



MINUTES

Ordinary Council Meeting

27 February 2023

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**MINUTES OF SHIRE OF BOURKE
ORDINARY COUNCIL MEETING
HELD AT THE BOURKE SHIRE COUNCIL, 29 MITCHELL STREET BOURKE NSW
ON MONDAY, 27 FEBRUARY 2023 AT 9.15AM**

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

IN ATTENDANCE: Leonie Brown (General Manager), Peter Brown (Manager Works), Paul Flanagan (Manager Roads Services), Melanie Milgate (Economic Development Manager), Ang Pasang Rai (Manager Corporate Services), Dwayne Willoughby (Manager Environmental Services), Margo Anderson (Executive Assistant – Minutes)

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:

Greg Adams	Tamara Dixon	Nigel Honeyman	Fay Howell
Judy Jakins	Darren Kerr	Robert Mahon	Robert Mallon
Sheila McIntosh	Noel McKenna	Gregory McKenzie	Robyn Murray
Neville Paterson	Pamela Riches	Dorothy Robinson	Neville Simpson
Clare Smith	Patricia Sullivan	Bryan Williamson	

4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS

Nil

6 DISCLOSURES OF INTEREST

Cr Sarah Barton declared a pecuniary interest in Item 21.4 of the Agenda – General Manager’s Activity Report – Funding Announcements. The reason for such interest is that Cr Barton is an employee of Department of Regional NSW who administers the mentioned Regional Tourism Activation Fund. In making this declaration, Cr Barton advised that she would leave the Chamber and be out of sight should Council separately consider Item 21.4 of the Agenda.

Cr Sally Davis declared a pecuniary conflict of interest in Item 12.3 of the Agenda – Business Arising, North Bourke Storm Water Drainage. The reason for such interest is that Cr Davis owns land adjacent to the land the subject of the report and has a friendship with the landowner (Mr G Seiler). In making this declaration, Cr Davis advised she would leave the Chamber and be out of sight should Council separately consider Item 12.3 of the Agenda.

Cr Grace Ridge declared a pecuniary conflict of interest in Item 12.3 of the Agenda – Business Arising, North Bourke Storm Water Drainage. The reason for such interest is that Cr Ridge and her family have a business relationship with the owner of the land detailed within the report. In making this declaration Cr Ridge advised that she would leave the Chamber and be out of sight should Council separately consider Item 12.3 of the Agenda.

Cr Sarah Barton declared a significant non pecuniary conflict of interest in Item 15.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Cr Barton is the niece of Mr Warren Hand, who is an applicant for the supply of raw water in North Bourke to be extended to his property and also, that Cr Barton's residence is opposite the various properties requesting access to the raw water supply. In making this declaration, Cr Barton advised that her property already had access to the raw water supply. Cr Barton further advised that as Item 15.1 of the Agenda relates to a decision to delegate consideration of the North Bourke Water Supply matter to another body or person, as per Clause 5.13 of Councils Code of Conduct, she would remain in the room and participate in the making of a decision relative thereto.

Cr Sally Davis declared a significant non pecuniary conflict of interest in Item 15.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Cr Davis is friends with those submitting the raw water extension request and further, owns property in the North Bourke vicinity. In making this declaration, Cr Davis advised that as Item 15.1 of the Agenda relates to a decision to delegate consideration of the North Bourke Water Supply matter to another body or person, as per Clause 5.13 of Councils Code of Conduct, she would remain in the room and participate in the making of a decision relative thereto.

Cr Cec Dorrington declared a significant non pecuniary conflict of interest in Item 15.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Mrs Susanne Hand is Cr Dorrington's daughter, with Mr Warren Hand being his son in law with all remaining parties who are seeking the extension of raw water to their properties along the Enngonia Road, North Bourke considered as close personal friends. In making this declaration, Cr Dorrington advised that as Item 15.1 of the Agenda relates to a decision to delegate consideration of the North Bourke Water Supply matter to another body or person, as per Clause 5.13 of Councils Code of Conduct, he would remain in the room and participate in the making of a decision relative thereto.

Cr Lachlan Ford declared a significant non pecuniary conflict interest in Item 15.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Cr Ford owns property in the North Bourke area which could be affected by the raw water extension request. In making this declaration, Cr Ford advised that as Item 15.1 of the Agenda relates to a decision to delegate consideration of the North Bourke Water Supply matter to another body or person, as per Clause 5.13 of Councils Code of Conduct, he would remain in the room and participate in the making of a decision relative thereto.

