



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

19 AUGUST 2013

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 19 AUGUST 2013**

Meeting Commenced 7.00pm

Acknowledgement of Country

Public: 36

PRESENT

Her Worship the Mayor
Councillor M Statham
Councillor R Thompson
Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor J J McGinnes
Councillor P Pilbeam

OTHER ABSENTEES

Councillor M F Ticehurst (suspended)

APOLOGIES

13-278 RESOLVED

An apology was received from and leave of absence granted to from Councillor W McAndrew who is out of the City on personal business.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari

Also in attendance

Mr Roger Bailey, General Manager
Miss Rhiannan Pace, Minutes Secretary
Mr Andrew Muir, Group Manager Environment and Development
Ms Ally Shelton, Acting Group Manager Community and Strategy
Mr Iain Stewart, Group Manager Operations
Mrs Carol Farnsworth, Finance Manager

CONFIRMATION OF MINUTES

13-279 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 29 July 2013 were taken as read and confirmed by Councillors P Pilbeam and R Higlett

DECLARATION OF INTEREST

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

Councillor F Inzitari declared a Non Pecuniary - significant personal interest in item 10, due to a family member property backing onto the property containing the proposed development. He will vacate the Chambers.

Councillor R Thompson declared a Non Pecuniary - less than significant personal interest in item 9, due to being a resident of the estate. He will not vacate the Chambers.

Councillor M Statham declared a Non Pecuniary - less than significant personal interest in Item 1, due to family members using the road for access. She will vacate the Chambers and Councillor Thompson will assume the chair.

QUESTIONS FROM THE PUBLIC

At 7.02pm Members of public gallery were invited to participate in the Public Forum Session.

PF – 19/08/13 – MR JOHN FULLER

Mr Fuller asked why he was followed and then abused by the Council Ranger following his Court appearance last week. Mr Fuller stated that the Ranger was aggressive towards him.

The Mayor thanked Mr Fuller for his comment.

The Group Manager Environment and Development advised that these allegations are incorrect and that he left the Court prior to Mr Fuller with the Ranger following Mr Fuller's Court appearance.

The General Manager invited Mr Fuller to write to Council and make a formal complaint.

Mr Fuller asked when Council would be removing the illegal pipe that goes through his property and requested that Council show him a legal document showing that Council has ownership.

The Mayor provided a warning to Mr Fuller and asked him to refrain from using inappropriate language.

The General Manager advised that Council had previously advised Mr Fuller of the position.

Mr Fuller was given a further formal warning, and again asked to refrain from using inappropriate language and requesting that he be seated.

Mr Fuller continued to disrupt the meeting.

13-280 RESOLVED

THAT Mr Fuller be ejected from the Chambers for persistent disorder.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam

Mr Fuller refused to leave.

The Meeting was adjourned at 7.07pm so that the Police could be called to remove Mr Fuller.

The Mayor declared the meeting open at 7.25pm

The Mayor asked Mr Fuller to vacate the chambers.

Mr Fuller refused.

The Mayor asked other members of the Public Gallery to come forward. Mr Fuller continued to address and disrupt the Council.

13-281 RESOLVED

THAT the Council meeting be adjourned.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson

The meeting was adjourned at 7.25pm.

RESUMPTION

The meeting resumed at 7.41pm with all of the aforementioned present.

The Mayor advised that a letter has been sent to Mr Fuller in relation to his matters.

Mr Fuller continued to disrupt the Council meeting.

The Mayor requested Mr Fuller take his seat

13-282 RESOLVED

THAT the meeting be adjourned.

MOVED: Councillor R Thompson

SECONDED: Councillor J McGinnes

The meeting was adjourned at 7.46pm

RESUMPTION

The Meeting resumed at 8.02pm with all of the aforementioned present.

The Mayor asked Mr Fuller to sit down.

Mr Fuller refused.

Mr Fuller continued to disrupt the meeting.

MOTION

THAT the meeting be adjourned for the remainder of the evening and an Extra Ordinary meeting be called Tuesday 20th August 2013

MOVED: Councillor R Thompson

SECONDED: Councillor R Higlett

The Motion was withdrawn by both the mover and the seconder.

13-283 RESOLVED

THAT Council authorise Mr Rodney Traves (Security Guard from Mitchells Security) to remove, by using only such force as is necessary, Mr Fuller from the Council Building and if necessary restrain Mr Fuller from re-entering.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson

The Mayor requested Mr Traves remove Mr Fuller from the Building. Mr Fuller resisted.

