



MINUTES

Ordinary Council Meeting

25 February 2022

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**MINUTES OF SHIRE OF BOURKE
ORDINARY COUNCIL MEETING
HELD AT THE BOURKE SHIRE COUNCIL, 29 MITCHELL STREET BOURKE NSW
ON FRIDAY, 25 FEBRUARY 2022 AT 9.15AM**

PRESENT: Cr Barry Hollman (Mayor), Cr Victor Bartley, Cr Sarah Barton, Cr Lachlan Ford (Deputy Mayor), Cr Cec Dorrington, Cr Sam Rice, Cr Grace Ridge, Cr Nathan Ryan, Cr Robert Stutsel.

IN ATTENDANCE: Mark Riley (General Manager), Leonie Brown (Manager of Corporate Services), Peter Brown (Manager Works), Melanie Milgate (Economic Development Manager).

1 OPENING PRAYER

The Mayor opened the meeting with a prayer

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor then provided an Acknowledgment of Country

3 REMEMBRANCE

Council stood in silence in the memory of the following recently deceased:

Annette Jean (Sue) Lovett	Grace Wilson	Peter Simmonds
Iris MacCaskell, nee Fraser	Percy Hobson	William (Ben) Kendall
Christine Chambers, nee Holmes	Gwenda Howchin	Reginal Wood

4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Resolution 2022/1

Moved: Cr Lachlan Ford

Seconded: Cr Sarah Barton

That the apology received from Councillor Sally Davis be accepted and leave of absence granted.

Carried

5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS

A Written request was noted as having been received from Cr Robert Stutsel requesting that he attend today's Council meeting be via audio-visual link due to him being in Dubbo for "carer" reasons.

Resolution 2022/2**Moved: Cr Victor Bartley****Seconded: Cr Lachlan Ford****That Cr Robert Stutsel be permitted to attend the meeting via audio-visual link due to his inability to attend in person.****Carried****6 DISCLOSURES OF INTEREST**

Cr Sarah Barton declared a pecuniary interest in Item 22.1 of the Agenda – North Bourke Stormwater Drainage. The reason for such interest is that Councillor Bartons husband has a business relationship with the owner of the land detailed within the report. In making her declaration Councillor Barton advised that she would leave the Chamber and be out of sight during Council's consideration of the matter

Cr Grace Ridge declared a pecuniary interest in Item 22.1 of the Agenda – North Bourke Stormwater Drainage. The reason for such interest is that Councillor Ridge and her family have a business relationship with the owner of the land detailed within the report. In making her declaration Councillor Ridge advised that she would leave the Chamber and be out of sight during Council's consideration of the matter

Cr Nathan Ryan declared a pecuniary interest in Item 22.1 of the Agenda – North Bourke Stormwater Drainage. The reason for such interest is that Councillor Ryan has a business relationship with the owner of the land detailed within the report. In making his declaration Councillor Ryan advised that he would leave the Chamber and be out of sight during Council's consideration of the matter

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE - MAYORAL ACTIVITIES****File Number: M2.1**

The Council had before it the report of the Mayor regarding the Mayoral Minute - Mayoral Activities.

Resolution 2022/3**Moved: Cr Barry Hollman**

That the information in the Mayoral Minute as presented to Council on Friday, 25 February 2022 be noted.

Carried**8 STARRING OF ITEMS**

Council's Code of Meeting Practice provides that Council may at any time, resolve to adopt multiple items of business on the agenda by way of a single resolution.

In this regard the council had before it a list of reports, unstarred, with such items proposed to be adopted by Council in a single resolution. The following additional report was identified by Council to be starred for individual consideration.

Item No	Name of Report	Officer
14.1	Employment Zone Reform	Manager Environmental Services

Resolution 2022/4**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That the recommendations as detailed in the un-starred items as contained in the agenda for the Ordinary Meeting of Council, held on Friday, 25 February 2022 be adopted save and except for Item No 14.1 of the Agenda, with such item to be considered separately.

