



# **MINUTES**

**Ordinary Council Meeting**

**Tuesday, 16 August 2022**

**Philip Stone  
General Manager**

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**16. CLOSE OF MEETING** ..... Error! Bookmark not defined.

## 1. OPENING MEETING

Prior to the opening of the Council Meeting, Mayor Cr Peta Betts acknowledged Edward River Council's new Corporate Services Director, Shelley Jones and complemented Manager Information and Technology and Team in having the new Council Chambers located in the Estates Building up and running.

## 2. ATTENDANCE

**In Attendance:** Mayor Cr Peta Betts, Deputy Mayor, Cr Paul Fells, Cr Harold Clapham, Cr Shirlee Burge, Cr Linda Fawns, Cr Marc Petersen, Cr Shannon Sampson.

**Staff in Attendance:** Philip Stone (General Manager); Mark Dalzell (Director Infrastructure); Shelley Jones (Director Corporate Services); Alistair Cochrane (Acting Manager Finance); Belinda Perrett (Executive Assistant); Libby Braybon (Executive Assistant);

**Gallery:** 0

## 3. LIVE STREAMING STATEMENT

Edward River Council wishes to advise members of the public that Council Meetings will be recorded and will be available after each meeting on Council's website [Council's Website](#). All care will be taken to maintain the privacy of those in attendance, however As a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is assumed your consent is given in the event your image is broadcast. This includes any filming by television cameras if attendance is approved by the General Manager or Mayor.

## 4. ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge that we are here today on the land of the Wamba Wamba Perrepa Perrepa people. I would also like to acknowledge and pay my respects to past Aboriginal Elders, the present Aboriginal and Torres Strait Islander people who reside within this area, and their future generations.

## 5. STATEMENT OF PURPOSE

I have come here as a Councillor freely and without bias to:

- Represent the views of the community in considering the matters before us today
- To vote in a matter I consider to be in the best interest of the community
- To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

## 6. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

### RESOLUTION 2022/0816/6

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

That Council accept the apologies received from Cr Pat Fogarty and Cr Tarria Moore.

**CARRIED**

## **7. CONFIRMATION OF MINUTES**

### **7.1. DRAFT MINUTES ORDINARY COUNCIL MEETING 19 JULY 2022**

#### **RESOLUTION 2022/0816/7.1**

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

That Council approve the draft minutes of the Ordinary Council meeting held 19 July 2022.

**CARRIED**

### **7.2. DRAFT MINUTES EXTRAORDINARY COUNCIL MEETING 2 AUGUST 2022**

#### **RESOLUTION 2022/0816/7.2**

Moved: Cr Marc Petersen

Seconded: Cr Paul Fellows

That Council approve the draft minutes of the Extraordinary Council meeting held 2 August 2022.

**CARRIED**

## **8. DISCLOSURES OF INTERESTS**

Nil

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**9. MAYORAL MINUTE(S)****9.1. MAYORAL MINUTE – ACCOUNTING TREATMENT OF RURAL FIRE SERVICE ('RED FLEET') ASSETS****RESOLUTION 2022/0816/9.1**

That Council:

1. Writes to the Treasurer the Hon Matt Kean MP and the Minister for Local Government Wendy Tuckerman MP, noting:
  - a. Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets.
  - b. Advising of the impact of the Government's position on Council finances of this accounting treatment.
  - c. Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Council's financial statements
  - d. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
  - e. Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
  - f. Council has already written to the Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and Helen Dalton, MP
2. Writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
  - a. Advising Members of Council's position and
  - b. Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
3. Council promotes these messages via its digital and social media channels and via its networks.
4. Re-affirms its complete support of and commitment to local RFS brigades noting that Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
5. That Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification once and for all from the State Government about the accounting treatment of RFS assets
6. Council notes correspondence of 7 July 2022 from the General Manager to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not

record RFS assets in Council' financial statements, noting that the State Government's own Local Government Accounting Code *of Practice and Financial Reporting* provides for councils to determine whether or not they record the RFS assets as council assets

**10. URGENT ITEMS OF BUSINESS**

Nil

**11. REPORTS OF COMMITTEES**

**11.1. AUDIT RISK AND IMPROVEMENT COMMITTEE DRAFT MINUTES 22 JULY 2022  
RESOLUTION 2022/0816/11.1**

Moved: Cr Harold Clapham

Seconded: Cr Paul Fellows

That Council review the draft minutes of the Audit Risk and Improvement Committee meeting held 22 July 2022.

