



# **MINUTES**

**Ordinary Council Meeting**

**22 April 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, 22 APRIL 2024 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 (via A-V Link), Cr Nathan Ryan, Cr Robert Stutsel

**IN ATTENDANCE:** Leonie Brown (General Manager), Paul Flanagan (Manager Roads Services), David Mathews, (Acting Manager Works), Melanie Milgate (Economic Development Manager), Ang Pasang Rai (Manager Corporate Services), 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:

Kathy Brown (Tiny Moore)	Megan Joan Kelly	Paul Mann
Terry Rankmore	Jim Rice	Donald Jeffrey Smith
Greg West		

The Mayor also requested that those in attendance maintain in their thoughts , those who died or were injured, at Westfield Shopping Centre, Bondi Junction on Saturday, 13 April 2024.

**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 Cr Grace Ridge who was unable to attend the meeting due to personal reasons.

**Resolution 2024/64****Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton****That Cr Grace Ridge be permitted to attend the meeting via Audio-Visual link given 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 11.1 of the Ordinary Council Meeting Agenda: Notice of Motion – Proposed Motel. The reason for such interest is that Cr Barton and her husband own and operate an accommodation facility in Bourke, 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 11.1 of the Council Agenda.

Cr Sarah Barton declared a significant non pecuniary conflict of interest in Item 12.3 of the Ordinary Council Meeting Agenda: Business Arising, 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 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 Ordinary Council Meeting Agenda: Business Arising, North Bourke Storm Water Drainage and Item 22.1 of the Closed Council Meeting Agenda: North Bourke Drainage – April 2024 Workshop Discussions. 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 22.1 of the Closed Council Agenda.

Cr Grace Ridge declared a pecuniary conflict of interest in Item 12.3 of the Ordinary Council Meeting Agenda: Business Arising, North Bourke Storm Water Drainage and Item 22.1 of the Closed Council Meeting Agenda: North Bourke Drainage – April 2024 Workshop Discussions. The reason for such interest is that Cr Ridge and her family have a business relationship with the owner of the land detailed in the report. In making this declaration, Cr Ridge advised she would turn off her A-V Link and be out of sight should Council separately consider this matter as part of Item 12.3 of the Agenda and that she would turn off her A-V Link and be out of sight when Council considers Item 22.1 of the Closed Council Agenda.

Cr Nathan Ryan declared a less than significant non-pecuniary interest in Item 12.3 of the Ordinary Council Meeting 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.

Council’s General Manager, Leonie Brown, declared a pecuniary conflict of interest in Item 11.1 of the Ordinary Council Meeting Agenda: Notice of Motion – Proposed Motel. The reason for such interest is that Mrs Brown and her husband own and operate a commercial accommodation facility in Bourke, which the subject report relates to. In making this declaration, Mrs Brown advised that she would leave the Chamber and be out of sight during Councils consideration of Item 11.1 of the Council Agenda.

**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 2024/65**  
**Moved: Cr Barry Hollman**  
**That information in the Mayoral Minute – Mayoral Activities Report as presented to Council on Monday, 22 April 2024, 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.

**Resolution 2024/66**  
**Moved: Cr Cec Dorrington**  
**Seconded: Cr Victor Bartley**  
**That the recommendations as detailed in the un-starred items as contained in the agenda for the Ordinary Meeting of Council, held on Monday, 22 April 2024, be adopted.**

**Carried**

**9 CONFIRMATION OF MINUTES****Resolution 2024/67****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

**That the minutes of the Ordinary Council Meeting held on 25 March 2024 be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.**

**Carried****10 RESCISSION MOTIONS**

Nil

At this juncture Cr Barton and the General Manager left the meeting, the time being 9.26am

**11 NOTICES OF MOTION****11.1 \*\*\* NOTICE OF MOTION - PROPOSED MOTEL****File Number: 1718**

The Council had before it the Notice of Motion - Proposed Motel from Cr Lachlan Ford.

**Resolution 2024/68****Moved: Cr Lachlan Ford****Seconded: Cr Robert Stutsel**

- 1. That Council proceed to take the necessary action to develop a scope of works leading to the inviting of quotations from suitably qualified consultants to prepare a Business Case report and accompanying required report(s) in respect of the proposed building of a Motel at the Back O' Bourke Exhibition Centre site.***
- 2. That following the receipt of quotations, a report on the matter be provided to Council, inclusive of the availability of funding to progress the required studies***
- 3. That Council investigate grant funding opportunities to meet the cost of the required studies.***

**Carried**

At this juncture Cr Barton and the General Manager returned to the meeting, the time being 9.31am

**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 2024/69**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Victor Bartley**

**That the report of the General Manager regarding the Calendar of Events, as presented to Council on Monday, 22 April 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 2024/70**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Victor Bartley**

**That the report of the General Manager regarding Information to Councillors, as presented to Council on Monday, 22 April 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 2024/71**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Lachlan Ford**

**That the report of the General Manager regarding Business Arising, as presented to Council on Monday, 22 April 2024, be noted.**

**Carried**



**13 ENGINEERING SERVICES DEPARTMENT**

Nil

**14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**

Nil

**15 GENERAL MANAGER**

**15.1 \*\*\* PROPOSED NAMING OF ROAD - NORTH BOURKE**

**File Number: R7.1**

The Council had before it the report of the General Manager regarding the Proposed Naming of Road - North Bourke.

