



MINUTES

Ordinary Council Meeting

22 May 2023

Order Of Business

1	Opening Prayer	4
2	Acknowledgement of Country	4
3	Remembrance	4
4	Apologies and Applications for Leave of Absence	4
5	Attendance By Audio Visual Link By Councillors	4
6	Disclosures of Interest	4
7	Mayoral Minute	5
	7.1 Mayoral Minute - Mayoral Activities	5
8	Starring of Items.....	6
9	Confirmation of Minutes	6
10	Rescission Motions.....	6
	Nil	
11	Notices of Motion.....	6
	Nil	
12	Business Arising.....	7
	12.1 Calendar of Events.....	7
	12.2 Information to Councillors	7
	12.3 *** Business Arising	7
13	Engineering Services Department	8
	13.1 *** Recommencement of the Fluoridation of the Bourke Water Supply	8
14	Environmental Services & Development Department.....	8
	14.1 *** Funding for Replacement of Bourke Swimming Pool Splashpad Flooring.....	8
15	General Manager.....	9
	15.1 *** Classification of 54 Mertin Street, Bourke	9
	15.2 *** Councillor Remuneration for 2023 / 2024	9
16	Corporate Services Department.....	10
	16.1 *** Bank Reconciliation and Statement of Bank Balances - April 2023	10
	16.2 *** Investment Report as at 30 April 2023.....	10
	16.3 *** Operational Plan 2023/2024	10
	16.4 *** The Making of Rates and Charges 2023/2024	11
17	Economic Development Department	13
	Nil	
18	Delegates and Councillors Reports.....	13

Nil

19 Policies..... 13

Nil

20 Précis of Correspondence 14

Nil

21 Activity Reports..... 14

21.1 Engineering Services - Road Works and Workshop - Works Undertaken..... 14

21.2 Parks & Gardens / Town Services / Water & Waste Water Engineering Services
Activity Report 14

21.3 Planning, Regulatory and Environmental Services Activity Report..... 15

21.4 General Manager's Activity Report 15

21.5 Library Manager's Activity Report for April 2023..... 15

21.6 Tourism and Events Report 16

22 Closed Session..... 16

22.1 Tender for Supply and Delivery of Bulk Fuel 17

22.2 Tender For The Provision Of Bitumen Sealing 17

**MINUTES OF SHIRE OF BOURKE
ORDINARY COUNCIL MEETING
HELD AT THE BOURKE SHIRE COUNCIL, 29 MITCHELL STREET BOURKE NSW
ON MONDAY, 22 MAY 2023 AT 9.15AM**

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

IN ATTENDANCE: Ross Earl (Acting General Manager), 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:

Donald Alexander Campbell Albert "Doc" Martin

Keith McGrath Joyce McMullen

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 12.3 of the Agenda – Business Arising, Visitor Enhancements at the Back O' Bourke Exhibition Centre. The reason for such interest is that Cr Barton is an employee of Department of Regional NSW who administers the Creative Capital Fund, the source of funding for the enhancements project. In making this declaration, Cr Barton advised she would leave the Chamber and be out of sight should Council separately consider this matter as part of Item 12.3 of the Agenda.

Cr Sarah Barton declared a significant non pecuniary conflict of interest in Item 12.3 of the Agenda – Business Arising, North Bourke Water Supply. The reason for such interest is that Cr Barton is the niece of Mr Warren Hand, who Council is proposing that the filtered water supply in North Bourke be extended to his property. In making this declaration, Cr Barton advised she would leave the

Chamber and be out of sight should Council separately consider this matter as part of Item 12.3 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 and her husband own land adjacent to the land the subject of the reports and is in discussion with Council regarding a potential sale of a portion of such land. In addition, she has a friendship with the landowner (Mr G Seiler). In making these declarations, Cr Davis advised she would leave the Chamber and be out of sight should Council separately consider this matter as part of 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 this matter as part of Item 12.3 of the Agenda.

Cr Barry Hollman declared a significant non pecuniary conflict of interest in Item 12.3 of the Agenda – Business Arising, Tender (05/23) - Management of the Bourke War Memorial Olympic Swimming Pool. The reason for such interest is that Cr Hollman is the Father of Mr Mark Hollman, the current management contractor at the Bourke War Memorial Olympic Pool and a tenderer in that matter. In making this declaration, Cr Hollman advised he would leave the Chamber and be out of sight should Council separately consider this matter as part of Item 12.3 of the Agenda.

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 2023/88

Moved: Cr Barry Hollman

That the information in the Mayoral Minute – Mayoral Activities as presented to Council on Monday, 22 May 2023 be noted.

Carried

At this juncture, the Mayor invited Councillors and staff, in attendance, to stand and take a pledge “to drive in a safe manner each and every day” in support of National Road Safety Week and initiatives to reduce the number of deaths and injuries on Australian Roads. A pledge was subsequently taken.