**CARRIED**

**11.2. AUDIT RISK AND IMPROVEMENT COMMITTEE - 1ST AUGUST 2022  
RESOLUTION 2022/0816/11.2**

Moved: Cr Paul Fellows

Seconded: Cr Marc Petersen

That Council approve the draft minutes of the Audit Risk and Improvement Committee (ARIC) held 1 August 2022.

**CARRIED**

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**12. REPORTS TO COUNCIL****12.1. MAYOR, COUNCILLOR, GENERAL MANAGER MEETING ATTENDANCE****RESOLUTION 2022/0816/12.1**

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

That Council note the Mayor, Councillors and General Manager meetings attended on behalf of Council during the month of July 2022, undertaken either remotely, or adhering to current health guidelines.

**CARRIED**

**12.2. RESOLUTIONS OF COUNCIL****RESOLUTION 2022/0816/12.2**

Moved: Cr Marc Petersen

Seconded: Cr Linda Fawns

That Council note the information in the Resolutions of Council as at 10 August 2022.

**CARRIED**

**12.3. INVESTMENTS AND RESERVES REPORT JULY 2022****RESOLUTION 2022/0816/12.3**

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

That Council

1. Note and receive the July 2022 report on Investments totalling \$45,320,303 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of July 2022 was \$34,553.
3. Note that total interest earned for the year to 31 July 2022 was \$34,553.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

**CARRIED**

**12.4. COUNCILLOR EXPENSES REPORT****RESOLUTION 2022/0816/12.4**

Moved: Cr Marc Petersen

Seconded: Cr Shannon Sampson

That Council

1. Receive and note the Councillor Expenses Report for the period 01 January 2022 to 30 June 2022, attached.
2. Note that the Councillor Expenses Report will be published to Council's website in accordance with clause 15.2 of the Councillor Expenses and Facilities Policy.

**CARRIED**

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**12.5. COUNCILLOR REPRESENTATION ON COMMITTEES**

The General Manager left the Chambers at 10.18am and returned at 10.19am.

**RESOLUTION 2022/0816/12.5**

Moved: Cr Paul Fellows

Seconded: Cr Linda Fawns

Council resolved to move into Committee of the Whole.

**CARRIED**

**RESOLUTION 2022/0816/12.5.1**

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

Council resolved to move out of Committee of the Whole at 10.52am.

**CARRIED**

**RESOLUTION 2022/0816/12.5.2**

Moved: Cr Linda Fawns

Seconded: Cr Harold Clapham

That Council

1. Seek nominations from its membership and formally appoint the following Councillors as determined.
2. Appoint Cr Shannon Sampson to the Deniliquin Airport Users Group; Appoint Cr Pat Fogarty to the Rotary Park User Group with Cr Shirlee Burge; Appoint Cr Harold Clapham to the Saleyards User Group with Cr Shirlee Burge; Blighty Reserve to include Cr Shannon Sampson with Cr Linda Fawns; Appoint Cr Shannon Sampson and Cr Linda Fawns to the Senior Livings Precinct; Appoint Cr Shirlee Burge and Cr Pat Fogarty to the Health Advocacy Committee.
3. Approve the removal of Cr Shirlee Burge from the RFS Committee
4. Calls for consideration of an Arts and Cultural committee.
5. Requests a future report to Council on options for the Boooroban Hall Committee.
6. Not participate in the Business Enterprise Centre and Murray Darling Association by way of councillor delegate representation.
7. Appoints Cr Marc Petersen to the NSW Library Association.

