

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 7 March 2012, commencing at 6.23 pm and concluding at 7.40 pm

PRESENT Cr D Kennedy (Mayor), Cr R Holden, Cr E Lang, Cr PA Shelley,
Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb.

IN ATTENDANCE General Manager (W L Bennett), Acting Group Manager Mid-Western
Operations (J Geddes), Group Manager Development and Community
Services (C Van Laeren), Acting Group Manager Finance and
Administration (L Johnson).

MEDIA REPRESENTATIVES Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Rock).

Item 1: Apologies

An apology was received for the absence of Cr Martens.

67/12 **MOTION: Holden/Thompson**

That the apology for the absence of Cr Martens be accepted, and leave of absence be granted.

The motion was put and carried.

Item 2: Disclosure of Interest

Cr Walker declared a pecuniary conflict of interest in item 8.1.2 as he was the tenant for one of the subject properties.

Cr Walker declared a significant non pecuniary conflict of interest in item 6.1.2 in regard to a Levy Bank on Lawson Creek as he was the Chairman of the sports trust of the racecourse which is referred to in the report.

Cr Weatherley declared a significant non pecuniary conflict of interest in item 6.1.2 in regard to a Levy Bank on Lawson Creek as he was a member of the Sports Trust of the racecourse which is referred to in the report.

Cr Webb declared a pecuniary conflict of interest in item 6.2.19 as one of the persons mentioned in this report was known to him.

Item 3: Confirmation of Minutes

68/12 **MOTION:** Shelley/Walker

That the Minutes of the Ordinary Meeting held on 15 February 2012 (Minute Nos. 41/12 to 66/12) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress

69/12 **MOTION:** Weatherley /Lang

That item 514/11 be noted as completed.

The motion was put and carried.

Item 5: Mayoral Minutes

There was no Mayoral Minute.

Item 6: General Business

6.1 NOTICES OF MOTION

6.1.1 ALLOCATION OF COUNCIL DISCRETIONARY FUNDS

A0100035, A0100055

70/12 **MOTION:** Thompson /Lang

That Councillor Thompson's discretionary funds be allocated as follows:

- \$100 to U3A
- \$100 to CanAssist
- \$100 to the Gulgong Sports Council
- \$100 Redhill Environment Centre
- \$100 Gulgong Museum
- \$100 Gulgong Junior League

The motion was put and carried.

6.1.2 INVESTIGATION OF FLOOD LEVY BANKS ALONG LAWSON CREEK

Cr Walker declared a non pecuniary conflict of interest in item 6.1.2 in regard to a Levy Bank on Lawson Creek as he was the Chairman of the sports trust of the racecourse which is referred to in the report and left the meeting at 6:27pm and took no part in the debate or the decision on this matter.

Cr Weatherley declared a non pecuniary conflict of interest in item 6.1.2 in regard to a Levy Bank on Lawson Creek as he was a member of the Sports Trust of the racecourse which is referred to in the report and left the meeting at 6:27pm and took no part in the debate or the decision on this matter.

A0100035, A0100055

MOVED: Thompson / Webb

That Council investigate if flood mitigation money is available for the possibility of creating flood levy banks along Lawson Creek to protect Glen Willow and the Mudgee Racecourse area.

The motion was put and lost.

Councillors Weatherly and Walker returned to the meeting at 6.39pm.

6.2 REPORTS TO COUNCIL

6.2.1 DA0214/2012 - PROPOSED 2 LOT RURAL SUBDIVISION COXS CREEK ROAD RYLSTONE

A0100055, P1462261

71/12

MOTION: Thompson / Walker

That:

- 1. the report by Environmental Town Planner on the DA0214/2012 - Proposed 2 Lot Rural Subdivision Coxs Creek Road Rylstone be received;**
- 2. Lot 125 DP 755426 and Lots 5, 6 and 7 DP 40991 374 Coxs Creek Road Rylstone be determined not to be Prime Crop and Pasture land under the terms of the Rylstone Local Environmental Plan 1996 and that Council Staff determine the development application in accordance with the Environmental Planning and Assessment Act 1979.**

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

Councillors	Ayes	Nayes
Cr Holden	✓	
Cr Kennedy	✓	
Cr Lang	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓

6.2.2 VOLUNTARY PLANNING AGREEMENT – CENTENNIAL COAL

A0100055, P1436011

72/12

MOTION: Walker / Weatherley

That:

1. the report by Group Manager Development and Community Services on the Charbon Voluntary Planning Agreement 2 be received;
2. in accordance with the Environment and Planning Act Council adopt the Voluntary Planning Agreement with Centennial Coal – Charbon Coal and require staff to implement the actions within 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.

