



MINUTES

Ordinary Council Meeting

25 October 2021

Order Of Business

1	Opening Prayer	4
2	Acknowledgement of Country	4
4	Leave of Absence.....	5
5	Declaration of Interest.....	5
6	Mayoral Minute	5
6.1	Mayoral Minute - Mayoral Activities	5
6	Starring of Items.....	5
7	Confirmation of Minutes	6
8	Notice of Motion	6
	Nil	
9	Rescission Motion	6
	Nil	
11	Business Arising.....	6
11.1	*** Business Arising	6
11.2	Calendar of Events.....	7
11.3	Information to Councillors	7
12	Engineering Services Department	7
12.1	Tree Removal, KErb and Guttering-18 Moculta Street	7
13	Environmental Services & Development Department.....	8
13.1	LEP Amendment under S3.22.....	8
14	General Manager.....	8
14.1	*** Christmas - New Year Closure	8
15	Corporate Services Department	9
15.1	*** Bank Reconciliation & Statement of Bank Balances	9
15.2	*** Investment Report as at 30 September 2021	9
15.3	*** Draft Community Engagement Strategy 2022	10
16	ECONOMIC DEVELOPMENT Department	10
16.1	*** Western Golf Challenge.....	10
17	Tourism & Events	10
	Nil	
18	Delegates and Councillors Reports.....	10
	Nil	
19	Policies.....	11

Nil

20 Précis of Correspondence 11

Nil

21 Activity Reports..... 11

21.1 Engineering Services Road Works & Workshop - Works Completed..... 11

21.2 Parks & Gardens / Town Services / Water & Wastewater Engineering Services
Activity Report 11

21.3 Environmental Services Department - Activity Report 12

21.4 General Manager's Activity Report 12

21.5 Library Manager's Activity Report..... 12

21.6 Tourism & Events Manager's Activity Report 13

22 Closed Session..... 14

At this juncture, the Council gave consideration to moving into Closed Session of Council. 14

22.1 *** Tender -Provision for Road Stabilisation..... 15

22.2 *** Deed of Agreement - CAPRA PTY LTD - Proposed Sale of Small Stock
Abattoir – October 2021 Update..... 15

22.3 *** North Bourke Stormwater Drainage 16

22.4 *** General Manager Recruitment 17

**MINUTES OF SHIRE OF BOURKE
ORDINARY COUNCIL MEETING
HELD AT THE BOURKE SHIRE COUNCIL, 29 MITCHELL STREET BOURKE NSW
ON MONDAY, 25 OCTOBER 2021 AT 9.26AM**

PRESENT: Cr Barry Hollman (Mayor), 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 of Corporate Services), Peter Brown (Manager Works), Mark Gordon (Manager Roads Services).

Cr Ian Cole requested that attendance by him at today's Council meeting be via audio-visual link due to exceptional circumstances.

Resolution 2021/288

Moved: Cr Victor Bartley

Seconded: Cr Robert Stutsel

That Cr Ian Cole be permitted to attend the meeting via audio-visual link due to exceptional circumstances.

Carried

At this juncture, Cr Cole joined the meeting via audio-visual link, the time being 9.28am.

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:

Maxine McCosker

Raymond Campbell

Maureen Smith

Roger Buckley

Michael Morris

At this juncture, Cr Victor Bartley left the meeting, the time being 9.31am.

4 LEAVE OF ABSENCE**Resolution 2021/289****Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

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

Carried

Nil

5 DECLARATION OF INTEREST

Nil received

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

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

Resolution 2021/290**Moved: Cr Barry Hollman**

That the information in the Mayoral Minute as presented to Council on Monday, 25 October 2021 be noted.

Carried**6 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	Plan of Development Davidson Oval Precinct	Dwayne Willoughby
21.6	Tourism and Events Manager's Activity Report	Melanie Milgate

Resolution 2021/291**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the the recommendations as detailed in the un-starred items as contained in the agenda for the Ordinary Meeting of Council, held on Monday, 25 October 2021 be adopted save and except for Item No 13.1 and 21.6 of the Agenda, with such items to be considered seperately.

Carried**7 CONFIRMATION OF MINUTES****Resolution 2021/292****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

That the minutes of the Ordinary Council Meeting held on 27 September 2021 be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.

Carried**8 NOTICE OF MOTION**

Nil

9 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 2021/293**Moved: Cr Cec Dorrington****Seconded: Cr Robert Stutsel**

That the information in the Business Arising Report as presented to Council on Monday, 25 October 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 2021/294**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the information in the Calendar of Events Report as presented to Council on Monday, 25 October 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.

Resolution 2021/295**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the contents of the Information to Councillors Report as presented to Council on Monday, 25 October 2021 be noted.

