



MINUTES

Extra Ordinary Meeting of Council
6 April 2020

at 7:00 pm

Via Video Conference

Postponed meeting of
Monday 23 March 2020

ORDER OF BUSINESS

1. Acknowledgement of Country	4
2. Present	4
3. Apologies	4
4. Declaration of Interest	4
5. Confirmation of Minutes.....	4
6. Commemorations and Announcements	5
9.1. ECDEV - 23/03/2020 - Environmental Advisory Committee Meeting - 12 February 2020	5
9.3. PS - 23/03/2020 - Community Development Committee Minutes 25 February 2020	16
9.4. IS - 23/03/2020 - Operations Committee Meeting Minutes - 4th March 2020	17
7. Notices of Motion.....	6
7.1. Notice of Motion - Cr Coleman - 23/03/2020 - Accessibility Ramp.....	6
7.2. Notice of Motion - Cr Coleman - 23/03/2020 - Back to Hartley	7
7.3. Notice of Motion - Cr Coleman - 23/03/2020 - Covid-19 - Lithgow City Council - Communication	8
8. Staff Reports	8
8.1. General Manager's Reports.....	8
8.1.1. GM - 23/03/2020 - National General Assembly Conference (NGA20) 14 - 17 June 2020	8
8.1.2. GM - 23/03/2020 - Delegation to Mayor and Deputy Mayor	8
8.1.3. GM - 23/03/2020 - Historical Reporting to Council - Wallerawang STP	9
8.2. Economic Development and Environment Reports	11
8.2.1. ECDEV - 23/03/2020 - Proposed Sale of 53 Commens Street, Wallerawang.....	11
8.2.2. ECDEV - 23/03/2020 - Gate Fees for Bushfire Generated Waste at Lithgow Solid Waste Facility	
.....	12
8.3.1. IS - 23/03/2020 - Request for Works - Woolnough Street, Vale of Clwydd	15
8.2.4. ECDEV - 23/03/2020 - Lithgow Halloween 2020	15
8.2.3. ECDEV - 23/03/2020 - Extinguishment of restrictive covenant - Drumkeen Lane, Portland	14
8.2.4. ECDEV - 23/03/2020 - Lithgow Halloween 2020	15
8.2.5. ECDEV - 23/03/2020 - Lithgow Regional Marketing Cooperative	15
8.2.6. ECDEV - 23/03/2020 - Application Fees - Bushfire Affected Properties.....	15
8.3. Infrastructure Services Reports.....	15
8.3.1. IS - 23/03/2020 - Request for Works - Woolnough Street, Vale of Clwydd	15
8.4. Finance and Assets Reports	15
8.4.1. FIN - 23/03/2020 - Additional Grant to Support Bushfire Recovery	15
8.4.2. FIN - 23/03/2020 - Establishment of Mayoral Relief Fund	16
8.5. People and Services Reports	16
8.5.1. PS - 23/03/2020 - Drought Communities Program - Round 2	16

9. Council Committee Reports	16
9.1. ECDEV - 23/03/2020 - Environmental Advisory Committee Meeting - 12 February 2020	16
9.2. PS - 23/03/2020 - Youth Council Minutes 18 February 2020	16
9.3. PS - 23/03/2020 - Community Development Committee Minutes 25 February 2020	16
9.4. IS - 23/03/2020 - Operations Committee Meeting Minutes - 4th March 2020	17
9.5. IS - 23/03/2020 - TALC Committee Meeting Minutes - 5th March 2020	17
9.6. FIN - 23/03/2020 - Finance Committee Meeting Minutes March 2020	17
10. Business of Great Urgency	17
11. Closed Council	17
11.1. GM - Confidential - 23/03/2020 - Costs - New Era Defendo	17
11.2. Late Confidential Report - GM - 23/03/2020 - Commercial Rent Relief - Response to Covid-19 Situation.....	18

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

1. Acknowledgement of Country

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

Public: Nil

His Worship the Mayor Councillor R Thompson
Councillor W McAndrew
Councillor C Coleman
Councillor D Goodsell
Councillor D Goodwin
Councillor S Lesslie
Councillor S Ring
Councillor J Smith
Councillor M Statham

Also in attendance

Mr Graeme Faulkner, General Manager
Mr Andrew Muir, Director Economic Development and Environment
Mr Ross Gurney, Chief Financial and Information Officer
Mr Daniel Buckens, Director Water and Wastewater
Mr Jonathon Edgecombe, Director Infrastructure Services
Mr Michael McGrath, Director People and Services
Mrs Trinity Newton, Minutes Secretary

3. Apologies

There were Nil apologies. All present.

