



MINUTES

Ordinary Council Meeting

25 March 2024

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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, 25 MARCH 2024 AT 9.15AM**

PRESENT: Cr Lachlan Ford (Deputy Mayor - Chairman), Cr Victor Bartley, Cr Sarah Barton, Cr Sally Davis, Cr Cec Dorrington, Cr Nathan Ryan, Cr Robert Stutsel

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

Councils Deputy Mayor, Cr Lachlan Ford assumed Chairmanship of the meeting.

1 OPENING PRAYER

The Deputy Mayor invited Cr Cec Dorrington to open the meeting with a prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor then provided an Acknowledgment of Country.

3 REMEMBRANCE

Council stood in silence in the memory of the following recently deceased:

Edward "Ted" Rice Janet Rice

4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Requests for Leave of Absence were received Cr Barry Hollman, Cr Sam Rice and Cr Grace Ridge who were absent from the meeting due to personal reasons.

Resolution 2024/34

Moved: Cr Sarah Barton

Seconded: Cr Cec Dorrington

That the apologies received from Councillor Barry Hollman, Councillor Sam Rice and Councillor Grace Ridge be accepted and leave of absence granted.

Carried

5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS

Nil

6 DISCLOSURES OF INTEREST

Cr Victor Bartley advised in respect of Item 12.3 of the Agenda – Business Arising, Proposed Sale of Land to the Bourke Aboriginal Corporation Health Service, that he was no longer a Director on the Board of the Bourke Aboriginal Corporation Health Service, with a disclosure of interest no longer required by him in respect of this Item on Council’s Agenda.

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, who 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 Sally Davis declared a pecuniary conflict of interest in Item 12.3 of the Agenda – Business Arising, North Bourke Storm Water Drainage and Item 22.2 of the Closed Council Meeting Agenda - 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 this declaration, 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 and that she would leave the Chamber and be out of sight when Council considers Item 22.2 of the Closed Council Agenda.

Cr Nathan Ryan declared a non-pecuniary and less than significant interest in Item 12.3 of the Agenda – Business Arising, Proposed Sale of Land to Bourke Aboriginal Corporation Health Service. The reason for such interest is that Cr Ryan is a contractor to the Bourke Aboriginal Corporation Health Service (BACHS), providing yard and property maintenance to Doctor’s houses. In making this declaration Cr Ryan advised that should Council separately consider this matter as part of Item 12.3 of the Agenda he would remain in the Chamber but would not contribute during Council’s consideration of the matter.

At this juncture, Cr Sarah Barton left the meeting, the time being 9.21am.

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE - MAYORAL ACTIVITIES****File Number: 1707**

The Council had before it the report of the Mayor regarding the Mayoral Minute - Mayoral Activities.

Resolution 2024/35**Moved: Cr Victor Bartley****Seconded: Cr Sally Davis**

That the information in the Mayoral Minute – Mayoral Activities Report as presented to Council on Monday, 25 March 2024, be noted.

Carried**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 2024/36**Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

- 1. That Mr Ross David Earl be appointed as Acting General Manager, Bourke Shire Council for the period 20 May 2024 to 21 June 2024, 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 Acting General Manager for the period 20 May 2024 to 21 June 2024, 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 9.23am.

7.3 * MAYORAL MINUTE - FISH PASSAGE - RECONNECTING THE NORTHERN BASIN**

File Number: A3.8, W2.1, W3.1, W3.3

The Council had before it the report of the Mayor regarding the Mayoral Minute - Fish Passage - Reconnecting the Northern Basin.

