



MINUTES

Ordinary Council Meeting

27 March 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 MARCH 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 (via a-v Link), Cr Nathan Ryan, Cr Robert Stutsel

IN ATTENDANCE: Leonie Brown (General Manager), Paul Flanagan (Manager Roads Services), Melanie Milgate (Economic Development Manager), Mark Riley, (Manager Special Projects – via a-v Link), 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:

Joshua Browne Robert Campbell Jill McInerney Estelle West

4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS

A request to attend the meeting via Audio Visual Link was received from Councillor Grace Ridge who was unable to attend the meeting due to personal reasons.

Resolution 2023/30

Moved: Cr Cec Dorrington

Seconded: Cr Sarah Barton

That Cr Grace Ridge be permitted to attend the meeting via audio-visual link due to her inability to attend in person due to personal reasons.

Carried

6 DISCLOSURES OF INTEREST

Cr Sarah Barton declared a significant non pecuniary conflict of interest in Item 7.2 of the Agenda – Mayoral Minute – General Manager Annual Leave. The reason for such interest is that Cr Barton is the daughter of Councils General Manager, which the subject report relates to. In making this declaration, Cr Barton advised that she would leave the Chamber and be out of sight during Councils consideration of Item 7.2 of the Agenda.

Cr Sarah Barton declared a significant non pecuniary conflict of interest in Item 10.1 of the Agenda – Notice of Motion of Rescission North Bourke Water Supply and Item 10.2 Notice of Motion - 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 that she would leave the Chamber and be out of sight during Councils consideration of Items 10.1 and 10.2 of the Agenda.

Cr Cec Dorrington declared a significant non pecuniary conflict of interest in Item 10.1 of the Agenda – Notice of Motion of Rescission North Bourke Water Supply and Item 10.2 Notice of Motion - 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. In making this declaration, Cr Dorrington advised he would leave the Chamber and be out of sight during Councils consideration of Item 10.1 and 10.2 of the Agenda.

Councils General Manager, Mrs Leonie Brown, declared a significant non pecuniary conflict of interest in Item 10.1 of the Agenda – Notice of Motion of Rescission North Bourke Water Supply and Item 10.2 Notice of Motion - North Bourke Water Supply. The reason for such interest is that Mr Warren Hand, named in the rescission motion and who Council is proposing in the motion that the filtered water supply in North Bourke be extended to his property, is the brother of Mrs Brown. In making this declaration, Mrs Brown advised she would leave the Chamber and be out of sight during Councils consideration of Items 10.1 and 10.2 of the Agenda.

Cr Sally Davis declared a pecuniary conflict of interest in Item 12.1 of the Agenda – Business Arising, North Bourke Storm Water Drainage and Item 22.1 - 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 Item 12.1 of the Agenda and that she would leave the Chamber and be out of sight during Councils consideration of Item 22.1 of the Agenda.

Cr Grace Ridge declared a pecuniary conflict of interest in Item 12.1 of the Agenda – Business Arising, North Bourke Storm Water Drainage and Item 22.1 - 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 turn off her a-v link, and be out of sight should Council separately consider Item 12.1 of the Agenda and that she would turn off her a-v link, and be out of sight during Councils consideration of Item 22.1 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 2023/31

Moved: Cr Barry Hollman

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

Carried

At this juncture, Cr Sarah Barton left the meeting, the time being 9:25 am.

7.2 * MAYORAL MINUTE - GENERAL MANAGER ANNUAL LEAVE**

File Number: A3.8, S6.24

The Council had before it the report of the Mayor regarding the Mayoral Minute - General Manager Annual Leave.

Resolution 2023/32

Moved: Cr Barry Hollman

- 1. That Mr Ross David Earl be appointed as General Manager, Bourke Shire Council for the period 25 April 2023 to 24 May 2023, inclusive, in the absence of Councils General Manager, Mrs Leonie Brown, whilst on annual leave.**
- 2. That the Instrument of Delegation as provided by Council to Mrs Leonie Catherine Brown effective 4 July 2022 be provided to Mr Ross David Earl during his term of General Manager for the period 25 April 2023 to 24 May 2023, inclusive.**
- 3. That the Mayor and General Manager be authorised to finalise the relevant details of Mr Earl's short-term tenure.**

Carried

At this juncture, Cr Sarah Barton returned to the meeting, the time being 9:27 am.