6.2.3 ABORIGINAL LAND CLAIM - WINDEYER

A0100055, P1068411, A0420218

73/12

MOTION: Weatherley / Shelley**That:**

1. the report by the Senior Environment Officer on the current Aboriginal Land Claim over land in Windeyer be received;
2. the Minister for Lands be advised that when the claim was lodged Council's records indicated that other parties other than the crown had an interest in the claimed land;
3. the Minister for Lands be advised that when the claim was lodged the claimed land is not needed or likely to be needed for residential purposes and is not needed or likely to be needed for an essential public purpose.

The motion was put and carried.

6.2.4 MOOLARBEN COAL PROJECT – STAGE 2 ASSESSMENT REPORT

A0100055, A0420176

74/12

MOTION: Holden / Lang**That:**

1. the report by Senior Environment Officer on the Moolarben Coal Project – Stage 2 Assessment Report be received;
2. Council make a written submission to the Moolarben Stage 2 application (as amended by the Preferred Project Report) based on the detail as outlined in attachment 1 to this report – noting that the current Voluntary Planning Agreement (VPA) for community facilities be extended to \$2.5 million;
3. the Director General and Minister for Planning be requested to extend the time period for Council comment on all future mining and significant infrastructure applications to a minimum of eight (8) weeks.

The motion was put and carried.

75/12 **MOTION: Webb / Holden**

That the Director General and Minister for Planning be requested to undertake a review of the State 'Biodiversity Offsets Policy' with a view to changing the Policy to address in particular the following issues:

- **Loss of primary industries as land is taken out of production for environmental purposes;**
- **The decline in population of rural communities as such properties cease to be productive farming enterprises with owner occupiers;**
- **Reduction of rate base through reclassification of offsets to non rateable land;**
- **Allocation of offsets to other Local Government areas with transfer of rate loss burden to that locality**
- **Changes to management regimes that frequently result in spread of weeds and pests to neighbouring properties;**
- **Change in management regimes that frequently lead to increased fire hazard levels with the burden for managing those levels and any fires falling on the local community.**

The motion was put and carried.

76/12 **MOTION: Shelley/Lang**

That:

1. **Council requests the Department of Lands to supply to Council as soon as possible maps identifying all lot boundaries containing and surrounding The Drip;**
2. **Council requests from the Department of Lands a certified survey to support the mapping requested by Council in paragraph 1 above.**

The motion was put and carried.

6.2.5 WINDFARM GUIDELINES – COMMUNITY SUBMISSIONS

A0100055, A0420225

77/12 **MOTION: Holden / Shelley**

That:

1. **the report by Senior Environment officer on the Draft NSW Planning Guidelines – Wind Farms be received;**
2. **Council make a written submission to the Draft NSW Planning Guidelines – Wind Farms as detailed in attachment 1 to this report;**

3. a Development Control Plan – Wind Farms be developed as part of the review of the Comprehensive Development Control Plan, subject to the failure of the State to satisfactorily amend the Draft NSW Planning Guidelines – Wind Farms in respect to specific provisions for local and regional development; and
4. staff be congratulated on the preparation of this submission.

The motion was put and carried.

6.2.6 MUDGEES CBD STREET TREE REPORT

A0100055, A0360003

78/12

MOTION: Weatherley / Shelley

That:

1. the report by Group Manager Operations on the Mudgee CBD Street Trees be received;
2. the report be placed on public exhibition for 28 days; and
3. Council consider in the 2012/13 budget initiatives, the replacement of Street Trees at \$40,000 per annum, over 4 years.

