

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 23 July 2014, commencing at 6.51pm and concluding at 8.05pm.

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PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (B Cam), Acting Director Mid-Western Operations (D Colwell), Director Development and Community Services (C Van Laeren), Director Finance & Administration (B Exelby), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (D Snyder), Radio 2MG (M Heldon).

## Item 1: Apologies

Apologies were received for the absence of Councillor Webb.

The Mayor noted that Councillor Webb had sought a leave of absence for this meeting and the next three Council meetings as he will be overseas.

### 268/14 MOTION: Shelley / Cavalier

That the apology for the absence of Councillor Webb be received and leave of absence granted.

The motion was carried with Councillors voting unanimously.

## Item 2: Disclosure of Interest

Councillor Walker declared a pecuniary conflict of interest in Items 6.2.1 and 6.2.3 as he is the applicant and owner.

Councillor Thompson declared a less than significant conflict of interest in Item 6.2.2 as he is a member of the Save the Old Gulgong Hospital Committee.

Councillor Cavalier declared a non-pecuniary conflict of interest in Item 6.2.15 as his business sponsors the Gulgong Sports Council.

**Item 3: Confirmation of Minutes****269/14 MOTION: Shelley / Cavalier****That the Minutes of the Ordinary Meeting held on 25 June 2014 (Minute Nos. 259/14 to 267/14) be taken as read and confirmed.**

The motion was carried with Councillors voting unanimously.

**Item 4: Matters in Progress**

OLD GULGONG HOSPITAL

**270/14 MOTION: Cavalier / Shelley****That Minute no. 46/14 be noted as completed.**

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr White	✓	

**Item 5: Mayoral Minute**

There was no Mayoral Minute.

**Item 6: General Business**

## 6.1 NOTICES OF MOTION

## 6.1.1 SKATE PARK RYLSTONE

GOV400038, GOV400022

**271/14 MOTION: Shelley / Cavalier**

**That Council investigates cost, design and locality of a skate park in Rylstone and a report be presented to Council for consideration.**

The motion was carried with Councillors voting unanimously.

6.1.2 PAVEMENT SURFACE - MAYNE ST AND HERBERT ST  
GULGONG

GOV400038, GOV400022

**MOTION: Thompson / Martens**

That the pavement surface in Mayne Street and Herbert Street, in the Gulgong CBD, be kept the same colour as the gravel used last time, and relevant material be supplied to ensure that outcome.

**272/14 AMENDMENT: Cavalier / Shelley**

**That the budget for works in Mayne Street be asphalt and Herbert Street remain as an asphalt surface.**

The amendment was put and carried and on being put as the motion was again carried with Councillors voting as follows:

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr White	✓	

## 6.1.3 EVENTS FUNDING PROGRAM

GOV400038, GOV400022

## MOTION:

That Councillors be informed of the number of events funded by the Events Funding Program for the last two years and the amount of funding that went towards each event.

The item was withdrawn.

## 6.1.4 RATING OF BUFFER ZONES - COURT COSTS INCURRED

GOV400038, GOV400022

273/14

## MOTION: Thompson / Martens

**That Council be given full details on the amount of costs for the court cases with the mines on the rating of buffer zones. This includes how much was paid by Council for each case and what deals were done with the different mines.**

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

Councillors	Ayes	Nayes
Cr Cavalier		✓
Cr Kennedy		✓
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr White		✓

## 6.2 REPORTS TO COUNCIL

## 6.2.1 DA0389/2014 – PROPOSED CONSTRUCTION OF HORSE STABLES BUILDING, LOT 1 DP 1062660, 25A ROBERT HODDLE GROVE, BOMBIRA

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.1 as he is the applicant, left the meeting at 7.05pm and did not participate in discussion or vote in relation to this matter.

GOV400038, DA0389/2014

**274/14 MOTION: Shelley / Cavalier****That due to changes to DA0389/2014, this DA be put back on exhibition for 14 days and then brought back to Council.**

The motion was carried with Councillors voting unanimously.

Councillor Walker returned to the meeting at 7.07pm.