**CARRIED**

**12.6. LOCAL GOVERNMENT NSW ANNUAL CONFERENCE OCTOBER 2022****RESOLUTION 2022/0816/12.6**

Moved: Cr Harold Clapham

Seconded: Cr Shirlee Burge

That Council approve the Mayor Cr Peta Betts, Cr Linda Fawns, Cr Marc Petersen and the General Manager to attend the Local Government NSW Annual Conference from 23 to 25 October 2022 at the Crowne Plaza Hunter Valley.

**CARRIED**

**12.7. LOCAL HERITAGE FUND - SMALL HERITAGE GRANTS 2022-23****RESOLUTION 2022/0816/12.7**

Moved: Cr Linda Fawns

Seconded: Cr Shirlee Burge

That Council

1. Fund the following projects as part of the Local Heritage Fund 2022-2023:

- (a) 140 End Street , Local Heritage Fund contribution \$ 4,750
- (b) 112 End Street , Local Heritage Fund contribution \$ 1,500
- (c) 135 End Street , Local Heritage Fund contribution \$ 4,000
- (d) 226 - 230 Cressy Street, Local Heritage Fund contribution \$ 5,250

2. Should a funding offer for an approved project not be accepted or fail to proceed to completion then those funds from the Local Heritage Fund 2022-2023 may be reallocated to the next approved project of highest priority.

**CARRIED**

**12.8. DA 39/21 - INSTALLATION OF CULVERTS AND DE-SILTING - 625 HENRY STREET****RESOLUTION 2022/0816/12.8**

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

That Council resolves to: -

1. Approve the development application DA39/22 for the installation of 2 culverts and de-silting, on Lot 21, 22 & 23 DP 858765, 619, 623 & 625 Henry Street, Deniliquin & Lot 7012 DP 1023923 (Crown Land) - Henry Street Road Reserve as shown on the plans submitted and described in details accompanying the Development Application, in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons:
  - a. The application generally complied with the applicable planning controls and has demonstrated to have a satisfactory effect on the environment.

- b. The proposal is appropriate on the site given the existing character of the area.
- c. The development will have no significant adverse impacts on the natural or built environments.

2. Impose conditions as shown in Attachment 1

**CARRIED**

## **12.9. PLANNING PROPOSAL - CONSOLIDATION OF COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN**

### **RESOLUTION 2022/0816/12.9**

Moved: Cr Marc Petersen

Seconded: Cr Harold Clapham

That Council

1. Prepare a planning proposal to amend the Deniliquin Local Environmental Plan 2013, Conargo Local Environmental Plan 2013 and Deniliquin LEP 1997 in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 to amend the Local Environmental Plans into a consolidated Local Environmental Plan for the Edward River Council area.
2. Forward the planning proposal to the Minister for Planning and Public Spaces in accordance with section 3.34(1) of the Environmental Planning and Assessment Act 1979, for Gateway Determination.

**CARRIED**

Cr Burge left the Chambers at 11.16am and returned at 11.19am

## **12.10. DEVELOPMENT SERVICES REPORT - JULY 2022**

### **RESOLUTION 2022/0816/12.10**

Moved: Cr Fellows

Carried: Cr Petersen

That Council receive and note the July Development Services update report

**CARRIED**

General Manager and Senior Governance Officer left the Chambers at 11.37am. General Manager returned at 11.38am.

Acting Finance Manager left the Chambers at 11.38am and returned at 11.42am.

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**12.11. SPECIAL EVENT APPLICATION - 2022 DENI PLAY ON THE PLAINS FESTIVAL UTE MUSTER**

**RESOLUTION 2022/0816/12.11**

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

That Council:

1. Classify the Ute Muster Event as a Class 1 event under the Special Events Guidelines, and
2. Approve the special event application for the 2022 Ute Muster, subject to the endorsement of the Local Area Traffic Committee.

**CARRIED**

**12.12. TOWN HALL EXTERNAL COLOUR REVIEW**

**RESOLUTION 2022/0816/12.12**

Moved: Cr Linda Fawns

Seconded: Cr Paul Fellows

That Council note this report and resolve not to amend the colour scheme as proposed by the contract architect.

