

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 21 March 2012, commencing at 6.03 pm and concluding at 7.07 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 Development and
Community Services (C Van Laeren), Acting Group Manager Finance and
Administration (L Johnson), Manager Governance (I Roberts)

MEDIA REPRESENTATIVES Mudgee Guardian / The Weekly (R Murray).

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Walker declared a pecuniary interest in Items 6.2.1, 6.2.9 and 6.2.10 in that he is working as a contractor on these sites.

Item 3: Confirmation of Minutes

99/12 MOTION: Shelley/Holden

That the Minutes of the Ordinary Meeting held on 7 March 2012 (Minute Nos. 67/12 to 98/12) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress

100/12 MOTION: Shelley/Holden

That Minute No. COM.62/11 be noted as completed.

The motion was put and carried.

101/12 MOTION: Holden/Weatherley

That Minute No. 313/10 be noted as completed.

The motion was put and carried.

102/12 **MOTION: Holden/Lang**
That Minute No. 319/11 be noted as completed.

The motion was put and carried.

103/12 **MOTION: Walker/Lang**
That Minute No. 514/11 be noted as completed.

The motion was put and carried.

104/12 **MOTION: Shelley/Lang**
That Minute No. 526/11 be noted as completed.

The motion was put and carried.

Item 5: Mayoral Minute

5.1.1 FEES AND CHARGES SPORTING FACILITIES

A0100055, F0650099

MOTION: Kennedy

That Council approves a fee of \$400 plus GST for local sporting clubs for the use of the main field at Glen Willow, changing rooms, public toilets and referees rooms, for clubs unable to charge a gate fee because of their governing body's constitution. Any use of additional facilities to be at the normal hire rate.

The motion was put and lost.

Item 6: General Business

6.1 NOTICES OF MOTION

6.1.1 ADOPT A STREET

A0100035, A0100055

MOTION: Thompson/Martens

That we encourage residents or groups to adopt a street or a roadway to beautify it and keep it clean after the volunteers have appropriate training and a traffic management plan is developed.

AMENDMENT: Holden/Lang

That a report be presented to Council on the costing of this proposal together with a source of funding.

The amendment was withdrawn. The motion was put and lost.

6.1.2 PARKING FOR WORKERS

A0100035, A0100055

MOTION: Thompson/

That council select an appropriate area for workers to leave their vehicles so they can travel by bus to their worksites.

The motion lapsed for want of a seconder.

6.1.3 NSW ASSOCIATION OF MINING RELATED COUNCILS INC

A0100035, A0100055

105/12

MOTION: Shelley/Walker

That Council resigns from the NSW Association of Mining Related Councils Inc effective immediately.

The motion was put and carried.

Councillor Martens requested that her name be recorded as having voted against this decision.

6.2 REPORTS TO COUNCIL

6.2.1 MA0032_2012_LIBRARY MODIFICATIONS

A0100055, P0159964

Councillor Walker declared a pecuniary conflict of interest in this Item as he is working on this site, left the meeting at 6.41 pm and did not participate in discussions or vote in relation to this matter.

106/12

MOTION: Shelley/Lang

RECOMMENDATION

That:

- A. That the report by Manager Statutory Planning on Section 96 Application MA0032/2012 for the restoration, renovation and extension of Mudgee Library (former Town Hall building) at Lot 5 Section 55 DP 758721, 64 Market Street Mudgee be received;**
- B. That Council approve Section 96 Application MA0032/2012 for restoration, renovation and extension of Mudgee Library (former Town Hall building) at Lot 5 Section 55 DP 758721, 64 Market Street Mudgee with the following conditions;**

APPROVED PLANS

- 1. Development is to be carried out in accordance with stamped plans 2011/26 to 31 dated 28 April 2011 and statement of environmental effects dated 03 May 2011, both prepared by BJ Hickson as lodged with the application received by Council on**

29.04.2011, 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.

AMENDMENT

- 1a. The approved plans noting the replacement of the existing fence on the western boundary is to be amended to note the retention of the fence and the relocation of the western wall to be 40mm off the boundary.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate by Council or Private Certifier.

2. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from Telstra and Country Energy stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
3. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
4. If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
5. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
6. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing. Contractor's insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.
7. The applicant shall provide details of compliance with Part J (Energy Efficiency) of the BCA with the application for Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in the accordance with the relevant requirements

8. **Building materials shall not be placed on Council's footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.**
9. **A builder's toilet shall be provided on site prior to the commencement of any building work, a WC pan fitted and a suitable shed enclosure provided.**
10. **The site shall be provided with a waste enclosure that has a lid or secure covering for the duration of the construction works to ensure that all waste is contained on the site. The receptacle is to be emptied to reduce the potential for rubbish to become a nuisance. Council encourages the separation and recycling of suitable materials wherever possible.**
11. **A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties. The plan shall include but not be limited to disturbances to adjoining properties from vibration.**
12. **A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:**
 - (a) **the name, address and telephone number of the principal certifying authority for the work, and**
 - (b) **stating that unauthorised entry to the premises is prohibited, and**
 - (c) **showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed**
13. **Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:**
 - a. **A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.**
 - b. **A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.**

- c. Council is to given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
14. A Registered Surveyors Certificate showing the boundaries of the site and the proposed development plotted thereon being submitted to the Principal Certifying Authority prior to commencement of construction.

DEMOLITION WORKS

15. Any demolition works involving asbestos cement are to be carried out in accordance with the Work Cover NSW "Guidelines for Practises Involving asbestos Cement in Buildings".
16. Prior to demolition works commencing, the applicant shall provide Council with a Waste Management Plan that details:
- Type of demolition waste
 - Location of disposal
 - Estimated quantities
17. The demolition is to occur in such a manner so as to encourage the recycling and reuse of salvageable materials.

BUILDING CONSTRUCTION

The following conditions are provided to ensure compliance with the Building Code of Australia and the relevant Australian Standards.

18. All building work must comply with the requirements of the National Construction Code 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations. Full details must be provided with the Construction Certificate application.
19. Construction work noise that is audible at other premises is to be restricted to the following times:
- | | |
|------------------|------------------|
| Monday to Friday | 7.00am to 6.00pm |
| Saturday | 8.00am to 1.00pm |
- No construction work that is audible shall be undertaken on Sundays or public holidays.
20. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.

All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.

- 21. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25).**
- 22. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.**
- 23. Any liquid wastes from the premises, being discharged to the sewers under control of Mid-Western Regional Council is done so in accordance with Council's requirements.**
- 24. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.**
- 25. Guttering and down piping shall be provided and roof water discharged in a manner that does not affect adjoining properties.**
- 26. Runoff and erosion controls must be installed prior to clearing the site and incorporate:**
 - a. diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.**
 - b. sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.**
 - c. maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of the development or particular stage of the development.**
- 27. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.**

ENGINEERING CONSTRUCTION

28. Storm water runoff from all impervious areas on the site are to be collected and conveyed to an approved drainage location in a manner consistent with Aus-Spec #1, Australian Standard 3500 and the approved drainage report.

OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building.

29. The building shall not be used or occupied until either an occupation certificate or an interim occupation certificate has been issued by the principal certifying authority.
30. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

31. All air conditioning plant and ducting shall be located on the complex in such a manner as to ensure it would not be visible from any public place.
32. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus Spec #1 and Council's standard drawings.
33. Council is to be supplied with:
 - A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply
 - A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services.
34. Approval from the NSW Heritage Office under Section 60 of the Heritage act 1977 is to be obtained prior to the commencement of any works onsite. Should the approval be conditional, the applicant should ensure that the development approval is

consistent with the approval obtained from the NSW Heritage Office. Any amendment may require a Section 96 application.

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

Councillors	Ayes	Nayes
<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 Weatherley</i>	✓	
<i>Cr Webb</i>	✓	

Councillor Walker returned to the meeting at 6.42 pm.

6.2.2 ACCESS COMMITTEE

A0100055, A0060008

107/12

MOTION: Lang/Martens

That:

1. **The report by the Customer Service Manager be received**
2. **Council note the minutes of the Mudgee & Gulgong Access Committee meeting held on 7th February.**

The motion was put and carried.

6.2.3 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES AND INVESTMENTS AS AT 29 FEBRUARY 2012

A0100055, A0140304

108/12

MOTION: Lang/Shelley

That:

1. **the investment report as at 29 February 2012 by the Acting Group Manager of Finance and Administration be received;**
2. **the certification by the Responsible Accounting Officer be noted.**

The motion was put and carried.