## 6.2.2 DA0331/2014 – PROPOSED DEMOLITION OF THE OLD GULGONG HOSPITAL – LOTS 195 AND 196 DP755434, 34 GOOLMA ROAD GULGONG

GOV400038, DA0331/2014

**275/14 MOTION: Cavalier / White****That:**

- 1. the report by the Manager Statutory Planning on the DA0331/2014 – Proposed Demolition of the Old Gulgong Hospital – Lots 195 and 196 DP755434, 34 Goolma Road Gulgong be received;**
- 2. Development Application 0331/2014 for the demolition of the Old Gulgong Hospital on Lots 195 and 196 DP755434, 34 Goolma Road Gulgong be refused for the following reasons:**

**REASONS FOR REFUSAL**

- 1. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012, 1.2 Aims of Plan (2) (b) (iv) as the proposed development does not protect, enhance or conserve a building of heritage significance.**
- 2. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012, 1.2 Aims of Plan (2) (d) as the proposal does not support and celebrate Mid-Western Regional heritage attributes.**
- 3. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012, clause 5.10 Heritage Conservation objective (a) to conserve the environmental heritage of Mid-Western Region**

4. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan, clause 5.10 Heritage Conservation objective (b) to conserve the heritage significance of heritage items including associated fabric, settings and views.
5. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012, clause 5.10 (4) Effect of proposed development on heritage significance as the application proposes to demolish a locally listed heritage item.
6. The proposed development is inconsistent with the Heritage Impact Assessment Review which observed the heritage significance of the 1901 hospital building and that the building was capable of reuse.
7. The proposed development is inconsistent with the public interest demonstrated by the 60 submissions and the 700 signature petition objecting to the proposed demolition.

The motion was carried with Councillors voting unanimously.

6.2.3 MI0001/2015 – PROPOSED MODIFICATION TO ALLOW USE AS A DWELLING, LOT 1 DP 1062660, 25A ROBERT HODDLE GROVE, BOMBIRA

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.3 as he is the applicant, left the meeting at 7.24pm and did not participate in discussion or vote in relation to this matter.

GOV400038, P2170561

276/14

**MOTION: Shelley / Cavalier**

**That:**

1. The report by the Manager Statutory Planning on the Proposed Modification to allow use as a dwelling, Lot 1 DP 1062660, 25A Robert Hoddle Grove, Bombira be received;
2. MI0001/2015 for the Proposed Modification to allow use as a Dwelling, Lot 1 DP 1062660, 25A Robert Hoddle Grove, Bombira be approved subject to the following conditions;

**APPROVED DEVELOPMENT**

1. The development is to be carried out in accordance with the approved stamped plans, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

**BUILDING CONSTRUCTION**

1. All future building work must comply with the requirements of the National Construction Code 2012, Volume Two, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
2. Full details must be provided with the Construction Certificate application.
3. 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.
4. Construction work noise that is audible at other premises is to be restricted to the following times.
  - Monday to Saturday -- 7.00am to 5.00pm
  - No construction work is permitted on Sundays and Public Holidays.
5. 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. Council encourages the separation and recycling of suitable materials.
6. Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
7. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
  - stating that unauthorised entry to the work site is prohibited, and
  - 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. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
9. All stormwater is to discharge a minimum 3metres from the building in such a way as to not adversely affect adjoining properties.
10. 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:

- 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.

11. The building is to be constructed using non-reflective building materials.

#### RESIDENTIAL COMPONENT

12. A Building Certificate for the fit out of the shed for residential purposes is to be obtained within three (3) months of the date of this consent.

13. An Approval to Operate issued under Section 68 of the Local Government Act 1993 for the onsite sewage management facility is to be obtained within three (3) months of the date of this consent.

14. The land must be used for intensive plant agriculture or fodder/ Lucerne crops in accordance with Clause 4.2B of LEP 2012 whilst ever there is a dwelling located on the land.

15. Lots 3 and 4 DP 1146240 and lot 1 DP 1062660 are to be consolidated and registered as one allotment within three (3) months of the date of this consent.

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

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr White	✓	

Councillor Walker returned to the meeting at 7.25pm.



6.2.4 SECTION 95A – EXTENSION TO CONSENT – DA0327/2013 –  
PROPOSED RECREATION FACILITY – LOT 2 DP 1035495 – 87  
SHORT STREET MUDGEES

GOV400038, P1317062

277/14

**MOTION:** Shelley / White

**That:**

1. the report by the Manager, Statutory Planning on the Section 95A – Extension to Consent – DA0327/2013 – Proposed Recreation Facility – Lot 2 DP 1035495 – 87 Short Street Mudgees be received;
2. that the request to extend the consent under Section 95A of the Environmental Planning and Assessment act 1979 be declined.