Cr Sam Rice declared a significant non pecuniary conflict of interest in Item 15.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Cr Rice's wife is the

granddaughter of Mr Alan Morrall, who is an applicant for the supply of raw water in North Bourke to be extended to his property and also that Cr Rice and his wife own property adjacent to the requested extended route of the raw water pipeline. In making this declaration, Cr Rice advised that as Item 15.1 of the Agenda relates to a decision to delegate consideration of the North Bourke Water Supply matter to another body or person, as per Clause 5.13 of Councils Code of Conduct, he would remain in the room and participate in the making of a decision relative thereto.

Councils General Manager, Mrs Leonie Brown, declared a significant non pecuniary conflict of interest in Item 15.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Mr Warren Hand, who is an applicant for the supply of raw water in North Bourke to be extended to his property, is the brother of Mrs Brown. In making this declaration Mrs Brown advised that as Item 15.1 of the Agenda relates to a decision to delegate consideration of the North Bourke Water Supply matter to another body or person, as per Clause 5.13 of Councils Code of Conduct, she would remain in the room and participate in the making of a decision relative thereto.

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 2023/1

Moved: Cr Barry Hollman

That the information in the Mayoral Minute – Mayoral Activities as presented to Council on Monday, 27 February 2023 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.

Resolution 2023/2

Moved: Cr Victor Bartley

Seconded: Cr Grace Ridge

That the the recommendations as detailed in the un-starred items as contained in the agenda for the Ordinary Meeting of Council, held on Monday, 27 February 2023 be adopted, noting that in respect of Item 21.3, Planning, Regulatory and Environmental Services – Activity Report, the address for the subject land for DA 2023/0010, should be Lot 3, Section 7, DP 758389, 15 Belalie

Street, Enngonia.

Carried

9 CONFIRMATION OF MINUTES

Resolution 2023/3

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

That the minutes of the Ordinary Council Meeting held on 19 December 2022 taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.

Carried

10 NOTICES OF MOTION

Nil

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 2023/4

Moved: Cr Victor Bartley

Seconded: Cr Grace Ridge

That the information in the Calendar of Events Report as presented to Council on Monday, 27 February 2023 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 2023/5**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

That the contents of the Information to Councillors Report as presented to Council on Monday, 27 February 2023 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 2023/6**Moved: Cr Victor Bartley****Seconded: Cr Lachlan Ford**

That the information in the Business Arising Report as presented to Council on Monday, 27 February 2023 be noted.

Carried

Further Motion

Resolution 2023/7**Moved: Cr Lachlan Ford****Seconded: Cr Robert Stutsel**

That the General Manager be requested to write to the Federal Minister for the Environment and Water, the Hon Tanya Plibersek, MP and the NSW Minister for Land and Water, the Hon Kevin Anderson, MP seeking formal clarification as to the status of the Western Weirs Strategy / Better Baaka Program and the resulting status of the proposals to increase the height of the Bourke Weir.

Carried

13 ENGINEERING SERVICES DEPARTMENT**13.1 *** REQUESTS FOR TREE REMOVALS****File Number: T6.2**

The Council had before it the report of the Manager Works regarding the Requests for Tree Removals.

Resolution 2023/8**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

1. That immediate action be taken to remove the dead gum tree located at Enngonia Public School.
2. That prior to the removal of any of the identified trees as located at 60 and 88 Hope Street, Bourke, 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 fig tree at 88 Hope St, Bourke to mitigate all risks and replace with a more suitable species.
 - (b) Remove the unsuitable various trees located within the road reserve at 60 Hope St, Bourke and replace with a more suitable species.
5. That the General Manager be requested to take the necessary action in respect of progressing these tree removal requests, as appropriate.

Carried**14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**

Nil

15 GENERAL MANAGER**15.1 *** NORTH BOURKE WATER SUPPLY****File Number: W2.1**

The Council had before it the report of the General Manager regarding the North Bourke Water Supply.