Carried

9 CONFIRMATION OF MINUTES**Resolution 2022/5****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

That the minutes of the Ordinary Council Meeting held on 20 December 2021 taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.

Carried**10 NOTICES OF MOTION****10.1 NOTICE OF MOTION - VILLAGE TOURS****File Number: C8.1, C11.1,P4.1**

The Council had before it the report of the Councillor regarding the Notice of Motion - Village Tours.

Resolution 2022/6**Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

That, as in past years, all councillors be invited to attend any future Council Village Tours and community meetings.

Carried**11 RESCISSION MOTIONS**

Nil

12 BUSINESS ARISING**12.1 CALENDAR OF EVENTS****File Number: C12.6**

The Council had before it the report of the General Manager regarding the Calendar of Events.

Resolution 2022/7**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That the information in the Calendar of Events Report as presented to Council on Friday, 25 February 2022 be noted.

Carried

12.2 INFORMATION TO COUNCILLORS**File Number: C12.1**

The Council had before it the report of the General Manager regarding the Information to Councillors.

Resolution 2022/8**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That the contents of the Information to Councillors Report as presented to Council on Friday, 25 February 2022 be noted.

Carried**12.3 *** BUSINESS ARISING****File Number: C12.1**

The Council had before it the report of the General Manager regarding the Business Arising.

Resolution 2022/9**Moved: Cr Cec Dorrington****Seconded: Cr Lachlan Ford**

That the information in the Business Arising Report as presented to Council on Friday, 25 February 2022 be noted.

Carried

13 ENGINEERING SERVICES DEPARTMENT**13.1 *** REQUEST FOR TREE REMOVAL**

File Number: T6.2

The Council had before it the report of the Manager Works regarding the Request for Tree Removal.

Resolution 2022/10

Moved: Cr Cec Dorrington

Seconded: Cr Victor Bartley

- 1. That the Preliminary Tree Assessment Reports as prepared by Savco Vegetation Services be noted.**
- 2. That prior to the removal of any of the identified trees, a notice of intention to remove the trees be placed in the local media with advice provided to adjacent landowners providing them with an opportunity to comment on the proposed removal with a copy of the advertisement being provided to the Councillors.**
- 3. That should there be objections to the various proposals, a further report be provided to Council in respect of such tree(s), prior to the removal of the subject tree(s).**
- 4. That should there be no comment of objection, Council proceed to :**
 - a) Remove the Queensland fig tree at 5 Denman St, Bourke as per the recommendation of Savco Vegetation Services.**
 - b) Remove the gum tree at 32 Green St, Bourke to mitigate all risks, and achieve a potentially better outcome, as per the Option B recommendation of Savco Vegetation Services.**
 - c) Remove the gum tree at 19 Mitchell St, Bourke to mitigate all risks and achieve a potentially better outcome, as per the Option B recommendation of Savco Vegetation Services.**
- 5. That the General Manager be requested to take the necessary action in respect of progressing these tree removal requests.**

Carried

14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**14.1 EMPLOYMENT ZONE REFORM****File Number: T5.1**

The Council had before it the report of the Manager Environmental Services regarding the Employment Zone Reform.

Resolution 2022/11**Moved: Cr Robert Stutsel****Seconded: Cr Victor Bartley**

1. That the information in this report regarding the Employment Zone Reform as presented to Council on Friday, 25 February 2022 be noted.
2. That the proposal to permit business premises, with consent, in the R1 General Residential Zone of the Bourke Local Environmental Plan be endorsed for the purposes of preparing a Planning Proposal for further consideration by Council in due course.

Carried**15 GENERAL MANAGER****15.1 *** PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY****File Number: C11.1**

The Council had before it the report of the General Manager regarding the Payment of Expenses and Provision of Facilities Policy.

