



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

30 SEPTEMBER 2013

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 30 SEPTEMBER 2013**

Meeting Commenced 7.00pm

Public: 20

ACKNOWLEDGEMENT OF COUNTRY

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 W McAndrew

OTHER ABSENTEES

Councillor M F Ticehurst (suspended)

APOLOGIES

13-331 RESOLVED

An apology was received from Councillor P Pilbeam who is out of the City on personal business.

MOVED: Councillor R Higlett

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

13-332 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 9 September 2013 were taken as read and confirmed with the amendment in relation to Resolution No 13-313 with the inclusion of the Senior Bushfire Committee, with Councillor Hunter as the delegate moved by Councillors R Thompson and R Higlett.

DECLARATION OF INTEREST

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

Councillor M Statham declared a non pecuniary less than significant interest in item 18, due to her brother being a nominee on the committee. She will vacate the Chambers and ask Deputy Mayor assume the chair.

QUESTIONS FROM THE PUBLIC

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

PF - 30/9/13 – MR GRAHAME DANAHER

Mr Danaher made a statement in relation to item 3 of the agenda and the proposed restrictions to the public forum. Mr Danaher believes this is restricting residents from properly questioning the Council.

Mr Danaher then made a further statement in relation to Item 13 of the Agenda and the proposed privatisation of the Visitors Information Centre. Mr Danaher said that Council should support the centre.

Mr Danaher then congratulated Council on Queen Elizabeth Park but feels there is a shortage of Garbage Bins

The Mayor thanked Mr Danaher for his comments.

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ITEM-1 NOTICE OF MOTION - 30/09/13 - WAIVING THE WATER CHARGES FOR LITHGOW GREYHOUND TRACING TRACK UNTIL 30 JUNE 2014 - COUNCILLOR F INZITARI

13-333 RESOLVED

THAT Lithgow Council recommend to the Lithgow Greyhound Racing Club LTD that they consider applying for assistance under Council Section 356 Financial Assistance Program Donations.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew.

ITEM-2 NOTICE OF MOTION - 30/09/13 - ESKBANK HOUSE BOUNDARY FENCE - COUNCILLOR C HUNTER

13-334 RESOLVED

THAT Council install a post and rail fence around the boundary of Eskbank house.

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew

ITEM-3 GM - 30/09/13 - CODE OF MEETING PRACTICE

13-335 RESOLVED

THAT the two points of the recommendation be dealt with separately.

MOVED: Councillor W McAndrew

SECONDED: Councillor J McGinnes

MOTION

THAT Council adopt the Draft Code of Meeting Practice Version 10 with the amendments contained therein.

MOVED: Councillor R Thompson

SECONDED: Councillor R Higlett.

AMENDMENT

THAT Council adopt the Draft Code of Meeting Practice Version 10 with the amendments contained therein plus with the following additional amendments:

1. In relation to the Code of Meeting Practice 17.1 - *Public Address at Council Meeting Sub Clause (iii)* and words added after Council Meeting, "This shall not apply to questions and comments relating to Items on the Agenda"
2. In relation to *Appendix Two (2) Guidelines- Request to address Council* first dot point words added after Council Meeting "This shall not apply to questions and comments relating to items on the Agenda"

MOVED: Councillor W McAndrew

SECONDED: Councillor J McGinnes

The Amendment was **PUT** and became the **MOTION**

13-336 RESOLVED

THAT Council adopt the Draft Code of Meeting Practice Version 10 with the amendments contained therein plus with the following additional amendments:

1. In relation to the Code of Meeting Practice 17.1 - *Public Address at Council Meeting Sub Clause (iii)* and words added after Council Meeting, "This shall not apply to questions and comments relating to Items on the Agenda"
2. In relation to *Appendix Two (2) Guidelines- Request to address Council* first dot point words added after Council Meeting "This shall not apply to questions and comments relating to items on the Agenda"

MOVED: Councillor W McAndrew

SECONDED: Councillor J McGinnes

13-337 RESOLVED

THAT the meeting commencement time remain at 7pm.