Officers of the NSW Police arrived.

The General Manager requested Mr Fuller to leave the premises. Mr Fuller refused.

The General Manager requested that Mr Fuller be removed from the premises.

The Police escorted Mr Fuller from the Chambers at 8.23pm.

Councillor McGinnes left the chambers at 8.23pm.

PF – 19/8/13 – MR ANTHONY OLDFIELD

Mr Oldfield made a statement in relation to the Bio-Retention Basin at South Bowenfels and referred to Council's Policy 8.6. Mr Oldfield referred to exemptions under the Policy and the requirements for Development Applications to be referred to Council for consideration. Mr Oldfield asked why the applicant has completed works when the Development Application has not been considered by Council according to the processes outlined in the Council Policy.

Councillor McGinnes returned to the chambers at 8.25pm.

13-284 RESOLVED

THAT an extension of time be granted

MOVED: Councillor J McGinnes

SECONDED: Councillor F Inzitari

Mr Oldfield continued.

The Group Manager Environment & Development advised that Council has reviewed the Council Policy and can see how it has been interpreted. The Policy does require clarification and we are in the process of reviewing the policy so that future misunderstandings don't occur.

Council met with officers of the SCA to try and locate alternative sites but were unsuccessful in locating suitable alternative sites.

The Section 96 Modification application has been submitted. Further information is to be obtained and then Council will be contacting the residents.

Mr Oldfield asked how the applicant is continuing to undertake works when a stop works was put on the development.

The Group Manager Environment and Development advised that a stop work was put on the application whilst investigation with the SCA took place. Notification was received that the investigation was completed and the developer commenced works again. The works undertaken was in contravention to the plan.

PF – 19/08/13 – LINDA MEHRTENS

Ms Mehrtens made a statement in relation to Item 3 of the Agenda. Ms Mehrtens advised that she has always worked closely with Access Industries and offered their condolences following the fire and requested that Council work with Access Industries to relocate the premises to a more suitable location.

The Mayor thanked Ms Mehrtens for her comments.

PF – 19/08/13 – MRS SUE GRAVES

Mrs Graves made a statement in relation to Item 11 of the Agenda. Mrs Graves asked that the matter be delayed and referred to Council's Environmental Advisory Committee.

The Mayor thanked Mrs Graves for her comments.

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ITEM-1 NOTICE OF MOTION - 19/08/13 - LEGALISING ROAD AT MEADOW FLAT - COUNCILLOR C HUNTER

The Mayor vacated the Chambers at 8.38pm due to a previous declaration of interest.

The Deputy Mayor, Councillor R Thompson assumed the Chair.

13-285 RESOLVED

THAT Lithgow City Council contact Crown Lands proposing to acquire a section of the Crown Reserve at Meadow Flat to be dedicated as a public Road.

MOVED: Councillor C Hunter

SECONDED: Councillor R Higlett.

The Deputy Mayor, Councillor R Thompson, vacated the Chair 8.39pm and the Mayor resumed the Chair of the meeting.

ITEM-2 NOTICE OF MOTION - 19/08/13 - FUTURE FUNDING OF THE LITHGOW AQUATIC CENTRE - COUNCILLOR J MCGINNES

PROCEDURAL MOTION

13-286 RESOLVED

THAT Items 2 and 3 lay on the table.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam

ITEM-3 NOTICE OF MOTION - 19/08/13 - FIRE AT ACCESS INDUSTRIES COMMERCIAL LAUNDRY - COUNCILLOR J MCGINNES

Item 3 was dealt with

ITEM-4 NOTICE OF MOTION - 19/08/13 - REQUEST FOR AN URGENT SHOP LOCAL PROGRAM FOR LITHGOW LGA - COUNCILLOR J MCGINNES

13-287 RESOLVED

THAT the Council seek an urgent report from its Economic Development Officer on suggestions or initiatives that can provide the Lithgow LGA with a 'Shop Local' programme?

MOVED: Councillor J J McGinnes

SECONDED: Councillor R Thompson.

ITEM-5 NOTICE OF MOTION - 19/08/13 - FARMERS CREEK REMEDIATION WORKS - COUNCILLOR J MCGINNES

13-288 RESOLVED

THAT Councillors be advised of when the Council will be undertaking further and additional urgent remediation works in the Farmers Creek.

MOVED: Councillor J J McGinnes

SECONDED: Councillor R Thompson.

