

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 7 November 2012, commencing at 6.55 pm and concluding at 8.25 pm

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier, Cr EE Martens (AM), Cr JP Thompson, Cr MB Walker, Cr JR Webb, Cr L White
IN ATTENDANCE	General Manager (W Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts)
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (S Paine), Radio 2MG (M Heldon).

Item 1: Apologies

Apologies were received for the absence of Councillors Shelley and Weatherley.

497/12 **MOTION:** **Webb/White**

That the apologies received for the absence of Councillors Shelley and Weatherley be accepted and leave of absence be granted.

The motion was put and carried.

Item 2: Disclosure of Interest

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.1 in that he owns licensed premises in Mudgee.

Councillor White declared a pecuniary conflict of interest in Item 6.2.20 in that she is employed in the tourism industry.

Councillor Martens declared a significant non-pecuniary conflict of interest in Item 6.2.22 as she was one of the parties.

Councillor Thompson declared a pecuniary conflict of interest in Item 6.2.1 in that his son owns a licensed premises in Mudgee.

Councillor Walker declared a pecuniary conflict of interest in Item 8.1.4 in that he is a sub-contractor to CCA Projects.

Item 3: Confirmation of Minutes

498/12 **MOTION: Walker/Cavalier**

That the Minutes of the Ordinary Meeting held on 17 October 2012 (Minute Nos. 448/12 to 496/12) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress

Cobbora Mine – Min No. 76/10 C/M 21/4/10

499/12 **MOTION: Martens/Walker**

That this matter be noted as completed.

The motion was put and carried.

Cobbora Mine Development – Min No. 19/11 C/M 16/2/11

500/12 **MOTION: Martens/Walker**

That this matter be noted as completed.

The motion was put and carried.

Mudgee CBD Tree Report – Min No. 78/12 C/M 7/3/12

501/12 **MOTION: Webb/Walker**

That this matter be noted as completed.

The motion was put and carried.

Church Street Upgrade – Min No. 422/12

502/12 **MOTION: Webb/Martens**

That this matter 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 AFFORDABLE HOUSING

A0100055, A0100035

503/12 **MOTION: Thompson/White**

That Council investigate a possible partnership agreement with affordable housing organisations and other appropriate parties for the supply of affordable housing in our Council area after the draft policy has been considered by Council.

The motion was put and carried.

6.1.2 DEVELOPMENT OF RED HILL

A0100055, A0100035

504/12 **MOTION: Thompson/Cavalier**

That Council make provision in the next quarterly review for funds to be made available for the development of Red Hill subject to the development of a list of projects and costing being prepared for Council.

The motion was put and carried.

6.1.3 FUNDS FOR DOCTOR'S HOUSE IN GULGONG

A0100055, A0100035

505/12 **MOTION: Thompson/Martens**

That Council seek funding through grants or other means in order to build a house for a doctor in Gulgong.

The motion was put and carried.

6.1.4 REDBANK CREEK DAM

A0100055, A0100035

This Notice of Motion was withdrawn.

6.1.5 WOOD SMOKE REDUCTION

A0100055, A0100035

MOTION: Thompson/

That Council look if there are any areas in our Council area where we can use funds from the Wood Smoke Reduction Program.

The motion lapsed for want of a seconder.

6.1.6 WORKERS TRANSPORT

A0100055, A0100035

MOTION: Thompson/Martens

That Council investigate the cost of supplying appropriate parking areas for mine and other workers in Mudgee, Gulgong, Rylstone and Kandos, and encourage mine and other workers' management to supply buses to convey their workers to and from their worksites.

The motion was put and lost.

6.2 REPORTS TO COUNCIL

6.2.1 DA 0114/2013 - PROPOSED OUTDOOR DECK AND GAMING AREA - LAWSON PARK HOTEL - CORNER SHORT AND CHURCH STREET MUDGEE

A0100055, P0019964

Councillor Kennedy declared a pecuniary conflict of interest in that he owns licensed premises in Mudgee, vacated the Chair and left the meeting at 7.15 pm and did not participate in discussions or vote in relation to this matter. In his absence Councillor Webb assumed the Chair.

Councillor Thompson declared a pecuniary conflict of interest in that his son owns a licensed premises in Mudgee, left the meeting at 7.15 pm and did not participate in discussions or vote in relation to this matter.

