



# MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 26 September 2022

at 7:00 PM

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The Mayor declared the meeting open at 7:00 pm.

### **1. Acknowledgement of Country**

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The Mayor acknowledged the traditional custodians of this land we are on here today, and paid respect to their elders both past, present and emerging.

The Mayor went on to inform all those in attendance at this meeting, that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements concerning any person, Councillor or employee, and refrain from discussing those matters subject to Closed Council proceedings as indicated in clause 14.1 of the code of meeting practice.

### **2. Present**

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Public: 9

Her Worship the Mayor Councillor M Statham  
Councillor A Bryce  
Councillor C Coleman  
Councillor D Goodsell  
Councillor D Goodwin  
Councillor S Lesslie  
Councillor S McGhie  
Councillor E Mahony  
Councillor C O' Connor

Also in attendance  
Craig Butler, General Manager  
Ross Gurney, Chief Financial and Information Officer  
Jonathon Edgecombe, Director Infrastructure Services  
Michael McGrath, Director People and Services  
Matthew Trapp, Executive Manager Water and Wastewater  
Trinity Newton, Minutes Secretary  
Sarah Lewis, Minutes Secretary  
Aaron Reid, IT Systems

### **3. Apologies**

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All being present there were no apologies.

### **4. Declaration of Interest**

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The Mayor called for any declarations of interest.

There were Nil declarations of interest.

## 5. Confirmation of Minutes

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### 22 -173 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 22 August 2022 were taken as read and confirmed.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor A Bryce

**CARRIED**

## 6. Commemorations and Announcements

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On behalf of Lithgow City Council, the Mayor expresses sincere sympathy and condolences to families who have lost loved ones since the last council meeting.

## 7. Public Forum

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At 7:02 pm members of the public gallery were invited to participate in the Public Forum Session.

Cathy MacNamara representing ABCD Inc. made a statement in relation to Item 10.2.1.2 on the business paper.

The Mayor thanked Cathy MacNamara for her statement.

## 8. Mayoral Minutes

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There were no Mayoral Minutes tabled.

## 9. Notices of Motion

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### 9.1. NOTICE OF MOTION - 26/09/2022 - Cr E Mahony - Development of a Council Volunteer Policy

**Report by** Councillor Eric Mahony

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**MOTION**

THAT the Council be provided with an information session regarding current volunteer management practices and, in turn, a timetable for developing a Volunteer Policy.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor D Goodsell

**AMENDMENT**

That the Council provides an information session regarding current volunteer management practices.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor C O'Connor

**LOST**

Councillor C Coleman called a point of Order bringing the debate back to the recommendation noting that Cr E Mahony wishes to bring the matter to an information session.

The Mayor agreed and upheld the Point of Order.

The Amendment was PUT and LOST. The Original Motion was PUT.

**22 -174 RESOLVED**

THAT the Council be provided with an information session regarding current volunteer management practices and, in turn, a timetable for developing a Volunteer Policy.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor D Goodsell

**CARRIED**

**9.2. NOTICE OF MOTION - 26/09/2022 - Cr S McGhie - Renaming of Inch Street Lane**

**Report by** Councillor Stuart M<sup>c</sup>Ghie

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Councillor McGhie withdrew the motion.

## 10. Staff Reports

### 10.1. General Manager's Reports

#### 10.1.1. GM - 26/09/2022 - Central NSW Joint Organisation

##### MOTION

THAT Council resolve to -

1. Approach the Central NSW Joint Organisation with an interest in joining as an Associate,
2. Authorise the General Manager to advance the necessary arrangements, and report back to Council detailing the terms of Associate membership of CNSWJO, should this approach be approved by the CNSWJO Board.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor D Goodsell

Councillor S McGhie called a Point of Order on Councillor S Lesslie, stating that Councillors were given information stating that it is not possible to be a full member of the Joint Organisation at this time and that an associate member of CNSWJO is all that is being offered.

The Mayor upheld the Point of Order.

##### AMENDMENT

THAT Council resolve to

1. Approach the Central NSW Joint Organisation with an interest in joining.
2. Authorise the General Manager to advance the necessary arrangements, and report back to Council detailing the terms of the membership of CNSWJO, should this approach be approved by the CNSWJO Board.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**CARRIED**

The Amendment was PUT and became the Motion.