Carried**12 ENGINEERING SERVICES DEPARTMENT****12.1 TREE REMOVAL, KERB AND GUTTERING-18 MOCULTA STREET****File Number: R7.7.20**

The Council had before it the report of the Manager Works regarding the Tree Removal, kerb and guttering-18 Moculta Street.

Resolution 2021/296**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

- 1. That Council note the report on the kerb and guttering request at 18 Moculta Street and undertake the proposed repair work to be completed to the driveway to the property.**
- 2. That Council accede to the request and take the necessary action to remove the Gum Tree at 18 Moculta Street Bourke, acting on the reports from the qualified arborist's.**

Carried

13 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**13.1 LEP AMENDMENT UNDER S3.22****File Number: T5.1**

The Council had before it the report of the Manager Environmental Services regarding the LEP Amendment under S3.22.

Resolution 2021/297**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice****That the report in regards to LEP amendment under S3.22 be noted.****Carried****14 GENERAL MANAGER****14.1 *** CHRISTMAS - NEW YEAR CLOSURE****File Number: A3.10.1**

The Council had before it the report of the General Manager regarding the Christmas - New Year Closure.

Resolution 2021/298**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

- 1. That Councils Shire Office and Library close at 4.30pm on Thursday, 23 December 2021 and re-open at their respective regular opening times on Tuesday, 4 January 2022.**
- 2. That Thursday, 24 December 2021 be observed as the Union Picnic Day for relevant Council staff.**
- 3. That Councils other facilities including the Memorial Swimming Pool, Waste Depot and Back O' Bourke Exhibition Centre close for Christmas Day on Saturday, 25 December 2021, and that dates and times of operation for these facilities during the remaining days of Christmas/New Year period be determined by the General Manager, having regard to demand and operational requirements.**
- 4. That it be noted that Council will maintain a skeleton crew to provide appropriate on-call staff to respond to urgent maintenance work or emergency situations during the holiday period.**
- 5. That the community be advised of Councils Christmas/New Year holiday arrangements.**

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 2021/299**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 30 September 2021 be noted.

Carried**15.2 *** INVESTMENT REPORT AS AT 30 SEPTEMBER 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 September 2021.

Resolution 2021/300**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the report regarding Council's Investment Portfolio 30 September 2021 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted and the report adopted**

Carried

15.3 * DRAFT COMMUNITY ENGAGEMENT STRATEGY 2022****File Number: P4.4**

The Council had before it the report of the Manager of Corporate Services regarding the Draft Community Engagement Strategy 2022.

Resolution 2021/301**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

- 1. That Council note the report outlining the development of the Bourke Shire Community Strategic Plan 2032.**
- 2. That Council adopt the draft Community Engagement Strategy 2022 and place the Strategy on public exhibition for a period of 28 days for community consultation.**
- 3. That should there be no comments received during the exhibition period, then the Community Engagement Strategy 2022 be adopted.**

Carried**16 ECONOMIC DEVELOPMENT DEPARTMENT****16.1 *** WESTERN GOLF CHALLENGE****File Number: D5.1, S4.1, S5.1**

The Council had before it the report of the Economic Development Manager regarding the Western Golf Challenge.

Resolution 2021/302**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That Council accede to the request from Gary Begg – Regional Manager Golf NSW requesting financial support in the amount of \$2,000 to assist with the grant application for the proposed Western Golf Challenge 2022.

Carried**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 2021/303**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That Council note the information in the Engineering Services Department Road Works and Workshop Activity Reports as presented to Council on Monday 25th October 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 2021/304**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

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, 25th October 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 2021/305**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the information in the Environmental Services Activity Report as presented to Council on Monday, 25th October 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 2021/306**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the information in the General Manager's Activity Report as presented to Council on Monday, 25 October 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 2021/307**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the information in the Library Manager's Report as presented to Council on Monday, 25 October 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 2021/308**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

That the information in the Tourism and Events Manager's Activity Report as presented to Council on Monday, 25 October 2021 be noted.

Carried

22 CLOSED SESSION

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

Resolution 2021/309

Moved: Cr Sarah Barton

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 * Tender -Provision for Road Stabilisation**

This matter is considered to be confidential under Section 10A(2) - (d)(ii) 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 competitor of the council.

22.2 * Deed of Agreement - CAPRA PTY LTD - Proposed Sale of Small Stock Abattoir – October 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 * 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.

22.4 * 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 9.48am

22.1 * TENDER -PROVISION FOR ROAD STABILISATION****File Number: T3.3**

The Council had before it the report of the Manager Roads regarding the Tender - Provision for Road Stabilisation.

