



MINUTES

Ordinary Council Meeting

23 August 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, 23 AUGUST 2021 AT 9.27AM**

PRESENT: Cr Barry Hollman (Mayor/Chairman), Cr Sarah Barton, Cr Ian Cole, Cr Sally Davis, Cr Lachlan Ford (Deputy Mayor), Cr Sam Rice, Cr Robert Stutsel

IN ATTENDANCE: Mark Riley (General Manager), Leonie Brown (Manager of Corporate Services), Peter Brown (Manager Works), Dwayne Willoughby (Manager Environmental Services), Peter Brown (Manager Works), Mark Gordon (Manager Roads Services), Dwayne Willoughby (Manager Environmental Services).

The Mayor and Manager Corporate Services were in attendance in the Council Chamber whilst the balance of Councillors and staff attended the meeting via audio-visual link.

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:

Edward Barker	Etelvina Rios	Barry Williams
John Hull	Kim Raftos	Jeff Muir
John Doyle	Brian Waters	Biddy (nee Fields) Walker
Mick James		

4 LEAVE OF ABSENCE

Resolution 2021/228

Moved: Cr Sam Rice

Seconded: Cr Sarah Barton

1. That the apology received from Councillor Bartley be accepted and leave of absence granted.
2. That as a result of technical difficulties which resulted in Councillor Thompson being unable to join the audio-visual meeting Councillor Thomson be granted leave of absence.

Carried

5 DECLARATION OF INTEREST

Cr Sarah Barton declared a non-pecuniary interest respect of Confidential Item No 22.9 of today's Closed Council agenda, being the Mayoral Minute – General Manager Recruitment such that she will close her laptop and be out of sight during the Council's consideration of this matter. The reason for such interest is the relationship with the Manager Corporate Services who may be a potential applicant for the position of General Manager.

Mark Riley, General Manger, declared a pecuniary, interest in respect of Confidential Item No 22.9 of today's Closed Council agenda being the Mayoral Minute – General Manager Recruitment, such that he will close his laptop and be out of sight during the Council's consideration of this matter. The reason for such interest is that whilst he will not be an applicant for the full time role, the Minute gives consideration to Mr Riley's term of tenure with Council.

Leonie Brown, Manager Corporate Services, declared a pecuniary interest in respect of Confidential Item No 22.9 of today's Closed Council agenda being the Mayoral Minute – General Manager Recruitment, such that she will leave the room and be out of sight during the Council's consideration of this matter. The reason for such interest is that Ms Brown may be a candidate for the role of General Manager once advertised.

6 MAYORAL MINUTE

6.1 MAYORAL MINUTE - MAYORAL ACTIVITIES

File Number: M2.1

The Council had before it the Mayor Activity Report from 21 July 2021 to 18 August 2021.

Resolution 2021/229

Moved: Cr Barry Hollman

That the information in the Mayoral Minute as presented to Council on Monday, 23 August 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. No additional reports were identified by Council to be starred for individual consideration.

Resolution 2021/230

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, 23 August 2021 be adopted.

Carried

8 CONFIRMATION OF MINUTES**Resolution 2021/231**

Moved: Cr Sam Rice

Seconded: Cr Sally Davis

That the minutes of the Ordinary Council Meeting held on 26 July 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 2021/232**Moved: Cr Sarah Barton****Seconded: Cr Sam Rice**

That the information in the Business Arising Report as presented to Council on Monday, 23 August 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 2021/233**Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

That the information in the Calendar of Events Report as presented to Council on Monday, 23 August 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 21 July 2021 to 18 August 2021.

Resolution 2021/234**Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

That the contents of the Information to Councillors Report as presented to Council on Monday, 23 August 2021 be noted.

Carried**12 ENGINEERING SERVICES DEPARTMENT**

Nil

13 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**13.1 FOOD SURVEILLANCE ACTIVITY REPORT 2020/21****File Number: H1.5**

The Council had before it the report of the Manager Environmental Services regarding the Food Surveillance Activity Report 2020/21.

Resolution 2021/235**Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

That Council note the report in relation to Food Safety inspections.

