



MINUTES

Ordinary Council Meeting

20 December 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, 20 DECEMBER 2021 AT 9.15AM**

PRESENT: Cr Barry Hollman (Mayor), Cr Victor Bartley, Cr Sarah Barton, Cr Lachlan Ford (Deputy Mayor), Cr Sally Davis, Cr Cec Dorrington, Cr Sam Rice, Cr Grace Ridge, Cr Nathan Ryan, Cr Robert Stutsel

IN ATTENDANCE: Mark Riley (General Manager), Leonie Brown (Manager Corporate Services), Peter Brown (Manager Works), Melanie Milgate (Economic Development Manager), Alex Saju (Manager Roads Services), 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 memory of the following recently deceased:

Gail Boyd	Rodney Keenan	Royce Parnaby
Kate Harrison	Sonny Sandford	Colin Stewart
Patricia Edwards	James Wright	Steve Monagan
Lorna Mackay		

4 LEAVE OF ABSENCE

Nil

5 DECLARATION OF INTEREST

Cr Sally Davis declared a pecuniary interest in Item 23.2 of the Agenda – North Bourke Stormwater Drainage. The reason for such interest is that Councillor Davis is a neighbour and an associate to the owner of the land detailed within the report. In making her declaration Councillor Davis advised that she would leave the Chamber and be out of sight during Council's consideration of the matter.

Cr Grace Ridge declared a pecuniary interest in Item 23.2 of the Agenda – North Bourke Stormwater Drainage. The reason for such interest is that Councillor Ridge has a business relationship with the owner of the land detailed within the report. In making her declaration Councillor Ridge advised that she would leave the Chamber and be out of sight during Council's consideration of the matter.

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 2021/348**Moved: Cr Barry Hollman**

That the information in the Mayoral Minute as presented to Council on Wednesday, 20 December 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 2021/349**Moved: Cr Sarah Barton****Seconded: Cr Victor Bartley**

That the recommendations as detailed in the un-starred items as contained in the agenda for the Ordinary Meeting of Council, held on Monday, 20 December 2021 be adopted.

Carried**8 CONFIRMATION OF MINUTES****Resolution 2021/350****Moved: Cr Sarah Barton****Seconded: Cr Lachlan Ford**

That the minutes of the Ordinary Council Meeting held on 22 November 2021 and the Extraordinary Council Meeting held on 10 December 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 2021/351**Moved: Cr Cec Dorrington****Seconded: Cr Robert Stutsel**

That the information in the Business Arising Report as presented to Council on Monday , 20 December 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 2021/352**Moved: Cr Sarah Barton****Seconded: Cr Victor Bartley**

That the information in the Calendar of Events Report as presented to Council on Monday, 20 December 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 2021/353**Moved: Cr Sarah Barton****Seconded: Cr Victor Bartley**

That the contents of the Information to Councillors Report as presented to Council on Monday, 20 December 2021 be noted.

Carried**12 ENGINEERING SERVICES DEPARTMENT****12.1 *** TREE REMOVAL****File Number: T6.2**

The Council had before it the report of the Manager Works regarding the Tree Removal.

Resolution 2021/354**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

- 1. That the recommendations of SAVCO Vegetation Services regarding the removal of the Queensland Fig Tree located at the front of 68 Hope St, Bourke and the removal of seven (7) lemon scented gums and the trimming of a further two (2) gums at 6 Tudor St, Bourke, be adopted.**
- 2. That the private landowner be advised that they are responsible for the cost of the trimming of the tree on private land.**
- 3. That Council take the necessary action in respect of the removal/trimming of such trees.**

Carried

12.1 * ROAD CLASSIFICATION REVIEW****File Number: R7.1, R7.4.3**

The Council had before it the report of the Manager Roads regarding the Road Classification Review.