**AMENDMENT:** Thompson / Kennedy

That Council grant the applicant a six month extension.

The amendment was put and lost with Councillors

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier		✓
Cr Kennedy		✓
Cr Martens		✓
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr White		✓

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr White	✓	

6.2.5 PLANNING PROPOSAL GENERAL AMENDMENTS –  
CONSIDERATION OF SUBMISSIONS AND PUBLIC HEARING

GOV400038, A0420254

**278/14 MOTION: Shelley / Weatherley**

**That:**

- 1. the report by the Manager Strategic Planning on the Planning Proposal General Amendments – Consideration of Submissions and Public Hearing be received;**
- 2. the proposed rezoning of land in Inglis Street to B4 Mixed Use be omitted and that the R3 General Residential zone be retained;**
- 3. Lot 47 DP 862452 Public Reserve 18A Macquarie Drive also known as Charmicheal Park be retained as community land; and**
- 4. the planning proposal and associated documentation be forwarded to the Department of Planning and Environment with a request that the amendments to the Local Environmental Plan 2012 be made.**

The motion was carried with Councillors voting unanimously.

6.2.6 WILPINJONG COAL – MODIFICATION 6

GOV400038, A0420169

**MOTION: White / Martens**

**That:**

- 1. the report by the Statutory Planner on the Wilpinjong Coal Mine Modification 6 be received;**
- 2. Council make a submission in accordance with this report.**

**279/14 AMENDMENT: Kennedy / Walker**

**That:**

- 1. the report by the Statutory Planner on the Wilpinjong Coal Mine Modification 6 be received;**
- 2. Council make a submission in accordance with the alternate submission tabled at the meeting.**

The amendment was put and carried and on being put as the motion was again carried with Councillors voting as follows:

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr White		✓

### 6.2.7 STRATEGIC PLANNING PROGRAM - UPDATE

GOV400038, A0420109

**280/14**

**MOTION: White / Cavalier**

**That:**

- 1. the report by the Director, Development and Community Services on the Strategic Planning Program update be received;**
- 2. the amended Strategic Planning Program as attached to this report be adopted.**

The motion was carried with Councillors voting unanimously.

### 6.2.8 MONTHLY STATEMENT OF BANK BALANCES AND INVESTMENTS AS AT 30 JUNE 2014

GOV400038, A0140304

**281/14**

**MOTION: Weatherley / Cavalier**

**That:**

- 1. the report by the Manager, Financial Planning on the Monthly statement of bank balances and investments as at 30 June 2014 be received;**
- 2. the certification of the Responsible Accounting Officer be noted.**

The motion was carried with Councillors voting unanimously.

## 6.2.9 LIFESKILLS FINANCIAL ASSISTANCE

GOV400038, A0140201

282/14

**MOTION: Shelley / Cavalier****That:**

1. **the report by the Financial Accountant on Lifeskills Financial Assistance Application be received;**
2. **Council provide financial assistance of \$25,000 to Lifeskills Plus Inc to be used for Stage One of the construction project at 10/13 Oporto Road.**

The motion was carried with Councillors voting unanimously.

6.2.10 FINANCIAL ASSISTANCE TOWARDS CONSTRUCTION OF A  
MOBILE BIOSOLIDS DEWATERING UNIT

GOV400038, F0740001

283/14

**MOTION: Shelley / Weatherley****That:**

1. **the report by the Business Manager Services on the Financial assistance towards construction of a mobile biosolids dewatering unit be received;**
2. **Council accepts the NSW Government offer of \$111,381 (being 26.6% of total project cost, excluding GST) under the Country Towns Water Supply and Sewerage Program**
2. **the Common Seal of Council be affixed to all necessary documentation; and,**
3. **Council amends the management plan to include the grant funding of \$111,381 (excluding GST) and reduce transfers from sewer fund reserves of \$111,381 (excluding GST) in the 2014/2015 financial year.**

The motion was carried with Councillors voting unanimously.

