



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

02 JUNE 2014

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 2 JUNE 2014**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 30

PRESENT

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

APOLOGIES

14-227 RESOLVED

An apology was received from Councillor R Thompson who is unable to attend.

MOVED: Councillor W McAndrew

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
Mrs Juli-Ann Brozek, Group Manager Corporate and Community
Mr Iain Stewart, Group Manager Operations

CONFIRMATION OF MINUTES

14-228 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 12 May 2014 were taken as read and confirmed by Councillors F Inzitari and R Higlett

Confirmation of the Minutes of the Extraordinary Meeting of Council held on the 21 May 2014 were taken as read and confirmed by Councillors C Hunter and F Inzitari

DECLARATION OF INTEREST

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

Councillor W McAndrew declared a Pecuniary interest in item 6, due to the development application being in his name. He will vacate the Chambers.

Councillor M F Ticehurst declared a significant pecuniary interest in item 5, due to his son being an employee of Angus Place. He will vacate the Chambers.

Councillor C Hunter declared a significant non pecuniary in item 8, due to him being a member of the Rydal Fire Brigade. He will not vacate the Chambers.

At the commencement of Item 7 Mayor Statham declared a less than significant non-pecuniary interest in Item 7 and left the chambers.

QUESTIONS FROM THE PUBLIC

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

PF – 2/6/14 – MR IAN LITCHFIELD

Mr Litchfield made a statement in relation to the On-site Sewage Management Strategy fees.

Mr Litchfield also thanked the Council in relation to works recently completed on McKanes Falls Road

The Group Manager of Environment and Development advised we have been in discussion with other Councils and we will have comparative data when the public exhibition period is over.

The Mayor thanked Mr Litchfield for her comments

PF – 2/6/14 – MRS VALERIE HENRY

Mrs Henry expressed her concerns with the safety issues regarding the footpath located on the corner of First Street in South Littleton.

The Group Manager Operations advised that an onsite meeting with the RMS occurred, however there is still an issue and it will be listed for discussion on the TALC agenda when they next meet.

PF – 2/6/14 – MR HOWARD FISHER

Mr Fisher made a statement in relation to Item 5 of the Agenda.

The Mayor advised that representations have been made to every level of government. Council will seek meetings at the appropriate time with ministers.

PF – 2/6/14 – RICH EVANS

Mr Evans made a statement in relation to Item 1 of the Agenda.

The Mayor thanked Mr Evans for his comments.

PF – 2/6/14 – LINDSAY FEATHERSTONE

Mr Featherstone made a statement in relation to Item 8 of the Agenda.

The Mayor thanked Mr Featherstone for his comments.

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ITEM-1 GM - 02/06/14 - COUNCIL'S WEEKLY ADVERTISING

14-229 RESOLVED

THAT:

1. The information on Council's weekly advertising column be noted.
2. The General Manager review other Council's policies on media advertising and report back to Council

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam.

ITEM-2 GM - 02/06/14 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION

14-230 RESOLVED

THAT Council forgo the increased remuneration and:

1. Set the remuneration in 2014/15 for Councillors at \$9,825
2. Set the remuneration in 2014/15 for the Mayor at \$20,810
3. Set the 2014/15 car lease payable by the Mayor at NIL.

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari.

A **DIVISION** was called by Councillors F Inzitari and W McAndrew.

Division (Unanimous)-

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor M F Ticehurst

**ITEM-3 ENVIRO - 02/06/14 - POSSIBLE EXPANSION OF THE WASTE LEVY
ACROSS NSW**

14-231 RESOLVED

THAT:

1. Council reiterate that it strongly objects to any proposal to impose the waste levy on the Lithgow Local Government area.
2. Notwithstanding recommendation No.1, a submission be provided to the Environment Protection Authority. The focus of the submission shall be on any funds collected from a levy in the Local Government area in which it is collected to be used on recycling, resource recovery and environmental initiatives.

MOVED: Councillor C Hunter

SECONDED: Councillor P Pilbeam.

**ITEM-4 ENVIRO - 02/06/14 - SUBURB LOCALITY NAMING ADJUSTMENT
MEGALONG VALLEY & KANIMBLA**

14-232 RESOLVED

THAT:

1. The amended localities of 'Megalong Valley' and 'Kanimbla' as per attached map 2, be adopted within the Lithgow Local Government Area and Council advise the Geographical Names Board of this naming.
2. Once accepted by the Geographical Names Board Council proceed with notifying the authorities and affected residents of the amended localities.
3. Any council fees required to be paid by the affected residents for a rural address be waived.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor C Hunter.