506/12

MOTION: Walker/Cavalier

That:

1. the report by Manager Statutory Planning on the DA 0114/2013 - Proposed Outdoor Deck and Gaming Area - Lawson Pak Hotel - Corner Short and Church Street Mudgee be received;
2. That the requirement for an additional 10 car spaces, which would equate to \$164,418.00 in Section 94 contributions, be waived as the proposed development seeks to provide an outdoor smoking area for existing patrons, that the peak car parking demand for pubs is outside core business hours and the amount of contributions nearly equals the estimated development cost making the development uneconomical.
3. That Development Application No. 0114/2013 for the Proposed Outdoor Deck and Gaming Area - Lawson Pak Hotel - Corner Short and Church Street Mudgee be approved subject to the following conditions:

APPROVED PLANS

1. Development is to be carried out generally in accordance with the approved plans (Project No. 452, Drawing No. DA-01 and DA-02) drawn by Team 2 Design P/L dated 29 August 2012 except as varied by any conditions listed herein.

AMENDMENT

2. The proposed deck area is to be constructed behind the south western corner of the existing building to ensure that the deck is a secondary feature to the main hotel building.

BUILDING CONDITIONS

The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the Building Code of Australia and any Australian Standards that are relevant.

3. A registered Surveyors Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.
4. Prior to commencing 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 and form 7 of schedule 1 to the Regulations.
 - c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
5. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the building – including the erection of any fences or hoardings.
6. The site shall be provided with a waste enclosure (minimum 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the

- site. Council encourages the separation and recycling of suitable materials.
7. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - a) stating that unauthorized entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 8. If the work involved in the erection/demolition of the building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
 9. 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 noise is permitted on Sundays or Public Holidays.
 10. All building work must be carried out in accordance with the provisions of the Building Code of Australia, the Environmental Planning & Assessment Act 1979 and Regulations and the relevant Australian Standards.
 11. 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.
 12. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.

GENERAL CONDITIONS

These conditions are imposed to ensure that the use of the land and buildings are carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

13. The rear area of the deck proposed to be used for gaming machines is to be screened in a manner that ensures that the gaming machines are not visible or audible. The volume control for all gaming machines in the outdoor area is to be maintained at half the maximum volume.
14. The outdoor deck area is not to be used to increase the number of gaming machines located onsite and no additional gaming machines are permitted.
15. No amplified music (including juke boxes, etc) is to occur within the outdoor deck area without the separate approval of Council.
16. Access to the subject building shall comply with the provisions of AS 1428 (Australian Standard) 2009, the National Construction Code and the Access to Premises Code.
17. The operation of the beer garden is not to exceed background noise levels by 5 dB(A).
18. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
19. All loading and unloading in connection with the premises shall be carried out wholly within the site.
20. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".

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

Councillors	Ayes	Nays
<i>Cr Cavalier</i>	✓	
<i>Cr Martens</i>		✓
<i>Cr Walker</i>	✓	
<i>Cr Webb</i>	✓	
<i>Cr White</i>		✓

Councillors Kennedy and Thompson returned to the meeting at 7.20 pm and Councillor Kennedy resumed the Chair.

6.2.2 DRAFT DEVELOPMENT CONTROL PLAN 2012

A0100055, A0420143

MOTION: White/Cavalier

That the Draft DCP be amended for the purposes of exhibition to require a minimum front setback of 7.5 metres in the R1 , R2 and R3 zones where the lot size is less than 1,999m2.

The motion was put and lost.

507/12 MOTION: Martens/Thompson

That the Draft DCP be amended for the purposes of exhibition to exclude the villages of Charbon, Clandulla and Ilford from the Tree Preservation Order.

The motion was put and carried.

508/12 MOTION: Martens/White

That the Draft DCP be amended for the purposes of exhibition to include the following in Section 6.1 Dwellings.

To ascertain permissibility of dwelling in rural areas reference should be made to the relevant section of the Mid-Western Local Environmental Plan 2012.

The motion was put and carried.

509/12 MOTION: Martens/Walker

That the Draft DCP be amended for the purposes of exhibition to include Sex Services Premises as notified development.

The motion was put and carried.