Carried

14 GENERAL MANAGER**14.1 *** POSTPONEMENT OF COUNCIL ELECTIONS - TERM OF MAYOR AND DEPUTY MAYOR****File Number: C11.5, C11.6**

The Council had before it the report of the General Manager regarding the Postponement of Council Elections - Term of Mayor and Deputy Mayor.

Resolution 2021/236**Moved: Cr Sarah Barton****Seconded: Cr Sally Davis**

That as a result of the postponement of Council Elections in NSW until 4 December 2021, it be noted that Mayor Barry Hollman and Deputy Mayor, Councillor Lachlan Ford, retain their roles with Council until 4 December 2021 with no requirement for an election in respect of either position being required in September 2021.

Carried**14.2 DELIVERY PROGRAM REPORT 1 JULY 2020 TO 30 JUNE 2021****File Number: P4.2**

The Council had before it the report of the General Manager regarding the Delivery Program Report 1 July 2020 to 30 June 2021.

Resolution 2021/237**Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

That Council notes the activity progress against the actions contained in the 2020/2021 Delivery Program.

Carried

14.3 DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS RETURNS**File Number: C11.7, S2.29**

The Council had before it the report of the General Manager regarding the Disclosures of Pecuniary Interest and Other Matters Returns.

Resolution 2021/238**Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

That Council notes the tabled Disclosure of Interest Returns by Councillors and Designated Persons and the Register of Returns for the 2020/2021 Financial Year, in accordance with Section 440AAB of the Local Government Act 1993.

Carried**14.4 DETERMINATION OF DATES AND TIMES OF MEETINGS DUE TO POSTPONEMENT OF THE LOCAL GOVERNMENT ELECTIONS****File Number: C12.1**

The Council had before it the report of the General Manager regarding the Determination of Dates and Times of Meetings due to Postponement of the Local Government Elections.

Resolution 2021/239**Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

That having regard to the revised date of the 2021 Council Elections, being 4 December 2021, Ordinary meetings of Bourke Shire Council for the extended period of the Council be held at 9.15am on the following dates:

- **Monday 27 September 2021**
- **Monday 25 October 2021**
- **Monday 22 November 2021**

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 of Corporate Services regarding the Bank Reconciliation & Statement of Bank Balances.

Resolution 2021/240**Moved: Cr Sam Rice****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 31 July 2021 be noted.

Carried**15.2 *** INVESTMENT REPORT AS AT 30 JULY 2021****File Number: F1.1**

The Council had before it the report of the Manager of Corporate Services regarding the Investment Report as at 30 June 2021.

Resolution 2021/241**Moved: Cr Sam Rice****Seconded: Cr Lachlan Ford**

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

Carried

15.3 * ADDITIONAL REVIEW OF OPERATIONAL PLAN 2020/2021 AND REALLOCATION OF FUNDS**

File Number: F1.1, F1.3

The Council had before it the report of the Manager of Corporate Services regarding the Additional Review of Operational Plan 2020/2021 and reallocation of funds.

Resolution 2021/242

Moved: Cr Sally Davis

Seconded: Cr Sam Rice

That Council adopts the recommendation to amend the capital costs planned for 2020/2021 as detailed in the report and revote the expenditure to the Operational Plan for 2021/2022.

Carried

15.4 * RATES WRITE-OFF - ASSESSMENT NO. 01143-00000000-000**

File Number: R.2.5

The Council had before it the report of the Revenue Officer regarding the Rates Write-Off - Assessment No. 01143-00000000-000.

Resolution 2021/243

Moved: Cr Sally Davis

Seconded: Cr Sam Rice

- 1. That Council write off rates, charges and interest for assessment number 01143-00000000-000 to the amount of \$17,419.55.**
- 2. That Council note the property will then become non-rateable.**

Carried

At this juncture, Councillor Cec Dorrington joined the meeting, the time being 9.56am.