#### 22 -175 RESOLVED

THAT Council resolve to

1. Approach the Central NSW Joint Organisation with an interest in joining.
2. Authorise the General Manager to advance the necessary arrangements, and report back to Council detailing the terms of the membership of CNSWJO, should this approach be approved by the CNSWJO Board.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**CARRIED**

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### 10.1.2. GM - 26/09/2022 - Update on Lithgow Community Private (LCP)

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Councillor D Goodsell left the meeting at 7:41 pm.  
Councillor D Goodsell returned to the meeting at 7:41 pm.

#### 22 -176 RESOLVED

THAT

1. The report Update on Lithgow Community Private be received, and
2. Council formally and publicly confirm and continue to advocate to the NSW Government its position that it is imperative that the Lithgow community have ongoing access to the important specialist medical services that are provided by Lithgow Community Private.
3. a report on future updates on the LCP be brought back to the next Council meeting.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor A Bryce

**CARRIED**

## 10.2. People and Services Reports

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### 10.2.1. Building and Development

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#### 10.2.1.1. ECDEV - 26-09-2022 - Springvale Water Treatment Project SSD 7592 Modification 8

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#### 22 -177 RESOLVED

THAT the information in the report on the Springvale Water Treatment Project (SSD-7592) Modification 8, be NOTED.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor C O'Connor

**CARRIED**

#### 10.2.1.2. ECDEV - 26/09/2022 - DA130/22 Development Application Community Hall - 45 Petra Avenue Clarence

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#### 22 -178 RESOLVED

THAT

1. Development Application DA130/22 be APPROVED subject to conditions of consent outlined in the attached planning assessment report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor D Goodsell

**CARRIED**

A **DIVISION** was called in accordance with the requirements of Section 735A (3) of the Local Government Act, 1993.

**Divisions**

**FOR:** Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

**AGAINST:** Nil

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**10.2.1.4. ECDEV - 26/09/2022 - DA138/21 - 48 Hillcrest Avenue Bowenfels - Release of Restriction**

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**22 -179 RESOLVED**

THAT Council release Restriction on the Use of Land (Fourthly Referred to) in the Section 88B Instrument (DP 1079638) for Development Application DA138/21 to facilitate determination of the application under delegation.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor D Goodwin

**CARRIED**

**10.2.2. People and Services General Reports**

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**10.2.2.1. PS - 26/09/22 - Updated Resourcing Strategy 2022-2032**

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**22 -180 RESOLVED**

THAT Council endorse the updated Resourcing Strategy 2022-2032 to be placed on public exhibition for 28 days. This will include the following documents:

- a. Supplementary Combined Delivery Program 2022– 2026 and Operational Plan 2022/23.
- b. Updated 2022-2032 Long Term Financial Plan.
- c. Updated 2022-2026 Workforce Plan.
- d. Updated 2022-2032 Strategic Asset Management Plan.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor D Goodsell

**CARRIED**

A **DIVISION** was called by Councillor M Statham

**Divisions**

**FOR:** Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

**AGAINST:** Nil

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**10.2.2.2. PS - 26/09/2022 - Centennial Coal Community Contribution to Local Schools**

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**22 -181 RESOLVED**

THAT Council note the allocation of funds to schools from the Centennial Coal Community Contribution for the Springvale Mine Consent.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor D Goodsell

**CARRIED**

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**10.2.2.3. PS - 26/09/2022 - 2017-2022 Delivery Program and 2021/22 Operational Plan Progress Report**

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**22 -182 RESOLVED**

THAT Council note the July – December Progress Report against the combined 2017-21 Delivery Program and 2020/21 Operational Plan.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor D Goodwin

**CARRIED**

### **10.3. Infrastructure Services Reports**

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**10.3.1. IS - 26/09/2022 - Flood Inquiry Recommendations**

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**MOTION**

THAT the Council:

1. Acknowledge the NSW State Government for commissioning the 2022 NSW Independent Flood Inquiry,
2. Endorse the findings and recommendations of the 2022 NSW Independent Flood Inquiry,
3. Call for necessary support from all levels of government to implement those actions identified, facilitating firm progress toward improving the process of natural disaster planning, management, response, and recovery.
4. Not accept the recommendation of the fifth dot point, relating to the merging of back office aspects of the RFS and SES, as contained within the report on page 33 of the business paper.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor S Lesslie

Councillor S Lesslie called a Point of Order on Councillor D Goodsell as the motion being referred to by the councillor was not an Amendment but the original motion

The Mayor upheld the Point of Order.

