



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

14 MAY 2012

AT 7.00pm

MINUTES

Meeting Commenced 7.00pm

Public: 60

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor H K Fisher
Councillor R Thompson
Councillor W McAndrew
Councillor G Danaher
Councillor J J McGinnes
Councillor C Hunter
Councillor M F Ticehurst (7:45pm)

APOLOGIES

NIL

Also in attendance

Mr Roger Bailey, General Manager
Miss Rhiannan Pace, Minutes Secretary
Mr Andrew Muir, Group Manager Environment and Development
Mr Matthew Johnson, Acting Group Manager Community and Strategy
Mr Iain Stewart, Group Manager Operation Services
Mrs Carol Farnsworth, Finance Manager

CONFIRMATION OF MINUTES

12-149 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 23 April 2012 were taken as read and confirmed by Councillor H K Fisher and Councillor W McAndrew noting that on Page 5 of the minutes are to show that Councillor McGinnes returned to the Chambers at 7:34pm.

DECLARATION OF INTEREST

His Worship the Mayor called for Declarations of Interest on any matter before the Meeting.

NIL

PUBLIC FORUM

At **7:01pm** Members of public gallery were invited to participate in the Public Forum Session.

1. PF – 14/05/12 – MRS LYNNE NELSON JONES

Mrs Jones raised concerns over the recent flurry of press on Carbon Tax asking Council to explain how this will effect pensioners, in particular with rate rises.

The Finance Manager advised that the Carbon Tax will effect Fuel, Electricity and Waste Disposal. Council has factored in the impacts on Fuel and Council will be increasing the rates by the allowable rate pegging limit of 3.6%. In relation to Waste Disposal Carbon Tax is determined by the size of the tips and Lithgow Council's tips are not going to be affected at this stage.

2. PF – 14/05/12 – MRS SUE GRAVES

Mrs Graves informed Council that Lithgow Tidy Towns recently attended the Tidy Towns National Awards in Canberra where they were invited to Government House by the Governor General. She wanted Council to know that the Governor General was most gracious towards Lithgow and spoke highly about Lithgow.

The Mayor acknowledged this and thanked Mrs Graves for her comment.

Mrs Graves continued making a statement with regards to agenda item 16 and the removal of trees at Eskbank House. Mrs Graves told Council that the trees were originally planted to screen the railway and have no historical significance. She wished Council to know that Lithgow Tidy Towns had no objection to the removal of these trees.

The Mayor thanked Mrs Graves for her comment.

3. PF – 14/05/12 – MRS BARBARA MILNE

Mrs Milne requested road base at the back of the public toilet in Cullen Bullen as it is continuing to wash away.

The Mayor advised Mrs Milne that this was up for discussion in the Agenda for Council to consider allocation of funds for improvements. Group Manager Operations advised that he will arrange for gravel in the short term and then look at a more permanent solution.

4. PF – 14/05/12 – MR ANTHONY CRAIG

Mr Craig made enquiries as to whether Council had received a response back from the State Member with regards to the Economic Impact Statement on the sell off of Power he previously requested Council seek.

The General Manager advised he was not aware of any response.

5. PF – 14/05/12 – MRS MARIE STATHAM

Mrs Statham raised concerns over GWH upgrade between Mount Victoria to South Bowenfels. Asking Council if they will initiate action aimed at persuading the NSW Government to reinstate as a matter of urgency the RTA studies to utilise Darling Causeway as the basis of a safer route as well as route which can provide for the promised bypass of Mount Victoria Township and whether Council will seek the cooperation of the Centroc Councils in such a campaign.

The Mayor advised Mrs Statham that the State Government was to provide a report with regards to this matter and Council has not yet to receive it. Council is following up on the report from the State Government which they are hoping will address these issue. He further advised that he has attended a number of meetings with the Bells Line Expressway Group in which the Centroc Councils are represented.