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 2023/33**Moved: Cr Sally Davis****Seconded: Cr Sam Rice**

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 March 2023 be adopted.

Carried**9 CONFIRMATION OF MINUTES****Resolution 2023/34****Moved: Cr Cec Dorrington****Seconded: Cr Lachlan Ford**

That the minutes of the Ordinary Council Meeting held on 27 February 2023 be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.

Carried

At this juncture, Cr Sarah Barton, Cr Cec Dorrington and the General Manager left the meeting, the time being 9:30 am.

10 RESCISSION MOTIONS**10.1 *** NOTICE OF MOTION OF RESCISSION - NORTH BOURKE WATER SUPPLY****File Number: W2.1**

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

Resolution 2023/35**Moved: Cr Robert Stutsel****Seconded: Cr Lachlan Ford**

That the following resolution, being Clause six (6) only of Item 5.1 - North Bourke Water Supply (Resolution 2023/2) of the meeting of the North Bourke Water Extension Request Committee held on 14 March 2023 be rescinded:

6. That Mr Warren and Mrs Susanne Hand be permitted to access the filtered water supply running past their property in accordance with Bourke Shire Council Policy Number 3.7.10, provided that they have the written permission from the Bourke Abattoir owner / operators.

Carried

11 NOTICES OF MOTION**11.1 *** NOTICE OF MOTION - NORTH BOURKE WATER SUPPLY****File Number: W2.1**

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

Resolution 2023/36**Moved: Cr Sally Davis****Seconded: Cr Lachlan Ford**

That Mr Warren and Mrs Susanne Hand be advised that Council concurs with the connection of a 20mm water supply service to their property , Virginia Farm, 985 Mitchell Highway, North Bourke, on the basis of such supply being sourced from Councils filtered water main that runs on the eastern side of the Mitchell Highway, North Bourke and on the basis of them making an application and accepting a quotation from Council to undertake the works to connect to such supply via a pipe under the Highway to a nominated point at their front boundary, as per Councils Rural Water Supply Policy (Policy No 3.7.10), which requires in part:

- The capital works being undertaken at no cost to Council and the total cost of the scheme proposed is prepaid to Council prior to Council carrying out the work.
- All new owners agreeing to pay Water Headworks contributions to cover augmentation of major capital items such as treatment works, reservoirs, pumps and rising mains relatively remote from the Scheme area.
- The connection shall be for domestic purposes only.
- That all internal plumbing be carried out by a licensed plumber in accordance with the provisions of the Local Government (General) Regulation 2005 and that all such works be inspected and tested by officers of Council prior to the covering of the works.
- The design and construction of any water main to service properties complying with Council's current policies.

Carried

At this juncture, Cr Sarah Barton, Cr Cec Dorrington and the General Manager returned to the meeting, the time being 9:36 am.

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 2023/37**Moved: Cr Sally Davis****Seconded: Cr Sam Rice**

That the information in the Calendar of Events Report as presented to Council on Monday, 27 March 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 2023/38**Moved: Cr Sally Davis****Seconded: Cr Sam Rice**

That the contents of the Information to Councillors Report as presented to Council on Monday, 27 March 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 2023/39**Moved: Cr Victor Bartley****Seconded: Cr Sam Rice**

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

Carried

13 ENGINEERING SERVICES DEPARTMENT**13.1 *** REVISED STREET TREE POLICY****File Number: T6.2**

The Council had before it the report of the Manager Works regarding the Revised Street Tree Policy.

Resolution 2023/40**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

That Councils revised Street Tree Policy (Policy No: 3.6.11(v4)) as submitted to Council on Monday, 27 March 2023 be adopted.

Carried**14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT****14.1 LOCAL PROVISION DRAFT PLANNING PROPOSAL****File Number: T5.1**

The Council had before it the report of the Manager Environmental Services regarding the Local Provision Draft Planning Proposal.