6.2.4 ROTARY CLUB OF MUDGEESUNRISE – FUNDING REQUEST FOR CAROLS IN MUDGEESUNRISE

A0100055, A0140201

109/12 **MOTION: Shelley/Walker**

That:

1. **the report of the General Manager on funding request for Carols in Mudgee be received;**
2. **Council approves the funding of \$5,000 for the 2012 Carols by Candlelight in Mudgee to be funded by the Grants and Donation budget**
3. **That the Rotary Club of Mudgee Sunrise be advised to make application to Council for funding for the Carols by Candlelight on an annual basis.**

The motion was put and carried.

6.2.5 HERITAGE GRANT REALLOCATION

A0100055, A0420162

110/12 **MOTION: Weatherley/Shelley**

That:

1. **the report by Council's Heritage Advisor relating to the reallocation of a previously approved Heritage grant, be noted;**
2. **Council approves the reallocation of \$3,000 Local Heritage grant funding from the Centennial Hotel, Gulgong, parapet restoration project to the Bridge View Inn, Rylstone, mural conservation project.**

The motion was put and carried.

6.2.6 MID-WESTERN REGIONAL YOUTH COUNCIL

A0100055, A0060048

111/12 **MOTION: Weatherley/Walker**

That:

1. **the report by the Manager Community Development be received;**
2. **Council note the minutes of the Mid-Western Regional Youth Council meeting held on 7 February 2012.**

The motion was put and carried.

6.2.7 MT PENNY COAL PROJECT – REVISED DIRECTOR GENERAL’S REQUIREMENTS

A0100055, A0420223

112/12 **MOTION: Walker/Lang**

That the report by the Senior Environment Officer on the revised Director General’s Requirements for Mt Penny Coal be received.

The motion was put and carried.

6.2.8 MUDGEES SEWERAGE UPDATE

A0100055, F0740001

113/12 **MOTION: Lang/Webb**

That the report by the General Manager on the Mudgee Sewer update be received.

The motion was put and carried.

6.2.9 MUDGEES TOWN HALL PROGRESS REPORT - FEBRUARY

A0100055, P0159964

Councillor Walker declared a pecuniary conflict of interest in this Item as he is working on this site, left the meeting at 6.44 pm and did not participate in discussions or vote in relation to this matter.

114/12 **MOTION: Shelley/Lang**

That the report by the Manager, Community Development on the Mudgee Town Hall Progress Report be received.

The motion was put and carried.

Councillor Walker did not return to the meeting at the conclusion of this Item but remained out of the Chamber for the next Item in which he also had declared a pecuniary conflict of interest.

6.2.10 TARGET COUNTRY PROGRESS REPORT – FEBRUARY 2012

A0100052, P0199811

Councillor Walker declared a pecuniary interest in this Item as he is working on this site, had left the meeting at 6.44 pm prior to the previous Item and did not return for this Item. He did not participate in discussions or vote in relation to this matter.

115/12 **MOTION: Shelley/Lang**

That the report by the Group Manager - Operations on the Target Country Progress Report – December be received.

The motion was put and carried.

Councillor Walker returned to the meeting at 6.45 pm.

6.2.11 VARIATION TO RURAL LOCAL ROADS PROGRAM

A0100055, A0149935

116/12

MOTION: Weatherley/Thompson

1. That the report by the Acting Group Manager of Finance and Administration on the variation to the rural local roads program be received;
2. the 2011/12 Management Plan be amended to reflect the following budget variations:
 - Increase rural unsealed roads grading program by \$200,900
 - Reduce rural reseals Kains Flat Rd by (\$23,400)
 - Reduce rural reseals Lue Rd Hayes Gap to West by (\$62,200)
 - Reduce rural reseals Glen Alice Rd Railway to C/way by (\$17,700)
 - Reduce rural reseals Glen Alice Rd Seg 30-40 by (\$31,900)
 - Reduce rural reseals Narrango Rd Seg 30 by (\$22,300)
 - Reduce rural reseals Narrango Rd Seg 50 by (\$19,000)
 - Reduce rural reseals Botobolar Rd by (\$17,300)
 - Reduce rural reseals Canary Rail Crossing by (\$7,100)
 - Increase rural unsealed roads grading reactive by \$280,000
 - Reduce rural unsealed roads minor maintenance by (\$60,000)
 - Reduce rural unsealed roads additional maintenance by (\$220,000)

The motion was put and carried.

