



Date: Monday, 22 March 2021
Time: 9.14am
Location: Bourke Shire Council
29 Mitchell Street Bourke NSW

MINUTES

Council Meeting

22 March 2021

Mark Riley
General Manager

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**MINUTES OF SHIRE OF BOURKE
COUNCIL MEETING
HELD AT THE BOURKE SHIRE COUNCIL, 29 MITCHELL STREET BOURKE NSW
ON MONDAY, 22 MARCH 2021 AT 9.14AM**

PRESENT: Cr Barry Hollman (Mayor), Cr Victor Bartley, Cr Ian Cole, Cr Sally Davis, Cr Cec Dorrington, Cr Lachlan Ford (Deputy Mayor), Cr Sam Rice, Cr Robert Stutsel, Cr John Thompson

IN ATTENDANCE: Mark Riley (General Manager), Leonie Brown (Manager of Corporate Services), Peter Brown (Manager Works), Mark Gordon (Manager Roads), Dwayne Willoughby (Manager Environmental Services), Kai Howard-Oakman (Executive Assistant)

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| 1 | OPENING PRAYER |
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The Mayor opened the meeting with a prayer.

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| 2 | ACKNOWLEDGEMENT OF COUNTRY |
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The Mayor then provided an Acknowledgement of Country.

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| 3 | REMEMBRANCE |
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Council stood in silence in the memory of the following recently deceased:

Cassandra Brown

Robyn Dwyer

Ruby Eulo

Victoria Jones

Alan (Algy) Lyons

Trevor (Goose) Norris

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| 4 | LEAVE OF ABSENCE |
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Resolution 2021/52

Moved: Cr Sam Rice

Seconded: Cr Victor Bartley

That the apology received from Councillor Barton be accepted and leave of absence granted.

Carried

5 DECLARATION OF INTEREST

Cr Barry Hollman declared a pecuniary interest in Item 13.1 - Removal of Trees from Southern Hill Area at Bourke Olympic War Memorial Swimming Pool and Item 22.2 – Contract Management at the Pool. The reason for such interests is that Councillor Hollman's son is the contract manager at the Bourke War Memorial Olympic Swimming Pool. In making his declaration, Councillor Hollman advised that he would leave the Chamber and be out of sight during Council's consideration of the matters.

6 Mayoral Minute

The Mayor presented a verbal report to the Council on the Activities of the Mayor from 21 February – 21 March 2021.

Resolution 2021/53

Moved: Cr Barry Hollman

That the information from the Mayor in respect of the Mayoral Activities from 21 February – 21 March 2021 as presented to Council on Monday, 22 March 2021, be noted.

Carried

7 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 2021/54

Moved: Cr Sam Rice

Seconded: Cr Robert Stutsel

That recommendations as detailed in the un-starred items in the Agenda for the Ordinary Meeting of Council held on Monday, 22 March 2021 be adopted.

Carried

8 CONFIRMATION OF MINUTES

File Number: C2.23

Resolution 2021/55

Moved: Cr Sam Rice

Seconded: Cr Victor Bartley

That the minutes of the Ordinary Council Meeting held on 22 February 2021 be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.

Carried

9 NOTICE OF MOTION

Nil

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| 10 | RESCISSION MOTION |
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Nil

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| 11 | BUSINESS ARISING |
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| 11.1 | *** BUSINESS ARISING |
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File Number: C12.1

The Council had before it the report of the General Manager regarding business outstanding from previous meetings of Council.

Resolution 2021/56

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

That the information in the Business Arising Report as presented to Council on Monday, 22 March 2021 be noted.

Carried

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| 11.2 | CALENDAR OF EVENTS |
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File Number: C12.6

The Council had before it the report of the Executive Assistant detailing dates for upcoming Council Meetings.

Resolution 2021/57

Moved: Cr Sam Rice

Seconded: Cr Robert Stutsel

That the information in the Calendar of Events Report as presented to Council on Monday, 22 March 2021 be noted.

Carried

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| 11.3 | INFORMATION TO COUNCILLORS |
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File Number: C12.1

The Council had before it the report of the Executive Assistant detailing the list of correspondence distributed to Councillors for the period 18 February 2021 to 16 March 2021.

Resolution 2021/58

Moved: Cr Sam Rice

Seconded: Cr Robert Stutsel

That the contents of the Information to Councillors Report as presented to Council on Monday, 22 March 2021 be noted.