MOVED: Councillor J McGinnes

SECONDED: Councillor W McAndrew

ITEM-4 GM - 30/09/13 - COUNCIL MEETING SCHEDULE FOR 2014

13-338 RESOLVED

THAT Council hold the Ordinary Council meetings during 2014 generally on a three weekly basis on the following Monday dates:

- 10 February
- 3 March
- 24 March
- 14 April
- 12 May
- 2 June
- 30 June
- 28 July
- 18 August
- 8 September
- 29 September
- 27 October
- 17 November
- 15 December

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari.

**ITEM-5 GM - 30/09/13 - LITHGOW INDUSTRIAL HERITAGE PARK PRECINCT
WORKING PARTY**

13-339 RESOLVED

THAT Council nominate Councillor F Inzitari as the delegate on the community based Heritage Working Party.

MOVED: Councillor F Inzitari **SECONDED:** Councillor R Higlett.

**ITEM-6 GM - 30/09/13 - REVIEW OF POLICY 9.9 PAYMENT OF EXPENSES
AND PROVISION OF FACILITIES TO COUNCILLORS**

13-340 RESOLVED

THAT Council advertise the revised Draft Policy 9.9 for the 'Payment of Expenses and Provision of Facilities to Councillors,' Version 6, for a period of 28 days.

MOVED: Councillor R Thompson **SECONDED:** Councillor R Higlett.

**ITEM-7 ENVIRO - 30/09/13 - SWIMMING POOL BARRIER INSPECTION
PROGRAM**

13-341 RESOLVED

THAT Council Adopt the Swimming Pool Barrier Inspection Program as follows:

- Inspections of swimming pools associated with tourist and visitor accommodation and multi-occupancy developments at three year intervals as required by legislation
- Inspections of private pools will be undertaken prior to sale or lease or at the request of the owner
- Issue compliance certificates after an inspection which finds a pool barrier compliant with the requirements of the legislation. Compliance certificates are valid for three years.

- Council will inspect any swimming pool that is the subject of a complaint to the council
- The Swimming Pool Barrier Inspection Program may be modified from time to time following review by Council.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Hunter.

ITEM-8 ENVIRO - 30/09/13 - CENTENNIAL COAL'S WESTERN COAL SERVICES PROJECT, BLACKMANS FLAT

13-342 RESOLVED

THAT:

1. The information in the report on the Centennial Coal's Western Coal Services Project be noted.
2. The Mayor, Deputy Mayor and General Manager be authorised to negotiate and finalise a Voluntary Planning Agreement in relation to the project.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ITEM-9 ENVIRO - 30/09/13 - DA171/13 - PROPOSED LED SIGN ON EXTERNAL WALL, GREAT WESTERN HIGHWAY LITHGOW NSW 2790.doc

13-343 RESOLVED

THAT:

1. Council approve DA 171/13 in accordance with the conditions outlined in the attached Section 79C report.
2. A Division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

A **DIVISION** was required in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

Division -

FOR

Councillor R Higlett
Councillor F Inzitari
Councillor W McAndrew
Councillor M Statham
Councillor R Thompson
Councillor J J McGinnes

AGAINST

Councillor C Hunter

**ITEM-10 OPER - 30/09/13 - WATER REPORT - AUGUST AND SEPTEMBER
2013**

13-344 RESOLVED

THAT Council note the water report.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

**ITEM-11 OPER - 30/09/13 - LITHGOW CITY COUNCIL AND DELTA
ELECTRICITY - LAND EXCHANGE**

13-345 RESOLVED

THAT Council authorise the affixing of the Common Seal to two forms of request in respect of each of Lot 3 DP 717025 and Lot 3 DP 261232 being land exchange between Lithgow City Council and Delta Electricity.

MOVED: Councillor R Thompson

SECONDED: Councillor C Hunter.

ITEM-12 COMM - 30/09/13 - LITHGOW WAR MEMORIAL

13-346 RESOLVED

THAT Council:

1. Place on public exhibition for 28 days a proposal to add the names of casualties of World War Two to the existing War Memorial in Queen Elizabeth Park.
2. Writes to the Office of War Graves seeking advice on the list of names.
3. Seeks the views of the RSL Sub-Branch on the proposal.
4. Thank Mrs Marshall and Mrs Ryan for their efforts to date.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-13 COMM - 30/09/13 - PRIVATISATION OF THE VISITOR CENTRE

13-347 RESOLVED

THAT:

1. Council not support the proposed privatisation of the Lithgow Visitor Information Centre and continue to fund operations as per the Delivery Program 2013-2017.
2. A review of operations at the Visitor Centre be conducted, including, but not limited to hours of operation, merchandise and commissions.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Higlett.

