



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 25 January 2021

at 7:00 PM

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The Mayor declared the meeting open at 06:59 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 Craig Butler, 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

All being present there were no apologies.

4. Declaration of Interest

The Mayor called for any declarations of interest.

There were no declarations of interest at this point in the meeting.

5. Confirmation of Minutes

21 -2 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 23 November 2020 were taken as read and confirmed noting the change to item 5 in the minutes by the General Manager.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell

CARRIED - Unanimously

Divisions

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

AGAINST: nil

21 -3 RESOLVED

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held on 18 January 2021 were taken as read and confirmed.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED - Unanimously

Divisions

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

AGAINST: nil

6. Commemorations and Announcements

Councillor M Statham congratulated The Lithgow Theatre Group for their play at the The Pottery on Sunday.

Councillor M Statham congratulated the volunteers who organised the first Tarana Night Markets held last night.

Councillor M Statham congratulated Sharon and the Staff at Gang Gang Gallery on the recent exhibition held and the hard work they do for the art Community of Lithgow.

Councillor C Coleman acknowledged the Creative Dementia Workshops hosted by the Gang Gang Gallery on the 18th January and passed on thanks to the Gang Gang Gallery and Council for their support.

Councillor W McAndrew acknowledged those local residents who will be receiving Australia Day Awards at Australia Day Ceremony.

Councillor J Smith commemorated the passing of Lynn Pate and Pam Williams in the past fortnight.

Councillor J Smith on behalf of the Wallerawang Progress Association, acknowledged and thanked the Lithgow City Council and Staff and especially Summar Hipworth for all the hard work and help that has been done to organise the Australia Day Celebrations.

Subsequent Declaration of Interest

Councillor S Lesslie declared a non-pecuniary conflict of interest in Item 13.5 and indicated that he will vacate the Chambers.

7. Public Forum

Councillor S Lesslie asked that the administration consider the Public Forum being reopened to the public for future council meetings.

Management gave advice that this matter is being investigated.

There were no Public Forum submissions received.

8. Mayoral Minutes

No Mayoral Minutes were tabled.

9. Notices of Motion

9.1. Notice of Motion - 25/01/2021 - Cr Cassandra Coleman - Local Economic Recovery Fund BLER Zig Zag Railway

Report by Councillor Cassandra Coleman

21 -4 RESOLVED

THAT Lithgow City Council provide a letter of support to Zig Zag Railway's Bushfire Local Economic Recovery Fund (BLER) 2020 application: 'Establishing the Clarence Station Community Resilience Centre'.

MOVED: Councillor C Coleman

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

9.2. Notice of Motion - 25/01/2021 - Cr Cassandra Coleman - Responsible Cat Ownership

Report by Councillor Cassandra Coleman

21 -5 RESOLVED

THAT Lithgow City Council Management bring back a report to Council on the following:

1. Six Monthly statistics on the number of cats surrendered to or impounded at the Lithgow Animal Shelter.
2. The potential benefits in developing partnerships with community organisations such as Cat Defence and local vets to provide a program of de-sexing cats and the provision of information packages relating to responsible pet ownership. The aim would be to reduce the increasing numbers of unwanted kittens and feral cats.
3. The potential provision of education to the Community on the benefits of cat enclosures and keeping cats indoors.
4. Issue a media release in regards to fines which may be issued for stray animals and then commence issuing infringement notices if required to ensure pet owners are held accountable.

MOVED: Councillor C Coleman

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 J Smith, Councillor M Statham

AGAINST: Councillor S Ring

9.3. Notice of Motion - 25/01/2021 - Cr Darryl Goodwin - Road Damage Maiyingu Marragu Reserve

Report by Councillor Darryl Goodwin

21 -6 RESOLVED

That Lithgow Council consult with local indigenous groups as soon as possible to identify and rectify the road damage around Maiyingu Marragu (blackfellas hands reserve) and identify and resolve ongoing issues around the indigenous sacred areas of our LGA that from time to time as they arise.