16 COMMUNITY ENGAGEMENT DEPARTMENT

Nil

17 TOURISM & EVENTS

Nil

18 DELEGATES AND COUNCILLORS REPORTS

Nil

19 POLICIES

Nil

20 PRÉCIS OF CORRESPONDENCE

Nil

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 2021/244**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, 23 August 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 2021/245**Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

That Council note the information in the Parks & Gardens, Town Services and Water and Waste Water Engineering Services Department Activity Reports as presented to Council on Monday, 23 August 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 2021/246**Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

That the information in the Environmental Services Activity Report as presented to Council on Monday, 23rd August 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 2021/247**Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

That the information in the General Manager's Activity Report as presented to Council on Monday, 23 August 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 2021/248**Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

That the information in the Library Manager's Report as presented to Council on Monday, 23 August 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 2021/249**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, 23 August 2021 be noted.

Carried**22 CLOSED SESSION**

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

Resolution 2021/250**Moved: Cr Sam Rice****Seconded: Cr Sarah Barton**

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 * Tender for Supply of Two (2) 120-130 HP Tractors 06/22**

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 * Tender for One (1) 70-80 HP Skid Steer Loader 08/22**

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.

22.3 * Supply and Delivery of Two (2) Rideon Mowers Tender 09/22**

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.

22.4 * Tender Bourke 973776 - 03/22 Supply of (1) Dual Control Suction Sweeper**

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.

22.5 * Supply and Delivery of One (1) 4 x 2 Rigged Maintenance Service Truck 05/22**

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.

22.6 * Tender for Provision of Tree Maintenance T142122OROC**

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.

22.7 * Display enhancement Back O' Bourke Exhibition Centre**

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.

22.8 * Outstanding Rates and Charges**

This matter is considered to be confidential under Section 10A(2) - (b) 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 discussion in relation to the personal hardship of a resident or ratepayer.

22.9 * Mayoral Minute - General Manager Recruitment**

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 closed session with the livestreaming of the meeting being paused at 9.58am

22.1 * TENDER FOR SUPPLY OF TWO (2) 120-130 HP TRACTORS 06/22****Resolution 2021/251****Moved: Cr Robert Stutsel****Seconded: Cr Lachlan Ford**

1. That Council resolves to purchase two (2) New John Deere 6125M Tractors from Huchean and Pearce Operations for \$240,727.26
2. Council resolves to trade Council's two (2) John Deere Tractors Plant No's 65 & 72 to Pickles Auctions for \$75,000.00 for a change over price of \$165,727.26.
3. That the documents and considerations in respect of this matter remain confidential to Council.

Carried**22.2 *** TENDER FOR ONE (1) 70-80 HP SKID STEER LOADER 08/22****Resolution 2021/252****Moved: Cr Lachlan Ford****Seconded: Cr Cec Dorrington**

1. That Council resolves to purchase the Case SR42B Skid Loader from Earthmoving Equipment Australia for \$79,650.0 and sell Council's Case Skid Steer Loader Plant no 130 to Pickles Auctions for a changeover price of \$59,650.00.
2. That the documents and considerations in respect of this matter remain confidential to Council.

Carried**22.3 *** SUPPLY AND DELIVERY OF TWO (2) RIDEON MOWERS TENDER 09/22****Resolution 2021/253****Moved: Cr Lachlan Ford****Seconded: Cr Cec Dorrington****That Council resolves to purchase the two (2) mowers from Scone Outdoors that being**

- (1) The Toro GM 360 4WD Quad Steer belly mounted mower from Scones Outdoors for a changeover price of \$34,999.09.
- (2) The Toro Groundmaster 3300 Outfront mower from Scone Outdoors for a changeover price of \$33,782.73.

Carried

22.4 * TENDER BOURKE 973776 - 03/22 SUPPLY OF (1) DUAL CONTROL SUCTION SWEEPER****Resolution 2021/254****Moved: Cr Lachlan Ford****Seconded: Cr Cec Dorrington**

1. That the tender submitted by Rosmech Sales and Service PTY LTD for the supply of a Scarab Mistral with the Hino FE 1426 truck, and trade of Council's old Rosmech Mistral and Hino Truck Plant No57, for a changeover price of \$221,027.28 be accepted
2. That the documents and considerations in respect of this matter remain confidential to Council.