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 2023/89**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

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, 22 May 2023 be adopted.

Carried**9 CONFIRMATION OF MINUTES****Resolution 2023/90****Moved: Cr Sarah Barton****Seconded: Cr Sam Rice**

That the minutes of the Ordinary Council Meeting held on 24 April 2023 be taken as read, confirmed as correct minutes and signed by the Mayor and General Manager.

Carried**10 RESCISSION MOTIONS**

Nil

11 NOTICES OF MOTION

Nil

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

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

Resolution 2023/91**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

That the information in the Calendar of Events Report as presented to Council on Monday, 22 May 2023 be noted.

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

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

Resolution 2023/92**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

That the contents of the Information to Councillors Report as presented to Council on Monday, 22 May 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 2023/93**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That the information in the Business Arising Report as presented to Council on Monday, 22 May 2023 be noted.

Carried

13 ENGINEERING SERVICES DEPARTMENT**13.1 *** RECOMMENCEMENT OF THE FLUORIDATION OF THE BOURKE WATER SUPPLY****File Number: W2.1**

The Council had before it the report of the Manager Works regarding the Recommencement of the Fluoridation of the Bourke Water Supply.

Resolution 2023/94**Moved: Cr Robert Stutsel****Seconded: Cr Grace Ridge**

1. That pending the receipt of approval under Section 60 of the Local Government Act 1993, and approval from NSW Health, Council proceed to again include fluoride in the Bourke public water supply system.
2. That the Bourke community be advised by way of advertisement in the Western Herald and on Councils Facebook site, when the fluoride dosing of the Bourke public water supply system actually recommences following the receipt of the required approvals.

Carried**14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT****14.1 *** FUNDING FOR REPLACEMENT OF BOURKE SWIMMING POOL SPLASHPAD FLOORING****File Number: S10.1**

The Council had before it the report of the Manager Environmental Services regarding the Funding for Replacement of Bourke Swimming Pool Splashpad Flooring.

Resolution 2023/95**Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

1. That Council concur with the need for the timely replacement of the rubber surface of the Splashpad at the Bourke Memorial Olympic Pool during the 2023 Pool close down period.
2. That the "subject to final design" quotation from Hydro Care Pools to undertake the replacement of the splash pad surface with the "Life Floor" product, in the amount of \$107,369 (plus GST), be noted.
3. That the General Manager be requested to take the necessary action to finalise the quotation from Hydro Care Pools and engage them accordingly.
4. That the replacement of the rubber surface of the Splashpad at the Bourke Memorial Olympic Pool be a priority project in respect of utilising funding provided under Phase 4 of the Local Roads and Community Infrastructure Program.
5. That in the event that funding for this replacement project is not available via the Local Roads and Community Infrastructure Program, Council source funding from its Infrastructure Renewal Fund for the replacement works.
6. That the General Manager be requested to report to Council proposing preferred projects for

the utilisation of the balance of Phase 4 funds under the Local Roads and Community Infrastructure Program, once the guidelines are available.

Carried

15 GENERAL MANAGER

15.1 * CLASSIFICATION OF 54 MERTIN STREET, BOURKE**

File Number: R2.10

The Council had before it the report of the Acting General Manager regarding the Classification of 54 Mertin Street, Bourke.

Resolution 2023/96

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

That in accordance with the provisions of section 31 of the *Local Government Act 1993* and following notification of the proposed resolution in accordance with section 34 of the Act, Council classify Lot 1 DP 910329, 54 Mertin St, Bourke as Operational Land.

Carried

15.2 * COUNCILLOR REMUNERATION FOR 2023 / 2024**

File Number: C11.2

The Council had before it the report of the Acting General Manager regarding the Councillor Remuneration for 2023 / 2024.

Resolution 2023/97

Moved: Cr Sally Davis

Seconded: Cr Cec Dorrington

That as per Section 248 and 249 of the *Local Government Act 1993*, Council pay the maximum fee prescribed for a Rural Group Councillor and the maximum fee applicable to a Mayor within the Rural Group, as applicable to Bourke Shire, with those fees being \$13,030 and \$28,430 to the Councillors and Mayor, respectively.

Carried

16 CORPORATE SERVICES DEPARTMENT**16.1 *** BANK RECONCILIATION AND STATEMENT OF BANK BALANCES - APRIL 2023****File Number: F1.1**

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

Resolution 2023/98**Moved: Cr Sam Rice****Seconded: Cr Sally Davis**

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 30 April 2023 as amended be noted.

Carried**16.2 *** INVESTMENT REPORT AS AT 30 APRIL 2023****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Investment Report as at 30 April 2023.

