



MINUTES

Ordinary Council Meeting

24 April 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, 24 APRIL 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: Leonie Brown (General Manager), Peter Brown (Manager Works), Paul Flanagan (Manager Roads Services), 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:

Troy Brooks Rhonda Donn Dennis Faulkner Brian "Archie" Harland
Jim Thornton

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 2023/63

Moved: Cr Sally Davis

Seconded: Cr Robert Stutsel

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 pecuniary conflict of interest in Item 17.1 of the Agenda – 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 that she would leave the Chamber and be out of sight during Councils consideration of Item 17.1 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. 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.

Cr Grace Ridge declared a pecuniary conflict of interest in Item 12.1 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 turn off her a-v link, and be out of sight should Council separately consider Item 12.1 of the Agenda.

Cr Barry Hollman declared a significant non-pecuniary interest in Item 22.1 of the Agenda – Tender (05/23) Management of the Bourke War Memorial Swimming Pool. The reason for such interest is that Cr Hollman is the father of Mark Hollman who is the current Manager of the Bourke War Memorial Olympic Swimming Pool. In making this declaration, Cr Hollman advised he would leave the Chamber and be out of sight during Councils consideration of Items 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 2023/64

Moved: Cr Barry Hollman

That the information in the Mayoral Minute – Mayoral Activities as presented to Council on Monday, 24 April 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. The following additional reports were identified by Council to be starred for individual consideration.

Item No	Name of Report	Officer
13.1	Bourke Local Traffic Committee Meeting Minutes	Paul Flanagan
21.3	Planning, Regulatory and Environmental Services Activity Report	Dwayne Willoughby
21.6	Tourism and Events Report	Ben Nott

Resolution 2023/65

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

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, 24 April 2023 be adopted save and except for Items numbered 13.1, 21.3 and 21.6 of the Agenda, with such items to be considered seperately.

Carried

9 CONFIRMATION OF MINUTES

Resolution 2023/66

Moved: Cr Cec Dorrington

Seconded: Cr Sarah Barton

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

Carried

10 RESCISSION MOTIONS

Nil

11 NOTICES OF MOTION**11.1 *** NOTICE OF MOTION - WATER SECURITY FOR BOURKE ABATTOIR****File Number: A1.1, W2.2.3**

The Council had before it a Notice of Motion from Councillor Lachlan Ford regarding Water Security for Bourke Abattoir.

Resolution 2023/67**Moved: Cr Lachlan Ford****Seconded: Cr Victor Bartley**

That it be Council Policy that no access be made available to either business or members of the public to the 50mm raw water supply line or the 150mm filtered water supply line that both extend from the Bourke Water Treatment Plant, via North Bourke , to the Bourke Abattoir North Bourke, other than to provide water supplies to the abattoir itself at the abattoir site.

Carried**11.2 *** NOTICE OF MOTION - AGE OF CRIMINAL RESPONSIBILITY****File Number: C8.9.3, C8.9.13**

The Council had before it a Notice of Motion from Councillor Victor Bartley and Councillor Robert Stutsel regarding the Age of Criminal Responsibility.

Resolution 2023/68**Moved: Cr Robert Stutsel****Seconded: Cr Victor Bartley**

That Council write to the Prime Minister, the Hon Anthony Albanese MP, Federal Minister for Indigenous Australians, the Hon Linda Burney MP, the NSW Premier, the Hon Chris Minns MP, the NSW Attorney General – the Hon Michael Daley MP, the NSW Leader of the Opposition, the NSW Shadow Attorney-General, the Member for Barwon – Mr Roy Butler MP, and the Alliance of Western Councils, expressing Councils absolute opposition to an increase in the age of criminal responsibility from ten years to fourteen years.

Carried

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 2023/69

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

That the information in the Calendar of Events Report as presented to Council on Monday, 24 April 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 2023/70

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

That the contents of the Information to Councillors Report as presented to Council on Monday, 24 April 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 2023/71

Moved: Cr Sally Davis

Seconded: Cr Sarah Barton

That the information in the Business Arising Report as presented to Council on Monday, 24 April 2023 be noted.

Carried

13 ENGINEERING SERVICES DEPARTMENT**13.1 BOURKE LOCAL TRAFFIC COMMITTEE MEETING MINUTES****File Number: C6.6**

The Council had before it the report of the Manager Roads regarding the Bourke Local Traffic Committee Meeting Minutes.

Resolution 2023/72**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

That the Minutes of the Meeting of the Bourke Shire Council Traffic Committee held on 14 March 2023 as presented to Council on Monday, 24 April 2023 be noted.

Carried**13.2 *** BOURKE FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN****File Number: W2.1**

The Council had before it the report of the Manager Works regarding the Bourke Floodplain Risk Management Study and Plan.

Resolution 2023/73**Moved: Cr Victor Bartley****Seconded: Cr Sarah Barton**

- 1. That the Bourke Floodplain Risk Management Study and Plan (Volumes 1 and 2) dated December 2022, be adopted.**
- 2. That the General Manager be requested to take the necessary action in respect of implementing Measures 1-4 as identified in the Plan, being the measures “that could be implemented by Council with the assistance, where required, of the NSW SES”.**
- 3. That in implementing Measures 1-2, being proposed revised planning controls, a further report on such measures be forthcoming to Council.**
- 4. That the General Manager be requested to take the necessary action in respect of implementing Measures 5-10, as identified in the Plan, being the measures “that require the sourcing of Government funding” to progress such measures.**

Carried**14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**

Nil

15 GENERAL MANAGER

Nil

16 CORPORATE SERVICES DEPARTMENT**16.1 *** BANK RECONCILIATION AND STATEMENT OF BANK BALANCES - MARCH 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 - March 2023.