**Resolution 2024/72**

**Moved: Cr Robert Stutsel**

**Seconded: Cr Sam Rice**

- 1. That the proposed road name, Buster Lane, be approved by Council for the un-named road off Sid Coleman Drive, North Bourke as per the locality plan.**
- 2. That the proposed name be notified in the Western Herald newspaper for a period of 28 days and Relevant Parties notified in accordance with Section 162 of the Roads Act 1993 and Section 7 of the Roads Regulation 2018.**
- 3. That a further report be submitted to Council following the notification period.**

**Carried**

**16 CORPORATE SERVICES DEPARTMENT**

**16.1 \*\*\* BANK RECONCILIATION AND STATEMENT OF BANK BALANCES - 31 MARCH 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 - 31 March 2024.

**Resolution 2024/73**

**Moved: Cr Cec Dorrington**

**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 31 March 2024, be noted.**

**Carried**

**16.2 \*\*\* INVESTMENT PORTFOLIO REPORT AS AT 31 MARCH 2024**

**File Number: 2101**

The Council had before it the report of the Manager Corporate Services regarding the Investment Portfolio Report as at 31 March 2024.

**Resolution 2024/74**

**Moved: Cr Victor Bartley**

**Seconded: Cr Robert Stutsel**

- 1. That the report of the Manager Corporate Services regarding Council’s Investment Portfolio as at 31 March 2024, as presented to Council on Monday, 22 April 2024, be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.**

**Carried**

**16.3 \*\*\* QUARTERLY BUDGET REVIEW TO 31 MARCH 2024**

**File Number: 2023**

The Council had before it the report of the Manager Corporate Services regarding the Quarterly Budget Review to 31 March 2024.

**Resolution 2024/75**

**Moved: Cr Robert Stutsel**

**Seconded: Cr Victor Bartley**

- 1. That the document titled “Quarterly Budget Review Statement – 31 March 2024” be received and noted.**
- 2. That the variations of income and expenditure as identified in the “Quarterly Budget Review Statement – 31 March 2024” be adopted.**

**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 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 2024/76****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**That the report of the Manager Roads regarding Engineering Services - Road Works and Workshop Activity, as presented to Council on Monday, 22 April 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 2024/77****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**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, 22 April 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 2024/78**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Victor Bartley**

**That the report of the Manager Environmental Services regarding Planning, Regulatory and Environmental Services Activity, as presented to Council on Monday, 22 April 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 2024/79**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Victor Bartley**

**That the report of the General Manager regarding General Manager Activity for March 2024, as presented to Council on Monday, 22 April 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 2024/80**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Victor Bartley**

**That the report of the Library Manager regarding Library Activity for the month of March 2024, as presented to Council on Monday, 22 April 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 2024/81****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**That the report of the Coordinator Tourism regarding Tourism and Events Activity for March 2024, as presented to Council on Monday, 22 April 2024, be noted.**

**Carried****22 CLOSED SESSION**

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

**Resolution 2024/82****Moved: Cr Robert Stutsel****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 \*\*\*North Bourke Drainage - April 2024 Workshop Discussions**

**This matter is considered to be confidential under Section 10A(2) - (c) 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

**Carried**

Council proceeded into closed session with the livestreaming of the meeting being paused at 9.52am.

At this juncture Councillors Davis and Ridge left the meeting, the time being 9.53am.

**22.1 \*\*\*NORTH BOURKE DRAINAGE - APRIL 2024 WORKSHOP DISCUSSIONS**

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

The Council had before it the report of the Manager Special Projects regarding the North Bourke Drainage - April 2024 Workshop Discussions.

**Resolution 2024/83**

**Moved: Cr Robert Stutsel**

**Seconded: Cr Victor Bartley**

- 1. That Council confirm its previously resolved position to pursue the construction of a stormwater detention basin and required infrastructure on 2.21ha of land fronting Warrego St, North Bourke owned by Mr Robert and Mrs Sally Davis 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.**
- 2. That Council continues to seek the formal agreement of Mr Robert and Mrs Sally Davis for the purchase by Council of a 2.21 ha portion of Lot 212 Deposited Plan 787811, as owned by them.**
- 3. That it be noted that a new valuation in respect of the value of the 2.21ha of land has been sought.**
- 4. That the Mayor, Deputy Mayor, and General Manager be requested to further meet with Mr and Mrs Davis in respect of the proposed land acquisition, following the receipt of the updated valuation for the proposed land.**
- 5. That where agreement is reached for the acquisition of this 2.21ha of land, a further report be provided to Council which details the agreement between the parties for Councils resolution.**
- 6. That in the event of no formal response being received or a response not agreeing to the sale of the land by 30 June 2024 from Mr and Mrs Davis, Council further consider its position in respect of the land matter at its July 2024 meeting.**
- 7. That the documents and considerations in respect of this matter remain confidential to Council.**

**Carried**

At this juncture Councillors Davis and Ridge returned to the meeting, the time being 10.08am

**Resolution 2024/84**

**Moved: Cr Sarah Barton**

**Seconded: Cr Cec Dorrington**

**That Council moves out of Closed Council into Open Council.**

**Carried**

Open council resumed at 10.08am.

**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 10.10am.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 May 2024.**

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**CHAIRPERSON**