The motion was put and carried.

6.2.7 RFS BUDGET

A0100055, A0060009

79/12

MOTION: Webb/Thompson

That:

1. the report by the General Manager on the RFS Budget be received; and
2. Council approves the 2012/2013 Rural Fire Fighting Fund estimates as requested by the District Liaison Committee being to a maximum of \$329,169.

AMENDMENT: Shelley / Holden

That:

1. the report by the General Manager on the RFS Budget be received; and
2. Council approves the 2012/2013 Rural Fire Fighting Fund estimates to reflect the Council contribution at an increase of 3.5% being to a maximum of \$272,677.

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

6.2.8 TENDER ASSESSMENT – COUNCIL PLANT AND EQUIPMENT A0100055, A0411115

MOTION: Walker/Weatherley

1. Council accepts Westrac Pty Limited for tender 2011/15 for the provision of a Caterpillar D8T for class 30 dozer for the tendered price of \$746,000 (Excl GST) and that Council enter into a contract with Westrac Pty Limited in accordance with clause 178 of the Local Government (General) Regulation 2005.
2. Council accepts Westrac Pty Limited for tender 2011/15 for the trade in of one Caterpillar D7 dozer for the tendered price of \$150,000 (Excl GST) and that Council enter into a contract with Westrac Pty Limited in accordance with clause 178 of the Local Government (General) Regulation 2005.
3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Westrac Pty Limited for the provision of one Caterpillar D8T class 30 dozer and the trade in of Councils Caterpillar D7.
4. Council approves the General Manager to authorise variations up to 5% of the contract value.
5. The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.

80/12

AMENDMENT: Shelley / Webb

1. **Council accepts Liebherr Australia Pty Ltd for tender 2011/15 for the provision of one Liebherr PR754 CCF class 30 dozer for the tendered price of \$640,000 (Excl GST) and that Council enter into a contract with Liebherr Australia Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005.**
2. **Council accepts Liebherr Australia Pty Ltd for tender 2011/15 for the trade in of one Caterpillar D7 dozer for the tendered price of \$220,000 (Excl GST) and that Council enter into a contract with Liebherr Australia Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005.**
3. **Council authorises the General Manager to finalise and execute the contract on behalf of Council with Liebherr Australia Pty Ltd for the provision of one CCF class 30 dozer and the trade in of Councils Caterpillar D7.**
4. **Council approves the General Manager to authorise variations up to 5% of the contract value.**

5. **The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.**

The amendment was put and carried on the Mayor's casting vote and on being put as the motion was again carried on the Mayor's casting vote.

6.2.9 MUDGEE SALEYARDS MANAGEMENT COMMITTEE

A0100055, A0100047, F0720036

81/12

MOTION: Webb / Walker

That:

1. **the report by Group Manager Operations on the Mudgee Saleyards Management Committee be received; and**
2. **the minutes for the Mudgee Saleyards Management Committee ordinary monthly meeting held on 16 February 2012 be noted.**

The motion was put and carried.

6.2.10 LOCAL TRAFFIC COMMITTEE MINUTES - 14 FEBRUARY 2012

A0100055, R0790060

82/12

MOTION: Lang / Thompson

That:

1. **the report by the Development Engineer on the Local Traffic Committee Minutes – 14 February 2012 be received;**
2. **the event – “Mudgee Wings Wheels & Wine Air Show” Sunday, 15 April 2012 – be classified as a Class 2 event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:**
 - a. **A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.3 and submitted to and approved by Council prior to the event;**
 - b. **Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;**
 - c. **Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;**
 - d. **Reimbursing Council for the cost of damage repairs;**
 - e. **Complying with any of Council's Law Enforcement Officers' reasonable directives;**
 - f. **Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**

- g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify or a Design & Audit Certificate' be included in the TMP;**
- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;**
- i. Council must be provided with a copy of a current public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;**
- j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected.**
- k. Maintain a four-metre wide emergency vehicle lane;**
- l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;**
- m. The applicant apply to the RMS for a "Direction to restrict the Speed Limit" to 40kph on George Campbell Drive, and 80kph on Ulan Road from the existing 80km zone near Moggs Lane to 300 metres north of the George Campbell Drive/Ulan Road intersection; and**
- n. The organiser to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.**