Councillor D Goodwin Foreshadowed a Motion.

The Motion Was PUT and LOST

A **DIVISION** was called by Councillor S Lesslie

**Divisions**

**FOR:** Councillor C Coleman, Councillor S Lesslie and Councillor E Mahony

**AGAINST:** Councillor M Statham, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S McGhie and Councillor C O'Connor

FORESHADOWED MOTION

**22 -183 RESOLVED**

THAT the Council:

1. Council acknowledge the NSW State Government for commissioning the 2022 NSW Independent Flood Inquiry,
2. Endorse the findings and recommendations of the 2022 NSW Independent Flood Inquiry,
3. Call for necessary support from all levels of government to implement those actions identified, facilitating firm progress toward improving the process of natural disaster planning, management, response, and recovery.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor S McGhie

**CARRIED**

A **DIVISION** was called by Councillor M Statham

**Divisions**

**FOR:** Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

**AGAINST:** Nil

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**10.3.2. LATE REPORT - IS - 26/09/2022 - Resources for Regions Round 9**

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**MOTION**

That the report be taken to an information session to review the report more thoroughly.

**MOVED:** Councillor C O'Connor

**SECONDED:** Councillor A Bryce

**AMENDMENT**

THAT Council

1. Apply for the following six projects and requested amounts under Resources for Regions, Round 9, in prioritised order.
  - a. Main / Cupro Street Stormwater Drainage Improvements - \$1,800,000
  - b. Replacement of Geordie Street Causeway with Bridge - \$200,000
  - c. Regional Roads Safety Improvements - \$2,000,000
  - d. Sewer Mains Relining Works - \$500,000
  - e. Association of Bell Clarence Dargan - Community Hall to Lock-up stage - \$411,961
  - f. Portland Central School Portland Central Park Project - \$672,375
2. Endorse the two applications made under Stronger Country Communities Fund, being:

- a. Lake Pillans Upgrade - \$656,000
- b. Blast Furnace Stage 3 - \$415,902, and,
3. Authorise the General Manager to execute the related funding agreements.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor D Goodsell

The Mayor offered that the matter could be deferred to an extraordinary meeting. Councillor Coleman called for the motions currently before the Council to be dealt with. The Mayor agreed and returned discussion back to the motions before the Council.

The Amendment was PUT and became the MOTION

## **22 -184 RESOLVED**

THAT Council

1. Apply for the following six projects and requested amounts under Resources for Regions, Round 9, in prioritised order.
  - a. Main / Cupro Street Stormwater Drainage Improvements - \$1,800,000
  - b. Replacement of Geordie Street Causeway with Bridge - \$200,000
  - c. Regional Roads Safety Improvements - \$2,000,000
  - d. Sewer Mains Relining Works - \$500,000
  - e. Association of Bell Clarence Dargan - Community Hall to Lock-up stage - \$411,961
  - f. Portland Central School Portland Central Park Project - \$672,375
2. Endorse the two applications made under Stronger Country Communities Fund, being:
  - a. Lake Pillans Upgrade - \$656,000
  - b. Blast Furnace Stage 3 - \$415,902, and,
3. Authorise the General Manager to execute the related funding agreements.