4. Declaration of Interest

The Mayor called for any conflicts of interest. There were Nil declared.

5. Confirmation of Minutes

20 -73 RESOLVED

Confirmation of the Minutes were taken as read and confirmed for the following:

1. Ordinary Meeting of Council held 24 February 2020
2. Confidential Extra Ordinary Meeting of Council held 9 March 2020
3. Extra Ordinary Meeting of Council held 9 March 2020

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodwin

CARRIED

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: Councillor S Lesslie (Against Confidential Extra Ordinary Meeting of Council held 9 March 2020)

6. Commemorations and Announcements

Councillor J Smith commemorated the passing of Ray Burgess who passed away recently and was an active member of the community and the Drum Major for the Lithgow Highland Pipe Band.

Councillor C Coleman commemorated the passing of Mrs Rosalie Rayner who passed away recently and was an active member of the community.

Councillor C Coleman commemorated the passing of Mrs Jackie Smith who passed away recently and was a well-known member of the Portland community.

PROCEDURAL MOTION

THAT Items 9.1, 9.3 and 9.4 be moved to this point in the meeting and be dealt with in a block vote and the recommendations as contained in the agenda be adopted.

MOVED: Councillor J Smith

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

9.1. ECDEV - 23/03/2020 - Environmental Advisory Committee Meeting - 12 February 2020

Report by : Director of Economic Development & Environment

20 -74 RESOLVED

1. THAT Council note the minutes of the Environmental Advisory Committee held on 12 February 2020.
 2. THAT Council note the election of Councillor Steve Ring as Chair and Mr Col Hunter as Deputy Chair of the Environmental Advisory Committee.
-

9.3. PS - 23/03/2020 - Community Development Committee Minutes 25 February 2020

Report by Director of People & Services

20 -75 RESOLVED

THAT Council adopt the minutes of the Community Development Committee meeting held 25 February 2020.

9.4. IS - 23/03/2020 - Operations Committee Meeting Minutes - 4th March 2020

Report by Director of Infrastructure & Services

20 -76 RESOLVED

THAT

1. Council note the minutes of the Operations Committee meeting held on the 4th March 2020; and
2. For the purpose of improving motorist safety and reducing ongoing maintenance costs, Council approve the immediate removal of seal along dilapidated sections of Glen Alice Road in preparation of an approval for reseal as part of the 2020/21 Operational Plan.

MOVED: Councillor J Smith

SECONDED: Councillor W McAndrew

CARRIED:

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

7. Notices of Motion

7.1. Notice of Motion - Cr Coleman - 23/03/2020 - Accessibility Ramp

Report by Councillor Cassandra Coleman

20 -77 RESOLVED

THAT

1. Note managements comment in regards to the accessibility ramp in front of the Lithgow Mobility Aid Shop.
 2. Provide written communication to Mr Kevin Collins Owner/Operator Lithgow Mobility Aids Shop at 23 Main Street as outlined in managements comments and require an extra space in front of the building.
 3. Council give consideration to the construction of an accessibility ramp as part of the Building Better Regions grant funding program, in the front of the Lithgow Mobility Aid Shop at 23 Main Street Lithgow and/or an additional space at the rear.
 4. A report to comeback from the Engineer.
-

MOVED: Councillor C Coleman

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

7.2. Notice of Motion - Cr Coleman - 23/03/2020 - Back to Hartley

Report by Councillor Cassandra Coleman

MOTION

THAT

1. Lithgow City Council writes to National Parks and Wildlife Services to ask them to clarify their future commitment to the Back to Hartley event.
2. Lithgow City Council make contact with our local State Member, Mr Paul Toole to clarify whether there has been a reduction in funding to National Parks and Wildlife Services, which has resulted in them no longer being able to support community events like this.

MOVED: Councillor C Coleman

SECONDED: Councillor W McAndrew

AMENDMENT

That Lithgow City Council writes to National Parks and Wildlife Services to ask them to clarify their future commitment to the Back to Hartley Event.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

CARRIED:

Divisions

FOR: Councillor R Thompson, Councillor D Goodsell, Councillor D Goodwin, Councillor S Ring, Councillor M Statham

AGAINST: Councillor W McAndrew, Councillor C Coleman, Councillor S Lesslie, Councillor J Smith.

The Amendment was PUT and became the MOTION.