6. PF – 14/05/12 – MR LEE MITCHELL

Mr Mitchell made enquiries in relation to the Greater Lithgow Rate payers Association, stating that 50% of that known membership was in Council tonight. He asked Councillor McGinnes to advise how to contact the organisation and how to become a member.

The Mayor advised Mr Mitchell that Council would write to the GLRA.

7. PF – 14/05/12 – MR FRANK INZITARI

Mr Inzitari made a statement with regards to Coal Fire Power Generation, to enable Lithgow City Council to more accurately address its planning and development responsibilities, will Council seek to develop with the Department of Mineral Resources and Delta Electricity, a review of the likely future fuel supply picture, a review of the requirements and coal source scenario of the two existing local power stations operating as base load units after the next 20 years.

The Mayor advised that Council has been supportive of the expansion of Mount Piper Power Station. Concept approval has been given by the NSW Government. Council would be supportive of the expansion to be Coal fired and for the Coal to be sourced locally if possible.

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12-150 RESOLVED

THAT Item 4 be brought forward and considered at this point in the meeting.

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

ITEM - 4 ENVIRO - 14/05/12 - COALPAC CONSOLIDATION PROJECT CULLEN BULLEN

12-151 RESOLVED

THAT

1. Council prepare a submission to the NSW Department of Planning & Infrastructure indicating its overall position as not objecting to the proposal but demanding that appropriate controls need be put in place particularly in regards to noise, dust and blasting and a regime of building inspections 'pre' and 'post' blasting. Mining is not to take place within 500 metres of the village, residents residing outside of the village and the cemetery itself.
2. The issues of concern raised at the public meeting and the “your views” survey relating to noise, dust, blasting, and independence of structural building assessments be specifically included in Councils submission to the Department of Planning and Infrastructure.
3. A copy of all “your views” surveys and compilation of results be attached to Council’s submission.
4. The views put forward in the “your views” survey in relation to the preferred allocation of any developer contributions be taken into consideration at the appropriate time.
5. The Mayor, Deputy Mayor and General Manager be authorised to negotiate a Voluntary Planning Agreement for the development.
6. Along with the Your Views surveys, the petition from Cullen Bullen residents also be submitted to the NSW Department of Planning and Infrastructure with Council’s submission.
7. That the company be required to lodge a substantial guarantee in a special fund (bond) that will be forfeited in the event that their standards are not met.

MOVED: Councillor G Danaher

SECONDED: Councillor R Thompson.

Councillor Fisher requested that his name be recorded AGAINST the resolution.

ITEM-1 GM - 14/05/12 - REVIEW OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

12-152 RESOLVED

THAT Council authorise the Mayor and Deputy Mayor to make a submission in relation to the review of the Model Code of Conduct for local councils in NSW. To be included in the submission are:

- Council's support for a reasonable timeframe to be applied to matters from when action is started
- Reinforcement of the Council's original submission

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

ITEM-2 GM - 14/05/12 - CODE OF CONDUCT REPORT - COUNCILLOR MARTIN TICEHURST

Councillor Ticehurst entered the Chamber at 7:45pm.

12-153 RESOLVED

THAT Business be suspended to address the previous outstanding motion before Council in relation to Councillor Ticehurst withdrawing and apologising for a previous disparaging remark.

MOVED: Councillor W McAndrew

SECONDED: Councillor G Danaher.

The Mayor asked Councillor Ticehurst if he was going to withdraw and apologise for his previous disparaging remark.

Councillor Ticehurst did not respond.

12-154 RESOLVED

THAT Councillor Ticehurst be expelled from the meeting and the premises for his failure to withdraw and apologise for his previous disparaging remark.

MOVED: Councillor W McAndrew

SECONDED: Councillor G Danaher.

A **DIVISION** was called by Councillors M F Ticehurst and J J McGinnes.

Division -

FOR

Councillor N L Castle
Councillor G Danaher
Councillor H K Fisher
Councillor C Hunter
Councillor W McAndrew
Councillor R Thompson

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

The Mayor called an adjournment at 7:48pm so that the Police could be called.