117/12

MOTION: Shelley/Weatherley

That a report be presented on the cost of sealing of Stewart Street Kandos.

The motion was put and carried.

6.2.12 SECTION 96 APPLICATION TO VARY RESTRICTION AS TO
USER RELATING TO DA M382/99 - 6 BELLEVUE ROAD
MUDGEE - MOUNTAIN VIEW ESTATE

A0100055, P0595661

118/12

MOTION: Holden/Lang**That:**

1. **The report by Manager Statutory Planning on Section 96 Application for the variation of a restriction as to user and condition of consent relating to Development Consent M382/99, 6 Bellevue Road, Mudgee be received;**
2. **The Restriction as to User noted as fourthly referred to on the title of lots 33 to 54 DP 1172013 be released;**
3. **A new Restriction as to User be placed upon lots 33 to 54 DP 1172013 requiring all dwellings to be constructed in accordance with Category 2 Acoustic Treatment of Residences, Appendix C of the Department of Planning's publication, Development near Rail Corridors and Busy Roads – Interim Guidelines as follows;**
 - **Windows/ Sliding doors – Openable 6mm monolithic glass and full perimeter acoustic seals;**
 - **Timber frame or Cladding Construction – 6mm fibre cement sheeting or weatherboards or plank cladding externally, 90mm deep timber stud or 92mm metal stud, 13mm standard plasterboard internally with R2 insulation in wall cavity;**
 - **Brick veneer Construction – 110mm brick, 90mm deep timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally;**
 - **Double brick cavity Construction – 2 leaves of 110mm brickwork separated by 50mm gap;**
 - **Roof – Pitched concrete or terracotta tile or metal sheet roof with sarking, 10mm plasterboard ceiling fixed to ceiling joists, R2 insulation batts in roof cavity;**
 - **Entry door – 40mm solid core timber door fitted with full perimeter acoustic seals;**
 - **Floor – 1 layer of 19mm structural floor boards, timber joists on piers, or concrete slab on ground;**
 - **Ducted air conditioning and/or ventilation is to be provided to all living rooms and bed rooms. The condenser associated with any air conditioning is not to be located on the northern elevation;**
 - **No dwelling or part of a dwelling is to have sensitive rooms (bedrooms and living areas) within 10 metres of the rear/northern boundary.**

4. That Development Consent M382/99 be amended to delete conditions relating to the existing restriction as to User and insert new conditions of consent that reflect Recommendation No. 3.

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

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

6.2.13 SKATE PARK IMPROVEMENTS

A0100055, A0060048, A0360001, F0650032

119/12

MOTION: Shelley/Weatherley

That:

1. the report by the Manager Community Development on Skate Park Improvements be received;
2. Council proceed with the Gulgong Skate Park works at a cost of \$90,000 in the 2011/12 financial year to be funded as follows:
 - \$35,000 from Council as committed in the Management Plan
 - \$25,000 for State Government grant funding
 - \$7,500 from community contributions
 - \$7,500 to come from the Youth Services budget
 - \$7,500 to come from the Skate Park Maintenance budget
 - \$7,500 to come from the social Initiatives budget;
3. Council consider as part of the 2012/13 budget to add additional elements to the Mudgee Skate Park at a cost of \$35,000 and authorise the revote of \$20,000 from the 2011/12 financial year (allocated for skateparks) to the 2012/13 financial year bringing the total for the project to \$55,000.

The motion was put and carried.

6.2.14 NAMING OF NEW ROAD OFF GEORGE CAMPBELL DRIVE

A0100055, R0790041

120/12

MOTION: Walker/Holden**That:**

1. **the report by the Manager Revenue and Property on the naming of the new road off George Campbell Drive be received;**
2. **Council endorse the proposed street name "Tim Loneragan Drive" for the new road that runs north off George Campbell Drive.**

The motion was put and carried

6.2.15 ROAD NAMING - BEDES LANE AND PARISH LANE, WOLLAR

A0100055, R0790141

121/12

MOTION: Walker/Lang**That:**

1. **the report by Manager Property and Revenue on the naming of Bedes Lane and Parish Lane be received;**
2. **Council formally approve the naming of Bedes Lane and Parish Lane, Wollar.**

The motion was put and carried.