ITEM-14 FINAN - 30/09/13 - DRAFT 2012/13 GENERAL PURPOSE FINANCIAL REPORTS

13-348 RESOLVED

THAT:

1. The draft accounts be referred to auditors, Intentus (formerly the Morse Group)
2. Council advertise the accounts following receipt of the 2012/13 Audit Certificate
3. Council state the following on the General Purpose Financial Reports for the year ended 30 June 2013:

The Council's Annual General Purpose Financial Reports have been drawn up in accordance with:-

- a) *The Local Government Act 1993 (as amended) and the Regulations made there under;*
- b) *The Australian Accounting Standards and professional pronouncements;*
- c) *The Local Government Code of Accounting Practice and Financial Reporting;*
- d) *The Local Government Asset Accounting Manual.*
- e) *To the best of our knowledge and belief, these reports*
- f) *Present fairly the Council's financial position and operating result for the year and*
- g) *Accord with Council accounting and other records.*

The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised attesting to the above and that they are not aware of any matter that would render the reports false or misleading in any way.

4. Council state the following on the Special Purpose Financial Statements for the year ended 30 June 2013:-

The attached Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting and the:

- a) *NSW Government Policy Statement "Application of National Competition Policy to Local Government"*
- b) *Department of Local Government guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality".*
- c) *The Department of Energy, Utilities and Sustainability "Best Practice Management of Water Supply and Sewerage" guidelines.*

To the best of our knowledge and belief, these reports:

- a) *Present fairly the financial position and operating result for each of Council's declared Business Units for the year, and*
- b) *Accord with Council's accounting and other records*

The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised attesting to the above and that they are not aware of any matter that would render the reports false or misleading in any way.

5. Council invite the auditor, Intentus (formerly the Morse Group), to present a formal report of the results to the Ordinary meeting of the Council on the 25 November 2013.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

**ITEM-15 FINAN - 30/09/13 - SUCCESSFUL PROSECUTION FOR AN ILLEGAL
WATER CONNECTION HILLCREST ESTATE**

13-349 RESOLVED

THAT Council note the successful prosecution for the disconnection of a Council water metre and illegal access of the town water supply.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew.

**ITEM-16 ENVIRO - 30/09/13 - HOWARD & SONS PYROTECHNICS PTY LTD
COMMUNITY LIAISON COMMITTEE MEETING MINUTES - 28
AUGUST 2013**

13-350 RESOLVED

THAT:

1. Council note the minutes of the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee held on 15 May 2013.
2. The proposed changes to the Howard & Sons Pyrotechnics Community Liaison Committee's Terms of Reference regarding frequency of meetings be accepted and implemented as follows:

"Meetings shall be held quarterly on the second Wednesday of the month at the Howard & Sons Pyrotechnics facility. An extraordinary meeting may be called in circumstances where the Chairperson believes this to be necessary."

3. The proposed changes to the Howard & Sons Pyrotechnics Community Liaison Committee's Terms of Reference regarding the Committee's responsibilities be accepted and implemented as follows:

"The sole responsibility of the Committee is to provide advice to Council by monitoring strict adherence to the terms of the current approval. The current approval remains as 449/00DA until Development Consent 190/09DA has been activated."

MOVED: Councillor W McAndrew

SECONDED: Councillor R Higlett.

**ITEM-17 ENVIRO - 30/09/13 - CRYSTAL THEATRE MANAGEMENT
COMMITTEE MINUTES - 18 SEPTEMBER 2013**

13-351 RESOLVED

THAT:

1. Council note the minutes of the Crystal Theatre Management Committee held on 18 September 2013.
2. The Terms of Reference of the Crystal Theatre Management Committee be amended to move meeting days to Tuesdays at 4.00pm.
3. Council waive the fees and security deposit for the use of the Crystal Theatre between 25 and 27 October 2013 by the Portland "Wallnuts" group.

MOVED: Councillor C Hunter

SECONDED: Councillor R Thompson.