Councillor Ticehurst continued to address the public gallery and made accusations towards the General Manager and Councillors. Councillor Ticehurst ripped the code of conduct report up and threw it on the floor of the chambers.

Councillor Ticehurst was escorted from the Council Chambers at 7:58pm by the Police.

Resumption

The Council reassembled at 7.59pm with all of the aforementioned Councillors present with the exception of Councillor Ticehurst.

On resuming the meeting the Mayor asked the Council if it wished to continue business. The Council responded in the affirmative.

12-155 RESOLVED

THAT Council resolve:

1. That Councillor Ticehurst has breached the Code of Conduct in that his actions at the Council meeting on 5 March 2012, which resumed on 19 March 2012, brought the Council into disrepute (Clause 6.1) and he showed a lack of respect (Clause 6.3) for others in that:
 - he called a member of the public a disparaging remark at the Council meeting on 5 March 2012;
 - he failed to withdraw the remark as requested by the Mayor at the meeting on 5 March 2012;
 - he knowingly encouraged the number of Councillors to be reduced below quorum such that council could not continue to conduct its business at the meeting on 5 March 2012;
 - he failed to withdraw the remark as requested by the Mayor at the continuation of the 5 March 2012 meeting on 19 March 2012;
 - he failed to obey a direction of the Mayor to voluntarily leave the Council meeting on 19 March 2012 and was required to be escorted from the meeting by the NSW Police.
2. To Censure Councillor Ticehurst for breaching the Lithgow Code of Conduct.

3. To advise the Director General of the Division of Local Government that it believes that grounds may exist that warrant the suspension of Councillor Ticehurst and requests that such a suspension be made.

MOVED: Councillor W McAndrew

SECONDED: Councillor G Danaher.

Councillor McGinnes requested that his name be recorded AGAINST the resolution.

**ITEM-3 GM - 14/05/12 - QUARTERLY PERFORMANCE REPORT ON 2011/12
TO 2014/15 MANAGEMENT PLAN FOR THE PERIOD 1 JANUARY
TO 31 MARCH 2012**

12-156 RESOLVED

THAT:

1. The deficit of \$32,661 for the 2011/12 to 2014/15 Management Plan as detailed in the Quarterly Performance Report for the period 1 January to 31 March 2012 be noted;
2. Council authorise the variations to the Council budget as outlined in the report; and
3. The Council notes that the Finance Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2010/11 to 2014/15 Management Plan has been reviewed and the financial position of Council is satisfactory.

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher.

ITEM-5 ENVIRO - 14/05/12 - ANALYSIS OF DOG ATTACKS 201011

12-157 RESOLVED

THAT the report in relation to an analysis of dog attacks be noted.

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

ITEM-6 ENVIRO - 14/05/12 - FOOTPATH TRADING POLICY

12-158 RESOLVED**THAT**

1. The Draft Policy 5.4 Footpath Trading as attached to the business paper be placed on public exhibition for a period of 28 days.
2. The Draft Policy be provided to local businesses in Lithgow, Portland and Wallerawang and a copy also be provided to Lithgow Business Association seeking their comment.

MOVED: Councillor G Danaher**SECONDED:** Councillor W McAndrew.**ITEM-7 ENVIRO - 14/05/12 - CULLEN BULLEN - ALLOCATION OF DEVELOPER CONTRIBUTIONS - SEALING OF ROAD ADJACENT TO MERV CRANE PARK**

12-159 RESOLVED

THAT an amount of \$17,598, being the remaining amount from Section 94 Contributions contributed through Invincible Colliery, be allocated to the sealing of the road adjacent to Merv Crane Park, Cullen Bullen.

MOVED: Councillor H K Fisher**SECONDED:** Councillor G Danaher.**ITEM-8 OPER - 14/05/12 - OPEN TENDERING - PROCURMENT OF ROAD BASE AND BITUMEN SEALING CONTRACT SERVICES**

12-160 RESOLVED

THAT Council invite 'Open Tenders' for the Supply of both Road Base and Bitumen Sealing Services (3 Year Term), pursuant to s167 of the Local Government (General) Regulation 2005.