Resolution 2024/37

Moved: Cr Sally Davis
Seconded: Cr Sarah Barton

- 1. That Council correspond with the Hon Rose Jackson MLC, NSW Minister for Water, expressing its significant opposition to the proposed Louth Weir Fishway and Weir Project that has progressed to a point where construction is imminent, albeit with a level of consultation that is viewed as being most inadequate.**
- 2. That in corresponding with the Minister, Council also:**
 - a. raise its concerns as to the detrimental impact that the proposed removal, or the lowering of weir heights, will have on those communities who access water from the Barwon Darling water system for critical human needs, and**
 - b. request that a review of proposals for the removal of weirs along the Barwon Darling river system and the installations of fishways that result in reductions in the height of current weirs within the river system be undertaken with such communities with a clear and transparent consultation process articulated to respective communities.**
- 3. That copies of such correspondence be provided to the Hon. Tanya Plibersek, Federal Minister for the Environment and Water and the State Member for Barwon, Mr Roy Butler MP.**
- 4. That Council take the necessary action to assist the NSW Water Group promote a consultation meeting in respect of the Louth Weir with Louth District residents during either April or May 2024 with a view to maximising representation at the meeting by those who are impacted by the project.**

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 report was identified by Council to be starred for individual consideration.

| Item No | Name of Report | Officer |
|---------|--|---------------|
| 13.1 | Bourke Local Traffic Committee Minutes | Paul Flanagan |

Resolution 2024/38

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

That the recommendation as detailed in the un-starred items as contained in the agenda for the Ordinary Meeting of Council, held on Monday, 25 March 2024 be adopted save and except for Item No 13.1 of the Agenda, with such item to be considered seperately.

Carried

9 CONFIRMATION OF MINUTES

Resolution 2024/39

Moved: Cr Robert Stutsel

Seconded: Cr Sarah Barton

That the minutes of the Ordinary Council Meeting held on 4 March 2024 be 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

Nil

12 BUSINESS ARISING

12.1 CALENDAR OF EVENTS

File Number: C12.6

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

Resolution 2024/40

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

That the report of the General Manager regarding the Calendar of Events, as presented to Council on Monday, 25 March 2024, 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 2024/41**Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

That the report of the General Manager regarding Information to Councillors, as presented to Council on Monday, 25 March 2024, be noted.

Carried**12.3 *** BUSINESS ARISING REPORT****File Number: C12.1**

The Council had before it the report of the General Manager regarding the Business Arising Report.

Resolution 2024/42**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

That the report of the General Manager regarding Business Arising, as presented to Council on Monday, 25 March 2024, be noted.

Carried

At this juncture Councillor Cecil Dorrington requested that he be excused from the meeting, with the time of his departure being 10.01am.

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 2024/43**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

That the Minutes of the Meeting of the Bourke Shire Council Traffic Committee held on 12 March 2024 as presented to Council on Monday, 25 March 2024 be adopted.

Carried**14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**

Nil

15 GENERAL MANAGER**15.1 *** AUDIT RISK AND IMPROVEMENT COMMITTEE - MEETING MINUTES****File Number: 20383**

The Council had before it the report of the General Manager regarding the Audit Risk and Improvement Committee - Meeting Minutes.

Resolution 2024/44**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

- 1. That the minutes of the meeting of the Audit Risk and Improvement Committee held on 15 March 2024, be adopted.**
- 2. That Council adopt the following Policy and Plans as presented to Council;**
 - o 1.8.19 (v1) Fraud and Corruption Prevention Policy**
 - o 1.8.19a (v1) Fraud and Corruption Prevention Control Plan**
 - o 2.8.12 (v3) Risk Management Policy**

Carried

15.2 * MURRAY DARLING ASSOCIATION (MDA) 80TH NATIONAL CONFERENCE 8 TO 11 JULY 2024****File Number: 3174**

The Council had before it the report of the General Manager regarding the Murray Darling Association (MDA) 80th National Conference 8 to 11 July 2024.

Resolution 2024/45**Moved: Cr Sally Davis****Seconded: Cr Sarah Barton**

- 1. That the Mayor and General Manager attend the MDA National Conference to be held from 8 to 11 July 2024 at Tamworth.**
- 2. That Councillors who wish to attend the MDA National Conference in July 2024 nominate their attendance to the General Manager prior to 31 March 2024.**

Carried**16 CORPORATE SERVICES DEPARTMENT****16.1 *** BANK RECONCILIATION AND STATEMENT OF BANK BALANCES - 29 FEBRUARY 2024****File Number: 2108**

The Council had before it the report of the Manager Corporate Services regarding the Bank Reconciliation and Statement of Bank Balances - 29 February 2024.