## 6.2.11 RENAMING OF DENISON LANE, MUDGEE

GOV400038, A0790141

284/14

**MOTION: Cavalier / White****That:**

- 1. the report by the Revenue & Property Manager on the Renaming of Denison Lane, Mudgee be received;**
- 2. Council rename Denison Lane to Gundys Lane.**

The motion was carried with Councillors voting unanimously.

## 6.2.12 NAMING ACCESS LANES OFF PERRAMS ROAD

GOV400038, A0790141, R0790041

285/14

**MOTION: Thompson / Weatherley****That:**

- 1. the report by the Revenue & Property Manager on the naming of access lanes off Perrams Road be received;**
- 2. Council name access track 1 Wattle Brae Lane and access track 2 Sutters Lane.**

The motion was carried with Councillors voting unanimously.

6.2.13 NAMING OF UNNAMED STREETS IN THE VALLEY GROVE  
ESTATE SUBDIVISION

GOV400038, A0790141

286/14

**MOTION: Cavalier / Martens****That:**

- 1. the report by the Revenue & Property Manager on the Naming of unnamed streets in the Valley Grove Estate subdivision be received;**
- 2. Council name road no 1 Charles Lester Place, road no 2 Pirie Close and road no 3 Michelle Court.**

The motion was carried with Councillors voting unanimously.

## 6.2.14 FLOOD STUDY FOR RYLSTONE AND KANDOS: FINAL STUDY REPORT

GOV400038, WAT500052

**287/14 MOTION: Shelley / Weatherley****That:**

- 1. the report by the Acting Director, Mid-Western Operations on the Rylstone Kandos Flood Study and Committee be received;**
- 2. Council reconvene the Rylstone/Kandos Flood Committee;**
- 3. Note the final report of the Flood Study for Rylstone and Kandos;**
- 4. Proceed with public exhibition of the Flood Study for Rylstone and Kandos for a period of 28 days, noting that the Committee may provide further input during the exhibition period.**

The motion was carried with Councillors voting unanimously.

## 6.2.15 GULGONG SPORTS COUNCIL

Councillor Cavalier declared a non-pecuniary conflict of interest in Item 6.2.15 as his business sponsors the Gulgong Sports Council, left the meeting at 7.58pm and did not participate in discussion or vote in relation to this matter.

GOV400038, A0100056

**288/14 MOTION: Shelley / White****That:**

- 1. the report by the Acting Director, Mid-Western Operations on the Gulgong Sports Council be received;**
- 2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 18 June 2014 be noted.**

The motion was carried with Councillors voting unanimously.

Cavalier returned to the meeting at 7.59pm.

## 6.2.16 MUDGEE SPORTS COUNCIL

GOV400038, A0100013

289/14

**MOTION: Shelley / Weatherley****That:**

- 1. the report by the Acting Director, Mid-Western Operations on the Mudgee Sports Council be received;**
- 2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 30 June 2014 be noted.**

The motion was carried with Councillors voting unanimously.

## 6.2.17 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE

GOV400038, F0650007

290/14

**MOTION: Shelley / Weatherley****That:**

- 1. the report by the Acting Director, Mid-Western Operations on the Mudgee Showground Management Committee be received;**
- 2. the minutes of the Mudgee Showground Management Committee meeting of 8 April 2014 be noted.**

The motion was carried with Councillors voting unanimously.

## 6.2.18 KANDOS CENTENARY WORKING PARTY MINUTES

GOV400038, P1553611

291/14

**MOTION: Shelley / Weatherley****That:**

- 1. the report by the Manager, Community Services on the Kandos Centenary Working Party Minutes be received;**
- 2. Council note the minutes of the meeting held 09 and 23 June 2014, and the accompanying Income and Expenses and Budget reports**

The motion was carried with Councillors voting unanimously.

6.2.19 LOCAL TRAFFIC COMMITTEE MINUTES OF MEETINGS HELD  
10 JUNE 2014 AND 8 JULY 2014

GOV400038, A0100009

**292/14 MOTION: Shelley / Weatherley**

**That the report by the Acting Director, Mid-Western Operations on the Local Traffic Committee Minutes of Meetings held 10 June 2014 and 8 July 2014, items 14/16 to 14/28, be received, accepted and endorsed.**

The motion was carried with Councillors voting unanimously.