MOVED: Councillor W McAndrew**SECONDED:** Councillor C Hunter.

ITEM-9 OPER - 14/05/12 - CENTROC LOCAL GOVERNMENT PROCUREMENT

12-161 RESOLVED

THAT Council note the acceptance of ERM Energy, AGL and COzero as successful tenderers for electricity supply for the period 01 July 2012 to 30 June 2015 through the recent LGP/Centroc Group tender

MOVED: Councillor H K Fisher

SECONDED: Councillor R Thompson.

ITEM-10 OPER - 14/05/12 - TENDERS FOR THE DESIGN AND CONSTRUCTION OF HASSANS WALLS BOARDWALK

12-162 RESOLVED

THAT:

1. Council use the selective tendering method, pursuant to s168 of the Local Government (General) Regulation 2005, for the design and construction of Hassans Walls Boardwalk.
2. Council invite tenders submissions from the following five companies:
 1. Australian Built Urban Designs
 2. Steel Works Engineering
 3. Wagner Pty Ltd
 4. Scully Pty Ltd
 5. Fleetwood Urban Pty Ltd

MOVED: Councillor G Danaher

SECONDED: Councillor C Hunter.

ITEM-11 OPER - 14/05/12 - WATER REPORT

12-163 RESOLVED

THAT the information in relation to water management issues be noted.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

**ITEM-12 OPER - 14/05/12 - PROTECTION OF THE ENVIRONMENT
LEGISLATION AMENDMENT 2012**

12-164 RESOLVED

THAT Council note the changes that have been made to the Protection of the Environment Operations (POEO) Act 1997 and the requirement for Council to prepare Pollution Incident Response Management Plans for all its licensed sites by the 1st September 2012.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

ITEM-13 COMM - 14/05/12 - SOUTH LITTLETON HALL

12-165 RESOLVED

THAT:

1. Council develop a lease with Lithgow Men's Shed for exclusive use of the South Littleton hall for a period of four (4) years until 30 June 2016 with continuation after that time subject to a further community survey and review by Council.
2. A further report be brought to Council in the near future concerning options for management of car parking issues associated with the reserve.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

A **DIVISION** was called by Councillors H K Fisher and W McAndrew.

Division (Unanimous) -

FOR

Councillor N L Castle
Councillor G Danaher
Councillor H K Fisher
Councillor C Hunter
Councillor W McAndrew
Councillor J J McGinnes
Councillor R Thompson

ITEM-14 COMM - 14/05/12 - ADVENTURE PLAYGROUND INVESTIGATION

12-166 RESOLVED

THAT Council:

1. Notes the above report on investigations into site options for an adventure playground.
2. Gives further consideration to the selection and funding of a preferred site for an adventure playground following completion of the Aquatic Centre / Showground/ Sporting Fields precinct masterplan in 2012/13.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

ITEM-15 COMM - 14/05/12 - LITHGOW HISTORY AVENUE PROJECT

12-167 RESOLVED

THAT Council note development of the Lithgow History Avenue project.

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

ITEM-16 COMM - 14/05/12 - TREE REMOVAL PROPOSAL FOR ESKBANK HOUSE AND MUSEUM

12-168 RESOLVED

THAT:

1. Council defer consideration on this matter and approach Endeavour Energy requesting that it investigate the option of running the powerlines underground; and
2. A report be provided to Council on the feasibility of this option.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

ITEM-17 FINAN - 14/05/12 - COUNCIL INVESTMENTS HELD 30 APRIL 2012

12-169 RESOLVED

THAT Investments of \$14,914,604.92 for the period ending 30 April 2012 be noted.

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher.