**ITEM-5 ENVIRO - 02/06/14 - ANGUS PLACE MODIFICATION OF PROJECT
APPROVAL (PA06_002 - MOD 4 INITIAL DEVELOPMENT OF TWO
LONGWALLS)**

Councillor Ticehurst vacated the chambers at 7.33pm

14-233 RESOLVED

THAT:

1. The information in the report on the Angus Place Mine Modification of Project Approval be noted.

2. Council requests that the Department of Planning and Environment impose a condition that the development is to comply with Council's Section 94A Contribution Plan 2012.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam.

A **DIVISION** was called by Councillors F Inzitari and W McAndrew

Division -

FOR

Councillor R Higlett
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham

AGAINST

Councillor C Hunter

Councillor Ticehurst returned to the Chambers at 7.46pm

**ITEM-6 ENVIRO - 02/06/14 - DA090/14 - PROPOSED DWELLING - LOT 19 DP
1029863 - 16 WINDARRA PLACE MARRANGAROO NSW 2790**

Councillor McAndrew vacated the Chambers at 7.46pm

14-234 RESOLVED

THAT:

1. Development Application DA090/14 be **APPROVED** with conditions of consent as detailed in the attached 79C report.
2. A **DIVISION** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari.

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

Division (Unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari

Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor M F Ticehurst

Councillor McAndrew returned to the chambers at 7.47pm.

**ITEM-7 ENVIRO - 02/06/14 - ROAD RE-NAMING - SUBMISSIONS RECEIVED
FOR PROPOSED CHANGES & OUTCOMES**

The Mayor declared a less than significant non pecuniary conflict of interest in Item 7. She vacated the chambers at 7.48pm.

14-235 RESOLVED

THAT Councillor McAndrew chair the meeting for this item.

MOVED: Councillor Ticehurst

SECONDED: Councillor Inzitari

14-236 RESOLVED

THAT:

1. Council provide justification for the names 'Mac Scott Road' and Vincent McManus Road' to the Geographical Names Board, then:
 - a) If accepted Council rename Reservoir Road Portland to 'Vincent McManus Road', and Morell Street, Lyons Street and Mead Street, Meadow Flat to 'Mac Scott Road' by proceeding with the Government Gazettal of these roads and advise Emergency Services and land owners of these road names.
 - b) If the names are not accepted, Council proceed with advertising and notification of an alternative name and report to Council.
2. Council re-name the western end of Guy Street, Lithgow to 'Crowle Street' by Government Gazettal of this road and advise Emergency Services and land owners of this road name.
3. No further action be taken regarding Falnash Street.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

MATTER ARISING

14-237 RESOLVED

THAT Council further investigate changing the name of Park Avenue or Park Street, Portland and be presented with a report at a future meeting.

MOVED: Councillor M Ticehurst

SECONDED: Councillor C Hunter

Councillor McAndrew vacated the chair at 7.58pm.

The Mayor resumed the chair at 7.58pm.

ITEM-8 ENVIRO - 02/06/14 - RYDAL PUBLIC TOILETS

MOTION

THAT:

1. No further action be taken in relation to the Rydal Rural Fire Service site.
2. Council refer the purchase of the property at the corner of Bathurst and New Street for discussion in closed council at the end of the meeting.

MOVED: Councillor W McAndrew

SECONDED: Councillor M F Ticehurst.

AMENDMENT

THAT further investigations be carried out with regards to a boundary adjustment with the Rydal Rural Fire Shed and adjoining Crown Land site to accommodate the public toilets at this site.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett

The AMENDMENT was PUT and became the MOTION.

14-238 RESOLVED

THAT further investigations be carried out with regards to a boundary adjustment with the Rydal Rural Fire Shed and adjoining Crown Land site to accommodate the public toilets at this site.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett

A **DIVISION** was called by Councillors W McAndrew and M Ticehurst .

Division -

FOR

Councillor R Higlett
Councillor P Pilbeam
Councillor F Inzitari
Councillor M Statham (Mayor)

AGAINST

Councillor C Hunter
Councillor W McAndrew
Councillor J J McGinnes
Councillor M F Ticehurst

ITEM-9 OPER - 02/06/14 - FERRERO ACCESS AGREEMENT AND EASEMENT

14-239 RESOLVED

THAT Council offer compensation to the value of \$23,500 to Ferrero Pty Ltd for the granting of an easement for a new wastewater trunk delivery main on Lot 2 DP 229883.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

ITEM-10 OPER - 02/06/14 - TENDERS FOR THE CONSTRUCTION OF REPLACEMENT RAIL OVERBRIDGE WALLERAWANG

14-240 RESOLVED

THAT:

1. Council use the selective tendering method, pursuant to s168 of the Local Government (General) Regulation 2005, for the construction of the replacement rail overbridge (Black Bridge) on MR531 at Wallerawang.