6.2.20 MUDGEE & GULGONG ACCESS COMMITTEE MINUTES

GOV400038, A0060008

**293/14 MOTION: Shelley / Weatherley**

**That:**

- 1. the report by the Manager, Community Services on the Mudgee & Gulgong Access Committee Minutes be received;**
- 2. Council note the minutes of the Mudgee & Gulgong Access Committee meeting held on 6th May and 4th June 2014.**
- 3. Council endorse the appointment of Darryl Mercy to the Committee**

The motion was carried with Councillors voting unanimously.

6.2.21 CULTURAL DEVELOPMENT COMMITTEE MINUTES JUNE  
2014

GOV400038, A0420172

**294/14 MOTION: Shelley / Weatherley**

**That:**

- 1. the report by the Manager, Community Services on the Cultural Development Committee Minutes June 2014 be received;**
- 2. Council note the minutes of the Cultural Development Committee meetings held on 30 June 2014.**

The motion was carried with Councillors voting unanimously.



### 6.2.22 HOME AND COMMUNITY CARE SERVICES QUARTERLY REPORT

GOV400038, A0060205, A0060202, A0060204, A0060203, A0060069

295/14

**MOTION: Shelley / Cavalier**

**That:**

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

The motion was carried with Councillors voting unanimously.

### 6.2.23 HEALTHY COMMUNITIES FUNDING

GOV400038, COS300021

296/14

**MOTION: Thompson / Cavalier**

**That:**

- 1. the report by the Manager, Information Services on the Healthy Communities Funding be received;**
- 2. Council endorse the proposal from the Healthy Communities Alliance for the expenditure of the Healthy Communities funding in the 2014/15 financial year.**

The motion was carried with Councillors voting unanimously.

### 6.2.24 DELEGATIONS TO GENERAL MANAGER

GOV400038, A0230005

297/14

**MOTION: Shelley / White**

**That:**

- 1. the report by the Manager Governance on the Delegations to General Manager be received;**
- 2. Council adopt the attached delegations for the General Manager.**

The motion was carried with Councillors voting unanimously.

6.2.25 ANNUAL REPORTING OF CONTRACTUAL CONDITIONS OF SENIOR STAFF

GOV400038, A0385024

**298/14 MOTION: Shelley / Cavalier**

**That the report by the Manager Governance on the Annual Reporting of Contractual Conditions of Senior Staff be received.**

The motion was carried with Councillors voting unanimously.

6.2.26 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2014

GOV400038, A0110033

**299/14 MOTION: Shelley / White**

**That:**

- 1. the report by the Manager, Information Services on the Local Government NSW Annual Conference be received;**
- 2. Council approve the Mayor and General Manager to attend the Local Government NSW Annual Conference in Coffs Harbour between Sunday 19th October and Tuesday 21st October, 2014;**
- 3. Council submit the following issues or motions (if any) for consideration at the Conference.**

**AMENDMENT: Thompson / Martens**

**That:**

1. the report by the Manager, Information Services on the Local Government NSW Annual Conference be received;
2. Council approve two Councillors to attend the Local Government NSW Annual Conference in Coffs Harbour between Sunday 19th October and Tuesday 21st October, 2014;
3. Council submit the following issues or motions (if any) for consideration at the Conference.

The amendment was put and lost with Councillors voting as follows:

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier		✓
Cr Kennedy		✓
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr White		✓

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr White	✓	

## **Item 7: Urgent Business Without Notice**

7.1 There was no urgent business without notice

## **Item 8: Confidential Session**

**300/14 MOTION: Cavalier / Shelley**

**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: Appeal DA0409/2013 Subdivision – Bergalin Road Gulgong**

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

***Discussion of this matter in an open meeting would be, on balance, contrary to public interest as it could prejudice Council's position in any future Court proceedings.***

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 carried with Councillors voting unanimously.

GOV400038

**301/14 MOTION: Kennedy / Cavalier**

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

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

8.1.1 Appeal DA0409/2013 Subdivision – Bergalin Road Gulgong

GOV400038, P2090761

**302/14 MOTION: Cavalier / Shelley**

**That the recommendation of the confidential report be adopted.**

The motion was carried with Councillors voting unanimously.

## **Item 9: Open Council**

**303/14 MOTION: Thompson / Cavalier**

**That the Council move to Open Council.**

The motion was carried with Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

## **Closure**

There being no further business the meeting concluded at 8.05pm.