MOVED: Councillor D Goodwin

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10. Staff Reports

10.1. Economic Development and Environment Reports

10.1.1. ECDEV - 25/01/2021 - Natural Disasters Local Environmental Plan Clause

21 -7 RESOLVED

THAT

1. Council confirms with DPIE that it wishes to opt-in to the Final Natural Disasters Local Environmental Plan Clause to amend the Lithgow Local Environmental Plan 2014 as outlined in the attachment to this report by way of the Amending SEPP to be progressed by DPIE.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.
3. All relevant information be forwarded to DPIE no later than 15 February 2021.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.1.2. ECDEV - 25/01/2021 - Lidsdale Employment Lands Investigation - Options Report

21 -8 RESOLVED

THAT

1. Council supports the preparation of a Planning Proposal for Lot 1 DP 914028, Lot 1 DP 914029, Pt EP 327367, Lot 1 DP 1122488, Lot 52 DP 1218864, Pt Lot 102 DP 1137972 to amend Lithgow Local Environmental Plan 2014, indicated in Option 4 as follows:
 - a. Amend the land use zone from IN2 Light Industrial to R5 Large Lot Residential.
 - b. Amend the minimum lot size (MLS) from 0 to 2000m².

2. The Planning Proposal documentation, once prepared, be forwarded to NSW Department of Planning, Industry and Environment for a Gateway Determination.
3. Council consult with relevant government agencies as required. Council would consult with Water NSW prior to the issuing of a Gateway Determination and Rural Fire Service prior to undertaking community consultation.
4. Council advise NSW Department of Planning, Industry and Environment that it proposes to seek approval to use the delegated functions under S3.36 (2)-(4) to make the plan following compliance with a Gateway Determination.
5. Council advises the relevant owner in writing that should any further technical reports be required to support the Planning Proposal that Council will require the landowner to incur the full costs of any such reports. If agreement cannot be reached in this regard the matter will return to Council canvassing a pathway forward.
6. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.2. Infrastructure Services Reports

10.2.1. IS - 25/01/2021 - Proposed Road Renaming - Capertee

21 -9 RESOLVED

THAT Council, in accordance with the Addressing Policy, commence the online road naming process at the Capertee locality which includes:

1. Advertising the road names, 'Eagle Hawk Road', 'Canyon View' and 'Brians Chase' in the local newspaper;
2. Notifying emergency authorities and residents in the area; and
3. Calling for submissions to be made for the statutory period of twenty-eight (28) days after which -
 - a. If no submissions against the proposal or alternatives submitted, Council proceed with the gazettal process of the name and notify all residents and emergency authorities accordingly.
 - b. If submissions against the proposal or alternatives are submitted, a report is furnished to the next available Council meeting for resolution.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.3. Water and Wastewater Reports

10.3.1. WWW - 25/01/2021 - Wallerawang Sewerage Treatment Plant

MOTION

THAT the report relating to the August 2019 Wallerawang Sewerage Treatment Plant Incident be received.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

Councillor Lesslie foreshadowed an amendment however the procedural motion below was advanced and required to be dealt with.

PROCEDURAL MOTION

That the recommendation be PUT at this point.

MOVED: Councillor D Goodsell

SECONDED: Councillor J Smith

CARRIED:

Divisions

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

AGAINST: Councillor C Coleman, Councillor S Lesslie

21 -10 RESOLVED

THAT the report relating to the August 2019 Wallerawang Sewerage Treatment Plant Incident be received.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED:

Councillor D Goodwin left the meeting at 08:21 pm.

Councillor D Goodwin returned to the meeting at 08:24 pm.

Divisions

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

AGAINST: Councillor S Lesslie

10.4. Finance and Assets Reports

10.4.1. FIN - 25/01/2021 - Investment Report November 2020

21 -11 RESOLVED

THAT

1. Investments of \$29,710,000 and cash of \$1,044,505 for the period ending 30 November 2020 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Councillor S Ring left the meeting at 08:28 pm.

Councillor S Ring returned to the meeting at 08:29 pm.

