



**Date:** Monday, 28 June 2021  
**Time:** 9.15am  
**Location:** Bourke Shire Council  
29 Mitchell Street Bourke NSW

# **MINUTES**

## **Ordinary Council Meeting**

**28 June 2021**

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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, 28 JUNE 2021 AT 9.15AM**

**PRESENT:** Cr Barry Hollman (Mayor/Chairman), Cr Victor Bartley, Cr Sarah Barton, Cr Ian Cole, Cr Cec Dorrington, Cr Sam Rice, Cr Robert Stutsel, Cr John Thompson

**IN ATTENDANCE:** Mark Riley (General Manager), Leonie Brown (Manager Corporate Services), Peter Brown (Manager Works), Mark Gordon (Manager Roads Services),

**1 OPENING PRAYER**

The Mayor opened the meeting with a prayer

**2 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor then provided an Acknowledgement of Country

**3 REMEMBRANCE**

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

Jean Gaffney	Robyn Hams	Nancy Seale
Brett Hayman	Jacqueline Green	Vonnie Faulkner

**4 LEAVE OF ABSENCE**

**Resolution 2021/150**

**Moved:** Cr Sarah Barton

**Seconded:** Cr Victor Bartley

**That the apologies received from Councillors Lachlan Ford and Sally Davis be accepted and leave of absence granted.**

**Carried**

## **5 DECLARATION OF INTEREST**

Cr Sam Rice declared a pecuniary interest in Item 13.1 of the Agenda – Potential Heritage Items. The reason for such interest is that Councillor Rice is the owner of 13 Sturt Street and 30 Mitchell Street, Bourke being properties that are identified in the report. In making his declaration, Councillor Rice advised that he would leave the Chamber and be out of sight during Council's consideration of the matter.

Cr Robert Stutsel declared a pecuniary interest in Item 13.1 of the Agenda – Potential Heritage Items. The reason for such interest is that Councillor Stutsel's wife is the owner of 59 Mitchell Street, Bourke being a property that is identified in the report. In making his declaration, Councillor Stutsel advised that he would leave the Chamber and be out of sight during Council's consideration of the matter.

Cr Victor Bartley declared a pecuniary interest in Item 14.1 of the Agenda – Western Herald Advertising Proposal. The reason for such interest is that Councillor Bartley is a Director of WREB Co-op Ltd. In making his declaration, Councillor Bartley advised that he would leave the Chamber and be out of sight during Council's consideration of the matter.

Cr Ian Cole declared a pecuniary interest in Item 14.1 of the Agenda – Western Herald Advertising Proposal. The reason for such interest is that Councillor Cole is a Director of WREB Co-op Ltd, the publishers of the Western Herald. In making his declaration, Councillor Cole advised that he would leave the Chamber and be out of sight during Council's consideration of the matter.

Cr Cec Dorrington declared a non – pecuniary, significant interest, in Item 14.1 of the Agenda – Western Herald Advertising Proposal. The reason for such interest is that Councillor Dorrington is an employee of WREB Co-op Ltd, the publishers of the Western Herald. In making his declaration, Councillor Dorrington advised that he would leave the Chamber and be out of sight during Council's consideration of the matter.

Cr Victor Bartley declared a non – pecuniary, less than significant interest in Item 20.2 of the Agenda – Bourke Rotary Club – Request For Assistance. The reason for such interest is that Councillor Bartley is member of the Bourke Rotary Club. In making his declaration, Councillor Bartley advised that he would not leave the Chamber during the consideration of the matter.

Manager Corporate Services Leonie Brown declared a non – pecuniary, less than significant interest in Item 20.2 of the Agenda – Bourke Rotary Club – Request For Assistance. The reason for such interest is that Ms Brown holds the executive roles of Vice-President and Secretary at the Bourke Rotary Club. In making her declaration, Ms Brown advised that she would not leave the Chamber during the consideration of the matter.

**6 MAYORAL MINUTE****6.1 MAYORAL MINUTE - MAYORAL ACTIVITIES****File Number: M2.1**

The Council had before it the Mayoral Activity Report from 20 May 2021 to 17 June 2021.