**CARRIED**

A **DIVISION** was called by Councillor M Statham

### **Divisions**

**FOR:** Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor S McGhie and Councillor E Mahony

**AGAINST:** Nil

## **10.4. Water and Wastewater Reports**

### **10.4.1. WWW - 26/09/2022 - Draft Waste Management & Resource Recovery Strategy 2022-2026**

## **22 -185 RESOLVED**

THAT Council:

1. Endorse the *Draft Waste Management & Resource Recovery Strategy 2022-2026* to be placed on exhibition for a period of 28 days with the period for submissions being 42 days from the first day of the exhibition period.
2. Receive a further report following the public exhibition period to consider adoption of the strategy after consideration of any submissions received.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor D Goodsell

**CARRIED**

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#### **10.4.2. WWW - 26/09/2022 - Extension of Waste Services Contract**

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##### **22 -186 RESOLVED**

THAT:

1. Council exercise the First Extension Period for the Waste Services Contract with JR Richards covering the 12-month period from 4 November 2023 until 3 November 2024; and
2. The General Manager be authorised to execute all necessary contract documentation.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor A Bryce

**CARRIED**

#### **10.5. Finance and Assets Reports**

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##### **10.5.1. FIN - 26/09/2022 - Investment Report August 2022**

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##### **22 -187 RESOLVED**

THAT

1. Investments of \$32,017,242 and cash of \$3,013,383 for the period ending 31 August 2022 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on funding requirements for restricted reserves be noted.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor D Goodsell

**CARRIED**

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##### **10.5.2. FIN - 26/09/2022 - Plan of Management Part Crown Reserve 590046**

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##### **22 -188 RESOLVED**

THAT Council:

1. Provide in principle support to the draft plan of management.
2. Notify the Minister administering the Crown Land Management Act 2016 of the plan of management and request Ministerial consent to adopt the plan of management.
3. After receiving the consent of the Minister, place the plan of management on public exhibition for at least 28 days and allow at least 42 days for submissions to be received.
4. Provide notice and an opportunity to comment for at least 30 days to representative Aboriginal bodies, registered native title bodies corporate and registered native title claimants.
5. Upon receiving consent from the Minister and expiry of the public exhibition period and opportunity to comment period, receive a further report to consider adoption of the plan of management and/or consideration of submissions received during the public exhibition period.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor D Goodsell

**CARRIED**

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**10.5.3. FIN - 26/09/2022 - Proposal to Close Two Submerged Public Roads**

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**MOTION**

THAT Council:

1. Approve the proposal to close two public roads submerged under Lake Lyell as outlined in this report.
2. Authorise the General Manager to do all things necessary and sign all documents required to give effect to the closure of the two public roads.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor C O'Connor

**AMENDMENT**

THAT Council:

1. Approve the proposal to close two public roads submerged under Lake Lyell as outlined in this report. This is to apply to the roads that are actually under the water.
2. Authorise the General Manager to do all things necessary and sign all documents required to give effect to the closure of the two public roads.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor D Goodsell

**CARRIED**

The Amendment was PUT and became the MOTION

**22 -189 RESOLVED**

THAT Council:

1. Approve the proposal to close two public roads submerged under Lake Lyell as outlined in this report. This is to apply to the roads that are actually under the water.
2. Authorise the General Manager to do all things necessary and sign all documents required to give effect to the closure of the two public roads.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor D Goodsell

**CARRIED**

## **10.6. Policies and Governance**

### **10.6.1. FIN - 26/09/2022 - Draft Managing Unreasonable Conduct by Complainants Policy**

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#### **22 -190 RESOLVED**

THAT Council:

1. Endorse the omission of the Customer Service policy statements from the revised Policy 4.6.
2. Place draft Policy 4.6 Managing Unreasonable Conduct by Complainants on public exhibition for a period of 28 days.
3. Following the exhibition period, draft Policy 4.6 be returned to Council to consider adoption, with details of any submissions made during the exhibition period and any recommendations or amendments that may arise from the submissions.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor E Mahony

**CARRIED**

### **10.6.2. IS - 26/09/2022 - Policy Review - 10.5 - Footpath Reservation - Works Requirement**

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#### **22 -191 RESOLVED**

THAT Council adopt and implement Policy 10.5 Footpath Reservations – Works Requirements immediately.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor D Goodsell

**CARRIED**

### **10.6.3. PS - 26/09/2022 - Model Social Media Policy**

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Councillor D Goodsell left the meeting at 9:03 pm.

Councillor A Bryce left the meeting at 9:04 pm.

Councillor A Bryce returned to the meeting at 9:05 pm.

Councillor D Goodsell returned to the meeting at 9:06 pm.

**MOTION**

THAT Council adopt the Model Social Media Policy (2022).