Resolution 2022/12**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

1. That the draft policy "Payment of Expenses and Provision of Facilities for the Mayor and Councillors" as attached herewith be placed on Public Exhibition for a period of twenty-eight (28) days inviting the public to make submissions.
2. That a further report be presented to Council following the submission period.

Carried

15.2 * CODE OF MEETING PRACTICE****File Number: C11.1, C12.1**

The Council had before it the report of the General Manager regarding the Code of Meeting Practice.

Resolution 2022/13**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the draft Code of Meeting Practice as appended to this report be placed on public exhibition for a period of 28 days with the public notice for such exhibition also specifying a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.**
- 2. That a further report be presented to Council following the submission period.**

Carried**15.3 *** DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER****File Number: A3.8**

The Council had before it the report of the General Manager regarding the Delegations of Authority to the General Manager.

Resolution 2022/14**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That Council endorse and adopt the Delegations of Authority to the General Manager identified as document version 9, as attached herewith.

Carried

15.4 * CODE OF CONDUCT****File Number: C11.1, C12.1**

The Council had before it the report of the General Manager regarding the Code of Conduct.

Resolution 2022/15**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That pending any prescribed amendments, Council adopt the “Model Code of Conduct for Local Councils in NSW” dated 2020 as its adopted code for the term of the Council ending 14 September 2024.**
- 2. That pending any prescribed amendments, Council adopt the “Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW” dated 2020 as its adopted procedures code for the term of the Council ending 14 September 2024.**

Carried

15.5 * RESTORATION - NORTH BOURKE BRIDGE****File Number: B6.1**

The Council had before it the report of the General Manager regarding the Restoration - North Bourke Bridge.

Resolution 2022/16**Moved: Cr Lachlan Ford****Seconded: Cr Victor Bartley**

- 1. That in the event of Councils application for funding under the Tourism Activation Fund being unsuccessful, Council allocate funding of \$200,000 from the North Bourke Bridge Internally Restricted Asset to undertake a documentation process in respect of the restoration of the North Bourke Bridge generally as follows:**
 - investigation and documentation of existing conditions at the bridge;
 - preliminary design of restoration options;
 - document the approved restoration option;
 - prepare design and construct tender.
- 2. That the General Manager be requested to take the necessary action to engage a Structural Engineer to undertake the documentation preparation process in respect of the restoration of the North Bourke Bridge.**

Carried**16 CORPORATE SERVICES DEPARTMENT****16.1 *** BANK RECONCILIATION & STATEMENT OF BANK BALANCES****File Number: F1.1**

The Council had before it the report of the Manager of Corporate Services regarding the Bank Reconciliation & Statement of Bank Balances.

Resolution 2022/17**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 31 December 2021 be noted.

Carried

16.2 * INVESTMENT REPORT AS AT 31 DECEMBER 2021****File Number: F1.1**

The Council had before it the report of the Manager of Corporate Services regarding the Investment Report as at 31 December 2021.

Resolution 2022/18**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the report regarding Council's Investment Portfolio 31 December 2021 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted**

Carried**16.3 *** BANK RECONCILIATION & STATEMENT OF BANK BALANCES****File Number: F1.1**

The Council had before it the report of the Manager of Corporate Services regarding the Bank Reconciliation & Statement of Bank Balances.

Resolution 2022/19**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 31 January 2022 be noted.

Carried

16.4 * INVESTMENT REPORT AS AT 31 JANUARY 2021****File Number: F1.1**

The Council had before it the report of the Manager of Corporate Services regarding the Investment Report as at 31 January 2021.

Resolution 2022/20**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the report regarding Council's Investment Portfolio 31 January 2022 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted**

Carried**16.5 *** RATES WRITE-OFF - ASSESSMENT NO. 00787-00000000-000****File Number: R2.5**

The Council had before it the report of the Revenue Officer regarding the Rates write-off - Assessment No. 00787-00000000-000.

Resolution 2022/21**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That Council write-off Rates and Charges to the value of \$988.00 for assessment 00787-00000000-000 located at 9 Oxley Street, Bourke.