Resolution 2023/9**Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

- 1. That a North Bourke Water Extension Request Committee be formed to meet for the sole purpose of determining the report of the Manager Works titled North Bourke Water Supply, as initially included in the Council Agenda of December 2022.**
- 2. That the membership of such Committee comprise the five (5) Councillors who were either absent from, or did not declare, a significant non-pecuniary conflict of interest in item 13.1, North Bourke Water Supply, of Councils December 2022 Meeting Agenda, being Councillors Bartley, Holman, Ridge, Ryan and Stutsel, with the Manager of Works and the Executive Assistant being non-voting attendees of the Committee.**
- 3. That the quorum for the Committee be three (3) Councillors.**
- 4. That once the Committee has made its determination, all Councillors be advised of the outcome.**

Carried**16 CORPORATE SERVICES DEPARTMENT****16.1 *** BANK RECONCILIATION & STATEMENT OF BANK BALANCES - DECEMBER 2022****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Bank Reconciliation & Statement of Bank Balances - December 2022.

Resolution 2023/10**Moved: Cr Cec Dorrington****Seconded: Cr Lachlan Ford**

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 2022 be noted.

Carried

16.2 * INVESTMENT REPORT AS AT 31 DECEMBER 2022****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Investment Report as at 31 December 2022.

Resolution 2023/11**Moved: Cr Cec Dorrington****Seconded: Cr Lachlan Ford**

- 1. That the report regarding Council's Investment Portfolio 31 December 2022 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 - JANUARY 2023****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Bank Reconciliation & Statement of Bank Balances - January 2023.

Resolution 2023/12**Moved: Cr Cec Dorrington****Seconded: Cr Lachlan Ford**

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 2023 be noted.

Carried

16.4 * INVESTMENT REPORT AS AT 31 JANUARY 2023****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Investment Report as at 31 January 2023.

Resolution 2023/13**Moved: Cr Sally Davis****Seconded: Cr Cec Dorrington**

- 1. That the report regarding Council's Investment Portfolio 31 January 2023 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.**

Carried**16.5 *** 2023/2024 - OPERATIONAL PLAN PREPARATION****File Number: P4.1**

The Council had before it the report of the Manager Corporate Services regarding the 2023/2024 - Operational Plan Preparation.

Resolution 2023/14**Moved: Cr Cec Dorrington****Seconded: Cr Robert Stutsel**

- 1. That Councils 2023/2024 draft Operational Plan be prepared utilising the 3.7% General Rate increase as determined by IPART for Bourke Shire Council.**
- 2. That any Councillors wishing to have an item included for consideration in the 2023/2024 draft Operational Plan, are requested to notify the Manager of Corporate Services by 7 March 2022.**
- 3. That the timetable for the preparation and adoption of Council's 2022/2023 Operational Plan be adopted.**

Carried

16.6 * BUDGET REVIEW TO 31 DECEMBER 2022****File Number: F1.6**

The Council had before it the report of the Manager Corporate Services regarding the Budget Review to 31 December 2022.

Resolution 2023/15**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the document entitled “Quarterly Budget Review Statement – December 2022” be received and noted.**
- 2. That the variations of income and expenditure as identified in the “Quarterly Budget Review Statement – 2022” be adopted.**

Carried**16.7 DELIVERY PROGRAM - HALF YEARLY REVIEW 2022/2023****File Number: P4.1**

The Council had before it the report of the Manager Corporate Services regarding the Delivery Program - Half Yearly Review 2022/2023.

Resolution 2023/16**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

That Council note the Half Yearly Delivery Program Review Report as presented to the Ordinary Meeting of Council held on Monday, 27 February 2023.

Carried

16.8 RELEASE OF NEW LAND VALUES FOR BOURKE SHIRE**File Number: R2.8**

The Council had before it the report of the Manager Corporate Services regarding the Release of New Land Values for Bourke Shire.

Resolution 2023/17**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

That the report on the 2022 Valuation from the Valuer General in respect of Bourke Shire Council be received and noted.

Carried**17 ECONOMIC DEVELOPMENT DEPARTMENT****17.1 *** CHILD SAFE STANDARDS AND POLICY****File Number: C8.3.1, P4.5.1**

The Council had before it the report of the Manager Economic Development regarding the Child Safe Standards and Policy.

Resolution 2023/18**Moved: Cr Sally Davis****Seconded: Cr Lachlan Ford**

- 1. That Council make a commitment to the implementation of the Child Safe Standards.**
- 2. That the draft Child Safe Standards Policy be adopted.**
- 3. That the various actions to ensure an awareness and compliance with the Child Safe Policy as identified herewith, be implemented.**

Carried**18 DELEGATES AND COUNCILLORS REPORTS**

Nil

19 POLICIES

Nil

20 PRÉCIS OF CORRESPONDENCE

Nil

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

The Council had before it the report of the Manager Roads regarding the Engineering Services - Road Works and Workshop - Works Undertaken.