**Resolution 2021/151****Moved: Cr Cec Dorrington****Seconded: Cr Robert Stutsel**

**That Council notes the information in the Mayoral Minute – Activity Report as presented to Council on Monday, 28 June 2021 and further note the comments of the Mayor in thanking Cr Ford for conducting the May Ordinary meeting of Council due to the absence of the Mayor.**

**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. The following additional reports were identified by Council to be starred for individual consideration.

<b>Item No</b>	<b>Name of Report</b>	<b>Officer</b>
14.3	Regional Connectivity Program	General Manager
14.5	Wharf Upgrade Project	General Manager

**Resolution 2021/152****Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

**That the recommendations as detailed in the un-starred items as contained in the agenda for the Ordinary Meeting of Council, held on Monday, 28 June 2021 be adopted save and except for Items 14.3 and 14.5 of the Agenda, with such item to be considered separately.**

**Carried**

**8 CONFIRMATION OF MINUTES**

The Council had before it the Minutes of the Ordinary Meeting of Council as held on Monday, 24 May 2021.

**Resolution 2021/153**

**Moved:** Cr Sam Rice

**Seconded:** Cr Cec Dorrington

**That the Minutes of the Ordinary Council Meeting held on 24 May 2021 be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.**

**Carried**

**9 NOTICE OF MOTION**

Nil

**10 RESCISSION MOTION**

Nil

**11 BUSINESS ARISING****11.1 \*\*\* BUSINESS ARISING**

**File Number:** C12.1

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

**Resolution 2021/154**

**Moved:** Cr Cec Dorrington

**Seconded:** Cr Robert Stutsel

**That the information in the Business Arising Report as presented to Council on Monday, 28 June 2021 be noted.**

**Carried**

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

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

**Resolution 2021/155****Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

**That the information in the Calendar of Events Report as presented to Council on Monday, 28 June 2021 be noted.**

**Carried****11.3 INFORMATION TO COUNCILLORS****File Number: C12.1**

The Council had before it the report of the General Manager regarding the Information to Councillors for the period 25/05/2021 to 15/06/2021.

**Resolution 2021/156****Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

**That the contents of the Information to Councillors Report as presented to Council on Monday, 28 June 2021 be noted.**

**Carried****12 ENGINEERING SERVICES DEPARTMENT**

Nil



**13 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**

At this juncture Cr Rice and Cr Stutsel left the Chamber and were out of sight having previously declared a pecuniary interest in respect of Item 13.1 of the Agenda, the time being 9.22am

**13.1 \*\*\* POTENTIAL HERITAGE ITEMS**

**File Number: H2.1**

The Council had before it the report of the Manager Environmental Services regarding the Potential Heritage Items.

**Resolution 2021/157**

Moved: Cr Victor Bartley

Seconded: Cr Cec Dorrington

- 1. That all the properties identified as potential heritage items, with the exception of  
68 Mitchell Street, Bourke,  
33-37 Oxley Street, Bourke,  
11 Curraweena Street, Byrock,  
Brindingabba Woolshed, Hungerford,  
59 Mitchell Street Bourke, and  
Jandra Station Homestead & Outbuildings.  
be potential heritage items for listing in the heritage schedule of the Bourke Local Environmental Plan 2012.**
- 2. That an amendment to the Bourke Local Environmental Plan 2012 be prepared to enable the heritage listing of the potential heritage items.**
- 3. That the owners of 68 Mitchell Street, Bourke, 33-37 Oxley Street Bourke, 11 Curraweena Street, Byrock, Brindingabba Woolshed, Hungerford, 59 Mitchell Street Bourke and Jandra Station Homestead & Outbuildings be advised that their properties are no longer considered potential heritage items for listing in the Bourke Local Environmental Plan 2012.**
- 4. That the owners of 13 Sturt Street Bourke and 30 Mitchell Street Bourke (Port of Bourke Hotel) be offered the opportunity to meet with Council's Heritage Advisor at her next visit to Bourke to discuss their concerns for a further report to Council.**
- 5. That specific correspondence be provided to each individual property owner as part of the LEP amendment process to advise the proposed change to the heritage status of their property**

**.Carried**

At 9:32 am, Cr Rice and Cr Stutsel returned to the meeting.

**14 GENERAL MANAGER**

At this juncture Cr Bartley, Cr Cole and Cr Dorrington left the Chamber and were out of sight having previously declared a pecuniary interest in respect of item 14.1 of the Agenda, the time being 9.34am.