3 the event – "Country v City Origin Match" Sunday, 22 April 2012 – be classified as a Class 2 event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:

- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;**
- b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;**
- c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;**
- d. Reimbursing Council for the cost of damage repairs;**
- e. Complying with any of Council's Law Enforcement Officers' reasonable directives;**
- f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
- g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify or a Design & Audit Certificate' be included in the TMP;**
- h. Any person directing traffic on a public road is required**

- i. to possess an appropriate traffic controller's certificate;
Council must be provided with a copy of a current public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
- j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
- m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

And the following special conditions:

- n. On day of event when parking area between netball courts and stadium reaches capacity, Pitts Lane will be closed to all traffic other than those displaying parking pass, buses/coaches and disabled patrons. Vehicles will then be directed to racecourse parking;
- o. Traffic management personnel will be in place at the Pitts Lane/Ulan Road/Lue Road round-a-bout;
- p. Traffic management personnel will be in place along Lue Road, on the approach to the round-a-bout to instruct drivers where to park;
- q. Signage to be installed at the intersection of the Castlereagh Highway and Rocky Waterhole Road, advising an alternate route to the venue;
- r. Rocky Waterhole Road to be restricted to north bound traffic only between 10:30am to 4:30pm on 22 April 2012;
- s. Rocky Waterhole Road to be restricted to south bound traffic only between 4:30pm and 7:00pm on 22 April 2012;
- t. No access to Rocky Waterhole Road from Burrundulla Road or Melrose Road between 10:30am to 7:00pm on 22 April 2012;
- u. Traffic management personnel will be at the intersection of Rocky Waterhole Road and the Castlereagh Highway from 6:00pm to allow right-of-way cars turning right out of Rocky Waterhole Road;
- v. Ulan Road will be closed to south bound traffic from 5pm until 7pm between Henry Lawson Drive and the Pitts Lane/Ulan Road/Lue Road roundabout. Vehicles will be diverted along Henry Lawson Drive, Putta Bucca Road and on to Market Street.

4 approval for the extension of the Gulgong school bus service to

include Slaughter Yard Lane into Thompson Lane, around Fisher Street into Wyaldra Street and turning around at the top ie at the end of the seal, and returning on Wyaldra Street.

- 5 "Give Way" signs be installed on Lower Piambong Road on the west side approach to McDonalds Creek.
- 6 the Committee notes the report for information on the RTA Speed Zone Assessment.
- 7
 - a. the existing "Stop" sign on Mayne Street Gulgong, at its intersection with Herbert Street, be removed;
 - b. a "Stop" sign and associated hold line be installed on Herbert Street at its intersection with Mayne Street, Gulgong; and
 - c. advance advisory signage associated with the priority of the intersection be amended to reflect the revised priority.

The motion was put and carried.

6.2.11 FEES AND CHARGES - SPORTING FACILITIES

A0100055, A0140341

83/12

MOTION: Lang / Holden

That:

1. the report by the General Manager on the Fees and Charges – Sporting Facilities be received;
2. Council approve the phased in sporting fees as set out in the table below:

Sporting Fees phased in Structure		
Item	Current	2012/2013
Junior player	\$9.00	\$12.00
Senior player	\$25.00	\$30.00
1st team	\$1,700.00	\$2,000.00
2nd team	\$1,300.00	\$1,500.00
3rd team	\$431.00	\$500.00

3. Council approves the fees and charges for the grandstand and main field at Glen Willow for a 12 month trial period, as listed below, noting that clubs that choose to play their home games at Glen Willow main field must play all their home games at Glen Willow. The club will then pay the per game day fee and will not be required to pay normal team fees as per the fees and charges:

All Clubs

- 1. Hire of seating, kiosk, BBQ, 2 or 4 change rooms, public toilets, referees room, first aid room, broadcasters room and coach rooms.
Cost \$700 per game day plus GST.**
- 2. Hire of corporate room 1, kitchen and second floor toilets
Cost \$300 per game day plus GST.**
- 3. Hire of corporate room 2, kitchen, and second floor toilets
Cost \$150 per game day plus GST.**
- 4. Hire of media Room, kitchen and second floor toilets
Cost \$50 per game day plus GST.**

The corporate and media rooms will be hired directly through Council. The hirer will be charged \$200 plus GST cleaning fee, per game day, per room, additional to the hire fee.