ITEM-6 GM - 19/08/13 - QUARTERLY PERFORMANCE REPORT ON 2012-2013 OPERATIONS PLAN FOR THE PERIOD 1 APRIL TO 30 JUNE 2013

MOTION

THAT this item lay on the table

MOVED: Councillor J J McGinnes

The Motion was PUT and LOST

13-289 RESOLVED

THAT:

1. The surplus of \$88,014 for the 2012-2013 Operations Plan as detailed in the Quarterly Performance Report for the period 1 April to 30 June 2013 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 2012-2013 Operations Plan has been reviewed and the financial position of Council is satisfactory.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam

**ITEM-7 GM - 19/08/13 - STATE ENVIRONMENTAL PLANNING POLICY
(MINING PETROLEUM PRODUCTION AND EXTRACTIVE
INDUSTRIES) AMENDMENT (RESOURCE) 2013**

MOTION

THAT the item lay on the table

MOVED: Councillor J J McGinnes

The Motion was PUT and LOST

13-290 RESOLVED

THAT Council endorse the submission made by the Mayor in relation to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Resource Significance) 2013.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari

ITEM-8 GM - 19/08/13 - ELECTION FOR THE POSITION OF MAYOR 2013/14

13-291 RESOLVED

THAT Council hold the 2013/14 Mayoral Election at the Ordinary Meeting of Council to be held on Monday 9 September 2013.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson.

**ITEM-9 ENVIRO - 19/08/13 - REQUEST FOR OWNER S CONSENT TO
 LODGE A DEVELOPMENT APPLICATION RELATING TO LOT 68 DP
 813538 GREAT WESTERN HIGHWAY, MARRANGAROO**

13-292 RESOLVED

THAT:

1. Council provide its consent as landowner in relation to a development application for the subdivision of Lot 702 DP 1135310 and Lot 31 DP 839469 as the application will relate to the proposed construction of a public road upon Lot 68 DP 813538 owned by Lithgow City Council.
2. Council advise Marrangaroo Estate Pty Limited that the provision of its landowners consent only allows the application to be submitted and go through an assessment process. It does not impact on Council's assessment of a development application or give any permission to physically construct a road on the land. Furthermore, should a development application for subdivision be approved (which cannot be guaranteed) it does not provide for any sale, transfer or dedication of any land which would be the subject of an entirely separate process.

MOVED: Councillor P Pilbeam

SECONDED: Councillor C Hunter.

**ITEM-10 ENVIRO- 19/08/13 - DEVELOPMENT APPLICATION 153/13
 DEMOLITION OF EXSITING HOUSE, BUILD 56 ROOM MOTEL WITH
 RESTAURANT AND SIGNAGE - CALLING IN OF APPLICATIONS**

Councillor Inzitari vacated the chambers at 9.04pm

13-293 RESOLVED

THAT Council:

1. Note the calling in of development application No 153/13.
2. Note that a date for an on-site inspection will be set for Councillors to view the site.

MOVED: Councillor J J McGinnes

SECONDED: Councillor R Thompson.

Councillor Inzitari returned to the chambers at 9.09pm

**ITEM-11 ENVIRO - 19/08/13 - ADOPTION OF LITHGOW GENERIC
COMMUNITY LANDS PLAN OF MANAGEMENT - NATURAL AREAS,
PARKS, SPORTSGROUNDS & GENERAL COMMUNITY USE**

13-294 RESOLVED

THAT the item be deferred to allow the item to be referred to the Environmental Advisory Committee and further submissions be called for.

MOVED: Councillor J J McGinnes

SECONDED: Councillor C Hunter.

**ITEM-12 ENVIRO - 19/08/13 - TENDERS FOR ALTERATIONS AND ADDITIONS
TO UNION THEATRE BRIDGE STREET LITHGOW**

13-295 RESOLVED

THAT:

1. The tender submitted by M Bruton Building for **\$328,460** (GST inc) be accepted.
2. Council authorise the affixing of the Council seal to any documentation requiring this.

MOVED: Councillor C Hunter

SECONDED: Councillor F Inzitari.

**ITEM-13 OPER - 19/08/13 - LITHGOW CITY COUNCIL AND DELTA
ELECTRICITY - ROAD DEDICATIONS**

13-296 RESOLVED

THAT Council dedicate as public roads the lands comprising of Lot 3 DP 717025 Barton Avenue, Wallerawang and Lot 3 DP 261232 Magpie Hollow Road, South Bowenfels being lands acquired by Council from Delta Electricity pursuant to Deed of Agreement for Land Exchange dated 9 May 2013.