510/12 MOTION: Walker/Cavalier

That:

1. the report by Manager Strategic Planning on the Draft Development Control Plan 2012 be received;
2. the Draft Development Control Plan, as amended by including the motions 507/12, 508/12 and 509/12 above, be placed on public exhibition for the statutory period of 28 days;
3. a further workshop be held with practitioners during the exhibition period.
4. following the conclusion of the public exhibition period a report be presented back to council for consideration.

The motion was put and carried.

6.2.3 ADEQUACY REVIEW OF ENVIRONMENTAL ASSESSMENT – COBBORA COAL PROJECT

A0100055, A0420213

511/12

MOTION: Webb/Walker**That:**

1. **the report by Group Manager Development and Community Services on the Cobbora Coal Project be received;**
2. **Council make a submission, as per attachment 2 to this report to the Cobbora Coal project as described in Environment Assessment as exhibited.**

The motion was put and carried.

6.2.4 FINANCIAL ASSISTANCE – APPLICATIONS

A0100055, A0140201

512/12

MOTION: Webb/Walker**That:**

1. **the report by Financial Accountant on the 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, subject to those requirements being met, with the funding from the general financial assistance vote:**

Mudgee Show Society	\$3,000
Rylstone-Kandos Show Society	\$3,000
Pioneer Auxiliary Ladies	\$500
Pool entrance fees – school swimming lessons	\$5,000

3. **Council provide \$1,000 staff assistance to the Kandos Rylstone Touch Football Association by removing the posts as requested**
4. **Council note that the request for assistance from the Mudgee Model Aircraft Club will be addressed as part of the State Roads Shoulder Maintenance Program;**
5. **Council work with the Mudgee Platoon of the Australian Army Cadets to find a more suitable site other than the Mudgee Showgrounds;**
6. **Council decline the request for financial assistance from the Friendly Faces Helping Hands Foundation.**

The motion was put and carried.

6.2.5 NAMES TO BE INCLUDED ON THE PRE-APPROVED STREET/ROAD NAMES LIST

A0100055, R0790141

513/12 **MOTION:** Walker/Webb

That:

1. the report by the Manager Revenue and Property on names to be included on the Pre-Approved Street/Road Names List be received;
2. Council approve the inclusion of Oldfield on the pre-approved street/road names list for use at a later date.

The motion was put and carried.

6.2.6 NAMING OF NEW ROADS IN BELLEVUE HILL ESTATE SUBDIVISION

A0100055, R0790141

514/12 **MOTION:** Martens/White

That:

1. the report by the Manager Revenue and Property on the naming of the new roads in Bellevue Hill Estate subdivision;
2. Council name;

Road 1 – Eleanor Dark Court;
Road 2 – Grant Bruce Court &
Road 3 – Xavier Court;
3. the names of Resolution and Endeavour be included in Council's Pre-Approved list for future use.

The motion was put and carried.

6.2.7 TRANSFER OF CLOSED ROAD

A0100055, R0790175

515/12 **MOTION:** Martens/Webb

That:

1. the report by Manager Revenue & Property on the transfer of residual land created from a plan of road closing and opening along Camerons Road Running Stream be received;

2. that Council authorise the transfer of Lot 8 DP 1030302 to the ownership of the adjoining property owner;
3. that the Common Seal of Council be affixed to all necessary documentation to facilitate the transfer.

The motion was put and carried.

6.2.8 NAMING OF BRIDGES ON LUE ROAD

A0100055, R0001005 R001004 R0790041

516/12

MOTION: Thompson/Martens

That:

1. the report by the Manager Revenue and Property on the naming of bridges on Lue Road be received;
2. Council name these Bridges the following:

Bridge 1 - Railway Crossing Bridge

Bridge 2 - Havilah Bridge

Bridge 3 - Grey Gums Bridge

Bridge 4 - Scottys Bridge

Bridge 5 - Henry Gawthorne Bridge

The motion was put and carried.

6.2.9 REDUCTION IN SWIMMING POOL ENTRY FEES

A0100055, A0640002

517/12

MOTION: Walker/Webb

That:

1. the report by General Manager on the reduction in swimming pool entry fees be received;
2. that the swimming pool entry fees be reduced by 50% for the 2012/2013 swimming season;
3. that patrons that have already paid for season tickets be reimbursed for half the original cost of that ticket;
4. that the income recognised in the 2012/13 Operation Plan and Budget be reduced by \$71,000.

