



# **MINUTES**

**Ordinary Council Meeting**

**28 March 2022**

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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 MARCH 2022 AT 9.15AM**

**PRESENT:** Cr Lachlan Ford (Deputy Mayor and Chairman), Cr Victor Bartley, Cr Sarah Barton, Cr Sally Davis, Cr Cec Dorrington, Cr Grace Ridge, Cr Nathan Ryan, Cr Robert Stutsel

**IN ATTENDANCE:** Mark Riley (General Manager), Leonie Brown (Manager of Corporate Services), Peter Brown (Manager Works), Melanie Milgate (Economic Development Manager), Alex Saju (Manager Roads Services), Dwayne Willoughby (Manager Environmental Services)

**1 OPENING PRAYER**

Councillor Dorrington opened the meeting with a prayer

**2 ACKNOWLEDGEMENT OF COUNTRY**

The Deputy Mayor provided an Acknowledgment of Country

**3 REMEMBRANCE**

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

Lisa Hogan	Tanis Appleyard	John Barker
Allan Lamb	Patrick Moore	Margaret Nielsen
Peter Cocksedge	Robert Fisher	

**Motion**

**Resolution 2022/38**

**Moved:** Cr Cec Dorrington

**Seconded:** Cr Sarah Barton

**That the condolences of the Council be extended to the Mayor, Cr Barry Hollman, and his family on the passing of his daughter, Mrs Lisa Hogan.**

**Carried**

#### **4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

**Resolution 2022/39****Moved: Cr Cec Dorrington****Seconded: Cr Grace Ridge****That the apologies received from Cr Hollman and Cr Rice be accepted and leave of absence granted.****Carried**

#### **5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS**

Nil

#### **6 DISCLOSURES OF INTEREST**

Cr Sarah Barton declared a pecuniary interest in Item 22.2 of the Agenda – North Bourke Stormwater Drainage. The reason for such interest is that Councillor Barton's husband has a business relationship with the owner of the land detailed within the report. In making her declaration Councillor Barton advised that she would leave the Chamber and be out of sight during Council's consideration of the matter.

Cr Sarah Barton declared a pecuniary interest in Item No 12.1 of the agenda – Business Arising - General Manager Recruitment. The reason for such interest is Cr Bartons relationship with the Manager Corporate Services who may be a potential applicant for the position of General Manager. In making her declaration Cr Barton advised that she would leave the Chambers and be out of sight should Council consider and discuss this particular matter in the report.

Cr Sally Davis declared a pecuniary interest in Item 22.2 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 22.2 of the Agenda – North Bourke Stormwater Drainage. The reason for such interest is that Councillor Ridge and her family have 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

Cr Nathan Ryan declared a pecuniary interest in Item 22.2 of the Agenda – North Bourke Stormwater Drainage. The reason for such interest is that Councillor Ryan has a business relationship with the owner of the land detailed within the report. In making his declaration Councillor Ryan advised that he would leave the Chamber and be out of sight during Council's consideration of the matter

Ms Leonie Brown, Manager Corporate Services, declared a pecuniary interest in respect of Business Arising Item No 12.1 of today's Council agenda – Business Arising - General Manager Recruitment, such that she will leave the room and be out of sight if there is discussion of this matter. The reason for such interest is that Ms Brown may be a candidate for the role of General Manager.

**7 MAYORAL MINUTE****7.1 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 2022/40****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

**That the information in the Mayoral Minute as presented to Council on Monday, 28 March 2022 be noted.**

**Carried****8 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 2022/41****Moved: Cr Cec Dorrington****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 March 2022 be adopted.**

**Carried****9 CONFIRMATION OF MINUTES****Resolution 2022/42****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**That the minutes of the Ordinary Council Meeting held on 25 February 2022 taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.**

**Carried**

**10 NOTICES OF MOTION**

Nil

**11 RESCISSION MOTIONS**

Nil

**12 BUSINESS ARISING****12.1 \*\*\* BUSINESS ARISING****File Number: C12.1**

The Council had before it the report of the General Manager regarding the Business Arising.

**Resolution 2022/43****Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

**That the information in the Business Arising Report as presented to Council on Monday 28 March 2022 be noted.**

**Carried****12.2 CALENDAR OF EVENTS****File Number: C12.6**

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

**Resolution 2022/44****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

**That the information in the Calendar of Events Report as presented to Council on Monday, 28 March 2022 be noted.**

**Carried**

**12.3 INFORMATION TO COUNCILLORS****File Number: C12.1**

The Council had before it the report of the General Manager regarding the Information to Councillors.

**Resolution 2022/45****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

**That the contents of the Information to Councillors Report as presented to Council on Monday, 28 March 2022 be noted.**

**Carried****13 ENGINEERING SERVICES DEPARTMENT**

Nil

**14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT****14.1 ENVIRONMENTAL PLANNING & ASSESSMENT (STATEMENT OF EXPECTATION) ORDER 2021****File Number: T5.1**

The Council had before it the report of the Manager Environmental Services regarding the Environmental Planning & Assessment (Statement of Expectation) Order 2021.