Resolution 2021/355**Moved: Cr Victor Bartley****Seconded: Cr Grace Ridge**

1. That Council provide a submission to the Independent Panel on Road Classification Review and Regional Road Transfer proposing that ownership of the Bourke – Milparinka Rd (Wanaaring Rd) be transferred to the NSW Government, as a minimum.
2. That the transfer of any Regional Roads to Government in the Bourke Shire being on the basis of Council entering into a contract with Government which would see Council continuing to undertake both improvement works and the necessary programmed and emergency maintenance works on the transferred roadway(s).
3. That Council also provide a submission to the Independent Panel on Road Classification Review and Regional Road Transfer proposing the reclassification from local road to regional road status of the following roads:
 - RLR 5 – Caronga Peak to Wilga Downs (23km / no bridge);
 - RLR50 - Moleyah Road – Wanaaring to Hungerford (86.82km / no bridge);
 - RLR44 – Janina Road – Louth to Wanaaring (85.7km / no bridge);
 - RLR49 – West Culgoa Road – Bourke to Weilmoringle (82.82km / single lane bridge).

Carried**13 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**

Nil

14 GENERAL MANAGER**14.1 ANNUAL REPORT 2020/2021****File Number: A3.2**

The Council had before it the report of the General Manager regarding the Annual Report 2020/2021.

Resolution 2021/356**Moved: Cr Sarah Barton****Seconded: Cr Victor Bartley**

That the information in this report regarding the Annual Report as presented to Council on Monday 20 December 2021 be noted.

Carried**14.2 *** CHANGES TO FEBRUARY 2022 MEETING DATE****File Number: C12.1**

The Council had before it the report of the General Manager regarding the Changes to February 2022 Meeting Date.

Resolution 2021/357**Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

That the date of the February 2022 Council meeting be changed to Friday, 25 February 2022 commencing at 9.15am such that the February meeting does not conflict with the LGNSW Conference being held from 28 February – 2 March 2022.

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 2021/358**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 30 November 2021 be noted.

Carried**15.2 *** INVESTMENT REPORT AS AT 30 NOVEMBER 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 November 2021.

Resolution 2021/359**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

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

Carried

15.3 PROPOSED INTERNAL AUDIT AND RISK MANAGEMENT FRAMEWORK**File Number: A13.3**

The Council had before it the report of the Manager of Corporate Services regarding the Proposed Internal Audit and Risk Management Framework.

Resolution 2021/360**Moved: Cr Sarah Barton****Seconded: Cr Victor Bartley**

That Council note the report in regards to the Risk Management and Internal Audit for Local Councils in NSW.

Carried**16 ECONOMIC DEVELOPMENT DEPARTMENT**

Nil

17 COMMUNITY ENGAGEMENT DEPARTMENT

Nil

18 TOURISM & EVENTS

Nil

19 DELEGATES AND COUNCILLORS REPORTS

Nil

20 POLICIES

Nil

21 PRÉCIS OF CORRESPONDENCE

Nil

22 ACTIVITY REPORTS**22.1 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 2021/361**Moved: Cr Sarah Barton****Seconded: Cr Victor Bartley**

That Council note the information in the Engineering Services Department Road Works and Workshop Activity Reports as presented to Council on Monday, 20 December 2021.

Carried**22.2 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 2021/362**Moved: Cr Sarah Barton****Seconded: Cr Victor Bartley**

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, 20 December 2021.

Carried

22.3 ENVIRONMENTAL SERVICES DEPARTMENT ACTIVITY REPORT**File Number:**

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

Resolution 2021/363

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That the information in the Environmental Services Activity Report as presented to Council on Monday, 20th December 2021 be received and noted.

Carried

22.4 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 2021/364

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That the information in the General Manager's Activity Report as presented to Council on Monday, 20 December 2021 be noted.

Carried

22.5 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 2021/365

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That the information in the Library Manager's Report as presented to Council on Monday, 20 December 2021 be noted.

Carried

22.6 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 2021/366**Moved: Cr Sarah Barton****Seconded: Cr Victor Bartley**

That the information in the Tourism and Events Manager's Activity Report as presented to Council on Monday, 20 December 2021 be noted.

Carried**23 CLOSED SESSION**

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

Resolution 2021/367**Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

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:

23.1 * Integrated Water Cycle Management Strategy**

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.

23.2 * 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.