ITEM-18 FINAN - 14/05/12 - WATER STANDPIPE CHARGES: HISTORY AND PROPOSED CHARGES FOR 2012/13

12-170 RESOLVED

THAT Council notes the report on Water Standpipe charges.

MOVED: Councillor G Danaher

SECONDED: Councillor C Hunter.

Councillor McGinnes requested that his name be recorded AGAINST the resolution.

ITEM-19 OPER - 14/05/12 - LITHGOW INDOOR AQUATIC CENTRE ADVISORY COMMITTEE MINUTES - 3 MAY 2012

12-171 RESOLVED

THAT Council:

1. Note the minutes of the Aquatic Centre Working Party meeting held on 3 May 2012
2. Approve Variation 3 for Rainwater Tank (\$10,289.09 ex GST), Variation 4 for Stormwater / Sewer Design Amendments (\$10,609.10 ex GST), and Variation 5 for Entrance Turnstiles (\$15,529.98 ex GST), to be funded from Council's allocation for contingencies.
3. Note the saving of \$3,340.00 (ex GST) made from amending the lighting layout in the amenities, reducing the total contract cost to \$1,801,301.00 (ex GST).

4. Commence planning for an official opening in August 2012, with an open day to be held in November 2012 to celebrate the 50th anniversary.
5. Seek expressions of interest from the community for suitable use of the existing entry and amenities buildings, and for Council to proceed with demolition of these buildings in the 2012 / 2013 financial should no satisfactory use be proposed.
6. Note the information in relation to Council's submission for funding through CENTROC for solar heating for the 50m pool.

MOVED: Councillor R Thompson

SECONDED: Councillor G Danaher.

**ITEM-20 OPER - 14/05/12 - SPORTS ADVISORY COMMITTEE MINUTES 30
APRIL 2012**

12-172 RESOLVED

THAT Council note the minutes of the Sports Advisory Committee meeting held on Monday, 30 April 2012.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

**ITEM-21 COMM - 14/05/12 - LITHGOW FLASH GIFT COMMITTEE MEETING
MINUTES - 16 APRIL 2012**

12-173 RESOLVED

THAT Council:

1. Notes the minutes of the Lithgow Flash Gift Committee held on 16 April 2012.
2. Allocates a donation of \$300 to Lithgow Rotary for their assistance on the day.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

BUSINESS OF GREAT URGENCY

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:

- a) *A motion is passed to have the business transacted at the meeting: and*
- b) *The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.*

UB – 14/05/12 – COUNCILLOR W MCANDREW

Councillor McAndrew spoke in relation to the recent announcement that the State Debt Recovery Office is looking to increase it's workforce across the State. Councillor McAndrew asked that Council seek support from the Local Member with regards to ensuring that Lithgow receives consideration with increasing numbers.

12-174 RESOLVED

THAT the increase to State Debt Recovery Office's workforce be declared as urgent.

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher

The Mayor declared the matter to be of great urgency in accordance with clause 241 of the Local Government (General) Regulations.

12-175 RESOLVED

THAT Council seek support from the local member, Paul Toole, to ensure that Lithgow receives consideration when the allocation of State Debt Recovery workforce occurs.

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher

UB – 14/05/12 – GENERAL MANAGER

The General Manager advised Council that with the upcoming vote on the consolidation of the Local Government Shires Association and Shires Association into One Association Council is required to nominate three delegates.

12-176 RESOLVED

THAT the matter of nominating delegates for the upcoming vote on the formation of One Association be declared as urgent and dealt with at this meeting

MOVED: Councillor W McAndrew

SECONDED: Councillor G Danaher

The Mayor declared the matter to be of great urgency in accordance with clause 241 of the Local Government (General) Regulations.

12-177 RESOLVED

THAT Council appoint Mayor Neville Castle, Deputy Mayor Howard Fisher and Councillor Thompson as voting delegates in relation to the One Association vote.

MOVED: Councillor W McAndrew

SECONDED: Councillor G Danaher

There being no further business the meeting closed at 9:14pm.