



MINUTES

Ordinary Council Meeting

22 November 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, 22 NOVEMBER 2021 AT 9.15AM**

PRESENT: Cr Barry Hollman (Mayor), Cr Victor Bartley, Cr Sarah Barton, 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), Mark Gordon (Manager Special Projects), Melanie Milgate (Economic Development Manager), Alex Saju (Manager Roads), Dwayne Willoughby (Manager Environmental 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:

Anne Sharpe	Nathalie Meyers	John Scott
Matthew Ceeney	Mona Dixon	Ian Bruce Smith

4 LEAVE OF ABSENCE

Nil

5 DECLARATION OF INTEREST

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 2021/315**Moved: Cr Barry Hollman**

That the information in the Mayoral Minute as presented to Council on Wednesday, 22 November 2021 be noted.

Carried**6.2 *** DELEGATIONS OF AUTHORITY - GENERAL MANAGER****File Number: A3.8 - S6.30**

The Council had before it the report of the Mayor regarding the Delegations of Authority - General Manager.

Resolution 2021/316**Moved: Cr Barry Hollman**

That the Delegations of Authority as currently provided to the General Manager, Mark Riley, be further provided to him during his term as the Interim General Manager for a period of up to five (5) months effective 7 February 2022, noting that the actual term of the appointment is linked to the commencement date of the long-term General Manager to be recruited commencing February 2022.

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.

Resolution 2021/317**Moved: Cr Cec Dorrington****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, 22 November 2021 be adopted.

Carried

7 CONFIRMATION OF MINUTES**Resolution 2021/318****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

That the minutes of the Ordinary Council Meeting held on 25 October 2021 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 Arising.

Resolution 2021/319**Moved: Cr Sally Davis****Seconded: Cr Sarah Barton**

That the information in the Business Arising Report as presented to Council on Monday, 22 November 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 2021/320**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

That the information in the Calendar of Events Report as presented to Council on Monday, 22 November 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 2021/321**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

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

Carried**10 ENGINEERING SERVICES DEPARTMENT**

Nil

13 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**13.1 STATE OF THE ENVIRONMENT REPORT 2016-2021****File Number: E6.3.1**

The Council had before it the report of the Manager Environmental Services regarding the State of the Environment Report 2016-2021.

Resolution 2021/322**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel****That the Bourke State of Environment Report 2016-2021 be noted.****Carried****14 GENERAL MANAGER****14.1 *** CODE OF MEETING PRACTICE****File Number: C12.1**

The Council had before it the report of the General Manager regarding the Code of Meeting Practice.

Resolution 2021/323**Moved: Cr Sarah Barton****Seconded: Cr Sam Rice**

- 1. That Council note the minor changes to the Code as presented mainly relating to the holding of remote meetings.**
- 2. That the revised Bourke Shire Council Code of Meeting Practice dated November 2021 be adopted without the need to advertise in accordance with *section 362 of the Local Government Act 1993*.**
- 3. That a copy of the revised Code of Meeting Practice be placed on Councils Website.**

Carried

14.2 * END OF TERM REPORT 2021****File Number: P4.2, P4.4**

The Council had before it the report of the General Manager regarding the End of Term Report 2021.

Resolution 2021/324**Moved: Cr Sarah Barton****Seconded: Cr Lachlan Ford**

That the End of Term Report 2021 be noted and included as an attachment to the 2020/2021 Annual Report.

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 2021/325**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 31 October 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 2021/326**Moved: Cr Cec Dorrington****Seconded: Cr Ian Cole**

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

Carried**15.3 *** BUDGET REVIEW TO 30 SEPTEMBER 2021****File Number: F1.6**

The Council had before it the report of the Manager of Corporate Services regarding the Budget Review to 30 September 2021.

Resolution 2021/327**Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

1. That the document entitled "Quarterly Budget Review Statement – September 2021" be received and noted
2. That the variations of income and expenditure as identified in the "Quarterly Budget Review Statement – September 2021" be adopted.

Carried

15.4 * COMMUNITY CONSULTATION MEETINGS IN RELATION TO THE COMMUNITY STRATEGIC PLAN - TIMETABLES AND FORMAT****File Number: P4.4**

The Council had before it the report of the Manager of Corporate Services regarding the Community Consultation Meetings in Relation to the Community Strategic Plan - Timetables and Format.

Resolution 2021/328**Moved: Cr Sarah Barton****Seconded: Cr Sally Davis**

- 1. That Council note the report regarding the legislative requirement to update the Community Strategic Plan**
- 2. That Council note the proposed timetable for the Consultative Meetings in the town and villages.**
- 3. That Council continue with its ongoing consultation with community groups to obtain broad and comprehensive input into the Community Strategic Plan.**

Carried**11 COMMUNITY ENGAGEMENT DEPARTMENT**

Nil

12 TOURISM & EVENTS

Nil

13 DELEGATES AND COUNCILLORS REPORTS

Nil

14 POLICIES

Nil

15 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 2021/329**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

That Council note the information in the Engineering Services Department Road Works and Workshop Activity Reports as presented to Council on Monday 22Nd November 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 2021/330**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

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, 22nd November 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 2021/331**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

That the information in the Environmental Services Activity Report as presented to Council on Monday, 22 November 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 2021/332**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

That the information in the General Manager's Activity Report as presented to Council on Monday, 22 November 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 2021/333**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

That the information in the Library Manager's Report as presented to Council on Monday, 22 November 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 2021/334**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

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

Carried**22 CLOSED SESSION**

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

Resolution 2021/335**Moved: Cr Sarah Barton****Seconded: Cr Robert Stutsel**

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

22.1 * 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.

Carried

Council proceeded into closed session with the livestreaming of the meeting being paused at 9.42am.

22.1 * DEED OF AGREEMENT - CAPRA PTY LTD - PROPOSED SALE OF SMALL STOCK ABATTOIR – OCTOBER 2021 UPDATE**

Resolution 2021/336

Moved: Cr Cec Dorrington

Seconded: Cr Ian Cole

- 1. That the termination of the Funding Agreement between the Federal Government and Bourke Shire Council for the provision of funding to undertake enabling works in respect of the Bourke Small Stock Abattoir on 29 October 2021, be noted.**
- 2. That the execution of a Deed of Termination dated 11 November 2021 between CAPRA Developments Pty Ltd and Council be noted with such Deed becoming effective when the sale of the abattoir by CAPRA to Thomas Foods Information is completed.**
- 3. That the documents and considerations in respect of this matter remain confidential to Council.**

Carried

Resolution 2021/337

Moved: Cr Sam Rice

Seconded: Cr Sarah Barton

That Council moves out of Closed Council into Open Council.

Carried

Open council resumed at 9.48am.

RESOLUTIONS FROM CLOSED SESSION OF COUNCIL

At the request of the Mayor, the General Manager read to the meeting the resolution determined in respect of Council report number 22.1, in the Closed Session of Council.

The Meeting closed at 9.50am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 December 2021.

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CHAIRPERSON