Resolution 2023/19**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

That Council note the information in the Roads Department Road Works and Workshop Activity Report as presented to Council on Monday, 27 February 2023.

Carried**21.2 PARKS & GARDENS / TOWN SERVICES / WATER & WASTE WATER 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 & Waste Water Engineering Services Activity Report.

Resolution 2023/20**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

That Council note the information in the Parks and Gardens, Town Services and Water and Wastewater Engineering Services Department Activity Reports as presented to Council on Monday, 27 February 2023.

Carried

21.3 PLANNING, REGULATORY & ENVIRONMENTAL SERVICES - ACTIVITY REPORT**File Number: D3.1-A11.1-A8.1**

The Council had before it the report of the Manager Environmental Services regarding the Planning, Regulatory & Environmental Services - Activity Report.

Resolution 2023/21**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

That the information in the Planning, Regulatory & Environmental Services Activity Report as presented to Council on Monday, 27th February 2023 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 2023/22**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

That the information in the General Manager's Activity Report as presented to Council on Monday, 27 February 2023 be noted.

Carried**21.5 LIBRARY MANAGER'S ACTIVITY REPORT FOR DECEMBER 2022****File Number: L4.1**

The Council had before it the report of the Library Manager regarding the Library Manager's Activity Report for December 2022.

Resolution 2023/23**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

That the information in the Library Manager's Report for December 2022 as presented to Council on Monday, 27 February 2023 be noted.

Carried

21.6 LIBRARY MANAGER'S ACTIVITY REPORT FOR JANUARY 2023**File Number: L4.1**

The Council had before it the report of the Library Manager regarding the Library Manager's Activity Report for January 2023.

Resolution 2023/24**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

That the information in the Library Manager's Report for January 2023 as presented to Council on Monday, 27 February 2023 be noted.

Carried**21.7 TOURISM AND EVENTS REPORT****File Number: T4.3**

The Council had before it the report of the Coordinator Tourism Operations regarding the Tourism and Events Report.

Resolution 2023/25**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

That the information in the Tourism and Events Managers Report for December 2022 as presented to Council on Monday, 27 February 2023 be noted.

Carried

22 CLOSED SESSION

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

Resolution 2023/26

Moved: Cr Cec Dorrington

Seconded: Cr Sally Davis

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 * Tender 06/23 - Purchase of New Construction Plant**

This matter is considered to be confidential under Section 10A(2) - (d)(ii) 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 information that would, if disclosed, confer a commercial advantage on a competitor of the council.

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.

Carried

Council proceeded into closed session with the livestreaming of the meeting being paused at 9.59am.

22.1 * TENDER 06/23 - PURCHASE OF NEW CONSTRUCTION PLANT****File Number: T3.1, T3.2**

The Council had before it the report of the Manager Roads regarding the Tender 06/23 - Purchase of New Construction Plant.

Resolution 2023/27**Moved: Cr Cec Dorrington****Seconded: Cr Grace Ridge**

- 1. That BT Equipment Pty Ltd t/a Tutt Bryant Equipment be awarded the contract for the supply of 2 (Two) only Bomag BW216PD – 5 Pad Foot Rollers at a total net changeover price of \$399,600 (ex GST) and 1 (One) only Bomag BW28RH Multi Tyred Roller at a net changeover price of \$138,000 (ex GST).**
- 2. That WesTrac Pty Ltd be awarded the contract for the supply of 1 (One) only Caterpillar 966GC Wheel Loader at a price of \$439,845.38 on the basis of no trade in.**
- 3. That the General Manager be authorised to take the necessary action to dispose of Councils existing front end loader at a price as identified herewith in this report.**
- 4. That the shortfall in budget of up to \$90,000 following the purchase and sale of existing equipment be sourced from Councils Plant Reserve account.**
- 5. That the documents and considerations remain confidential to Council.**

Carried**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 Corporate Services regarding the Outstanding Rates and Charges.

Resolution 2023/28**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

- 1. That Council notes the report on Outstanding Rates and Charges, Water Billing and Sundry Debtors owed to Council as at 31 December 2022.**
- 2. That the documents and considerations remain confidential to Council.**

Carried

Resolution 2023/29

Moved: Cr Robert Stutsel

Seconded: Cr Grace Ridge

That Council moves out of Closed Council into Open Council.

Carried

Open council resumed at 10.03am.

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 10.05am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 March 2023.

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CHAIRPERSON