Resolution 2023/74**Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 31 March 2023 be noted.

Carried**16.2 *** INVESTMENT REPORT AS AT 31 MARCH 2023****File Number: F1.1**

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

Resolution 2023/75**Moved: Cr Sally Davis****Seconded: Cr Cec Dorrington**

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

Carried

16.3 * BUDGET REVIEW TO 31 MARCH 2023****File Number: F1.6**

The Council had before it the report of the Manager Corporate Services regarding the Budget Review to 31 March 2023.

Resolution 2023/76**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

- 1. That the document entitled “Quarterly Budget Review Statement – March 2023” be received and noted.**
- 2. That the variations of income and expenditure as identified in the “Quarterly Budget Review Statement – March 2023” be adopted.**

Carried

At this juncture, Cr Sarah Barton left the meeting, the time being 10:03 am.

17 ECONOMIC DEVELOPMENT DEPARTMENT**17.1 *** VISITOR ENHANCEMENTS AT BACK O' BOURKE EXHIBITION CENTRE****File Number: T1.1**

The Council had before it the report of the Manager Economic Development regarding the Visitor Enhancements at Back O' Bourke Exhibition Centre.

Resolution 2023/77**Moved: Cr Robert Stutsel****Seconded: Cr Victor Bartley**

- 1. That Council note the report regarding the visitor enhancements at the Back O' Bourke Exhibition Centre.**
- 2. That Council make a co-contribution of \$80,000 towards the business case and development application phase for the construction of a building that will house an Aboriginal Cultural Centre at the Back O' Bourke Exhibition Centre from Councils Infrastructure Renewal Reserve fund.**

Carried

At this juncture, Cr Sarah Barton returned to the meeting, the time being 10:08 am.

18 DELEGATES AND COUNCILLORS REPORTS**Nil**

19 POLICIES

Nil

20 PRÉCIS OF CORRESPONDENCE**20.1 *** REQUEST FOR SUPPORT - NSW RURAL DOCTORS NETWORK BUSH BURSARY AND COUNTRY WOMEN'S ASSOCIATION OF NSW SCHOLARSHIP PROGRAM****File Number: D5.2**

The Council had before it the report of the General Manager regarding the Request for Support - NSW Rural Doctors Network Bush Bursary and Country Women's Association of NSW Scholarship Program.

Resolution 2023/78**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

- 1. That Council accede to the request from the Rural Doctors Network regarding financial support in the amount of \$3,000 to assist the Bush Bursary Scheme.**
- 2. That Council advise the NSW RDN it is unable to fulfil the expected role of Council regarding the logistics of the student placement.**
- 3. That Council suggest liaison with the NWAC regarding the student placement.**

Carried**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 2023/79**Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

That Council note the information in the Roads Department Road Works and Workshop Activity Report as presented to Council on Monday, 24 April 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 2023/80**Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

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, 24 April 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 2023/81**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

That the information in the Planning, Regulatory and Environmental Services Activity Report as presented to Council on Monday, 24 April 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 2023/82**Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

That the information in the General Manager's Activity Report as presented to Council on Monday, 24 April 2023 be noted.

Carried

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

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

Resolution 2023/83**Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

That the information in the Library Manager's Report for March 2023 as presented to Council on Monday, 24 April 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 2023/84**Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

That the information in the Tourism and Events Managers Report for March 2023 as presented to Council on Monday, 24 April 2023 be noted.

Carried**22 CLOSED SESSION**

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

Resolution 2023/85**Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

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

22.1 * Tender (05/23) - Management of the Bourke War Memorial Olympic Swimming Pool**

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 10.25am.

At this juncture, Cr Barry Hollman left the meeting, the time being 10:25 am.

22.1 * TENDER (05/23) - MANAGEMENT OF THE BOURKE WAR MEMORIAL OLYMPIC SWIMMING POOL**

File Number: S10.2.1

The Council had before it the report of the Manager Environmental Services regarding the Tender (05/23) - Management of the Bourke War Memorial Olympic Swimming Pool.

Resolution 2023/86

Moved: Cr Victor Bartley

Seconded: Cr Robert Stutsel

- 1. That the tender of Mr Scott Parnaby for the Contract Management of the Bourke Memorial Olympic Swimming Pool be accepted in the amount of \$154,000 (Inc GST) per annum for an initial three (3) year term, noting that a further two (2) x 1-year contract terms are available to Mr Parnaby at Councils discretion, to be negotiated singularly.**
- 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

At this juncture, Cr Barry Hollman returned to the meeting, the time being 10:42 am.

Resolution 2023/87

Moved: Cr Sally Davis

Seconded: Cr Sarah Barton

That Council moves out of Closed Council into Open Council.

Carried

Open council resumed at 10.43am.

RESOLUTIONS FROM CLOSED SESSION OF COUNCIL

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

The Meeting closed at 10.45am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 22 May 2023.

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CHAIRPERSON