**CARRIED**

Cr Shannon Sampson left the Chambers at 11.41am and returned at 11.43am  
Acting Finance Manager returned to the Chambers at 11.42am

**12.13. MONTHLY OPERATIONS REPORT - JULY 202**

**RESOLUTION 2022/0816/12.13**

Moved: Cr Petersen

Carried: Cr Fellows

That Council receive and note the July 2022 Operations Report.

**CARRIED**

Cr Paul Fellows left the Chambers at 11.47am and returned at 11.49am

Cr Linda Fawns left the Chambers at 11.49am and returned at 11.51am

**12.14. MAJOR PROJECTS REPORT - AUGUST 2022****RESOLUTION 2022/0816/12.14**

Moved: Cr Marc Petersen

Seconded: Cr Shannon Sampson

That Council receive and note the Major Projects Program – Progress Report for August 2022.

**CARRIED**

Cr Paul Fellows left the Chambers at 11.53am and returned at 11.55am.

**13. NOTICES OF MOTIONS**

Nil

**14. QUESTIONS WITH NOTICE**

**Question With Notice:** Cr Shirlee Burge

*“Could the General Manger please reassure Councillors that the Town Hall Precinct Development requires no further funding from Council or from other sources eg: funding prior to completion and can he please confirm the completion date.?”*

At the most recent Town Hall Project Control Board meeting, the following information regarding this project was provided to Council’s executive staff:

- Total available budget, including the \$300K recently resolved by Council: \$7,566,663
- Total expenditure to date: \$5,364,598
- Outstanding commitments, including contract payments and variations: \$2,158,546
- Total project expenditure: \$7,523,144
- Contingency remaining: \$43,519

Based on this information, the project is expected to be completed within the allocated budget.

The completion date for the projects is 7 October 2022 (a week later than the previously reported 29 September) and the contractor is on track to meet this date. (Note, this completion date allows Council Staff to “bed in” the building and associated infrastructure in time for the grand opening in early December)

The main risk to this completion date now is regarding the lifts for the rear of the Town Hall area. The lift contractor has advised the contractor and Council that their supplier can no longer supply the equipment and they are searching for another supplier. Council staff are working with all parties, as well as the Principal Certifying Authority, to provide a solution so that the completion date can be maintained. This issue is not expected to impact the project budget.

**Questions on Notice:** Cr Pat Fogarty

*Question 1 - Would the Finance Department prepare a list of relevant overall costings for the Seniors Living Project and present to the Council Meeting of 16 August?*

Land Acquisition

Purchase land parcel - LOT1 DP732067 318,000

Purchase land parcel - Lot 2 DP1220715 370,000

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Site Preparation Costs 532,000

PM – Tenders, Advertising, Admin, internal costs 56,000

Sub Total 1,276,000.00

Consultants & Contractors

Marketing

ARCHIX PTY LTD (Concept renders) 9,326.00

Brand Partners 55,750.00

Sivonne Creative 6,000.00

Inside Creation 2,400.00

Sub Total 73,476.00

Engineering and design consulting

CAF CONSULTING 104,205.11

Collard Maxwell Architects 39,000.00

Rob Pickett Design 67,769.09

ENGINEERING MAN 1,892.10

SJE Consulting 11,250.00

The Garden Plan 8,200.00

Sub Total 232,316.30

Project Management

King Island Hire (Mark Goode PM) 164,700.00

Curry PM 64,019.97

Sub Total 228,719.97

Other

Cost Control (V 5,250.00

Equity One Ltd 33,000.00

ID Consulting P 7,500.00

Sub Total 45,750.00

Total Expended \$1,856,262.27

Grant Funding \$495,000

Total from Own Source Income \$1,361,262.27

Note: As part of the original works undertaken for the project, Council received \$495,000 from the Murray Darling Basin Regional Economic Diversification program in 2018 to assist with infrastructure works. This grant funding went towards the Site Preparation Costs related to the land acquisition.