20 -78 RESOLVED

That Lithgow City Council writes to National Parks and Wildlife Services to ask them to clarify their future commitment to the Back to Hartley Event.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

7.3. Notice of Motion - Cr Coleman - 23/03/2020 - Covid-19 - Lithgow City Council - Communication

Report by Councillor Cassandra Coleman

MOTION

THAT Based on this, Lithgow City Council commence regular formal communications in relation to the pandemic and Council's continuity planning for the maintenance of services to the wider community.

MOVED: Councillor C Coleman

SECONDED: Councillor S Lesslie

LOST

Divisions

FOR: Councillor C Coleman, Councillor S Lesslie

AGAINST: Councillor R Thompson, Councillor W McAndrew, Councillor D Goodsell, Councillor D Goodwin, Councillor S Ring, Councillor J Smith, Councillor M Statham

8. Staff Reports

8.1. General Manager's Reports

8.1.1. GM - 23/03/2020 - National General Assembly Conference (NGA20) 14 - 17 June 2020

Report by General Manager

This Item was withdrawn due to the cancellation of the event as a response to Covid 19 Pandemic.

8.1.2. GM - 23/03/2020 - Delegation to Mayor and Deputy Mayor

Report by General Manager

20 -79 RESOLVED

THAT Council delegate its policy-making functions to the Mayor and in his absence to the Deputy Mayor during the Covid 19 Pandemic Emergency, to be reviewed at four weekly intervals or at the next available Council meeting.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED:

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

Councillor Goodsell was in attendance however due to technology difficulties her vote was unable to be recorded.

8.1.3. GM - 23/03/2020 - Historical Reporting to Council - Wallerawang STP

Report by General Manager

MOTION

That Council

1. Council write to all media outlets under signature of the Mayor and Deputy Mayor advising of the deliberate attempt to mislead both Media and Public.
2. In this correspondence, the media be requested to verify with the Mayor, or in the Mayors absence, the Deputy Mayor as to the veracity and factual content of any media interview conducted by elected officials prior to publishing or airing such interviews.
3. That, in view of the incorrect assertions made by the party interviewed, that the Office of Local Government be advised of the circumstances leading up to and resulting in the Public and media being misled in this issue.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodwin

The Mayor asked Councillor Lesslie to withdraw his comments in relation to Lithgow City Council being a super secret council.

Councillor Lesslie withdrew his comment.

AMENDMENT

THAT Council

1. Council write to all media outlets under signature of the Mayor and Deputy Mayor advising of the deliberate attempt to mislead both Media and Public.
2. In this correspondence, the media be requested to verify with the Mayor, or in the Mayors absence, the Deputy Mayor as to the veracity and factual content of any media interview conducted by elected officials prior to publishing or airing such interviews.
3. That, in view of the allege incorrect assertions made by the party interviewed, that the Office of Local Government be advised of the circumstances leading up to and resulting in the Public and media being misled in this issue.
4. That it be noted that the Mayoral Minute of the 9 March 2020 failed to mention the following relevant matters
 - i. That the spill was 12,000 litres of undiluted caustic soda (NaOH).

- ii. That the matter was only self reported on the 17 October, six weeks after the spill and a day after EPA inspectors were at the site.
 - iii. That no mention was made of previous compliance failures at the Wallerawang STP
 - iv. No mention was made about the costs associated with the “Notice Requiring Payment of Reasonable Costs and Expenses”
5. That it be noted that the Mayor was asked to give an interview by the Channel Nine reporter but he declined.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

LOST

Divisions

FOR: Councillor C Coleman, Councillor S Lesslie, Councillor M Statham

AGAINST: Councillor R Thompson, Councillor W McAndrew, Councillor D Goodsell, Councillor D Goodwin, Councillor S Ring, Councillor J Smith

The Amendment was PUT and was LOST.

The Motion was PUT and CARRIED

20 -80 RESOLVED

THAT Council

1. Council write to all media outlets under signature of the Mayor and Deputy Mayor advising of the deliberate attempt to mislead both Media and Public.
2. In this correspondence, the media be requested to verify with the Mayor, or in the Mayors absence, the Deputy Mayor as to the veracity and factual content of any media interview conducted by elected officials prior to publishing or airing such interviews.
3. That, in view of the incorrect assertions made by the party interviewed, that the Office of Local Government be advised of the circumstances leading up to and resulting in the Public and media being misled in this issue.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodwin

CARRIED:

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor D Goodwin, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: Councillor C Coleman, Councillor S Lesslie

Councillor Goodsell was in attendance however due to technology difficulties her vote was unable to be recorded.