- 4. Council approve charging sporting clubs 50% usage of electricity for the lighting towers once the illuminators are installed, at each field for a 12 month period.**
- 5. Council approve that all bookings for Glen Willow will be through Council's customer service department and all other bookings of sporting fields through their respective Sports Councils.**
- 6. There will be no charge for schools to use sporting facilities with the exception of the main field and grandstand at Glen Willow where normal charges will be made and Council will also charge a user charge for the use of lights if used.**
- 7. Council approve that \$3.00 for junior players and \$10.00 for senior player be paid to the respective Sports Councils where the player is registered from the sporting fees collected.**
- 8. Council delegates to the General Manager the authority to negotiate fees for all events at the Glen Willow Regional Sports Facility that are non-sports related.**
- 9. Council will require all facilities to be left in a clean and tidy condition. If a club does not leave the facility in such a clean and tidy condition then Council will charge a cleaning bond of \$1,000 for that Club which must be paid prior to them using any Council facilities again.**

The motion was put and carried.

6.2.12 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

A0100055, A0140201

84/12

MOTION: Walker / Shelley**That:**

1. the report by the Financial Accountant on financial assistance applications be received;
2. Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy – Tier 2, subject to those requirements being met, with the funding from the general financial assistance vote:

Can Assist – Cancer Assistance Network	\$1000
Rotary Club of Mudgee Sunrise	\$250

3. Council decline the financial assistance application from the Mudgee Golf Club as the application does not satisfy the Financial Assistance policy criteria.

The motion was put and carried.

6.2.13 KANDOS LOOKOUT

A0100055, P1681411

85/12

MOTION: Weatherley / Walker**That:**

1. the report by the General Manager on the Kandos Lookout be received; and
2. Council notifies the land owner of the former Kandos Lookout that Council no longer requires the land for a public lookout.

The motion was put and carried.

86/12

MOTION: Thompson / Shelley

That Council notifies groups in Kandos and Rylstone that Council will not be taking responsibility for the Kandos Lookout and seek if any groups in Kandos would be willing to maintain this lookout.

The motion was put and carried.

6.2.14 KINGSGATE BOWDEN'S PROJECT

A0100055, A0420055

87/12

MOTION: Shelley / Walker**That:**

1. **the report by General Manager on the Kingsgate Bowden's Project– Community Liaison Group be received; and**
2. **Council defer this matter pending discussion with the proponent of the Bowden Project in regard to the community liaison group and the ongoing consultative group.**

The motion was put and carried

6.2.15 LAND CLASSIFICATION

A0100055, P1003511, R0790175

88/12

MOTION: Walker / Lang**That:**

1. **the report by the Manager Revenue and Property on the classification of land as operational be received;**
2. **Council classify Lot 1 DP 1156749 known as 35 Bent Street Ulan as Operational land**

The motion was put and carried.

6.2.16 MONTHLY MANAGEMENT PLAN REPORTING

A0100055, A0149935

89/12

MOTION: Lang / Walker**That the Management Plan 2011/12 reports for the month ended 31 January 2012 be received.***The motion was put and carried.*

6.2.17 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE
MEETING - DECEMBER 2011

A0100055, P0210911, A0100012

90/12 **MOTION: Walker / Holden**

That:

- 1. the report by Group Manager Operations on the Mudgee Showground Management Committee meeting – December 2011 be received; and**
- 2. the minutes for the Mudgee Showground Management Committee ordinary monthly meeting held on 6 December 2011 be noted.**

The motion was put and carried.