**Question 2 -**

*Were driveway, paving, landscaping, exterior lightening, gateway, and irrigation costs included in either the civic or housing construction tender prices - in relation to housing costs were floor and*

*window coverings, light fittings, heating and cooling, home and personal security systems covered, as I was unable to ascertain same - however I may not have been looking correctly?*

The items have been included in the current scope of works as noted below, except for window coverings and home and personal security systems:

- Driveways and paving have been included in the dwelling costs (Section 6 of the Specification).
- Landscaping, gateway, and irrigation has been included as part of the civic infrastructure costs.
- Fencing has been included in the dwelling costs (Section 8 of the Specification).
- Floors covering included in the dwelling costs (Section 16 of the Specification)
- Window coverings have not been included in the dwelling costs or specifications.
- Light fittings have been included in the dwelling costs (Section 19 of the Specification).
- Heating and cooling have been included in the dwelling costs (Section 20 of the Specification).
- Home and personal security systems have been included in the budget as being optional and at the residents' cost.

## **15. CONFIDENTIAL MATTERS**

### **RESOLUTION 2022/0816/15**

Moved: Cr Linda Fawns

Seconded: Cr Sampson

That Council move into confidential business at 12.04pm.

**CARRIED**

**15.1. TENDER C2021/24 - PANEL OF CONSULTANTS****RESOLUTION 2022/0816/15.1**

Moved: Cr Harold Clapham

Seconded: Cr Marc Petersen

That Council accepts all tender offers for C2021/24 - Panel of Consultants to be placed on the Panel of Consultants for external contractors to Council.

**CARRIED**

**15.2. CONTRACT C2021/26 SEALING AND ENRICHMENT WORKS WITHIN THE EDWARD RIVER COUNCIL LGA****RESOLUTION 2022/0816/15.2**

Moved: Cr Shannon Sampson

Seconded: Cr Linda Fawns

That Council:

1. Accepts the tender submitted by Primal Surfacing Pty Ltd and award Primal Surfacing Pty Ltd Contract C2021/26 - Sealing and Enrichment Works in the Edward River Council LGA for the extended Schedule of Rates amount for the 2022/23 financial year of \$2,650,272.73 + GST, and
2. Authorises the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documents for Contract C2021/26 - Sealing and Enrichment Works in the Edward River Council LGA.

**CARRIED**

**15.3. CONTRACT C2022/23 - OPERATION AND MANAGEMENT OF DENILIQWIN SWIM CENTER AND HYDROTHERAPY POOL****RESOLUTION 2022/0816/15.3**

Moved: Cr Petersen

Seconded: Cr Fawns

That Council:

- 1) Accepts the tender submitted by Lifeguarding Services Australia Pty Ltd and award Lifeguarding Services Australia Pty Contract C2021/23 – Operation and Management of the Deniliquin Swim Centre and Hydrotherapy Pool for the Lump Sum tender price of \$236,363.52 + GST for the 2022/23 season; and
- 2) Authorises the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the Contract document Contract C2021/23.

Against the motion - Cr Harold Clapham.

**CARRIED**

General Manager left the Chambers at 1.17pm and returned at 1.20pm.

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**15.4. CONTRACT C2021/25 DENILQUIN AIRPORT RUNWAY AND LIGHTING UPGRADE**

**RESOLUTION 2022/0816/15.4**

Moved: Cr Shirlee Burge

Seconded: Cr Linda Fawns

That Council:

1. Not accept the tender submissions for Contract C2021/25 – Deniliquin Airport Runway and Lighting Upgrade, in accordance with Clause 178(1)(b) of the *Local Government (General) Regulations* since all submitted tender prices were greater than the funding for the project,
2. Authorises the General Manager to enter into negotiations with all tenderers, in accordance with Clause 178(3)(e) of the *Local Government (General) Regulations*,
3. Receives a further report following negotiations with the tenderers.

**CARRIED**

**RESOLUTION 2022/0816/16**

Moved: Cr Harold Clapham

Seconded: Cr Marc Petersen

That Council move out of Confidential Business and the Mayor read out the confidential resolutions at 1.33pm.

**CARRIED**

**16. CLOSE OF MEETING**

Meeting closed at 1.36pm