Resolution 2023/41**Moved: Cr Sally Davis****Seconded: Cr Sam Rice**

- 1. That Council support the Planning Proposal attached as Appendix A to undertake an Amendment to the Bourke Local Environmental Plan 2012 as follows:**
 - a. Permit with consent, development for the purposes of business premises and office premises in the R1 General Residential zone.**
 - b. Restrict proposed development to the confines of an existing dwelling house or for new development, to a gross floor area of 250m².**
 - c. Rezone land at Lot 62 DP 1027306, No. 68B Sid Coleman Drive, North Bourke from SP2 (Air Transport Facility) to IN1 General Industrial.**
- 2. That Council exercise their delegation under Section 3.36 of the Environmental Planning and Assessment Act, 1979 and request that NSW Parliamentary Counsel's Office draft the new Plan.**
- 3. That Council request that the NSW Department of Planning and Environment to prepare the mapping associated with the proposed Amendment to the Bourke Local Environmental Plan 2012.**
- 4. That Council request the final Amendment be notified on the NSW Legislation website.**

Carried

15 GENERAL MANAGER**15.1 *** CAMPING & CARAVAN USAGE - MITCHELL HIGHWAY ROAD RESERVE AND NORTH BOURKE BOAT RAMP CROWN RESERVE****File Number: L1.9**

The Council had before it the report of the General Manager regarding the Camping & Caravan Usage - Mitchell Highway Road Reserve and North Bourke Boat Ramp Crown Reserve.

Motion**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the information in respect of the potential usage of the Polygonum Swamp Road be noted.**
- 2. That Council not pursue the development of a Rest Area to allow camping on the side of the Polygonum Swamp Road.**
- 3. That the No Camping and No Caravans signs be maintained to encourage Caravan and Camping users to move on to a more suitable location, where there is no risk to pedestrians, road users and themselves.**

Amendment**Moved: Cr Robert Stutsel****Seconded: Cr Victor Bartley**

1. That the information in respect of the potential usage of the Polygonum Swamp Road be noted.
2. That Council not pursue the development of a Rest Area to allow camping on the side of the Polygonum Swamp Road.
3. That the No Camping and No Caravans signs be maintained to encourage Caravan and Camping users to move on to a more suitable location, where there is no risk to pedestrians, road users and themselves.
4. That if funding is an issue, then allowances be made in future budgets for the construction to proceed and that, as it would be the only Non-Truck Rest Area in the vicinity of Bourke , that Transport for NSW be approached to fund the project.

In accordance with Clause 10.11 of Councils Code of Meeting Practice, the Mayor deemed the amendment to be a direct negative of the original motion and ruled the amendment out of order and as per Clause 10.8 of the Code, the amendment was taken to have been lost.

Resolution 2023/42**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the information in respect of the potential usage of the Polygonum Swamp Road be noted.**
- 2. That Council not pursue the development of a Rest Area to allow camping on the side of the Polygonum Swamp Road.**

3. That the No Camping and No Caravans signs be maintained to encourage Caravan and Camping users to move on to a more suitable location, where there is no risk to pedestrians, road users and themselves.

Carried

Councillor Robert Stutsel requested that his vote against the Motion be recorded.

15.2 * SALE OF LAND FOR UNPAID RATES IN ACCORDANCE WITH SECTION 713 OF THE LOCAL GOVERNMENT ACT 1993**

File Number: R2.21

The Council had before it the report of the General Manager regarding the Sale of Land for Unpaid Rates in accordance with Section 713 of the Local Government Act 1993.

Resolution 2023/43

Moved: Cr Sally Davis

Seconded: Cr Lachlan Ford

1. That the report regarding the Sale of Land for unpaid rates and charges be received and information contained therein be noted.
2. That a further report be provided to Council once all costs are known and the sales finalised.

Carried

15.3 * PURCHASE AND CLASSIFICATION OF 54 MERTIN STREET, BOURKE**

File Number: R2.10

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

Resolution 2023/44

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

1. That Council endorse the acquisition of Lot 1 DP 910329, 54 Mertin St, Bourke at a purchase price of \$5,000.00.
2. That in accordance with the provisions of the *Local Government Act 1993*, Council proceed to give 28 days' public notice of its proposed resolution to classify Lot 1 DP 910329, 54 Mertin St, Bourke as Operational Land.
3. That following such public notice, a further report be submitted to Council on the proposed land classification.
4. That any necessary documents be executed under the Common Seal of Council.