Divisions

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

AGAINST: nil

10.4.2. FIN - 25/01/2021 - Policy 9.15 - Privacy Management Plan

21 -12 RESOLVED

THAT Council adopt and immediately implement revised Policy 9.15 - Privacy Management Plan.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.4.3. FIN - 25/01/2021 - Investment Report December 2020

21 -13 RESOLVED

THAT

1. Investments of \$28,780,000 and cash of \$662,206 for the period ending 31 December 2020 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.5. People and Services Reports

10.5.1. PS - 25/01/2021 - World War Two Artillery Gun

MOTION

THAT

1. Council pursue acquisition of the World War Two artillery gun from ADF Disposals,
2. Community consultation be undertaken on its acquisition and location with a report to be brought to a future meeting of Council on the consultation results, the detailed costings and potential sources of funding.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman

AMENDMENT

That this matter be deferred until it is determined who will fund the purchase of the World War Two Artillery Gun and where it will be situated.

MOVED: Councillor J Smith

SECONDED: Councillor W McAndrew

CARRIED:

The Amendment was PUT and became the MOTION.

Divisions

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

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

21 -14 RESOLVED

That this matter be deferred until it is determined who will fund the purchase of the World War Two Artillery Gun and where it will be situated.

MOVED: Councillor J Smith

SECONDED: Councillor W McAndrew

CARRIED:

Divisions

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

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

11. Council Committee Reports

11.1. PS - 25/01/2021 - Crime Prevention Committee Minutes 23 November 2020

21 -15 RESOLVED

THAT Council note the minutes of the Crime Prevention Committee meeting held on 23 November 2020.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

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

AGAINST: nil

11.2. PS - 25/01/2021 - Womens Advisory Committee Meeting 1 December 2020

21 -16 RESOLVED

THAT Council notes the minutes of the Women's Advisory Committee meeting held on 1 December 2020.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: nil

11.3. FIN - 25/01/2021 - CTA ARIC - Minutes 9 December 2020

Councillor S Ring acknowledged the efforts of Ross Gurney and other Finance staff in making this committee particularly effective.

21 -17 RESOLVED

THAT Council:

1. Endorse the CTA Audit Risk & Improvement Joint Committee 9 December 2020 minutes.
2. Endorse the Lithgow Council Audit Risk & Improvement Committee December 2020 minutes

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

11.4. PS - 25/01/2021 - Youth Council Committee Meeting - 16 November 2020

Councillor C Coleman acknowledged the efforts of the Youth Council committee members.

21 -18 RESOLVED

THAT Council note the minutes of the Youth Council meeting held on 16 November 2020.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

12. 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 J Smith raised the matter of WaterNSW carrying out maintenance in Wallerawang without notification to residents by WaterNSW. Councillor J Smith requested that Council approach WaterNSW in regards to better communication with Council and to the Community.

The Mayor informed Councillor Smith that this matter is already being addressed by Council management.

Councillor W McAndrew raised the matter of the story in the Lithgow Mercury recently regarding the burst water pipe on Main Street in 2020.

Management informed Councillor W McAndrew that the Matter is being addressed.

Councillor M Statham raised the matter of water levels in the Tarana reservoir.

Councillor J Smith raised the matter of campers at Lake Wallace and requested that as a matter of urgency the greywater signage be updated (temporary if required) to instruct visitors what they need to do with their greywater.

The Mayor informed Councillor J Smith that this will be investigated by Management.

The Mayor determined that none of the above matters were urgent.

13. Closed Council

The Mayor asked if there were any objections with regards to the confidential reports being in closed Council.

Councillor S Lesslie wished to move an amendment to have item 13.5 in open council.

Councillor W McAndrew raised a Point of Order. He stated that the report could not be considered in open council and Councillor S Lesslie had already declared an interest in the item.

The General Manager advised the Mayor that Councillor Lesslie's amendment could not be accepted because the matter is required by legislation to be dealt with when the meeting is closed to the public.

The Mayor ruled that Councillor S Lesslie's amendment was out of order.

21 -19 RESOLVED

THAT Council Resolve to move into Closed Council to consider the confidential reports as listed in the Agenda at 09:05 pm.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

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 confidential Council.

The Mayor declared a short adjournment to the meeting prior to going into Closed Council.

Councillor S Lesslie did not return to the Chambers as he had left the premises.

21 -25 RESOLVED

THAT Council resolve to return to open Council and inform the public of the resolutions of Closed Council at 09:49 pm.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Councillor S Ring returned to the meeting at 09:50 pm.
Councillor D Goodwin returned to the meeting at 09:50 pm.