The motion was put and carried.

6.2.10 FEES AND CHARGES - MUDGEETOWN HALL

A0100055, A0140341, P0159964

518/12

MOTION: Walker/White**That:**

1. the report by Manager Community Development on the Fees and Charges - Mudgee Town Hall be received;
2. Council endorse the fees (inclusive of GST) as set out in the table below:

Town Hall Theatre**Auditorium, Green Room and Dressing Rooms (all upper floor & equipment)**

Business/Private Rate	per half day (4 hrs max)	\$320.00
	per day	\$600.00
	per week (Mon-Sun)	\$2,100.00
Not-for profit Rate	per half day (4 hrs max)	\$120.00
	per day	\$200.00
	per week (Mon-Sun)	\$600.00

Auditorium only

Business/Private Rate	per half day (4 hrs max)	\$250.00
	per day	\$450.00
	per week (Mon-Sun)	\$1,800.00

Not-for profit Rate	per half day (4 hrs max)	\$80.00
	per day	\$150.00
	per week (Mon-Sun)	\$450.00

Green Room only

Business/Private Rate	per half day (4 hrs max)	\$80.00
	per day	\$150.00
Not-for profit Rate	per half day (4 hrs max)	\$40.00
	per day	\$70.00

Mudgee Library**Library Training Room**

Business/Private Rate	per half day (4 hrs max)	\$80.00
	per day	\$150.00
Not-for profit Rate	per half day (4 hrs max)	\$40.00
	per day	\$70.00

Library Meeting Rooms

Business/Private Rate	per hour	\$10.00
Not-for profit Rate	per hour	\$5.00

The motion was put and carried.

6.2.11 MUDGEE SEWERAGE AUGMENTATION PROGRESS REPORT
A0100055, F0740001

519/12 **MOTION:** **Walker/Cavalier**

That the report by Business Manager Services on the Mudgee Sewerage Augmentation Progress Report be received.

The motion was put and carried.

6.2.12 WET AND DRY PLANT HIRE TENDER 2010/05 ADDITIONAL
CONTRACTOR

A0100055, A0411005

520/12 **MOTION:** **Walker/Martens**

That:

1. **the report by Business Manager Works on the Wet and Dry Plant Tender 2010/05 Hire Additional Contractor be received;**
2. **That Council accepts the additional contractors for tender 2010/05 for the provision of Wet and Dry plant hire in accordance with clause 178 of the Local Government (General) Regulation 2005 as listed below for incorporation into Councils Preferred Suppliers List for Wet Hire;**

EXCAVATOR

Cutting Edge Earthmoving and Excavations	Excavator	Caterpillar 305CCR/2008
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TIPPER

Cutting Edge Earthmoving and Excavations	Rigid Tipper	Ford LTS9000/1990
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The motion was put and carried.

6.2.13 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE
STRUCTURE

A0100055, A0100012

521/12 **MOTION:** **Webb/Walker**

That:

1. **the report by Group Manager Operations on the Mudgee Showground Management Committee structure be received;**
2. **the following structure for Mudgee Showground Management Committee be adopted:**
Mid-Western Regional Councillor – 1 delegate

Mid-Western Regional Council Group Manager Operations

	- 1 delegate
Mudgee Show Society	- 1 delegate
Poultry Groups	- 1 delegate
Livestock and other animal users	- 1 delegate
Mid Western Working Horse Assoc	- 1 delegate
Mudgee Pony Club	- 1 delegate
Dressage Club	- 1 delegate
Building and Ground Users	- 1 delegate

3. the Council call for nominations from various clubs and users to fill the delegate positions for the next four years;
4. the attached terms of reference for the Mudgee Showground Management Committee be adopted.

The motion was put and carried.

6.2.14 MUDGEE SALEYARDS MANAGEMENT COMMITTEE

A0100055, A0100047, F0720036

522/12

MOTION: Webb/Martens**That:**

1. the report by Group Manager Operations on the Mudgee Saleyards Management Committee be received;
2. That the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 18 October 2012 be noted.

The motion was put and carried.