Carried

16 CORPORATE SERVICES DEPARTMENT**16.1 *** BANK RECONCILIATION & STATEMENT OF BANK BALANCES - FEBRUARY 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 - February 2023.

Resolution 2023/45**Moved: Cr Victor Bartley****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 28 February 2023 be noted.

Carried**16.2 *** INVESTMENT REPORT AS AT 28 FEBRUARY 2023****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Investment Report as at 28 February 2023.

Resolution 2023/46**Moved: Cr Cec Dorrington****Seconded: Cr Lachlan Ford**

- 1. That the report regarding Council's Investment Portfolio 28 February 2023 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.**

Carried

16.3 * 2023/2024 DRAFT OPERATIONAL PLAN****File Number: P4.1**

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

Resolution 2023/47**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the report of the Manager of Corporate Services detailing an overview of the 2023/2024 Draft Operational Plan be noted.**
- 2. That Councils 2023/2024 Draft Operational Plan be adopted for the purpose of public exhibition from Monday, 3 April 2023 until 5.00pm Monday, 1 May 2023 in accordance with *Section 405 (3) of the Local Government Act*.**
- 3. That all submissions received be tabled at the 22 May Ordinary Meeting of Council, for consideration prior to Councils Operational Plan for 2023/2024 being determined.**

Carried**16.4 *** 2023/2024 PLANT REPLACEMENT SCHEDULE****File Number: P3.1-P4.2**

The Council had before it the report of the Manager Corporate Services regarding the 2023/2024 Plant Replacement Schedule.

Resolution 2023/48**Moved: Cr Victor Bartley****Seconded: Cr Lachlan Ford**

That the Plant Replacement Schedule as detailed be included in the 2023/2024 Draft Operational Plan.

Carried

16.5 * 2023/2024 FEES AND CHARGES****File Number: F1.2, P4.2**

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

Resolution 2023/49**Moved: Cr Lachlan Ford****Seconded: Cr Victor Bartley**

That Council adopt the 2023/2024 Fees and Charges Report, as attached, for inclusion in the 2023/2024 Draft Operational Plan.

Carried**16.6 *** 2023/2024 LOAN SCHEDULE****File Number: P4.2**

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

Resolution 2023/50**Moved: Cr Cec Dorrington****Seconded: Cr Lachlan Ford**

- 1. That Council borrow up to \$993,000.00 in the 2023/2024 financial year to fund the projects as listed.**
- 2. That as per Section 230 of the Local Government (General) Regulation 2021, the General Manager take the necessary action, in due course, to notify the Executive Director of the Office of Local Government, Department of Planning and Environment of a borrowing under a loan contract within 7 days of the borrowing.**

Carried

16.7 * SALE OF ASSETS TO BE CONDUCTED BY COUNCIL****File Number: A11.1.1**

The Council had before it the report of the Manager Corporate Services regarding the Sale of Assets to be Conducted by Council.

Resolution 2023/51**Moved: Cr Sam Rice****Seconded: Cr Cec Dorrington****That the sale of listed plant for inclusion in the 2023/2024 Draft Operational Plan be approved.****Carried****16.8 *** STATEMENT OF REVENUE POLICY****File Number: P4.2**

The Council had before it the report of the Manager Corporate Services regarding the Statement of Revenue Policy.