13.1. Confidential Report - ECDEV - 25/01/2021 - Proposed acquisition of land for Cullen Bullen Sewerage Scheme

21 -20 RESOLVED

THAT:

1. Council approve the acquisition of the Proposed Site for \$100,000 plus GST plus disturbance costs.
2. Council instruct Le Fevre & Co to prepare a contract for sale of land and to act on Council's behalf in respect of the legal aspects of the acquisition.
3. Council delegate authority to the General Manager to negotiate and approve terms and conditions of agreement, and execute all documents necessary to facilitate the acquisition, subdivision and easement for access.
4. The Proposed Site be classified 'operational land', for the purpose of section 31(2) of the *Local Government Act 1993*.
5. Council hold a public meeting for the community at Cullen Bullen as soon as possible.

MOVED: Councillor J Smith

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

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

AGAINST: nil

13.2. Confidential Report - ECDEV - 25/01/2021 - Tender for the Construction of the Lithgow Resource Recovery Centre

21 -21 RESOLVED

THAT:

1. Council accept the submission from Structen Pty Ltd for the Construction of the Lithgow Resource Recovery Centre.
2. Delegate to the General Manager authority to enter a Contract with Structen Pty Ltd in accordance with the Tender for the Construction of Lithgow Resource Recovery Centre.

MOVED: Councillor D Goodsell

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

13.3. Confidential Report - IS - Tender Evaluation - 25/01/2021 - Back Cullen Road Portland

21 -22 RESOLVED

THAT Council:

1. Accept the submission from Peters Earthmoving Pty Ltd for the upgrade of Back Cullen Road.
2. Delegate authority to the General Manager to enter a Contract with Peters Earthmoving Pty Ltd in accordance with the Tender for "The Upgrade of Back Cullen Road".
3. Reallocate \$320,000 from the Back Cullen Road project (100310) to the 11-kilometre Glen Alice Road sealing project (100552) to maximise scope of work under this project.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

13.4. Confidential Report - IS - 25/01/2021 - Tender Evaluation - Glen Alice Road, Glen Alice

21 -23 RESOLVED

THAT Council:

1. Accepts the submission from Dukes Earthmoving Pty Ltd for the upgrade of Glen Alice Road.
2. Delegate authority to the General Manager to enter a Contract with Dukes Earthmoving Pty Ltd in accordance with the Tender for "The Upgrade of Glen Alice Road".
3. Reallocate the projected \$320,000 from 100546 – Back Cullen Road to Glen Alice Road to maximise the scope of this 11-kilometre sealing project.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

13.5. Confidential Report - GM - 25/01/2021 - Final Investigation Report - Code of Conduct Matter

Due to a previous declaration of interest Councillor S Lesslie had left the meeting at 09:31 pm.

21 -24 RESOLVED

THAT:

1. Council notes that the Code of Conduct Reviewer's Investigation determined that in March 2020 Councillor Lesslie, when speaking to the media in relation to a spill incident at the Wallerawang STP, breached Council's Code of Conduct and that the conduct should be regarded as extremely serious.
 2. Council notes that the code of Conduct Reviewer's Investigation found that Councillor Lesslie breached Council's Code of Conduct at Clause 3.1 (a) and (e): *you must not conduct yourself in a manner that: a) is likely to bring the council or other council officials into disrepute. e) causes, comprises or involves intimidation or verbal abuse.*
 3. Council notes that the Code of Conduct Reviewer's Investigation found that Councillor Lesslie breached Council's Code of Conduct at Clause 7.6 (h): *You must not engage in any of the following inappropriate interactions: h) Councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be*
-

contrary to the general conduct provision in Part 3 of this code in public forums including Social media.

4. Council accepts the recommendation (Recommendation 1) contained in the Code of Conduct Reviewer's Final Investigation Report namely that: Councillor Stephen Lesslie be formally censured for the breach under section 440G of the Act.
5. Council formally censures Councillor Lesslie under section 440G of the Local Government Act for breaching the Code of Conduct at Clause 3.1 (a) and (e) and Clause 7.6 (h)

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED:

Divisions

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

AGAINST: Councillor C Coleman

21 -26 RESOLVED

THAT Council adopt the recommendations of the Closed Council in Open Council.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: nil

There being no further business the Mayor declared the meeting closed at 09:57 pm.