**14.1 \*\*\* WESTERN HERALD ADVERTISING PROPOSAL****File Number: A4.1-A4.3**

The Council had before it the report of the General Manager regarding the Western Herald Advertising Proposal.

The Chairman noted that there was no longer a quorum present given the Declarations of Interest made by Councillors Bartley, Cole and Dorrington which saw them leave the meeting. Councillors Hollman, Barton, Rice, Stutsel and Thompson were present in the meeting. The Chair referred the matter for consideration to the next Ordinary Meeting of Council.

At 9:35 am, Cr Bartley, Cr Cole and Cr Dorrington returned to the meeting.

**14.2 \*\*\* TEMPORARY REMOTE ATTENDANCE BY COUNCILLORS AT COUNCIL MEETINGS****File Number: C12.1-H1.18**

The Council had before it the report of the General Manager regarding the Temporary Remote Attendance by Councillors at Council Meetings.

**Resolution 2021/158****Moved: Cr Sarah Barton****Seconded: Cr Robert Stutsel**

- 1. That Councillors be permitted to attend meetings of Council and Committees of Council remotely by audio - visual link in exceptional circumstances.**
- 2. That the procedures for remote attendance by Councillors at Council Meetings as outlined in the report be adopted.**
- 3. That such procedures be applicable for the period ending 31 December 2021 or the date on which the interim measures contained in the Local Government (General) Regulation 2005 are revoked.**

**Carried**

**14.3 REGIONAL CONNECTIVITY PROGRAM****File Number: G4.1-T2.3**

The Council had before it the report of the General Manager regarding the Regional Connectivity Program.

**Resolution 2021/159****Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

**That Council note the advice of the Hon. Mark Coulton, MP, of funding provided to Field Solutions Group to extend high-speed broadband connectivity into areas in the Bourke Shire area.**

**Carried****14.4 MARANGUKA COLLABORATION AGREEMENT****File Number: G4.71, C6.51**

The Council had before it the report of the General Manager regarding the Maranguka Collaboration Agreement.

**Resolution 2021/160****Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

**That the General Manager be authorised to execute the Maranguka Collaboration Agreement on behalf of Council.**

**Carried****14.5 WHARF UPGRADE PROJECT****File Number: B3.4**

The Council had before it the report of the General Manager regarding the Wharf Upgrade Project.

**Resolution 2021/161****Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

**That the report in relation to works undertaken on private land as part of Stage 4 of the "Bourke to the Core Project" be noted.**

**Carried**

**15 CORPORATE SERVICES DEPARTMENT****15.1 \*\*\* BANK RECONCILIATION & STATEMENT OF BANK BALANCES****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Bank Reconciliation & Statement of Bank Balances.

**Resolution 2021/162****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 May, 2021 be noted.**

**Carried****15.2 \*\*\* INVESTMENT REPORT AS AT 31 MAY 2021****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Investment Report as at 31 May 2021.

**Resolution 2021/163****Moved: Cr Ian Cole****Seconded: Cr John Thompson**

- 1. That the report regarding Council's Investment Portfolio 31 May, 2021 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted and the report adopted**

**Carried**

**15.3 \*\*\* PECUNIARY INTEREST RETURNS****File Number: S6.29-LD-S3.8.31**

The Council had before it the report of the Manager Corporate Services regarding the Pecuniary Interest Returns.

**Resolution 2021/164****Moved: Cr Ian Cole****Seconded: Cr Robert Stutsel**

**That Council notes the information received in relation to Pecuniary Interest Returns as presented to Council on Monday, 28 June 2021.**

**Carried****15.4 \*\*\* REVIEW OF CAPITAL WORKS PROGRAM 2020/2021 AND REALLOCATION OF FUNDS****File Number: R2.5**

The Council had before it the report of the Manager Corporate Services regarding the Review of Capital Works Program 2020/2021 and Reallocation of Funds.

**Resolution 2021/165****Moved: Cr Robert Stutsel****Seconded: Cr Victor Bartley**

**That the capital works projects previously planned for 2020/2021 as detailed herewith be revoted for expenditure as part of the Operational Plan for 2021/2022.**

**Carried**

**15.5 ANNUAL RISK MANAGEMENT PROGRAM AND INSURANCE MATTERS****File Number: I2.1**

The Council had before it the report of the Manager Corporate Services regarding the Annual Risk Management Program and Insurance Matters.