Resolution 2023/52**Moved: Cr Sally Davis****Seconded: Cr Sarah Barton**

- 1. That Council note the Draft Revenue Policy for 2023/2024.**
- 2. That Council adopts a filtered water price of \$2.40/KL for the 2023/2024 rating period while maintaining the set increase of 4% in all water access charges.**
- 3. That Council adopts an increase of 4% in Sewerage Rates & Charges for the 2023/2024 rating period.**
- 4. That Council adopt the maximum interest rate as provided by the Office of Local Government under section 566 (3) of the *Local Government Act*, once received.**
- 5. That Council adopts the Domestic Waste Management Charges as detailed and include in the Draft Operational Plan 2023/2024.**
- 6. That Council adopt the Schedule of Rates and Charges for inclusion in the Draft Operational Plan 2023/2024.**

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 2023/53**Moved: Cr Sally Davis****Seconded: Cr Sam Rice**

That Council note the information in the Roads Department Road Works and Workshop Activity Report as presented to Council on Monday, 27 March 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 2023/54**Moved: Cr Sally Davis****Seconded: Cr Sam Rice**

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 March 2023.

Carried

21.3 PLANNING, REGULATORY & ENVIRONMENTAL SERVICES - ACTIVITY REPORT**File Number: D3.1-A11.1-A8.1-S10.1**

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

Resolution 2023/55**Moved: Cr Sally Davis****Seconded: Cr Sam Rice**

That the information in the Planning, Regulatory & Environmental Services Activity Report as presented to Council on Monday, 27th March 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 2023/56**Moved: Cr Sally Davis****Seconded: Cr Sam Rice**

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

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

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

Resolution 2023/57**Moved: Cr Sally Davis****Seconded: Cr Sam Rice**

That the information in the Library Manager's Report for February 2023 as presented to Council on Monday, 27 March 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 2023/58

Moved: Cr Sally Davis

Seconded: Cr Sam Rice

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

Carried

22 CLOSED SESSION

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

Resolution 2023/59

Moved: Cr Cec Dorrington

Seconded: Cr Victor Bartley

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 Tender 04/23 - Bourke Memorial Swimming Pool Front of House Entry Building

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 11.06am.

At this juncture, Cr Sally Davis and Cr Grace Ridge left the meeting, the time being 11:07am.

22.1 * NORTH BOURKE STORMWATER DRAINAGE**

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

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

Resolution 2023/60

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

- 1. That the Mayor and General Manager be requested to undertake final negotiations with Mr Rob and Mrs Sally Davis in respect of the acquisition of some 2.21ha of their land fronting Warrego St, North Bourke for the purpose of constructing a stormwater detention basin thereon, for a final report to Council.**
- 2. That on the basis of Council resolving to formally acquire such land, the General Manager be requested to take the necessary action that would result in the construction of a stormwater detention basin and required infrastructure on such land, in general conformity with the concept plan developed by Premise dated 10 February 2023 designed to accommodate a 1:100 year rainfall event for this area.**
- 3. That the opinion as expressed in the Expert Report prepared by Engineering Investigations and Solutions in regard to the residence of Mr G and Mrs C Seiler be noted.**
- 4. That Council not pursue the purchase of the Seiler property located in Namoi St, North Bourke.**
- 5. That Councils Solicitor, Insurer and Mr G Seiler be advised accordingly.**
- 6. That any necessary documents be executed under the Common Seal of Council.**
- 7. That the documents and considerations in respect of this matter remain confidential to Council.**

Carried

At this juncture, Cr Sally Davis and Cr Grace Ridge returned to the meeting, the time being 11:09 am.

22.2 * TENDER 04/23 - BOURKE MEMORIAL SWIMMING POOL FRONT OF HOUSE ENTRY BUILDING****File Number: S10.1**

The Council had before it the report of the Manager Environmental Services regarding the Tender 04/23 - Bourke Memorial Swimming Pool Front of House Entry Building.

Resolution 2023/61**Moved: Cr Lachlan Ford****Seconded: Cr Robert Stutsel**

- 1. That the tender of Lukas Building and Construction for the upgrade of the kiosk at the Bourke Swimming in the amount of \$1,118,423.00 (Ex GST) be accepted.**
- 2. That any necessary documents be executed under the Common Seal of Council.**
- 3. That the documents and considerations in respect of this matter remain confidential to Council.**

Carried**Resolution 2023/62****Moved: Cr Sam Rice****Seconded: Cr Cec Dorrington****That Council moves out of Closed Council into Open Council.****Carried**

Open council resumed at 11.15am.

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 11.17am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 April 2023.

.....
CHAIRPERSON