continued Operations and require staff to implement the actions within the Voluntary Planning Agreement with the following amendment:-**

***Schedule two of the Voluntary Planning agreement be amended to state that the subsequent contributions for the Cope Road maintenance are adjusted annually by CPI.***

- 3. Authority be granted to the Mayor and General Manager to execute the Voluntary Planning Agreement and all necessary documentation under the common seal of Council.**

*The motion was put and carried.*

6.2.8 WILPINJONG COAL MINE VOLUNTARY PLANNING AGREEMENT  
A0100052, A0420169

30/11

**MOTION:** Walker / Holden

**That:**

1. the report by the General Manager on the Wilpingjong Coal Mine Voluntary Planning Agreement be received;
2. in accordance with the Environment and Planning Act Council adopt the Voluntary Planning Agreement with Wilpingjong Coal and require staff to implement the actions required by the Voluntary Planning Agreement.
3. authority be granted to the Mayor and General Manager to execute the Voluntary Planning Agreement and all necessary documentation under the common seal of Council.

*The motion was put and carried.*

6.2.9 ULAN ROAD REPAIRS  
A0100052, R9208006

31/11

**MOTION:** Webb / Shelley

**That:**

1. the report by Business Manager Works on the Ulan Road Repairs be received;
2. Council approves option 3 –as circulated as an addendum to Councillors on 16 February for the repair of Ulan Road at a cost of \$689,200. This urgent works be funded from the deferring of Mud Hut Creek Road intersection, rehabilitation works on Ulan Road (Frog Rock to Hadabob), capital causeway works, pending flood claims and VPA monies assigned to Ulan Road and the 2010/11 Management Plan be amended accordingly.

*The motion was put and carried.*

ITEM 7: URGENT BUSINESS WITHOUT NOTICE

7.1 HYDROLOGY REPORT FOR BYLONG VALLEY  
A0100052, A0100052, A0420223

32/11

**MOTION:** Holden / Shelley

**That this matter be dealt with as urgent business without notice.**

*The Mayor having ruled the matter to be of great urgency, motion was put and carried.*

33/11                    **MOTION:**                    Webb / Shelley

That Council writes a letter to the Ministers of Planning and Water supporting the call of the Bylong Valley Protection Alliance seeking as a matter of urgency a study of the hydrology of the Greater Bylong Valley area.

*The motion was put and carried.*

7.2 PEARSONS LOOKOUT

A0100052,

34/11                    **MOTION:**                    Martens / Holden

That this matter be dealt with as urgent business without notice.

*The Mayor having ruled the matter to be of great urgency, motion was put and carried.*

35/11                    **MOTION:**                    Shelley / Holden

That:

1. Council writes to Lithgow City Council conveying this Council's support to keep Pearsons Lookout open as an integral part of tourism and natural and historical wonders of the greater west;
2. Council also writes in similar terms to the RTA and Ministers for Roads and Environment.

*The motion was put and carried.*

ITEM 8: CONFIDENTIAL SESSION

36/11                    **MOTION:**                    Holden / Lang

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 Manager Governance announced that the following matters would be considered in confidential session and the reason why it was being dealt with in this way.

**Subject:**            *Tender Assessment – Mudgee Showground Main Pavilion*

***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 concerns commercial in confidence material.***

**Subject:** Property Matters

**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 concerns commercial in confidence material.**

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

*The motion was put and carried.*

8.1 TENDER ASSESSMENT – MUDGEES SHOWGROUND MAIN PAVILION

A0100052, F0650007

Councillor Walker declared a pecuniary interest in that his brother is associated with one of the tenderers, left the meeting at 7.17 pm and did not participate in discussions or vote in relation to this matter.

37/11 **MOTION:** Shelley / Webb

**That:**

1. the report from the Manager Technical Support on the tender for the Mudgee Showground's main Pavilion be received;
2. Council awards the contract to CCA Projects t/as Club Constructions Australia for the design and construction of the Main Pavilion at Mudgee Showground for the tendered price of \$689,230.00 (excluding GST);
3. The General Manager be authorised to enter into negotiations with the selected tenderer on price and given delegated authority to vary this tender by 5% during construction if any contingency variations are required.

*The motion was put and carried.*

Councillor Walker returned to the meeting at 7.18 pm.

8.2 PROPERTY MATTERS

A0100052

38/11 **MOTION:** Shelley / Lang

**That:**

1. the report by the General Manager on property matters be received;
2. Council approves the leasing of the premises at 2/81 Mortimer Street Mudgee (formerly known as the Paint Shop) at a rental of \$35,000 per annum plus GST for a five year lease period with a five year right of renewal and authorises the General Manager to enter into the lease agreement and sign on Councils behalf;
3. Council authorises the Mayor and General Manager to negotiate with the prospective tenant in relation to the upgrading of the premise and approve any building improvements and fit out contributions to a maximum of \$35,000 noting that Council is of the opinion that as the landlord it is inappropriate to contribute towards shelving;
4. Council does not participate in the auction of the property at 65 – 76 Church Street, Mudgee (known as the Home Hardware building).

AMENDMENT: Holden / Martens

That:

1. the report by the General Manager on property matters be received;
2. Council approves the leasing of the premises at 2/81 Mortimer Street Mudgee (formerly known as the Paint Shop) at a rental of \$35,000 per annum plus GST for a five year lease period with a five year right of renewal and authorises the General Manager to enter into the lease agreement and sign on Councils behalf;
3. Council authorises the Mayor and General Manager to negotiate with the prospective tenant in relation to the upgrading of the premise and approve any building improvements and fit out contributions (excluding shelving) to a maximum of \$25,000;
4. Council does not participate in the auction of the property at 65 – 76 Church Street, Mudgee (known as the Home Hardware building).

*The amendment was withdrawn. The motion was put and carried.*

ITEM 9: OPEN COUNCIL

The Manager Governance announced the decisions taken in Confidential Session.

CLOSURE

There being no further business the meeting concluded at 7.23 pm.