MOVED: Councillor R Thompson

SECONDED: Councillor C Hunter.

ITEM-14 COMM - 19/08/2013 - RECOGNITION OF SIR JOSEPH COOK

13-297 RESOLVED

THAT Council place on public exhibition for a period of 28 days, a proposal to name the new boardwalk and lookout on Hassans Walls as Sir Joseph Cook Lookout.

MOVED: Councillor C Hunter

SECONDED: Councillor R Thompson.

ITEM-15 COMM - 19/08/2013 - WAIVING OF FEES FOR COUNCIL FACILITIES

13-298 RESOLVED

THAT Council notes the provision of \$1,048 in fee waivers during 2012/13 in accordance with Policy 4.6.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

**ITEM-16 COMM - 19/08/2013 - FINANCIAL ASSISTANCE FOR MAJOR
COMMUNITY FUNCTIONS AT THE TONY LUCHETTI SHOWGROUND
AND CIVIC BALLROOM**

13-299 RESOLVED

THAT Council:

1. Provide (4) four financial assistance packages of up to \$2,500 each to non-profit community groups towards the cost of hiring the Civic Ballroom and/or Tony Luchetti Showground for major events that demonstrate an economic and social benefit to Lithgow.
2. Fund the cost of the four fee waiver packages from the existing Financial Assistance budget
3. Provide Financial Assistance once to each applicant
4. Not provide Financial Assistance to organisations already receiving Financial Assistance for major events at these venues.
5. Receive written applications at least 3 months prior to the event for consideration by a meeting of Council.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson.

**ITEM-17 FINAN - 19/08/13 - DRAFT POLICY 9.21 PRIVACY MANAGEMENT
PLAN FOR EXHIBITON**

13-300 RESOLVED

THAT Council advertise the Policy 9.21 Privacy Management Plan for a period of 28 days.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

ITEM-18 FINAN - 19/08/13 - 30 JUNE 2013 - COUNCIL INVESTMENTS

13-301 RESOLVED

THAT Investments of \$23,555,686.60 for the period ending 30 June 2013 be noted.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higglett.

ITEM-19 FINAN - 19/08/13 - COUNCIL INVESTMENTS HELD TO 31 JULY 2013

13-302 RESOLVED

THAT Investments of \$20,634,584.69 for the period ending 31 July 2013 be noted.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

**ITEM-20 OPER - 19/08/13 - AQUATIC CENTRE COMMITTEE MEETING
MINUTES - 25 JULY 2013**

13-303 RESOLVED

THAT Council:

1. Notes the minutes of the Aquatic Centre Committee held on the 25 July 2013;
2. Approve a vote of \$21,484 to enable the installation of the jumping pillow, the installation of an exit controller, assessment of the structural condition of the 50 meter pool and the purchase of a solar blanket for the Splash Park to be funded from budget variations in the September financial review.

MOVED: Councillor J J McGinnes

SECONDED: Councillor R Thompson.

**ITEM-21 OPER - 19/08/13 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES - 30 JULY 2013**

13-304 RESOLVED

THAT Council:

1. Notes the minutes of the Sports Advisory Committee held on the 30 July 2013;
2. Approve financial assistance of \$300 from the current allocation for Financial Assistance for Sporting Representations (\$300 for Pacey Stockton); and
3. Note the appreciation for financial assistance from Rene Hunter and Chad Heath.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

**ITEM-22 OPER - 19/08/13 - TRAFFIC ADVISORY LOCAL COMMITTEE - 1
AUGUST 2013**

13-305 RESOLVED

THAT Council:

1. Notes the minutes of the Traffic Advisory Local Committee held on the 1 August 2013.
2. Approve changes to the existing parking times on the signs located in Mort Street Lithgow adjacent to Council, Centrelink and Coffee on Mort to ½ hour parking Monday to Friday 8.30am-4.30pm and timed parking on Saturday is removed.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett.

**ITEM-23 COMM - 19/08/2013 - CRIME PREVENTION COMMITTEE MINUTES -
29 JULY 2013**

13-306 RESOLVED

THAT Council notes the minutes of the Crime Prevention Committee held on the 29 July 2013.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

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.*

NIL

There being no further business the meeting concluded at 9.31pm.