6.2.15 CHRISTMAS LIGHTS

A0100055, A0030019

523/12

MOTION: Walker/Martens**That:**

1. the report by General Manager on the Christmas lights be received;
2. Council install Christmas lights in the towns of Gulgong, Kandos, Mudgee and Rylstone to the value of \$20,000 to be funded from Council's Strategic Initiative Fund and the lights also to be erected during the winter months when the trees have lost their leaves.

The motion was put and carried.

6.2.16 GULGONG TOWN HALL 355 COMMITTEE - NEW MEMBER

A0100055,A0061133

524/12

MOTION: Webb/Cavalier

That:

1. the report by Manager Resources and Recreation on the Gulgong Town Hall 355 Committee - New Member be received;
2. that Mr Bill Clifford (Men's Shed representative) be accepted as a member of the Gulgong Memorial Hall Committee.

The motion was put and carried.

6.2.17 MUDGEES SPORTS COUNCIL

A0100055, A0360013

525/12

MOTION: Walker/Cavalier

That:

1. The report by Group Manager Operations on the Mudgee Sports Council be received;
2. That the minutes for the Mudgee Sports Council ordinary monthly meeting & the Mudgee Sports Council AGM held on 24 September 2012 be noted.

The motion was put and carried.

6.2.18 GULGONG SPORTS COUNCIL

A0100055, A0360003

526/12

MOTION: Thompson/Cavalier

That:

1. the report by Group Manager Mid-Western Operations on the Gulgong Sports Council be received;
2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 12 September 2012 be noted.

The motion was put and carried.

6.2.19 WEEDS ADVISORY COMMITTEE

A0100055, A0130079

527/12

MOTION: Walker/Webb**That:**

1. the report by Group Manager Operations on the Weeds Management Committee structure be received;
2. the following structure for Weeds Management Committee be adopted:

Mid-Western Regional Councillor	– 1 delegate
Mid-Western Regional Council Group Manager Operations	– 1 delegate
Chief Weeds Officer OR Manager Resources and Recreation	– 1 delegate
Community Members	– 3 delegates
3. the Council call for nominations from community members to fill the delegate positions for the next four years;
4. the attached terms of reference for the Weeds Management Committee be adopted.

The motion was put and carried.

6.2.20 MRTI CONTRACT RENEWAL

A0100055, A0820020

Councillor White declared a pecuniary conflict of interest in that she is employed in the tourism industry, left the meeting at 7.40 pm and did not participate in discussions or vote in relation to this matter.

528/12

MOTION: Walker/Webb**That:**

1. the report by Mayor Des Kennedy on the MRTI Contract Renewal be received;
2. Council acknowledges that the payment to MRTI for services is on behalf of all ratepayers and not just the membership of MRTI;
3. the Mayor, General Manager and Economic Development Officer negotiate a draft contract with MRTI including key performance indicators within that draft contract, that includes marketing of all businesses in the region, not just those that are members of MRTI. These negotiations will occur with the new Board after it has been appointed, which is expected to be late November. The negotiated draft contract be placed before Council for approval;

4. **Council advise Mudgee Regional Tourism Inc that it wishes to enter into negotiations for the renewal of a 3 year contract for the provision of tourism and marketing the region services;**
5. **Pursuant to Section 55(3)(i) of the Local Government Act 1993, the Council resolves not to publicly advertise the tender of tourism visitor services for this region as there is no other provider in the region that can realistically undertake this service and that when the contract was last tendered, no tenderer from within the region indicated any interest in providing this service, and thus a satisfactory result would not be achieved by inviting tenders;**
6. **Council include in the negotiations that the two Council appointed representatives become voting members of MRTI.**

The motion was put and carried.

Councillor White returned to the meeting at 7.52 pm.

529/12

MOTION: Walker/Martens

Council investigate as part of the 2013-14 Delivery and Operational Plan the implementation of a tourism rate.

The motion was put and carried.

6.2.21 HOME AND COMMUNITY CARE SERVICES – QUARTERLY REPORT

A0100052, A0060205, A0060202, A0060204, A0060048, A0060203, A0060069

530/12

MOTION: Walker/Cavalier

That:

1. **the report by Customer Service Manager on the Home and Community Care Services be received;**
2. **Council note the activity reports from the Home and Community Care funded services.**

The motion was put and carried.