Resolution 2023/99**Moved: Cr Cec Dorrington****Seconded: Cr Lachlan Ford**

- 1. That the report regarding Council's Investment Portfolio 30 April 2023 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.**

Carried**16.3 *** OPERATIONAL PLAN 2023/2024****File Number: P4.2.1**

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

Resolution 2023/100**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That Councils 2023/2024 Operational Plan, inclusive of Councils 2023/2024 Budget and 2023/2024 Statement of Revenue Policy, as exhibited, be adopted by Council for**

implementation commencing 1 July 2023.

2. That Council's 2023/2024 Fees and Charges, as exhibited, be adopted by Council for implementation commencing 1 July 2023.
3. That Council's 2023/2024 Plant Replacement Schedule, 2023/2024 Sale of Plant Schedule and Councils 2023/2024 Loan Borrowing Schedule to borrow up to \$993,000, all as included in Councils 2023/2024 Operational Plan, as exhibited, be adopted.
4. That Authority be given to affix the Common Seal of Council to all relevant documents in relation to the 2023/2024 Loan Schedule.
5. That a copy of Councils adopted 2023/2024 Operational Plan be uploaded to Council website.

Carried

16.4 *** THE MAKING OF RATES AND CHARGES 2023/2024

File Number: F1.2-P4.2

The Council had before it the report of the Manager Corporate Services regarding the Making of Rates and Charges 2023/2024.

Resolution 2023/101

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

The making of Rates and Charges must be made by resolution of Council, pursuant to Sections 533, 534, 535, 537 and 543 of the *Local Government Act 1993*.

(a) Ordinary Rates 2023/2024.

That WHEREAS the draft Operational Plan and Revenue Policy for the year 01/07/2023 to 30/06/2024 were prepared by Council in accordance with the *Local Government Act 1993*, S402, S403, S404 and S405 and advertised in the Western Herald AND WHEREAS a period of 28 days since the publication of that notice was placed, in which consideration has been given to any submissions received, IT IS HEREBY RESOLVED that in accordance with, and pursuant to, S492, S493, S494 and S529 of the *Local Government Act 1993*, that Council make the following Ordinary rates to be levied on all rateable land within the Shire, for the period 1 July 2023 to 30 June 2024:

Type of Rate	Cents in \$ Ad Valorem	\$ Base Amount	% Base Amt Payable – 2023/2024
Ordinary Rates – Bourke – Residential	0.01791	\$144.00	30.43%
Ordinary Rates – North Bourke & High Street – Residential	0.011066	\$117.00	13.19%
Ordinary Rates – Village – Residential	0.033129	\$41.00	34.82%
Ordinary Rates – Business	0.015007	\$199.00	25.39%
Ordinary Rates -Farmland	0.002055	\$580.00	17.46%

Ordinary Rates – Mining	0.016707	\$546.00	0%
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(b) User Charges /Annual Charges – Water, Sewerage and Urban Drainage 2023/2024.

That WHEREAS the draft Operational Plan and Revenue Policy for the year 1/7/2023 to 30/6/2024 were prepared by Council in accordance with the *Local Government Act 1993*, S402, S403, S404 and S405 and advertised in the Western Herald AND WHEREAS a period of 28 days since the publication of that notice was placed, in which consideration has been given to any submissions received, IT IS HEREBY RESOLVED that in accordance with S501, S502 and S551 and 552, of the *Local Government Act 1993*, Council make the following User and Annual Charges for the period 1 July 2023 to 30 June 2024 and levy on such land:-

- for services provided or proposed to be provided; or
- for the availability or access to services; or
- for the actual use of a service.

i) Water Supply Services:

Town/Village	Annual Access Charge \$	Usage Charge (c/kl) (tariff)
User Charge		
Bourke and North Bourke		\$2.40
Water Access Charges		
Filtered Water Access 20mm	\$222.00	
Filtered Water Access 25mm	\$272.00	
Filtered Water Access 32mm	\$558.00	
Filtered Water Access 40mm	\$764.00	
Filtered Water Access 50mm	\$1,048.00	
Filtered Water Access 100mm	\$2,099.00	
Filtered Water Access 150mm	\$4,090.00	
Raw Water Access 20mm	\$559.00	
Raw Water Access 25mm	\$575.00	
Raw Water Access 32mm	\$1,176.00	
Raw Water Access 40mm	\$1,821.00	
Raw Water Access 50mm	\$3,426.00	
Raw Water Access 100mm	\$5,707.00	
Raw Water Access 150mm	\$11,377.00	
Village – Occupied	\$828.00	
Village - Unoccupied	\$95.00	

ii) Sewerage Services:

Sewerage Access Charges	Annual Access Charge \$
Sewerage Access - Single	\$814.00
Sewerage Access - Multi	\$814.00

iii) Drainage Services:

Annual Drainage Service Charge	Annual Charge \$
Drainage Charge Levy	\$185.00

(c) Annual Domestic Waste Management Service and Trade Waste (Garbage) Charges 2023/2024.