2. Council invite tender submissions for the construction of the replacement rail overbridge on MR531 at Wallerawang from the following three (3) companies:
 - Abergeldie Complex Infrastructure
 - CivilBuild Pty Ltd
 - Delaney Civil Pty Ltd

MOVED: Councillor C Hunter

SECONDED: Councillor F Inzitari.

ITEM-11 OPER - 02/06/14 - TRANSFER OF CROWN PUBLIC ROAD TO LITHGOW CITY COUNCIL

MOTION

THAT Council:

1. Request the transfer of ownership of Wallerawang Rydal Road, Main Street, Tweedie Street and Barton Avenue, Wallerawang from the Crown Lands Division to Council.
2. Authorise the affixing of the Council Common Seal to documents in relation to this transfer.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

The motion was **WITHDRAWN**

14-241 RESOLVED

THAT Council:

1. Request the transfer of ownership of Main Street, Tweedie Street and Barton Avenue, Wallerawang from the Crown Lands Division to Council.
2. Authorise the affixing of the Council Common Seal to documents in relation to this transfer.
3. Further investigate the extent of Crown Road along the Wallerawang Rydal Road and the legal access to the private property.

MOVED: Councillor C Hunter

SECONDED: Councillor F Inzitari

**ITEM-12 OPER - 02/06/14 - BIO-RETENTION BASIN ASSOCIATED WITH
SUBDIVISION OF LOT 62 DP1103064 FAIRVIEW ESTATE**

14-242 RESOLVED

THAT Council:

1. Construct improvements to the open 'V drain' including piping to the Bio-retention basin at an estimated cost of \$16,000, to be funded from developer contributions.
2. Investigate the installation of playground equipment in consultation with local residents.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam

ITEM-13 OPER - 02/06/14 - WATER REPORT

14-243 RESOLVED

THAT Council note the water report.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew

ITEM-14 OPER - 02/06/14 - REVIEW OF LITHGOW CITY COUNCIL POLICIES

14-244 RESOLVED

THAT Council:

1. **ADOPT** Policies
 - Rural Addressing
 - Street Lighting
 - Street Naming
 - Street Numbering
 - Crown Roads - Maintenance Responsibility
 - Vandalism
 - Removal of Trees from Public Land
 - Property Leases
 - Footpath Maintenance and Repairs
 - Nature Strip and Median Strip Maintenance
 - Specifications for the Construction of Driveways, Footpath/gutter Crossings and Footpaving Policy
2. Renumber the policies according to the schedule.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

ITEM-15 CORP - 02/06/14 - COMBINED DELIVERY PROGRAM 2013-2017 & DRAFT OPERATIONAL PLAN 2014-2015 AND LONG TERM FINANCIAL PLAN 2015-2024

14-245 RESOLVED

THAT Council:

1. Notes the receipt of 9 written submissions for the combined Delivery Program 2013-2017 and Operational Plan 2014-2015.
2. Adopt the Lithgow City Council Operation Plan 2014-2015 with the following amendment;
 - a. Reallocate the \$12,200 in the Recurrent Financial Assistance Program from Celebrate Lithgow/Business Awards to the Lithgow Business Association for events, training and development subject to a detailed proposal being submitted and approved by the Economic Advisory Committee.
3. Adopt the Fees & Charges 2014-2015 (including minor changes) with the following amendments:
 - a. The fees for the Centennial Coal Cup use of Kremer Park, Portland – Ground Rental/Training be reduced in line with the fees for Wallerawang Oval, Wallerawang from \$1092.65 to \$1071.25.
 - b. The recommended fees and usage charges, as advised by the NSW Office of Water, be updated for excess mass charges Classification C and for Category 1 Usage Charges as follows:
 1. Category 1 Discharger with appropriate equipment Nil.
 2. Category 1 Discharger **without** appropriate per-treatment (per kl) \$1.60.
 - c. The annual inspection fees for inspection and approval of On-Site Sewage Systems be updated in the fees and charges following completion of the public exhibition period and adoption of the revised On-Site Sewage Management Strategy by Council.
 - d. Hire of bicycles from the Visitor Information Centre be set at:
 1. Per bicycle: \$25 per day
 2. Per family (2 Adults & 2 Children): \$75 per day
 3. Refundable deposit per bicycle: \$150
 4. Refundable deposit per family hire: \$300
 - e. The fee for the Refundable Deposit for the hire of the Grand Piano at the Union Theatre be updated to include a new fee for community use as follows:
 1. Grand Piano – Refundable deposit for commercial use - \$670.
 2. Grand Piano – Refundable deposit for community use - \$100 (new fee).
4. Council adopt the Long -Term Financial Plan 2015-2024.
5. Council approves the borrowings up to \$5,600,000 for the General Fund to carry out the following works:
 - a. Aquatic Centre Stage 2 and 3 (up to) \$3,600,000
 - b. Flood Mitigation (up to) \$2,000,000
6. Council authorise the General Manager to negotiate with appropriate lending institutions to borrow the loan funds up to \$5,600,000.
7. Council authorise the fixing of the common seal to all documents pertaining to the loan(s).