Carried

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| 12 | ENGINEERING SERVICES DEPARTMENT |
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Nil

At this juncture the Mayor, Cr Barry Hollman, relinquished Chairmanship of the meeting in respect of Item 13.1 of the Agenda and left the Chamber and was out of sight of the meeting, having previously declared a pecuniary interest in respect of this item, the time being 9.23am.

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

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| 13 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT |
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| 13.1 *** REMOVAL OF TREES FROM SOUTHERN HILL AREA AT BOURKE WAR MEMORIAL OLYMPIC SWIMMING POOL |
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File Number: S10.2

The Council had before it the report of the Manager of Environmental Services regarding the Removal of Trees from Southern Hill Area at Bourke War Memorial Olympic Swimming Pool.

Resolution 2021/59

Moved: Cr Robert Stutsel

Seconded: Cr Sam Rice

- 1. That as per Council's Tree Removal Policy in respect of Queensland Fig Trees, Council proceed to advertise for a two (2) week period regarding its intention to undertake the removal of the two (2) Queensland Fig Trees located on the southern side of the Bourke War Memorial Olympic Swimming Pool Complex.**
- 2. That following such advertising period, Council proceed to remove such trees, as a matter of priority, to allow for the development, upgrade and ultimate operation of the 50m pool at the Complex.**
- 3. That Council staff replace the two (2) Queensland Fig Trees with suitable trees around the 50m pool area.**

Carried

The Mayor, Cr Barry Hollman returned to the meeting and resumed Chairmanship, the time being 9.26am.

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| 14 GENERAL MANAGER |
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| 14.1 *** ELECTRICITY METER READINGS IN BOURKE |
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File Number: E3.1-E3.2

The Council had before it the report of the General Manager regarding Electricity Meter Readings in Bourke.

Motion

Moved: Cr Lachlan Ford

Seconded: Cr Robert Stutsel

- 1. That the advice from Essential Energy regarding the issue of electricity meter readings in Bourke by way of letter dated 5 March 2021, be noted.**
- 2. That having regard to the advice received from Essential Energy, Council at this point not correspond with either the Energy and Water Ombudsman NSW (EWON) and the Australian Energy Regulator regarding the meter reading issue.**

Carried

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| Amendment |
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Moved: Cr John Thompson

Seconded: Cr Robert Stutsel

1. That the advice from Essential Energy regarding the issue of electricity meter readings in Bourke by way of letter dated 5 March 2021, be noted.
2. That having regard to the advice received from Essential Energy, Council at this point not correspond with either the Energy and Water Ombudsman NSW (EWON) or the Australian Energy Regulator regarding the meter reading issue.

The Amendment on being put to the meeting was carried.

Carried

The Amendment then became the motion and on being put to the meeting was carried.

Carried

15 CORPORATE SERVICES DEPARTMENT

15.1 * BANK RECONCILIATION AND STATEMENT OF BANK BALANCES**

File Number: F1.1

The Council had before it the report of the Manager of Corporate Services regarding Councils Bank Reconciliation and Statement of Bank Balances as at 28 February 2021.

Resolution 2021/60

Moved: Cr Cec Dorrington

Seconded: Cr Sally Davis

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 2021 be noted.

Carried

15.2 * INVESTMENT REPORT AS AT 28 FEBRUARY 2021**

File Number: F1.1

The Council had before it the report of the Manager of Corporate Services regarding Council's Investment Portfolio as at 28 February 2021.

Resolution 2021/61

Moved: Cr Cec Dorrington

Seconded: Cr Sally Davis

1. That the report regarding Council's Investment Portfolio 28 February 2021 be received and noted.
2. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

Carried

15.3 * DRAFT OPERATIONAL PLAN 2021/2022 - OVERVIEW**

File Number: P4.1

The Council had before it the report of the Manager of Corporate Services regarding the Draft Operational Plan 2021/2022 – Overview.

Resolution 2021/62

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That the report of the Manager of Corporate Services detailing an overview of the 2021/2022 Draft Operational Plan Overview be noted.

Carried

15.4 * REVENUE POLICY**

File Number: P4.2

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

Resolution 2021/63

Moved: Cr Robert Stutsel

Seconded: Cr Sally Davis

- 1. That Council note the Draft Revenue Policy for 2021/2022**
- 2. That Council adopts a filtered water price of \$2.26/KL for the 2021/2022 rating period while maintaining the set increase of 2% in all water access charges.**
- 3. That Council adopts an increase of 2% in Sewerage Rates & Charges for the 2021/2022 rating period.**
- 4. That Council adopts the Domestic Waste Management Charges as detailed and include in the Draft Operational Plan 2021/2022.**
- 5. That Council adopt the Schedule of Rates and Charges for inclusion in the Draft Operational Plan 2021/2022.**

Carried

15.5 * FEES & CHARGES**

File Number: F1.2-P4.2

The Council had before it the report of the Manager of Corporate Services regarding the Fees & Charges.