**Resolution 2021/166****Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

**That Council notes the Risk Management Program review and the classes of insurance acquired for 2021/2022.**

**Carried****15.6 \*\*\* RATES WRITE-OFF ASSESSMENT 01610-11000000-000****File Number: R2.5**

The Council had before it the report of the Revenue Officer regarding the Rates Write-off Assessment 01610-11000000-000.

**Resolution 2021/167****Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

**That Council write off Ordinary General Rates and Interest for Assessment No. 01610-11000000-000 for the period of 30<sup>th</sup> November 2019 to 30<sup>th</sup> June 2021 in the amount of \$1,374.28.**

**Carried****15.7 \*\*\* RATES WRITE-OFF ASSESSMENT 01610-12000000-000****File Number: R2.5**

The Council had before it the report of the Revenue Officer regarding the Rates Write-off Assessment 01610-12000000-000.

**Resolution 2021/168****Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

**That Council write-off Ordinary General Rates and Interest for Assessment No. 01610-12000000-000 for the period of 30<sup>th</sup> November 2019 to 30<sup>th</sup> June 2021 in the amount of \$2,305.10**

**Carried**

**16 COMMUNITY ENGAGEMENT DEPARTMENT**

Nil

**17 TOURISM & EVENTS**

Nil

**18 DELEGATES AND COUNCILLORS REPORTS**

Nil

**19 POLICIES**

Nil

**20 PRÉCIS OF CORRESPONDENCE****20.1 \*\*\* BOURKE WARRIORS ARLC - REQUEST FOR ASSISTANCE****File Number: D5.2**

The Council had before it the report of the General Manager regarding the Bourke Warriors ARLC - Request for Assistance.

**Resolution 2021/169****Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

**That Council not accede to the request of the Bourke Warriors ARLC to fund uniforms valued at \$7,174.00.**

**Carried**

**20.2 \*\*\* BOURKE ROTARY CLUB - REQUEST FOR ASSISTANCE****File Number: C12.5**

The Council had before it the report of the General Manager regarding the Bourke Rotary Club - Request for Assistance.

**Resolution 2021/170****Moved: Cr Cec Dorrington****Seconded: Cr Robert Stutsel**

**That Council accede to the request to support the Bourke Rotary Club in holding a Christmas in July luncheon for the Bourke seniors and the wavier of fees for the hire of the Back O Bourke Conference Centre totalling \$350.00 on 25 July 2021.**

**Carried****21 ACTIVITY REPORTS****21.1 ENGINEERING SERVICES ROAD WORKS & WORKSHOP - WORKS COMPLETED****File Number: E7.1**

The Council had before it the report of the Manager Roads regarding the Engineering Services Road Works & Workshop - Works Completed.

**Resolution 2021/171****Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

**That Council note the information in the Engineering Services Department Road Works and Workshop Activity Reports as presented to Council on Monday, 28<sup>th</sup> June 2021.**

**Carried**



**21.2 PARKS & GARDENS / TOWN SERVICES / WATER & WASTEWATER  
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 & Wastewater Engineering Services Activity Report.

**Resolution 2021/172****Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

**That Council note the information in the Engineering Services Department Activity Reports as presented to Council on Monday, 28<sup>th</sup> June 2021.**

**Carried****21.3 ENVIRONMENTAL SERVICES DEPARTMENT - ACTIVITY REPORT****File Number: D3.1-A11.1-A8.1**

The Council had before it the report of the Manager Environmental Services regarding the Environmental Services Department - Activity Report.

**Resolution 2021/173****Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

**That the information in the Environmental Services Activity Report as presented to Council on Monday, 28 June 2021 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 2021/174****Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

**That the information in the General Manager's Activity Report as presented to Council on Monday, 28 June 2021 be noted.**

**Carried**

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

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

**Resolution 2021/175****Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

**That the information in the Library Manager's Report as presented to Council on Monday, 28 June 2021 be noted.**

**Carried****21.6 TOURISM & EVENTS MANAGER'S ACTIVITY REPORT****File Number: T4.1**

The Council had before it the report of the Manager Tourism & Events regarding the Tourism & Events Manager's Activity Report.