Carried

16.6 * 2022/2023 - OPERATIONAL PLAN PREPARATION****File Number: P4.1**

The Council had before it the report of the Manager of Corporate Services regarding the 2022/2023 - Operational Plan Preparation.

Resolution 2022/22**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the 2022/2023 Operational Plan be prepared utilising the 2.1% General Rate increase as determined by IPART for Bourke Shire Council**
- 2. That any Councillors wishing to have an item included in the 2022/2023 Draft Operational Plan for consideration, notify the Manager of Corporate Services by 7 March 2022**
- 3. That the proposed timetable for the preparation and adoption of Council's 2022/2023 Operational Plan be adopted.**

Carried**16.7 *** BUDGET REVIEW TO 31 DECEMBER 2021****File Number: F1.6**

The Council had before it the report of the Manager of Corporate Services regarding the Budget Review to 31 December 2021.

Resolution 2022/23**Moved: Cr Sam Rice****Seconded: Cr Victor Bartley**

- 1. That the document entitled "Quarterly Budget Review Statement – December 2021" be received and noted.**
- 2. That the variations of income and expenditure as identified in the "Quarterly Budget Review Statement – December 2021" be adopted.**

Carried

16.8 DELIVERY PLAN - HALF YEARLY REVIEW 2021/2022**File Number: P4.1**

The Council had before it the report of the Manager of Corporate Services regarding the Delivery Plan - Half Yearly Review 2021/2022.

Resolution 2022/24**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That Council note the half yearly Delivery Report as presented to the Ordinary Meeting of Council held on Friday, 25 February 2022.

Carried**16.9 COMMUNITY CONSULTATION MEETINGS IN RELATION TO THE COMMUNITY STRATEGIC PLAN - TIMETABLES AND FORMAT****File Number: P4.4**

The Council had before it the report of the Manager of Corporate Services regarding the Community Consultation Meetings in relation to the Community Strategic Plan - Timetables and Format.

Resolution 2022/25**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the report of the Manager Corporate Services be noted.**
- 2. That it be noted that it is the intention in 2023 to revert to Councillors and Staff undertaking Community Meetings in February.**

Carried**17 ECONOMIC DEVELOPMENT DEPARTMENT**

Nil

18 DELEGATES AND COUNCILLORS REPORTS

Nil

19 POLICIES

Nil

20 PRÉCIS OF CORRESPONDENCE

Nil

21 ACTIVITY REPORTS**21.1 ENGINEERING SERVICES ROAD WORKS & WORKSHOP - WORKS COMPLETED****File Number: E7.1**

The Council had before it the report of the Manager Special Projects regarding the Engineering Services Road Works & Workshop - Works Completed.

Resolution 2022/26**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That Council note the information in the Engineering Services Department Road Works and Workshop Activity Reports as presented to Council on Friday, 25 February 2022.

Carried**21.2 PARKS & GARDENS / TOWN SERVICES / WATER & WASTEWATER ENGINEERING SERVICES ACTIVITY REPORT****File Number: E7.1**

The Council had before it the report of the Manager Works regarding the Parks & Gardens / Town Services / Water & Wastewater Engineering Services Activity Report.

Resolution 2022/27**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That the information in the Parks and Gardens, Town Services and Water and Wastewater Activity Report as presented to Council on Friday, 25th February 2022 be received and noted

.Carried

21.3 ENVIRONMENTAL SERVICES DEPARTMENT - ACTIVITY REPORT

File Number: D3.1-A11.1-A8.1-S10.4

The Council had before it the report of the Manager Environmental Services regarding the Environmental Services Department - Activity Report.

Resolution 2022/28

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

That the information in the Environmental Services Activity Report as presented to Council on Friday, 25th February 2022 be received and noted.

Carried

21.4 GENERAL MANAGER'S ACTIVITY REPORT

File Number: G2.1

The Council had before it the report of the General Manager regarding the General Manager's Activity Report.