Resolution 2021/64

Moved: Cr Lachlan Ford

Seconded: Cr Robert Stutsel

That Council adopt the Fees and Charges, as presented, for inclusion in the Draft Operational Plan 2021/2022 save and except the entry fees for the Bourke War Memorial Olympic Swimming Pool with such fees to be considered separately.

Carried

15.6 * PLANT REPLACEMENT SCHEDULE**

File Number: P3.1-P4.2

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

Resolution 2021/65

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

That the Plant Replacement Schedule as detailed be included in the Draft Operational Plan 2021/2022.

Carried

15.7 * SALE OF ASSETS TO BE CONDUCTED BY COUNCIL**

File Number: A11.1.1

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

Resolution 2021/66

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

That the sale of listed plant for inclusion in the Draft Operational Plan 2021-2022 be approved.

Carried

15.8 * LOAN SCHEDULE**

File Number: P4.2

The Council had before it the report of the Manager of Corporate Services regarding Council's Loan Schedule.

Resolution 2021/67

Moved: Cr Lachlan Ford

Seconded: Cr Sam Rice

That Council borrow up to \$1,614,000.00 in the 2021/2022 financial year to fund the projects as listed.

Carried

15.9 * DRAFT OPERATIONAL PLAN**

File Number: P4.2

The Council had before it the report of the report of the Manager of Corporate Services regarding the 2021/2022 Draft Operational Plan.

Resolution 2021/68**Moved: Cr Cec Dorrington****Seconded: Cr Robert Stutsel**

1. That subject to any amendments Council approve the Draft Operational Plan for 2021/2022 for the purposes of being advertised and calling for submissions in accordance with Section 405 (3) of the Local Government Act.
2. That Council again review the Draft Operational Plan for 2021/2022 and any submissions received at the Ordinary Meeting of Council scheduled for Monday, 24 May 2021.

Carried**15.10 *** DRAFT OPERATIONAL PLAN TIMELINE****File Number: A4.3-P4.2**

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

Resolution 2021/69**Moved: Cr Lachlan Ford****Seconded: Cr Cec Dorrington**

That Council confirm the proposed timetable for finalisation of the Operation Plan 2021/2022 as follows:

| | |
|-------------------------------|--|
| Monday, 22 March 2021 | Consideration and Determination of Draft Operational Plan and approval to put on public exhibition including the calling for submissions. |
| Thursday, 1 April 2021 | Disseminate required public notice calling for submissions on Draft Operational Plan. |
| Monday 3 May 2021 | Closing date for receipt of submissions. |
| Monday 24 May 2021 | Adoption of Operational Plan 2021/2022, after due consideration of any submissions received. |

Carried**16 COMMUNITY ENGAGEMENT DEPARTMENT**

Nil

17 TOURISM & EVENTS

Nil

18 DELEGATES AND COUNCILLORS REPORTS

Nil

19 POLICIES

19.1 DRAFT 3.1.10(V3) ASSET MANAGEMENT POLICY

File Number: P4.1 - P4.5.3

The Council had before it the report by the Manager of Corporate Services regarding Asset Management.

Resolution 2021/70

Moved: Cr Sam Rice

Seconded: Cr Robert Stutsel

That the Asset Management Policy labelled 3.1.10(V3) as presented to Council on Monday, 22 March 2021 be adopted.

Carried

20 PRÉCIS OF CORRESPONDENCE

Nil

21 ACTIVITY REPORTS

21.1 ENGINEERING SERVICES ROAD WORKS & WORKSHOP – ACTIVITY REPORT

File Number: E7.1

The Council had before it the Activity Report of the Manager Roads regarding the Road Works and Workshop sections of Council.

Resolution 2021/71

Moved: Cr Sam Rice

Seconded: Cr Robert Stutsel

That the information in the Engineering Services Department Road Works and Workshop Activity Reports as presented to Council on Monday, 22 March 2021 be noted.

Carried

21.2 PARKS & GARDENS / TOWN SERVICES / WATER & WASTEWATER ENGINEERING SERVICES ACTIVITY REPORT

File Number: E7.1

The Council had before it the Activity Report of the Manager Works regarding the Parks and Gardens, Town Services and Water and Wastewater Sections of Council.

Resolution 2021/72

Moved: Cr Sam Rice

Seconded: Cr Robert Stutsel

That the information in the Engineering Services Department Activity Reports as presented to Council on Monday, 22 March 2021 be noted.