6.2.18 SHOWGROUNDS FURNITURE AND FITTINGS

A0100055, F0650007, A0830001

91/12 **MOTION: Webb / Holden**

That:

- 1. the report by General Manager on the Showground's Furniture and fittings be received; and**
- 2. Council proceeds with the installation of acoustic material at the Mudgee Showground's pavilion at a cost of \$39,000 to be funded from the capital reserve fund.**

The motion was put and carried.

6.2.19 SUMMARY OF DEBTS WRITTEN OFF UNDER DELEGATION
FOR THE PERIOD 14 MAY 2011 TO 20 FEBRUARY 2012

Cr Webb declared a pecuniary conflict of interest in item 6.2.19 as one of the persons mentioned in this report was known to him, left the room at 7:23pm and took no part in the debate or the decision on this matter.

A0100055, A0140197, A0340005

92/12 **MOTION: Lang / Shelley**

That the report by the Manager Revenue & Property on the summary of debts written off under delegation for the period 14 May 2011 to 20 February 2012 be received and noted.

The motion was put and carried.

Councillor Webb returned to the meeting at 7:24pm.

6.2.20 COMMUNITY CAPERS REQUEST FOR FUNDING

A0100055, A0140201

93/12

MOTION: Shelley / Thompson**That:**

1. the report by General Manager on the Community Capers request for funding be received; and
2. Council refer the subsidy/funding of \$10,000 for the Community Capers paper for Rylstone and Kandos to the 2012/13 budget process.

The motion was put and carried.

Item 8: Confidential Session

94/12

MOTION: Thompson / 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 General Manager announced that the following matter would be considered in confidential session and the reason why they were being dealt with in this way.

Subject: *Airport land for sale
Council land for sale*

The reason for dealing with these reports confidentially is that they relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business in accordance with Section 10A(2) (c) of the Local Government Act, 1993.

Discussion of these matters in an open meeting would be, on balance, contrary to the public interest as they involve discussion of the reserve price for the subject parcels of land, the early release of which would prejudice the Council's position in any negotiations on the sale of this land.

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 put and carried.

8.1.1 Airport land for sale

A0100055, A0010006

95/12

MOTION: Walker / Thompson**That:**

1. the report by General Manager on the Airport land for sale be received;
2. Council delegates to the Mayor and the General Manager authority to negotiate and complete the sale of lots 3, 4 and 5 at the Airport subdivision to R&M Aircraft Pty Ltd at the best possible price that the Mayor and General Manager can negotiate at a minimum price of \$247,921 plus GST; and
3. Council delegates to the Mayor and General Manager the authority to affix the Common Seal of the Council to all documents that are required to be signed to finalise the sale to R&M Aircraft Pty Ltd for lots 3, 4 and 5 at the Airport subdivision.

The motion was put and carried.

8.1.2 Council land for sale

A0100055, A0010006

96/12

MOTION: Shelley / Holden

That Council separates part 2 of the recommendation of the General Manager for the Council land sale and deals with this matter separately.

The motion was put and carried.

100 Saleyards Lane, Mudgee

97/12

MOTION: Walker / Thompson**That:**

1. the report by the General Manager on the Council land for sale be received;
2. Council seek a report from staff on the cost of undertaking all the land capability work and other works required to allow this property known as the saleyard site and SES building to be ready for a development application to be lodged; and
3. Council continue with negotiations with any interested parties in regard to the potential sale of this property at a price which reflects the property having a development application ready to be lodged.

The motion was put and carried.

45 Fairydale Lane

Cr Walker declared a pecuniary conflict of interest in 45 Fairydale Lane as he is the tenant of this property, left the meeting at 7:35pm and took no part in the debate and decision on this matter.

The motion was put and carried.

98/12 **MOTION: Lang / Shelley**

That Council markets for sale the property at 45 Fairydale Lane with all Real estate Agents in the region at the price of \$190,000. The General Manager be given the delegated authority to negotiate the sale price within the limits set out in the report to Council on this matter.

The motion was put and carried.

Councillor Walker did not return to the meeting.

Item 9: Open Council

The General Manager announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7:40 pm.