Resolution 2022/29

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

That the information in the General Manager's Activity Report as presented to Council on Friday, 25 February 2022 be noted.

Carried

21.5 LIBRARY MANAGER'S ACTIVITY REPORT FOR DECEMBER

File Number: L4.1

The Council had before it the report of the Library Manager regarding the Library Manager's Activity Report for December.

Resolution 2022/30

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

That the information in the Library Manager's Report for December 2021 as presented to Council on Friday, 25 February 2022 be noted.

Carried

21.6 LIBRARY MANAGER'S ACTIVITY REPORT FOR JANUARY**File Number: L4.1**

The Council had before it the report of the Library Manager regarding the Library Manager's Activity Report for January.

Resolution 2022/31**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That the information in the Library Manager's Report for January 2022 as presented to Council on Friday, 25 February 2022 be noted.

Carried**21.7 TOURISM & EVENTS MANAGER'S ACTIVITY REPORT****File Number: T4.1**

The Council had before it the report of the Manager Tourism & Events regarding the Tourism & Events Manager's Activity Report.

Resolution 2022/32**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That the information in the Tourism and Events Manager's Activity Report for December 2021 and January 2022 as presented to Council on Friday, 25 January 2022 be noted.

Carried

22 CLOSED SESSION

At this juncture, the Council gave consideration to moving into Closed Session of Council.

Resolution 2022/33

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

22.1 * North Bourke Stormwater Drainage**

This matter is considered to be confidential under Section 10A(2) - (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

22.2 * Outstanding Rates and Charges**

This matter is considered to be confidential under Section 10A(2) - (b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

22.3 * Write-off outstanding Debtor accounts**

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

Carried

Council proceeded into closed session with the livestreaming of the meeting being paused at 10.29am.

At this juncture, Cr Barton, Cr Ridge and Cr Ryan left the meeting during consideration of the following matter, the time being 10.29am.

22.1 * NORTH BOURKE STORMWATER DRAINAGE**

File Number: D6.1, D6.2, V1.6

The Council had before it the report of the General Manager regarding the North Bourke Stormwater Drainage.

Resolution 2022/34

Moved: Cr Lachlan Ford

Seconded: Cr Victor Bartley

- 1. That it be noted that a workshop of Councillors was held on 9 February 2022 to discuss the North Bourke Stormwater Drainage matter.**
- 2. That it be further noted that Council has sought additional engineering advice for a report to Council at its March 2022 meeting.**
- 3. That the documents and considerations remain confidential to the Council.**

Carried

At this juncture, Cr Barton Cr Ridge and Cr Ryan returned to the meeting, the time being 10:36 am.

22.2 * OUTSTANDING RATES AND CHARGES**

File Number: P2.5-R2.15-R2.22-P9.3

The Council had before it the report of the Manager of Corporate Services regarding the Outstanding Rates and Charges.

Resolution 2022/35

Moved: Cr Victor Bartley

Seconded: Cr Grace Ridge

That Council notes the report on Outstanding Rates and Charges and Water Billing owed to Council as at 31 December 2021.

Carried

22.3 * WRITE-OFF OUTSTANDING DEBTOR ACCOUNTS****File Number: D1.1**

The Council had before it the report of the Manager of Corporate Services regarding the Write-off outstanding Debtor accounts.

Resolution 2022/36**Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

That a write-off of \$1,650.00 for the Australian Tax College outstanding debt is approved as the debt is not recoverable

Carried**Resolution 2022/37****Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That Council moves out of Closed Council into Open Council.

Carried

Open council resumed at 10.42am.

RESOLUTIONS FROM CLOSED SESSION OF COUNCIL

At the request of the Mayor, the General Manager read to the meeting the Councils resolutions as determined in the Closed Session of Council.

The Meeting closed at 10.45am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 March 2022.

.....
CHAIRPERSON