That WHEREAS the draft Operational Plan and Revenue Policy for the year 01/07/2023 to 30/06/2024 were prepared by Council in accordance with the *Local Government Act 1993*, S402, S403, S404 and S405 and advertised in the Western Herald AND WHEREAS a period of 28 days since the publication of that notice was placed, in which consideration has been given to any submissions received, IT IS HEREBY RESOLVED that Council make the following Domestic Waste Management Service Charge and the Trade Waste (Garbage) Charge and that in accordance with S496 and S501 of the *Local Government Act 1993*, Council levy such charges for the year 1/07/2023 to 30/06/2024:

Waste Management and Trade Waste (Garbage) Services:

Annual Waste / Garbage Charges	Annual Charge \$
Domestic Waste Charge	\$295.00
Trade Waste (Garbage) Charge	\$295.00
Village Tip Maintenance	\$103.00

(d) Fees and Charges 2023/2024.

That WHEREAS the draft Operational Plan and Revenue Policy for the year 01/07/2023 to 30/06/2024 were prepared by Council in accordance with the *Local Government Act 1993*, S402, S403, S404 and S405 and advertised in the Western Herald AND WHEREAS a period of 28 days since the publication of that notice was placed, which consideration has been given to any submissions received, IT IS HEREBY RESOLVED that Council make the Fees and Charges as contained in Councils 2023/2024 Fees and Charges Document and in accordance with S501 of the *Local Government Act 1993*.

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 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 2023/102**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

That Council note the information in the Roads Department Road Works and Workshop Activity Report as presented to Council on Monday, 22 May 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 2023/103**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

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, 22 May 2023.

Carried

21.3 PLANNING, REGULATORY AND 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 and Environmental Services Activity Report.

Resolution 2023/104**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

That the information in the Planning, Regulatory and Environmental Services Activity Report as presented to Council on Monday, 22 May 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 Acting General Manager regarding the General Manager's Activity Report.

Resolution 2023/105**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

That the information in the General Manager's Activity Report as presented to Council on Monday, 22 May 2023 be noted.

Carried**21.5 LIBRARY MANAGER'S ACTIVITY REPORT FOR APRIL 2023****File Number: L4.1**

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

Resolution 2023/106**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

That the information in the Library Manager's Report for April 2023 as presented to Council on Monday, 22 May 2023 be noted.

Carried

21.6 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 2023/107**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

That the information in the Tourism and Events Managers Report for April 2023 as presented to Council on Monday, 22 May 2023 be noted.

Carried**22 CLOSED SESSION**

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

Resolution 2023/108**Moved: Cr Robert Stutsel****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 for Supply and Delivery of Bulk Fuel

This matter is considered to be confidential under Section 10A(2) - (d)(i) 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

22.2 Tender For The Provision Of Bitumen Sealing

This matter is considered to be confidential under Section 10A(2) - (d)(i) 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Carried

Council proceeded into closed session with the livestreaming of the meeting being paused at 9.57am.

22.1 TENDER FOR SUPPLY AND DELIVERY OF BULK FUEL**File Number: T3.1, F3.1**

The Council had before it the report of the Manager Roads regarding the Tender for Supply and Delivery of Bulk Fuel.

Resolution 2023/109**Moved: Cr Sally Davis****Seconded: Cr Sarah Barton**

- 1. That Liberty Oil Australia Pty Ltd and Woodham Petroleum Pty Ltd t/a Woodham Petroleum Services be awarded the contract for the Supply and Delivery of Bulk Fuel as Panel Source Suppliers to Bourke Shire Council for the period 1 July 2023 to 30 June 2025.**
- 2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2026.**
- 3. That the documents and considerations in respect to this matter remain confidential to Council.**

Carried**22.2 TENDER FOR THE PROVISION OF BITUMEN SEALING****File Number: T3.1, T3.3**

The Council had before it the report of the Manager Roads regarding the Tender For The Provision Of Bitumen Sealing.

Resolution 2023/110**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

- 1. That Austek Asphalt Services, Colas NSW, and NSW Sprayseal be awarded the contract for the Provision of Bitumen Spray Seal as Panel Source Suppliers to Bourke Shire Council for the period 1 July 2023 to 30 June 2025.**
- 2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2026.**
- 3. That the documents and considerations in respect to this matter remain confidential to Council.**

Carried

Resolution 2023/111

Moved: Cr Sally Davis

Seconded: Cr Sarah Barton

That Council moves out of Closed Council into Open Council.

Carried

Open council resumed at 10.13am.

RESOLUTIONS FROM CLOSED SESSION OF COUNCIL

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

The Meeting closed at 10.15am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 June 2023.

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CHAIRPERSON