Carried

21.3 ENVIRONMENTAL SERVICES DEPARTMENT - ACTIVITY REPORT

File Number: D31-A11.1-A8.1-S10.1

The Council had before it the Activity Report of the Manager Environmental Services regarding the Environmental Services Section of Council.

Resolution 2021/73

Moved: Cr Sam Rice

Seconded: Cr Robert Stutsel

That the information in the Environmental Services Activity Report as presented to Council on Monday, 22 March 2021 be noted.

Carried

21.4 GENERAL MANAGER'S ACTIVITY REPORT

File Number: G2.1

The Council had before it the Activity Report of the General Manager.

Resolution 2021/74

Moved: Cr Sam Rice

Seconded: Cr Robert Stutsel

That the information in the General Manager's Activity Report as presented to Council on Monday, 22 March 2021 be noted.

Carried

21.5 LIBRARY MANAGER'S - ACTIVITY REPORT

File Number: L4.1

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

Resolution 2021/75

Moved: Cr Sam Rice

Seconded: Cr Robert Stutsel

That the information in the Library Manager's Activity Report as presented to Council on Monday, 22 March 2021 be noted.

Carried

21.6 TOURISM & EVENTS MANAGER'S ACTIVITY REPORT

File Number: T4.3

The Council had before it the Activity Report of Councils Tourism and Events Manager.

Resolution 2021/76

Moved: Cr Sam Rice

Seconded: Cr Robert Stutsel

That the information in the Tourism and Events Manager's Activity Report as presented to Council on Monday, 22 March 2021 be noted.

Carried

22 CLOSED SESSION

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

Resolution 2021/77

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That given that no members of the public have made representations regarding the closure of the meeting, Council proceed to consider the confidential reports listed below in a meeting closed to the public in accordance with Section 10A of the Local Government Act 1993:

22.1 * Construction of New Charles Street Water Tower**

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 * Contract Management of the Bourke War Memorial Olympic Swimming Pool**

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 a closed session with the livestreaming of the meeting being paused at 9.46am.

23. RETURN TO OPEN COUNCIL

Resolution 2021/78

Moved: Cr Robert Stutsel

Seconded: Cr Sally Davis

That Council moves out of closed session into open Council.

Carried

The open Council meeting and the livestreaming of the meeting recommenced at 10.12am.

RESOLUTIONS FROM CLOSED SESSION OF COUNCIL

The General Manager read to the meeting the Motions that were passed in Closed Council.

22.1 *** CONSTRUCTION OF NEW CHARLES STREET WATER TOWER

File Number: W2.1

Resolution 2021/79

1. That at this point Council defer any decision regarding the acceptance or otherwise of a tender for the construction of a new water reservoir at Charles Street, Bourke.
2. That Council make urgent representations to the Minister for Water, the Hon Melinda Pavey seeking additional funding to allow Council to proceed with this most important project, for a further report to Council.

Carried

22.2 *** CONTRACT MANAGEMENT OF THE BOURKE WAR MEMORIAL OLYMPIC SWIMMING POOL

File Number: T3.8

Resolution 2021/80

1. That as per the existing Management Contract between Council and Mr Mark Hollman in respect of the Bourke War Memorial Swimming Pool, Council and Mr Hollman proceed to exercise the available 12-month option period ending 30 June 2022 at the negotiated and agreed contract fee for the season as detailed in the report herewith.
2. That entry fees at the Bourke War Memorial Swimming Pool for the 2021-2022 period be as follows and be included and exhibited as part of Councils 2021-2022 draft Operational Plan:

| 2021-2022 | |
|--|----------|
| Casual Users | |
| General Admission | \$3.00 |
| 2 Years and Under | Free |
| Children (School use) | \$1.00 |
| Aged Pensioners | Free |
| Season Tickets | |
| Family (2 adults/2 children) | \$180.00 |
| Additional Season Family member (Family of 4 and thereafter produce a Medicare Card for proof of family member) | \$5.00 |
| Single Season Ticket (Inc Adults/Children) | \$65.00 |

3. That the above contract fee and entry fee arrangement be conditional upon final adoption of Councils 2021-2022 Fees and Charges.
4. That any necessary documents be executed under the Common Seal of Council.

The Amendment on being put to the meeting was carried.

Carried

The Amendment then became the motion and on being put to the meeting was carried.

Carried

The Meeting closed at 10.15am.

The minutes of this meeting were confirmed at the Council Meeting held on 27 April 2021.

.....
CHAIRPERSON