**Resolution 2022/46****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

**That the report of the Manager Environmental Services regarding Environmental Planning and assessment (Statement of Expectation) Order 2021 be noted.**

**Carried**

**In Favour:** Crs Victor Bartley, Sarah Barton, Lachlan Ford, Sally Davis, Cec Dorrington, Grace Ridge, Nathan Ryan and Robert Stutsel

**Against:** Nil

**Carried 8/0**



**14.2 STANDARD INSTRUMENT AGRITOURISM NOMINATION****File Number: T5.1**

The Council had before it the report of the Coordinator Development & Regulatory Services regarding the Standard Instrument Agritourism Nomination.

**Resolution 2022/47****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

- 1. That Council endorse the Standard Instrument LEP Agritourism nomination form and submit its final response by 31 March 2022.**
- 2. That in completing the nomination form, Council submit that the number of buildings used to accommodate guests and farm gate premises buildings be to a maximum of six (6) buildings with an area of up to 100m<sup>2</sup> each.**

**Carried**

In Favour: Crs Victor Bartley, Sarah Barton, Lachlan Ford, Sally Davis, Cec Dorrington, Grace Ridge, Nathan Ryan and Robert Stutsel

Against: Nil

**Carried 8/0****14.3 REMOVAL OF TREES FROM MEMORIAL OLYMPIC SWIMMING POOL COMPLEX****File Number: S10.2**

The Council had before it the report of the Manager Environmental Services regarding the Removal of Trees from Memorial Olympic Swimming Pool Complex.

**Resolution 2022/48****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

- 1. That Council proceed to remove the two (2) Gum trees from within the Bourke Memorial Swimming Pool Complex, to allow for development and upgrade works of the learn to swim pool, noting that such trees are outside the definition of a street tree as per Council's Street Tree policy.**
- 2. That Council staff replace the (2) Gum trees with suitable trees at other strategic locations within the pool complex.**

**Carried**

**15 GENERAL MANAGER****15.1 \*\*\* PERCY HOBSON****File Number: P1.15, R1.1**

The Council had before it the report of the General Manager regarding the passing of Mr Percy Hobson.

**Resolution 2022/49****Moved: Cr Victor Bartley****Seconded: Cr Sarah Barton****That the information in the report of the General Manager be noted.****Carried****15.2 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 2022/50****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton****That the tabling of the Disclosure of Interest Returns, as detailed in the report of the General Manager, be noted and that it be further noted that in accordance with the Government Information (Public Access) Act 2009 the returns will be made publicly available on Councils website.****Carried**

**16 CORPORATE SERVICES DEPARTMENT****16.1 \*\*\* 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 2022/51****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 28 February 2022 be noted**

**Carried****16.2 \*\*\* INVESTMENT REPORT AS AT 28 FEBRUARY 2021****File Number: F1.1**

The Council had before it the report of the Manager of Corporate Services regarding the Investment Report as at 28 February 2021.

**Resolution 2022/52****Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

- 1. That the report regarding Council's Investment Portfolio 28 February 2022 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.**

**Carried**

**16.3 \*\*\* NSW OLG - COUNCILLOR SUPERANNUATION PAPER****File Number: C11.2**

The Council had before it the report of the Manager of Corporate Services regarding the NSW OLG - Councillor Superannuation Paper.

**Resolution 2022/53****Moved: Cr Grace Ridge****Seconded: Cr Robert Stutsel**

1. That effective 1 July 2022, Council proceed to make superannuation contribution payments for Councillors.
2. That such superannuation contribution payments be the amount that Council would be requested to contribute under the Commonwealth Superannuation Guarantee (Administration) Act 1992 as superannuation if the Councillors were employed of the Council.
3. That it be noted that as of 1 July 2022, the superannuation guarantee rate will be 10.5% and then increasing by half a percent each year until 1 July 2025 when it reaches 12%.
4. That the obligations of Councillors and Council in respect of payments as provided in the March 2022 report of the Manager Corporate Services be noted.
5. That Councils 2022/2023 Operational Plan be prepared on the basis of superannuation contribution payments being made to Councillors.

**Carried****16.4 \*\*\* DRAFT COMMUNITY STRATEGIC PLAN****File Number: P4.1**

The Council had before it the report of the Manager of Corporate Services regarding the Draft Community Strategic Plan.

**Resolution 2022/54****Moved: Cr Sally Davis****Seconded: Cr Cec Dorrington**

1. That the draft Community Strategic Plan as attached herewith be placed on public exhibition for a period of twenty-eight (28) days inviting the public to make submissions
2. That a further report be presented to Council following the submission period.

**Carried**

**17 ECONOMIC DEVELOPMENT DEPARTMENT**

Nil

**18 DELEGATES AND COUNCILLORS REPORTS**

Nil

**19 POLICIES**

Nil

**20 PRÉCIS OF CORRESPONDENCE****20.1 \*\*\* REQUEST FOR SUPPORT - BUSH BURSARY/COUNTRY WOMEN'S ASSOCIATION (NSW) SCHOLARSHIP PROGRAM - RURAL DOCTORS NETWORK (RDN)****File Number: D5.2**

The Council had before it the report of the General Manager regarding the Request for Support - Bush Bursary/Country Women's Association (NSW) Scholarship Program - Rural Doctors Network (RDN).

