



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

EXTRAORDINARY MEETING OF COUNCIL

HELD ON

24 JUNE 2014

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 24 JUNE 2014**

Meeting Commenced 6.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 6

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
Councillor M F Ticehurst

APOLOGIES

14-256 RESOLVED

An apology was received from Councillor W McAndrew who is out of the City on business.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam

Also in attendance

Mr Roger Bailey, General Manager
Mr Andrew Muir, Group Manager Environment and Development
Mrs Christopher Brice, Finance Manager
Mr Iain Stewart, Group Manager Operations

DECLARATION OF INTEREST

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

Councillor C Hunter declared a less than significant non pecuniary interest in item 1, due to Adam Peter, the principal of Peters Earthmoving being his cousin. He will not vacate the Chambers and will take part in the debate and deliberation.

QUESTIONS FROM THE PUBLIC

At 6.01pm Members of public gallery were invited to participate in the Public Forum Session.

NIL

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**ITEM-1 OPER - 24/06/14 - TENDERS FOR STAGE 2 FARMERS CREEK
FLOOD MITIGATION PROJECT**

14-257 RESOLVED

THAT Council:

1. Accept the tender submission from Peters Earthmoving for Two Million, Three Hundred and Eighty One Thousand, Four Hundred and Seven Dollars, Eighty Two Cents GST inclusive (\$2,381,407.82 incl GST) for construction Stage 2 of the Farmers Creek Flood Mitigation Scheme.
2. Authorise the affixing of the Council seal to any necessary documentation in relation to this tender
3. Seek approval from the Office of Environment and Heritage to extend the existing funding for a further stage of the food mitigation program.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

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

Division (Unanimous) -

FOR

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

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.*

The General Manager advised of a late item.

ITEM-2 CLOSED COUNCIL - LATE REPORT - CORP - 24/06/14 - LEGAL PROCEEDINGS PERTAINING TO CDO INVESTMENTS

14-258 RESOLVED

THAT Council declare that the item be business of great urgency and consider the Legal Proceedings pertaining to CDO Investments in Closed Council pursuant to Section 10A2(g) of the Local Government Act 1993.

MOVED: Councillor P Pilbeam

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.

The General Manager asked if there were any objections from the Public with regards to the confidential reports being in closed Council.

There were NIL objections.

14-259 RESOLVED

THAT the Council move into Closed Council.

MOVED: Councillor M Ticehurst

SECONDED: Councillor F Inzitari

Closed Council commenced at 6.16pm

Councillor Ticehurst and McGinnes vacated the chambers at 6.21pm.

14-260 RESOLVED

THAT Council:

1. Notes the information relating to the court action being brought against the Commonwealth Bank in the Federal Court
2. Authorises the General Manager to enter into arrangements with Piper Alderman to join the class action against the Commonwealth Bank for losses suffered by Lithgow City Council from an investment in collateralised debt obligations (CDO).
3. Authorise the affixing of the Council Seal to any legal documents necessary in regards to the class action being brought against the Commonwealth Bank.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam

14-261 RESOLVED

THAT the Council return to open Council.

MOVED: Councillor R Thompson

SECONDED: Councillor R Higlett

Council returned to Open Council at 6.23pm.

The General Manager announced the resolution of the Closed Council.

There being no further business the meeting concluded at 6.25pm.