23.3 * 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 9.32am

23.1 * INTEGRATED WATER CYCLE MANAGEMENT STRATEGY**

File Number: W2.3

The Council had before it the report of the Manager Works regarding the Integrated Water Cycle Management Strategy.

Resolution 2021/368

Moved: Cr Robert Stutsel

Seconded: Cr Lachlan Ford

- 1. That Council accept funding in the amount of \$357,857 (Ex GST) under the Local Water Utility Infrastructure Programs Funding Scheme for town and village water supplies.**
- 2. That Council accept the offer from Public Works Advisory for the preparation of a new Integrated Water Cycle Management Strategy for the Bourke township and Villages at a cost of \$477,143 (Ex GST).**
- 3. That funding of \$119,286 (Ex GST) be sourced from Councils Water Fund Restricted Asset as Councils 25% contribution to the project.**
- 4. That any necessary documents be executed under the Common Seal of Council.**
- 5. That the documents and considerations remain confidential to the Council.**

Carried

At this juncture, Cr Davis and Cr Ridge left the meeting during consideration of the following matter, the time being 9.36am.

23.2 * NORTH BOURKE STORMWATER DRAINAGE**

File Number: D6.1, D6.2, V1.6

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

Resolution 2021/369

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

- 1. That a workshop of Councillors, relevant staff, and Councils engineering and legal advisors be held on a date to be determined in February 2022, prior to Councils formal consideration of the North Bourke drainage issue.**
- 2. That the documents and considerations remain confidential to the Council.**

Carried

At this juncture, Cr Davis and Cr Ridge returned to the meeting, the time being 9.44am.

At this juncture, the Manager Corporate Services, Economic Development Manager, Manager Environmental Services, Manager Roads and Manager Works left the meeting during consideration of the following matter, the time being 9.44am

23.3 * MAYORAL MINUTE - GENERAL MANAGER RECRUITMENT**

File Number: S6.24

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

Motion

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

1. That the recruitment process as identified herewith be endorsed.
2. That the selection committee for the recruitment of the General Manager comprise the Mayor, Deputy Mayor and one other Councillor.
3. That Council proceed to determine the councillor on the selection committee.
4. That it be noted that final interviews will involve full Council at an Extraordinary meeting.
5. That the timetable for the recruitment of General manager as identified herewith, be endorsed.
6. That in progressing this recruitment process, the Mayor be authorised to attend to any necessary matters.
7. That the documents and considerations remain confidential to the Council.

Amendment**Resolution 2021/370**

Moved: Cr Victor Bartley

Seconded: Cr Robert Stutsel

1. That the recruitment process as identified herewith be endorsed.
2. That the selection committee for the recruitment of the General Manager comprise the Mayor, Deputy Mayor and two (2) other Councillors.
3. That Council proceed to determine the two (2) councillors on the selection committee.
4. That it be noted that final interviews will involve full Council at an Extraordinary meeting.
5. That the timetable for the recruitment of General manager as identified herewith, be endorsed.
6. That in progressing this recruitment process, the Mayor be authorised to attend to any necessary matters.
7. That the documents and considerations remain confidential to the Council.

The amendment was put to the meeting and was carried.

Carried

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

Carried

Resolution 2021/371

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That Councillors Sally Davis and Nathan Ryan be the Councillors on the selection committee in addition to the Mayor and Deputy Mayor.

Carried

Resolution 2021/372

Moved: Cr Cec Dorrington

Seconded: Cr Sally Davis

That Council moves out of Closed Council into Open Council.

Carried

Open Council resumed at 9.52am.

At this juncture, the Manager Corporate Services, Economic Development Manager, Manager Environmental Services, Manager Roads and Manager Works returned to the meeting, the time being 9.52am.

RESOLUTION FROM CLOSED SESSION OF COUNCIL

At the request of the Mayor, the General Manger read to the meeting the resolutions determined in respect of Council reports numbered 23.1, 23.2, and 23.3, in the Closed Session of Council.

The Meeting closed at 9.56am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 February 2022.

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CHAIRPERSON