6.2.16 NAMING OF CUL-DE-SAC OFF MELTON ROAD – CHAPPELL CLOSE

A0100055, R0790141

122/12

MOTION: Walker/Shelley**That:**

1. **the report by the Manager Revenue and Property on the naming of Chappell Close be received;**
2. **Council formally approve the naming of Chappell Close for the cul-de-sac that runs east off Melton Road, Mudgee.**

The motion was put and carried.

6.2.17 ROAD NAMING - CORRECTION TO SECTION OF ROAD

A0100055, R0790041

123/12

MOTION: Walker/Weatherley**That:**

1. **the report by Manager of Revenue and Property on the correction of name for a small section of Cooyal Street be received;**
2. **Council approve the renaming of a small section of Cooyal Street to that of White Street.**

The motion was put and carried.

6.2.18 NAMING OF SPORTS FIELDS AT GOOLMA

A0100055, F0650101, P1291811

124/12

MOTION: Shelley/Holden**That:**

1. **the report by the Manager Revenue and Property on the naming of the sports fields at Goolma be received;**
2. **Council names for the sports fields at Goolma the Goolma Sports Ground; and**
3. **A plaque be erected on the ground to recognise the contributions of locals to the development of this sports facility.**

AMENDMENT: Thompson/Martens**That:**

1. **the sports field at Goolma be named the Ryan's Goolma Sports Grounds; and**
2. **a memorial board be erected with a plaque recognising that the Ryan family allowed the grounds to be used for sport for over 100 years free of charge and of the contributions of others to sport in Goolma.**

The amendment was put and lost. The motion was put and carried.

6.2.19 7A HENRY BAYLY DRIVE

A0100055, R0790175

125/12

MOTION: Walker/Shelley**That:**

1. **the report by the Manager Governance on the investigation the possibility of making 7A Henry Bayly Drive Mudgee a park be received;**
2. **Council not proceed to make 7A Henry Bayly Drive Mudgee a park;**
3. **Council formally classify 7A Henry Bayly Drive Mudgee (Lot 1 DP1159379) as “operational” land;**
4. **the General Manager market the property for sale at \$150,000 inclusive of GST and the General Manager having delegated authority to negotiate a sale under the Councils normal guidelines.**
5. **all necessary documentation associated with the transfer and sale of this land be executed under Common Seal.**

The motion was put and carried.

Councillors Holden and Martens requested that their names be recorded as having voted against this decision.

6.2.20 KANDOS BICENTENNIAL MUSEUM COMMITTEE

A0100055, A0060123

126/12

MOTION: Lang/Shelley**That:**

1. **the report by the Manager Community Development be received;**
2. **Council accept the minutes of the Kandos Bicentennial Museum Committee meeting held on 9 February 2012;**
3. **Council introduce a fee of \$20 (inclusive of GST) to be included in the Fees and Charges schedule for basic research enquiries undertaken by the Kandos Bicentennial Museum.**

The motion was put and carried.

Item 7: Urgent Business Without Notice

There were no matters of Urgent Business Without Notice.

Item 8: Confidential Session

127/12

MOTION: Shelley/Martens

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 they were being dealt with in this way.

Subject: General Manager's Performance Review – 2011/12

The reason for dealing with this matter confidentially is that it relates to personnel matters concerning particular individuals (excluding councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.

Economic Development and Events Update Q1 2012

The reason for dealing with this matter confidentially is that it relates 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 this matter in an open meeting would be (on balance) contrary to the public interest as it involve private discussions with commercial operators who have sought confidentiality with Council in their due diligence to set up a business in the Mid-Western Region.

Following an enquiry from the Mayor, the Manager Governance 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 General Manager's Performance Review – 2011/12

A0100055, A0381421

128/12

MOTION: Shelley/Weatherley

That the report by the General Manager on the General Manager's Performance Review 2011/12 for the period ending 29th February 2012 be received.

The motion was put and carried.

8.2 Economic Development and Events Update Q1 2012

A0100055, A0820020

129/12

MOTION: Thompson/Webb

That the report by the Economic Development Officer on the Economic Development and Events Update for Quarter 1 2012 be received.

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 7.07 pm.