6.2.22 ALLEGATION OF BREACH OF CODE OF CONDUCT

A0100047, A0000014

Councillor Martens declared a significant non-pecuniary conflict of interest as she was one of the parties, left the meeting at 7.54 pm and did not participate in discussions or vote in relation to this matter.

531/12 **MOTION:** **Webb/Walker**

That the report by the General Manager on the Allegation of a Breach of Code of Conduct be received.

The motion was put and carried.

Councillor Martens returned to the meeting at 7.55 pm.

6.2.23 EQUAL EMPLOYMENT OPPORTUNITY AND WORKPLACE
DIVERSITY POLICY

A0100055, A0100021

532/12 **MOTION:** **Cavalier/White**

That:

1. **the report by Manager Organisational Development on the Equal Employment Opportunity and Workplace Diversity Policy be received;**
2. **Council adopt the revised Equal Employment Opportunity and Workplace Diversity Policy.**

The motion was put and carried.

6.2.24 2011/12 ANNUAL REPORT

A0100055, A0320002

533/12 **MOTION:** **Walker/Cavalier**

That:

1. **the report by the Manager Governance on the 2011/12 Annual Report be received;**
2. **Council adopt the 2011/12 Annual Report.**

The motion was put and carried.

6.2.25 GULGONG MPS HELIPAD

A0100055, P1014062

534/12

MOTION: Thompson/Cavalier**That:**

1. the report by General Manager on the Gulgong MPS Helipad be received;
2. the Council make strong representation to the Western Area Health Service and the Minister of Health at State Government that there is an absolute need for the development of a helipad and X-Ray room at the Gulgong MPS facility.

The motion was put and carried.

Item 7: Urgent Business Without Notice

There was no Urgent Business without notice.

Item 8: Confidential Session

535/12

MOTION: Walker/Webb

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 matter would be considered in confidential session and the reason why it was being dealt with in this way.

Subject: Ulan Road Strategy

The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, in accordance with Section 10A(2)(g) of the Local Government Act 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of correspondence from Council's legal advisors.

Subject: General Manager's Performance Agreement 2012/13

The reason for dealing with this matter confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors).

Subject: Economic Development and Events Update Q3 2012

The reason for dealing with this report confidentially is that it relates to commercial 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 could potentially disadvantage ongoing business negotiations.

Subject: Termination of Contracts

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,

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.

8.1.1 Ulan Road Strategy

A0100055, A0100055, R9214003

536/12

MOTION: Walker/Webb**That:**

- 1. the report by Group Manager Development and Community Services on the Ulan Road Strategy be received;**
- 2. Council endorse the submission made to the Department of Planning and Infrastructure in response to the Draft Determination by the Director General of the Ulan Road Strategy**
- 3. That Council be kept informed of the final determination by the Department of Planning and Infrastructure on the Ulan Road Strategy and consider at a later meeting if legal action is the next appropriate course of action.**

The motion was put and carried.

8.1.3 Economic Development and Events Update Q3 2012

A0100055, A0820020

537/12

MOTION: Walker/Cavalier**That the report by Economic Development Officer on the Economic Development and Events Update Q3 2012 be received.***The motion was put and carried.***8.1.4 Town Hall and Swimming Pool Projects**

A0100055, A0000015

Councillor Walker declared a pecuniary conflict of interest in that he has been a sub-contractor to one of these projects, left the meeting at 8.02 pm and did not participate in discussions or vote in relation to this matter.

538/12

MOTION: Webb/Cavalier**That:**

- 1. the report by the General Manager on the termination of contracts for the Renovation of the Town Hall and upgrade of amenities at the Swimming Pools be received;**
- 2. Council note the actions taken by the General Manager.**

The motion was put and carried.

Councillor Walker returned to the meeting at 8.03 pm.

8.1.2 General Manager's Performance Agreement 2012-13

A0100055, A0381421

539/12

MOTION: Walker/Webb**That:**

- 1. the report by Mayor Kennedy on the General Manager's Performance Agreement 2012-13 be received;**
- 2. Council adopts the 2012/13 Performance Agreement with the General Manager.**
- 3. Council meet with the General Manager to review the agreed Key Performance Indicators.**
- 4. funding be provided to permit Councillors to attend training in performance management.**

The motion was put and carried.

The Manager Governance announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 8.25 pm.