8. Council authorise the General Manager to enter into negotiations with appropriate lending institutions as to extend the fixed interest rate period as and when these terms fall due.

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari

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

Division -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor P Pilbeam
Councillor M Statham

AGAINST

Councillor J J McGinnes
Councillor M F Ticehurst

ITEM-16 CORP - 02/06/14 - QUARTERLY PERFORMANCE REPORT ON 2013-2014 OPERATIONAL PLAN FOR THE PERIOD 1 JANUARY TO 31 MARCH 2014

14-246 RESOLVED

THAT:

1. The deficit of \$39,937 for the 2013-2014 Operational Plan as detailed in the Quarterly Performance Report for the period 1 January to 31 March 2014 be adopted.
2. Council adopt the variations to the Council budget as outlined in the report.
3. The Council notes that the Group Manager of Corporate and Community, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, (s203) that Council's 2013-2014 Operational Plan has been reviewed and the financial position of Council is satisfactory.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

ITEM-17 CORP - 02/06/14 - COMMUNITY DEVELOPMENT COMMITTEE MEMBERSHIP

14-247 RESOLVED

THAT Council:

1. Adopt the revised Terms of Reference for the Community Development Committee.
2. Appoint Robyn Da Costa, Rachael Young, Linda Hine and Cassandra Baker to the Committee.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam

ITEM-18 OPER - 02/06/14 - TRAFFIC ADVISORY LOCAL COMMITTEE - 1 MAY 2014

14-248 RESOLVED

THAT:

1. Council note the minutes of the Traffic Advisory Local Committee held on the 1 May 2014.
2. Council Staff and the SES be congratulated for their contribution and efforts to assist the Rushworth Bender Cancer Council Walk.

MOVED: Councillor P Pilbeam

SECONDED: Councillor W McAndrew.

ITEM-19 OPER - 02/06/14 - OPERATIONS COMMITTEE MEETING MINUTES - 1 MAY 2014

14-249 RESOLVED

THAT Council note the minutes of the Operations Committee meeting held on Thursday, 1st May 2014.

MOVED: Councillor C Hunter

SECONDED: Councillor P Pilbeam.

**ITEM-20 CORP - 02/06/14 - DISABILITY ACCESS COMMITTEE MINUTES - 6
MAY 2014**

14-250 RESOLVED

THAT:

1. Council note the minutes of the Disability Access Committee meeting held 6 May 2014.
2. Louise Bullock and Kathy Dickson be appointed to the Disability Access Committee.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

**ITEM-21 ENVIRO - 02/06/14 - MEADOW FLAT HALL MANAGEMENT
COMMITTEE MINUTES - 8 May 2014**

14-251 RESOLVED

THAT Council note the minutes of the Meadow Flat Hall Management Committee Meeting held on 8 May 2014.

MOVED: Councillor C Hunter

SECONDED: Councillor F Inzitari

**ITEM-22 ENVIRO - 02/06/14 - UNION THEATRE MANAGEMENT COMMITTEE
MINUTES - 9 May 2014**

14-252 RESOLVED

THAT Council note the minutes of the Union Theatre Management Committee Meeting held on 9 May 2014.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam.

14-253 RESOLVED

THAT:

1. Council note the minutes of the Mayoral Bushfire Appeal Committee meeting of 19 May 2014
2. There being no further business, the Committee is dissolved.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

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 – 2/6/14 – COUNCILLOR WAYNE MCANDREW

Councillor McAndrew spoke in relation to the public forum issue raised by Valerie Henry and the safety concerns along the GWH at First Street, South Littleton.

14-254 RESOLVED

THAT the request for action to be taken in relation to the safety issues on the footpath along the GWH at First Street 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

14-255 RESOLVED

THAT following another recent serious accident that a letter be sent to the RMS detailing Council's concerns and requesting an onsite meeting in relation to the footpath at Goodluck Hollow.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Ticehurst

There being no further business the meeting concluded at 9.07pm.