Resolution 2024/46**Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 29 February 2024 be noted.

Carried

16.2 * INVESTMENT PORTFOLIO REPORT AS AT 29 FEBRUARY 2024****File Number: 2101**

The Council had before it the report of the Manager Corporate Services regarding the Investment Portfolio Report as at 29 February 2024.

Resolution 2024/47**Moved: Cr Robert Stutsel****Seconded: Cr Victor Bartley**

1. That the report of the Manager Corporate Services regarding Council's Investment Portfolio as at 29 February 2024, as presented to Council on Monday, 25 March 2024, be received and noted.
2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.

Carried**16.3 *** 2024/2025 DRAFT OPERATIONAL PLAN****File Number: P4.1**

The Council had before it the report of the Manager Corporate Services regarding the 2024/2025 Draft Operational Plan.

Resolution 2024/48**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

1. That the report of the Manager of Corporate Services detailing an overview of the 2024/2025 draft Operational Plan be noted.
2. That Councils 2024/2025 draft Operational Plan be adopted for the purpose of public exhibition from Thursday, 28 March 2024 until 9.00am Thursday, 25 April 2024 in accordance with *Section 405 (3) of the Local Government Act 1993*.
3. That all submissions received be tabled at the 27 May 2024 Ordinary Meeting of Council, for consideration prior to Councils Operational Plan for 2024/2025 being determined.

Carried

16.4 * 2024/2025 PLANT REPLACEMENT SCHEDULE****File Number: P3.1-P4.2**

The Council had before it the report of the Manager Corporate Services regarding the 2024/2025 Plant Replacement Schedule.

Resolution 2024/49**Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

That the Plant Replacement Schedule as detailed be included in the 2024/2025 Draft Operational Plan.

Carried**16.5 *** 2024/2025 FEES AND CHARGES****File Number: F1.2-P4.2**

The Council had before it the report of the Manager Corporate Services regarding the 2024/2025 Fees and Charges.

Resolution 2024/50**Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

That Council adopt the 2024/2025 Fees and Charges Report, as attached, for inclusion in the 2024/2025 Draft Operational Plan.

Carried

16.6 * 2024/2025 LOAN SCHEDULE****File Number: P4.2**

The Council had before it the report of the Manager Corporate Services regarding the 2024/2025 Loan Schedule.

Resolution 2024/51**Moved: Cr Robert Stutsel****Seconded: Cr Victor Bartley**

1. That Council borrow up to \$708,500.00 in the 2024/2025 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 2024/52**Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

That the sale of listed plant for inclusion in the 2024/2025 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 2024/53**Moved: Cr Sally Davis****Seconded: Cr Sarah Barton**

- 1. That Council note the Draft Revenue Policy for 2024/2025.**
- 2. That Council adopts a filtered water price of \$2.50/KL for the 2024/2025 rating period while maintaining the set increase of 4.5% in all water access charges.**
- 3. That Council adopts an increase of 4.5% in Sewerage Rates & Charges for the 2024/2025 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 1993*, once received.**
- 5. That Council adopts the Domestic Waste Management Charges as detailed and include in the Draft Operational Plan 2024/2025.**
- 6. That Council adopt the Schedule of Rates and Charges for inclusion in the Draft Operational Plan 2024/2025.**

Carried**17 ECONOMIC DEVELOPMENT DEPARTMENT**

Nil

18 DELEGATES AND COUNCILLORS REPORTS

Nil

19 POLICIES

Nil

20 PRÉCIS OF CORRESPONDENCE

Nil

At this juncture Councillor Dorrington returned to the meeting, the time being 10.16am

21 ACTIVITY REPORTS

21.1 ENGINEERING SERVICES - ROAD WORKS AND WORKSHOP ACTIVITY REPORT

File Number: 1945

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

Resolution 2024/54

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

That the report of the Manager Roads regarding Engineering Services - Road Works and Workshop Activity, as presented to Council on Monday, 25 March 2024, be noted.