**ITEM-18 ENVIRO - 30/09/13 - MEADOW FLAT HALL MANAGEMENT
COMMITTEE MINUTES - 29 AUGUST 2013**

Councillor Statham vacated the chambers 8.15pm

Councillor R Thompson assumed the Chair 8.15pm

13-352 RESOLVED

THAT:

1. Council note the minutes of the Meadow Flat Hall Management Committee Meeting held on 29 August 2013.
2. The nomination from Greg Scott and Helen Fritsch for membership of the Meadow Flat Hall Committee be accepted.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

Mayor Statham resumed the chair at 8.16pm.

ITEM - 19-23

13-353 RESOLVED

THAT Council move items 19 – 23 of the Agenda and adopt the recommendations contained therein that:

- Council notes the minutes of the Traffic Advisory Local Committee held on the 5 September 2013
- Approve the installation of one way traffic flows in the lane way located between Ivatt Street and Sandford Avenue Lithgow with vehicles entering via Ivatt Street and exiting via Sandford Avenue.
- Council notes the minutes of the Aquatic Centre Committee held on the 11 September 2013.
- Council endorses the appointment of Steve Ring (National Parks and Wildlife Services) and Lindsay Green and Helen Black (Rydal Village Association) to the Blue Mountains Crossing Bicentenary committee.
- Council notes the minutes of the Youth Council meetings held 30 July and 27 August 2013.
- Council notes the minutes of the Tourism Advisory Committee held on the 17 September 2013.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

Councillor McGinnes vacated the chambers at 8.21pm

**ITEM-19 OPER - 30/09/13 - TRAFFIC ADVISORY LOCAL COMMITTEE - 5
 SEPTEMBER 2013**

Item 19 was dealt with

**ITEM-20 OPER - 30/09/13 - AQUATIC CENTRE COMMITTEE MEETING
 MINUTES - 11 SEPTEMBER 2013**

Item 20 was dealt with

**ITEM-21 COMM - 30/09/13 - BLUE MOUNTAINS CROSSING BICENTENARY
COMMITTEE - 4 SEPTEMBER 2013**

Item 21 was dealt with

**ITEM-22 COMM - 30/09/13 - YOUTH COUNCIL MINUTES - 30 JULY AND 27
AUGUST 2013**

Item 22 was dealt with

**ITEM-23 COMM - 30/09/13 - TOURISM ADVISORY COMMITTEE - 17
SEPTEMBER 2013**

Item 23 was dealt with

**ITEM-24 DELEGATES REPORT - 30/09/13 - CENTROC MEETING - 22
AUGUST 2013**

13-354 RESOLVED

THAT Council note the report on the Centroc Board Meeting held on 22 August 2013.

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew.

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 - 30/9/13 - GENERAL MANAGER

The General Manager spoke in relation to a recent request from Skillset for Council to nominate a delegate to the board which is a position currently being held by former Councillor Howard Fisher. The Skillset board will be holding their Annual General Meeting before the next Council meeting, therefore the General Manager requested that Council nominate a delegate. The General Manager indicated that Councillor P Pilbeam had expressed interest.

13-355 RESOLVED

THAT the request for Council to nominate a delegate to the Skillset board be declared as business of great urgency

MOVED: Cllr W McAndrew

SECONDED: Councillor R Thompson

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

Councillors Hunter and Pilbeam were nominated to the Board of Skillset.

13-356 RESOLVED

THAT Councillor P Pilbeam be the nominated delegate on the Skillset Board.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari

UB - 30/9/13 - COUNCILLOR W MCANDREW

Councillor McAndrew referred to a letter he had received from Three Tree Lodge in relation to a requirement of the State Government to install a fire sprinkler system. Councillor McAndrew stated that the cost of this installation is exorbitant and requested Council assist Three Tree Lodge with lobbying the State and Federal Government for assistance with funding.

13-357 RESOLVED

THAT the request for Council to assist Three Tree Lodge with lobbying the State and Federal Government be declared as business of great urgency.

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari

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

13-358 RESOLVED

THAT the Mayor, Deputy Mayor and General Manager meet with Three Tree Lodge representatives and provide assistance with lobbying the State and Federal Local Members for funding the installation of the fire sprinkler system.

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari

There being no further business the meeting concluded at 8.41pm