Carried**22.5 *** SUPPLY AND DELIVERY OF ONE (1) 4 X 2 RIGED MAINTENANCE SERVICE TRUCK 05/22****Resolution 2021/255****Moved: Cr Lachlan Ford****Seconded: Cr Cec Dorrington**

That Council resolves to accept the tender from Tracserv of Dubbo for the Isuzu FSR 140-260 LWB with Obieco body and optional Rear Airbag Suspension for a Changeover price of \$188,594.55

Carried**22.6 *** TENDER FOR PROVISION OF TREE MAINTENANCE T142122OROC****Resolution 2021/256****Moved: Cr Lachlan Ford****Seconded: Cr Cec Dorrington**

That Council Resolves to accept the Two Recommendations from the Regional Procurement Evaluation Panel:

1. That the best fit for purpose tenderers be awarded this contract as the Panel Source suppliers to Bourke Shire Council for the period 1 October 2021 to 30 September 2023, and
2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 September 2024.
3. That the documents and considerations in respect of this matter remain confidential to Council.

Carried

22.7 * DISPLAY ENHANCEMENT BACK O' BOURKE EXHIBITION CENTRE****Resolution 2021/257****Moved: Cr Lachlan Ford****Seconded: Cr Cec Dorrington**

1. That in accordance with section 55 (3) (i) of the Local Government Act 1993, Council not invite tenders for the development and installation of creative displays at the Back O' Bourke Exhibition Centre on the basis that inviting tenders will not achieve a satisfactory result in so far as:
 - (a) the remoteness of Bourke's locality significantly limits the potential number of suitably qualified contractors in the marketplace who have both the capacity to work in a remote location and who also have a knowledge of the local tourism sector;
 - (b) the need for new displays to successfully integrate with existing displays;
 - (c) the existing suppliers have a track record of successfully delivering previous display projects at the Centre; and
 - (d) Changing service providers at this point would be both costly and time consuming for the operations of the Centre.
 - (e) the relatively short project completion time-frame.
2. That Ample Projects be engaged to lead the creative development, project manage, develop the content and liaise with builders for the display upgrade project at the Back O' Bourke Exhibition Centre at a cost of approximately \$491,000.00 (ex GST)
3. That Show Works Creative Solutions be engaged to lead the construction of the display upgrade project at the Back O' Bourke Exhibition Centre at a cost of approximately \$360,750.00 (Ex GST).
4. That the General Manager be delegated authority to enter into direct negotiations with Ample Projects and Show Works Creative to finalise project prices and then enter into the necessary contracts.
5. That the documents and consideration in respect of this matter remain confidential to Council.

Carried

22.8 * OUTSTANDING RATES AND CHARGES****Resolution 2021/258****Moved: Cr Lachlan Ford****Seconded: Cr Cec Dorrington**

1. That Council notes the report on Outstanding Rates and Charges, Water Billing charges and Sundry Debtor account owed to Council as at 30 June 2021.
2. That the documents and considerations in respect of this matter remain confidential to Council.

Carried**22.9 *** MAYORAL MINUTE - GENERAL MANAGER RECRUITMENT****Resolution 2021/259****Moved: Cr Lachlan Ford****Seconded: Cr Robert Stutsel**

1. That Council amend the General Manager Recruitment Timetable such that the recruitment process commences in February 2022 with a view to a new General Manager commencing in May/June 2022 with the process being undertaken by the new Council elected in December 2021.
2. That the Mayor be authorised to take the necessary action such that Council proceeds with a process, as provided in the Mayoral Minute and as concurred with by the Office of Local Government, to engage a short term General Manager from 7 February 2022 for a period of between 3-5 months, with the actual term of the appointment being linked to the commencement date of the long term General Manager.
3. That a report recommending a person to undertake the short term role of General Manager be provided to Council prior to the 5 November 2021 Caretaker Mode date
4. That the documents and considerations in respect of this matter remain confidential to Council.

Carried**Resolution 2021/260****Moved: Cr Robert Stutsel****Seconded: Cr Ian Cole****That Council moves out of Closed Council into Open Council.****Carried**

Open Council resumed at 10.16am

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 10.20am.

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

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CHAIRPERSON