**Resolution 2021/176****Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

**That the information in the Tourism and Events Manager's Activity Report as presented to Council on Monday, 28 June 2021 be noted.**

**Carried**

**22 CLOSED SESSION**

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

**Resolution 2021/177**

**Moved:** Cr Robert Stutsel

**Seconded:** Cr Sam Rice

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

**22.1 \*\*\* Sale of Land - North Bourke**

**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.**

**22.2 \*\*\* Deed of Agreement - CAPRA PTY LTD - Proposed Sale of Small Stock Abattoir – June 2021 Update**

**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.**

**22.3 \*\*\* Sundry Debtors - Write-Off**

**This matter is considered to be confidential under Section 10A(2) - (a) 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 personnel matters concerning particular individuals (other than councillors).**

**22.4 \*\*\* Recruitment of General Manager**

**This matter is considered to be confidential under Section 10A(2) - (a) 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 personnel matters concerning particular individuals (other than councillors).**

**Carried**

Council proceeded into a closed session with the livestreaming of the meeting being paused at 9.55am.

**Resolution 2021/178**

**Moved:** Cr Cec Dorrington

**Seconded:** Cr Robert Stutsel

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

**Carried**

Open Council resumed at 10.18am.

#### **RESOLUTIONS FROM CLOSED SESSION OF COUNCIL**

The Mayor requested the General Manager to read out the motions that were passed in Closed Council.

##### **22.1 \*\*\* SALE OF LAND - NORTH BOURKE**

###### **Resolution 2021/179**

- 1. That Council proceed to sell to Mr Scott and Mrs Paula Parry, Lot 61 DP 1027306 North Bourke at a purchase price of \$35,000 (Ex GST) subject to the following conditions:**
  - The property being sold on an “as is” basis with the supply/extension/connection of water, septic, stormwater, electricity services and fencing to Lot 61 being at the purchaser’s cost;
  - No access to Lot 61 being available from the existing sealed Sid Coleman Drive;
  - Council undertaking to provide a two (2) coat bitumen seal to a standard width along the unnamed road fronting Lot 61 and 62 DP 1027306 within 12 months of settlement of the purchase;
  - That in sealing such road it be acknowledged by the purchaser that no additional works will be undertaken by Council in respect of stormwater drainage along the length of the roadway to be sealed;
  - That the purchaser acknowledge that the subject land is zoned IN1, General Industrial under the Bourke Local Environmental Plan, as gazetted January 2013, with Residential Accommodation being a Prohibited Use in the Zone.
- 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**

##### **22.2 \*\*\* DEED OF AGREEMENT - CAPRA PTY LTD - PROPOSED SALE OF SMALL STOCK ABATTOIR – JUNE 2021 UPDATE**

###### **Resolution 2021/180**

- 1. That the report of the General Manager regarding the “Deed of Agreement – CAPRA Pty Ltd – June 2021 Update” be noted.**
- 2. That the documents and considerations in respect of this matter remain confidential to Council**

**Carried**

**22.3 \*\*\* SUNDRY DEBTORS - WRITE-OFF**

**Resolution 2021/181**

- 1. That Council resolve to write off the various sundry debtors which combine to \$7,526.31 as described in this Report.**
- 2. That the documents and considerations in respect of this matter remain confidential to Council**

**Carried**

**22.4 \*\*\* RECRUITMENT OF GENERAL MANAGER**

**Resolution 2021/182**

- 1. That Local Government Management Solutions (LGMS) be engaged, as per their submission, to undertake the recruitment of a General Manager for Bourke Shire Council with a view to a new General Manager commencing in the role during February 2022.**
- 2. That in engaging LGMS they be requested, at this point, to commence the preparation of the necessary recruitment documentation with the Mayor being authorised to progress the matter as requested.**
- 3. That the September 2021 elected Council at its initial meeting proposed for the 4<sup>th</sup> Monday of September 2021, being 27 September 2021, consider the recruitment process with a view to the role being advertised commencing 15 October 2021 and determination of other required General Manager Recruitment matters.**
- 4. That the documents and considerations in respect of this matter remain confidential to Council**

**Carried**

**The Meeting closed at 10.20am.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 July 2021.**

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**CHAIRPERSON**