Resolution 2021/310**Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

That Council resolves to adopt the recommendation from the Regional Procurement 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 January 2022 to 31 December 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 31 December 2024.**
- 3. That the information and considerations remain confidential to the Council.**

Carried**22.2 *** DEED OF AGREEMENT - CAPRA PTY LTD - PROPOSED SALE OF SMALL STOCK ABATTOIR – OCTOBER 2021 UPDATE****File Number: A1.1-D2.7-D2.17**

The Council had before it the report of the General Manager regarding the Deed of Agreement - CAPRA PTY LTD - Proposed Sale of Small Stock Abattoir – October 2021 Update.

Resolution 2021/311**Moved: Cr Cec Dorrington****Seconded: Cr Robert Stutsel**

- 1. That the report of the General Manager regarding the “Deed of Agreement – CAPRA Pty Ltd – October 2021 Update” be noted.**
- 2. That the General Manager, in consultation with the Mayor, be authorised, as appropriate, to take the necessary action to finalise the funding agreement with CAPRA and other matters, generally in accordance with the contents of the email from Council to Mr James Price dated 21 October 2021.**
- 3. That the Common Seal of Council be attached to any necessary documentation.**
- 4. That the information and considerations remain confidential to the Council.**

Carried

At this juncture, Cr Victor Bartley returned to the meeting, the time being 10.16am

22.3 * NORTH BOURKE STORMWATER DRAINAGE****File Number: D6.2, V1.6**

The Council had before it the report of the General Manager regarding the North Bourke Stormwater Drainage.

Motion**Moved:** Cr Robert Stutsel**Seconded:** Cr Sam Rice

1. That as part of the September 2021 Quarterly Financial Review, Council allocate additional funds held in its Asset Renewal Reserve totalling \$515,000 towards remediation works in respect of the North Bourke drainage issue.
2. That the Warrego Street Drainage Channel construction proposal be noted.
3. That discussions be held involving the property owner and Councils Consulting Stormwater Engineer with a view to clarifying and progressing the design of the Warrego Street Drainage Channel, or other drainage options, for a further report to Council.
4. That the documents and considerations remain confidential to the Council.

Amendment**Moved:** Cr Robert Stutsel**Seconded:** Cr John Thompson

1. That as part of the September 2021 Quarterly Financial Review, Council allocate additional funds held in its Asset Renewal Reserve totalling \$515,000 towards remediation works in respect of the North Bourke drainage issue.
2. That the Warrego Street Drainage Channel construction proposal be noted.
3. That Council receive a further report of options regarding the retardation basin proposal be submitted to council

The amendment was put to the meeting and was lost.

Lost

The motion was put to the meeting**Resolution 2021/312**

1. That as part of the September 2021 Quarterly Financial Review, Council allocate additional funds held in its Asset Renewal Reserve totalling \$515,000 towards remediation works in respect of the North Bourke drainage issue.
2. That the Warrego Street Drainage Channel construction proposal be noted.
3. That discussions be held involving the property owner and Councils Consulting Stormwater Engineer with a view to clarifying and progressing the design of the Warrego Street Drainage Channel, or other drainage options, for a further report to Council.
4. That the documents and considerations remain confidential to the Council.

Carried

Cr Stutsel requested that his vote be recorded against the motion.

At this juncture, the General Manager, Economic Development Manager, Manager Environmental Services, Manager Roads and Manager Works left the meeting during consideration of the following matter, the time being 10.34am

22.4 * GENERAL MANAGER RECRUITMENT**

File Number: S6.24

The Council had before it the report of the Mayor regarding the General Manager Recruitment.

Resolution 2021/313

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

- 1. That Mr Mark Riley be appointed as the Interim General Manager for a period of up to five (5) months effective 7 February 2022, with the actual term of the appointment being linked to the commencement date of the long term General Manager to be recruited commencing February 2022.**
- 2. That the Mayor be authorised to finalise the necessary appointment and employment arrangements with Mr Riley.**
- 3. That the information and considerations remain confidential to the Council**

Carried

Resolution 2021/314

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

That Council moves out of Closed Council into Open Council.

Carried

Open Council resumed at 10.37am

At this juncture the General Manager, Economic Development Manager, Manager Environmental Services, Manager Roads and Manager Works returned to the meeting, the time being 10.38am

RESOLUTIONS FROM CLOSED SESSION OF COUNCIL

At the request of the Mayor, the General Manager read to the meeting the resolutions determined in respect of Council reports numbered 22.1, 22.2 and 22.3, with the Manager Corporate Services reading to the meeting report number 22.4, as determined in the Closed Session of Council.

The Meeting closed at 10.40am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 22 November 2021.

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CHAIRPERSON