8.2. Economic Development and Environment Reports

8.2.1. ECDEV - 23/03/2020 - Proposed Sale of 53 Commens Street, Wallerawang

Report by Director of Economic Development & Environment

MOTION

THAT Council:

1. Amend point 2 of resolution number 18-208 by deleting the words "*with the results being reported back to Council for final resolution*";
2. List the property for sale with LJ Hooker Lithgow, to be sold by way of auction;
3. Delegate authority to the General Manager and the Mayor to determine the reserve to be set prior to the auction date, having regard to the independent valuation obtained by Council prior to auction;
4. If the land is passed in at auction, list the land for sale by private treaty;
5. Instruct Le Fevre & Co to prepare a contract for sale of land and to facilitate the legal aspects of the sale;
6. Delegate authority to the General Manager to negotiate and finalise the transaction to completion following auction or private treaty sale.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring

AMENDMENT

That the matter be deferred.

MOVED: Councillor S Lesslie

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

The Amendment was PUT and became the MOTION.

20 -81 RESOLVED

That the matter be deferred.

MOVED: Councillor S Lesslie

SECONDED: Councillor W McAndrew

CARRIED:

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

Councillor Goodsell was in attendance however due to technology difficulties her vote was unable to be recorded.

The Mayor adjourned the meeting at 8:23 pm for a short recess to restore connectivity of two Councillors.

Councillor Goodsell left the meeting at 8:25 pm.

The Mayor reconvened the meeting at 8:28 pm.

8.2.2. ECDEV - 23/03/2020 - Gate Fees for Bushfire Generated Waste at Lithgow Solid Waste Facility

Report by Director of Economic Development & Environment

20 -82 RESOLVED

THAT

1. The following fee structure be adopted for bushfire waste at Lithgow Solid Waste Facility:
 - *Bushfire Waste (No Asbestos Contamination) - \$97 per tonne (Current Mixed waste Charge)*
 - *Bushfire Waste (Asbestos Material Only) - \$179 per tonne (Current asbestos charge)*
 - *Bushfire waste (Soil Contaminated with Asbestos) - \$138 per tonne*
 - *No Charge for uncontaminated residential loads – eg Trailer loads (as per contract)*
2. Such fees be placed on public exhibition for a period of 28 days.
3. Henry Plant and Equipment Hire be requested to treat loads of uncontaminated bushfire waste, other than subject to the co-ordinated clean-up co-ordinated by Public Works, as residential waste and not charge accordingly.

MOVED: Councillor C Coleman

SECONDED: Councillor W McAndrew

CARRIED:

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: Councillor S Lesslie

PROCEDURAL MOTION

THAT Item 8.3.1 is moved to this point in the meeting.

MOVED: Councillor J Smith

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.3.1. IS - 23/03/2020 - Request for Works - Woolnough Street, Vale of Clwydd

Report by Director of Infrastructure & Services

20 -83 RESOLVED

That Council:

1. Endorse the public exhibition of the proposal to undertake flood mitigations works in Woolnough Street, Vale of Clwydd
2. Following the exhibition period, return the works proposal to Council for approval as a variation to the 2019/20 Operational Plan, with details of any submissions received during the exhibition period.
3. Note that \$43,560 required for the Woolnough Street flood mitigation works can be funded from unallocated funding in the 2019/20 bridge improvements and capital works program.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

PROCEDURAL MOTION

THAT Item 8.2.4 is moved to this point in the meeting.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.2.4. ECDEV - 23/03/2020 - Lithgow Halloween 2020

Report by Senior Economic Development and Destination Manager

20 -84 RESOLVED

THAT Lithgow Halloween be deferred until the Covid 19 Pandemic is over.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

PROCEDURAL MOTION

THAT Item 8.2.3 is moved to this point in the meeting.

MOVED: Councillor S Ring

SECONDED: Councillor R Thompson

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.2.3. ECDEV - 23/03/2020 - Extinguishment of restrictive covenant - Drumkeen Lane, Portland

Report by Director of Economic Development & Environment

20 -85 RESOLVED

THAT

1. Council authorise the extinguishment of the restriction on use imposed on Lots 3,4,5,6,7 and 8 in DP 1082742.
2. A Division be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor S Ring

SECONDED: Councillor R Thompson

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.2.4. ECDEV - 23/03/2020 - Lithgow Halloween 2020

Report by Senior Economic Development and Destination Manager

This Item was dealt with earlier in the meeting.

8.2.5. ECDEV - 23/03/2020 - Lithgow Regional Marketing Cooperative

Report by Director of Economic Development & Environment

This item was deferred to the 20 April 2020 Ordinary Meeting of Council.