Carried

21.2 ENGINEERING SERVICES - PARKS AND GARDENS, TOWN SERVICES, WATER AND WASTE WATER ACTIVITY REPORT

File Number: E7.1

The Council had before it the report of the Manager Works regarding the Engineering Services - Parks and Gardens, Town Services, Water and Waste Water Activity Report.

Resolution 2024/55

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

That the report of the Manager Works regarding Engineering Services - Parks and Gardens, Town Services and Water and Wastewater Activity, as presented to Council on Monday, 25 March 2024, be noted.

Carried

21.3 PLANNING, REGULATORY AND ENVIRONMENTAL SERVICES ACTIVITY REPORT

File Number: 1102, 1322, 1059, 1165

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

Resolution 2024/56

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

That the report of the Manager Environmental Services regarding Planning, Regulatory and Environmental Services Activity, as presented to Council on Monday, 25 March 2024, be noted.

Carried

21.4 GENERAL MANAGER'S ACTIVITY REPORT

File Number: 4170

The Council had before it the report of the General Manager regarding the General Manager's Activity Report.

Resolution 2024/57

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

That the report of the General Manager regarding General Manager Activity for February 2024, as presented to Council on Monday, 25 March 2024, be noted.

Carried

21.5 LIBRARY ACTIVITY REPORT

File Number: 2780

The Council had before it the report of the Library Manager regarding the Library Activity Report.

Resolution 2024/58

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

That the report of the Library Manager regarding Library Activity for the month of February 2024, as presented to Council on Monday, 25 March 2024, be noted.

Carried

21.6 TOURISM AND EVENTS ACTIVITY REPORT**File Number: T4.3**

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

Resolution 2024/59**Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

That the report of the Coordinator Tourism regarding Tourism and Events Activity for February 2024, as presented to Council on Monday, 25 March 2024, be noted.

Carried**22 CLOSED SESSION**

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

Resolution 2024/60**Moved: Cr Cec Dorrington****Seconded: Cr Robert Stutsel**

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 * Replacement of Western Star Prime Mover**

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 * 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.

Carried

Council proceeded into closed session with the livestreaming of the meeting being paused at 10.24am.

22.1 * REPLACEMENT OF WESTERN STAR PRIME MOVER****File Number: 20392**

The Council had before it the report of the Manager Roads regarding the Replacement of Western Star Prime Mover.

Resolution 2024/61**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

1. That Paccar Australia Pty Ltd be awarded the contract for the supply of a Kenworth T659 Prime Mover at the tendered price of \$388,600 (ex GST) on the basis of delivery occurring during 2024/2025.
2. That the General Manager be authorised to take the necessary action to dispose of Plant Number 92, being Council's existing Western Star 4800FS Prime Mover by way of sale by public auction following the delivery to Council of the replacement Prime Mover.
3. That the documents and considerations in this matter remain confidential to Council.

Carried

At this junction Cr Davis left the meeting, the time being 10.25am

22.2 * 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. The Committee reports having met with Councils Manager Special Projects via A-V Link, in respect of this matter.

Resolution 2024/62**Moved: Cr Sarah Barton****Seconded: Cr Robert Stutsel**

1. That a workshop of Councillors be convened for the purpose of considering options to progress and ultimately address the stormwater drainage issue in North Bourke, with a view to a report being submitted to Council at its April 2024 meeting.
2. That the documents and consideration in this matter remain confidential to Council.

Carried

At this juncture Cr Davis returned to the meeting, the time being 10.35am.

Resolution 2024/63

Moved: Cr Cec Dorrington

Seconded: Cr Sarah Barton

That Council moves out of Closed Council into Open Council.

Carried

Open council resumed at 10.36am.

RESOLUTIONS FROM CLOSED SESSION OF COUNCIL

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

The Meeting closed at 10.37am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 22 April 2024.

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CHAIRPERSON