**MOVED:** Councillor A Bryce

**SECONDER:** Councillor D Goodsell

Councillor S McGhie left the meeting at 9:11 pm.

Councillor D Goodwin left the meeting at 9:13 pm.

**PROCEDURAL MOTION**

THAT a two minute adjournment be held.

**MOVED:** Councillor S Lesslie

**CARRIED**

The Meeting was adjourned at 9:13 pm.

Councillor S McGhie returned to the meeting at 9:14 pm.  
Councillor D Goodwin returned to the meeting at 9:14 pm.

The Meeting reconvened at 9:14 pm.

Councillor Bryce called a Point of Order on Councillor Lesslie regarding his comments about Councillor Information sessions.

The Mayor upheld the Point of Order.

Councillor Lesslie Moved a Motion of Dissent on the Point of Order ruling by the Mayor.

**MOTION OF DISSENT**

Councillor Lesslie called a Motion of Dissent against Mayor Statham on the ruling about his comments to the meeting.

**MOVED:** Councillor S Lesslie

**LOST**

Division

**For:** Councillor S Lesslie and Councillor E Mahony

**Against:** Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S McGhie and Councillor C O'Connor

**22 -192 RESOLVED**

THAT Council adopt the Model Social Media Policy (2022).

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor D Goodsell

**CARRIED**

A **DIVISION** was called by Councillor M Statham

**Divisions**

**FOR:** Councillor M Statham, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin and Councillor C O'Connor

**AGAINST:** Councillor C Coleman, Councillor S Lesslie, Councillor S McGhie and Councillor E Mahony

## **11. Council Committee Reports**

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### **11.1. FIN - 26/09/2022 - Finance Committee Meeting Minutes - 31 August 2022**

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#### **22 -193 RESOLVED**

THAT Council endorse the minutes of the Finance Committee meeting held on 31 August 2022.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor A Bryce

**CARRIED**

### **11.2. PS - 26/09/2022 - Crime Prevention Committee Minutes 5 September 2022**

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#### **22 -194 RESOLVED**

THAT Council note the Minutes of the Crime Prevention Committee meeting held 5 September 2022.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor D Goodwin

**CARRIED**

### **11.3. PS - 26/09/2022 - Community Development Meeting Minutes 13 September 2022**

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#### **22 -195 RESOLVED**

That Council:

1. Note the minutes of the Community Development Committee meeting held 13 September 2022
2. That Council give in-principle support for a possible music event at Blast Furnace in early 2023 subject to funding being sourced.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor E Mahony

**CARRIED**

## **12. Business of Great Urgency**

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The Mayor asked if there were any matters to be considered as matters of great urgency.

There were no matters brought forward.

## **13. Closed Council**

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The Mayor asked if there were any objections from the public with regards to the listed reports being in a session of the meeting that is closed to the public.

There were Nil objections.

**22 -196 RESOLVED**

THAT Council resolve to move into Closed Council to consider the confidential reports as listed in the business paper at 9:33 pm.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor C Coleman

**CARRIED**

The Mayor informed the Public that the webcasting will be turned off at this point in the meeting and will be reopened at the end of the session of the meeting that is closed to the public.

**22 -198 RESOLVED**

THAT Council resolve to return to open Council and inform the public of the resolutions of the session of the meeting that is closed to the public at 9:47 pm.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor A Bryce

**CARRIED:** Unanimously

The General Manager informed the public of the resolution of the Closed Council.

**13.1. CONFIDENTIAL REPORT - FIN - 26/09/2022 - Delegation to General Manager with Respect to Commercial-in-Confidence Matter**

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**22 -197 RESOLVED**

THAT Council authorise the General Manager to resolve the terms of a commercial-in-confidence matter with a third party.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor A Bryce

**CARRIED**

There being no further business the Mayor declared the meeting closed at 9:49 pm.



We confirm that the Minutes of the Ordinary Meeting of Council 22 August 2022 comprising of pages numbered 1 to 19 are a true record of this meeting.

Minute Numbers 22-173 to 22-198

Signed in accordance with Council resolution this 26 September 2022.

  
\_\_\_\_\_  
GENERAL MANAGER  
\_\_\_\_\_  
MAYOR

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