**Resolution 2022/55****Moved: Cr Grace Ridge****Seconded: Cr Sally Davis**

**That Council accede to the request from the Rural Doctors Network requesting financial support in the amount of \$3,000 to assist the Bush Bursary Scheme.**

**Carried**

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

**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 2022/56****Moved: Cr Cec Dorrington****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 March 2022.**

**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 2022/57****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

**That the information in the parks and Gardens, Town Services and Water and Waste Water Activity Report as presented to Council on Monday, 28 March 2022 be received and noted.**

**Carried****21.3 ENVIRONMENTAL SERVICES DEPARTMENT - ACTIVITY REPORT****File Number: D3.1-A11.1-A8.1-S10.1**

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

**Resolution 2022/58****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

**That the information in the Environmental Services Activity Report as presented to Council on Monday, 28<sup>th</sup> March 2022 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 2022/59****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

**That the information in the General Manager's Activity Report as presented to Council on Monday, 28 March 2022 be noted.**

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

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

**Resolution 2022/60****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

**That the information in the Library Manager's Report for February 2022 as presented to Council on Monday, 28 March 2022 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 2022/61****Moved: Cr Cec Dorrington****Seconded: Cr Sarah Barton**

**That the information in the Tourism and Events Manager's Activity Report for December 2021 and January 2022 as presented to Council on Friday, 25 January 2022 be noted.**

**Carried**

**22 CLOSED SESSION**

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

**Resolution 2022/62**

**Moved:** Cr Cec Dorrington

**Seconded:** Cr Sally Davis

**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 \*\*\* Contract Management of the Bourke War Memorial Olympic Swimming Pool**

**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 \*\*\* 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.**

**Carried**

Council proceeded into closed session with the livestreaming of the meeting being paused at 10 am.

**22.1 \*\*\* CONTRACT MANAGEMENT OF THE BOURKE WAR MEMORIAL OLYMPIC SWIMMING POOL**

**File Number:** S10.1

The Council had before it the report of the Manager Environmental Services regarding the Contract Management of the Bourke War Memorial Olympic Swimming Pool.

**Resolution 2022/63**

**Moved:** Cr Victor Bartley

**Seconded:** Cr Robert Stutsel

- 1. That as per the existing Management Contract between Council and Mr Mark Hollman in respect of the Management of the Bourke War Memorial Olympic Swimming Pool Complex (BWMOSP), Council and Mr Hollman proceed to exercise the available 12-month option period ending 30 June 2023 at the agreed contract fee for the season as detailed in the report herewith.**
- 2. That it be noted that as per the existing contract in respect of the management of the BWMOSP, it will be necessary for Council to invite tenders for the management Contract**



post the period ending 30 June 2023.

3. That entry fees at the Bourke War Memorial Olympic Swimming Pool Complex for the 2022/2023 period be as follows and be included and exhibited as part of Councils 2022/2023 draft Operational Plan:

<b>2021/2022</b>	
<b>Casual Users</b>	
<b>General Admission</b>	<b>\$3.00</b>
<b>2 Years and Under</b>	<b>Free</b>
<b>Children (School use)</b>	<b>\$1.00</b>
<b>Aged Pensioners</b>	<b>Free</b>
<b>Season Tickets</b>	
<b>Family (2 Adults/2 children)</b>	<b>\$180.00</b>
<b>Additional Season Family member (family of 4 and thereafter produce a Medicare Card for proof of family member)</b>	<b>\$5.00</b>
<b>Single Season Ticket</b>	<b>\$65.00</b>

4. That the above contract fee and entry fee arrangement be conditional upon final adoption of Councils 2022/2023 Fees and Charges.

**Carried**

At this juncture, Cr Sarah Barton Cr Sally Davis, Cr Grace Ridge and Cr Nathan Ryan left the meeting, the time being 10:06 am.

## **22.2 \*\*\* 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.

Due to the lack of a quorum, the Chairman adjourned consideration of this item to the April Ordinary Meeting of Council commencing at 9.15am on Tuesday, 26 April 2022 in the Council Chamber.

The reason for such lack of a quorum was a result of the apologies tendered by Cr Hollman and Cr Rice and the various interests declared by Crs Barton, Davis, Ridge and Ryan which saw them leave the room in respect of this matter.

At this juncture, Cr Sally Davis Cr Grace Ridge and Cr Nathan Ryan returned to the meeting, the time being 10:10 am. Cr Sarah Barton did not return to the meeting.

**Resolution 2022/64**

**Moved: Cr Robert Stutsel**

**Seconded: Cr Victor Bartley**

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

**Carried**

Open council resumed at 10.11am.

**RESOLUTIONS FROM CLOSED SESSION OF COUNCIL**

At the request of the Chairman, the General Manager read to the meeting the Councils resolutions as determined in the Closed Session of Council.

**The Meeting closed at 10.14am.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 April 2022.**

.....  
**CHAIRPERSON**