8.2.6. ECDEV - 23/03/2020 - Application Fees - Bushfire Affected Properties

Report by Director of Economic Development & Environment

This item was approved by the Mayor under delegated authority on the 7th April 2020.

20 -79 RESOLVED

THAT

1. Council extends its waiver of fees for bushfire affected properties, identified in the Damage Assessment Database provided by the Emergency Information Coordination Unit Spatial Services, Department of Customer Service to dwellings; Section 68 fees; Construction Certificate fees; and inspections associated with replacement dwellings and outbuildings.
2. Refunds be provided to applicants who have submitted applications that would have otherwise complied with No 1 above.

8.3. Infrastructure Services Reports

8.3.1. IS - 23/03/2020 - Request for Works - Woolnough Street, Vale of Clwydd

Report by Director of Infrastructure & Services

This item was dealt with earlier in the meeting.

8.4. Finance and Assets Reports

8.4.1. FIN - 23/03/2020 - Additional Grant to Support Bushfire Recovery

Report by Chief Financial & Information Officer

This item was approved by the Mayor under delegated authority on the 7th April 2020.

20 -79 RESOLVED

THAT Council endorse the following funding allocation for the additional bushfire recovery grant payment of \$416,667:

- Slope stabilisation - \$316,667;
- Tourism projects - \$50,000; and
- Bushfire Recovery Community Initiatives \$50,000

8.4.2. FIN - 23/03/2020 - Establishment of Mayoral Relief Fund

Report by Chief Financial & Information Officer

This item was approved by the Mayor under delegated authority on the 7th April 2020.

20 -79 RESOLVED

THAT Council:

1. Note the progress of the application to the Australian Taxation Office to establish a Mayoral Relief Fund with deductible gift recipient status.
2. Approve the public fund rules included as an attachment to this report.

8.5. People and Services Reports

8.5.1. PS - 23/03/2020 - Drought Communities Program - Round 2

Report by Director of People & Services

This item was deferred to the 20 April 2020 Ordinary Meeting of Council.

9. Council Committee Reports

9.1. ECDEV - 23/03/2020 - Environmental Advisory Committee Meeting - 12 February 2020

Report by : Director of Economic Development & Environment

This item was dealt with earlier in the meeting.

9.2. PS - 23/03/2020 - Youth Council Minutes 18 February 2020

Report by	Director of People & Services
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This item was deferred to the 20 April 2020 Ordinary Meeting of Council.

9.3. PS - 23/03/2020 - Community Development Committee Minutes 25 February 2020

Report by Director of People & Services

This item was dealt with earlier in the meeting.

9.4. IS - 23/03/2020 - Operations Committee Meeting Minutes - 4th March 2020

Report by Director of Infrastructure & Services

This item was dealt with earlier in the meeting.

9.5. IS - 23/03/2020 - TALC Committee Meeting Minutes - 5th March 2020

Report by Director of Infrastructure & Services

This item was deferred to the 20 April 2020 Ordinary Meeting of Council.

9.6. FIN - 23/03/2020 - Finance Committee Meeting Minutes March 2020

Report by Chief Financial & Information Officer

This item was deferred to the 20 April 2020 Ordinary Meeting of Council.

10. Business of Great Urgency

In accordance with Clause 241 of the Local Government Act (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 if:

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

Councillor McAndrew raised the issue of the waste facility closure for consideration as a matter of urgency. The Mayor ruled that it was a matter of urgency.

The Councillors agreed that the matter of the waste facility is a matter of urgency and noted the discussions were being held between the Administration and the OLG to determine if an exemption could be applied in the circumstances.

Councillor McAndrew raised the matter of the bushfire funding and the date which it is required to be spent.

The Administration was given advice on this matter.

The Mayor sought Council's advice on how to proceed with the remaining matters on the agenda.

The Council Deferred the remaining matters until the 20 April 2020.

11. Closed Council

11.1. GM - Confidential - 23/03/2020 - Costs - New Era Defendo

Report by General Manager

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (e) information that would, if disclosed, prejudice the maintenance of law
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

This Confidential Items on the Agenda were deferred to the 20 April 2020 Ordinary Meeting of Council.

11.2. Late Confidential Report - GM - 23/03/2020 - Commercial Rent Relief - Response to Covid-19 Situation.

Report by General Manager

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (b) the personal hardship of any resident or ratepayer

This Confidential Items on the Agenda were deferred to the 20 April 2020 Ordinary Meeting of Council.

There being no further business the Mayor declared the meeting closed at 09:05 pm.