



Date: Monday, 26 July 2021  
Time: 9.15am  
Location: Bourke Shire Council  
29 Mitchell Street, Bourke NSW

# **MINUTES**

## **Ordinary Council Meeting**

**26 July 2021**

## Order Of Business

<b>1</b>	<b>Opening Prayer .....</b>	<b>4</b>
<b>2</b>	<b>Acknowledgement of Country .....</b>	<b>4</b>
<b>3</b>	<b>Remembrance .....</b>	<b>4</b>
<b>4</b>	<b>Leave of Absence.....</b>	<b>4</b>
<b>5</b>	<b>Declaration of Interest.....</b>	<b>5</b>
<b>6</b>	<b>Mayoral Minute .....</b>	<b>5</b>
6.1	Mayoral Minute - Mayoral Activities .....	5
<b>7</b>	<b>Starring of Items.....</b>	<b>6</b>
<b>8</b>	<b>Confirmation of Minutes .....</b>	<b>6</b>
<b>9</b>	<b>Notice of Motion .....</b>	<b>7</b>
	Nil	
<b>10</b>	<b>Rescission Motion .....</b>	<b>7</b>
	Nil	
<b>11</b>	<b>Business Arising.....</b>	<b>7</b>
11.1	*** Business Arising .....	7
11.2	Calendar of Events.....	7
11.3	Information to Councillors .....	8
<b>12</b>	<b>Engineering Services Department .....</b>	<b>8</b>
	Nil	
<b>13</b>	<b>Environmental Services &amp; Development Department.....</b>	<b>8</b>
13.1	*** Construction of Water Storage Facility .....	8
<b>14</b>	<b>General Manager.....</b>	<b>17</b>
14.1	Exercise of Council functions during caretaker period .....	17
14.2	Polling Place for Local Government Elections.....	18
14.3	Annual Conference of Local Government New South Wales 28-30 November 2021 .....	18
14.4	Final Meeting of Council Elected September 2016 .....	19
14.5	*** 2021 Tour De OROC.....	19
14.6	*** Western Herald Advertising Proposal .....	20
<b>15</b>	<b>Corporate Services Department .....</b>	<b>20</b>
15.1	*** Bank Reconciliation & Statement of Bank Balances .....	20
15.2	*** Investment Report as at 30 June 2021 .....	21
15.3	*** Financial Statements - 30th June 2021 .....	21

15.4	*** Rates Write-off - Assessment Number 01610-11000000-000 and Rates Write-off - Assessment Number 01610-12000000-000.....	22
15.5	*** Write Off Assessment No. 01694-60000000-000 - Water Administration Ministerial, Jandra Station, Bourke-Wilcannia Road, Bourke NSW 2840 .....	22
<b>16</b>	<b>Community Engagement Department .....</b>	<b>22</b>
	Nil	
<b>17</b>	<b>Tourism &amp; Events .....</b>	<b>22</b>
	Nil	
<b>18</b>	<b>Delegates and Councillors Reports .....</b>	<b>23</b>
	Nil	
<b>19</b>	<b>Policies.....</b>	<b>23</b>
	Nil	
<b>20</b>	<b>Précis of Correspondence .....</b>	<b>23</b>
	Nil	
<b>21</b>	<b>Activity Reports.....</b>	<b>23</b>
21.1	Engineering Services Road Works & Workshop - Works Completed.....	23
21.2	Parks & Gardens / Town Services / Water & Wastewater Engineering Services Activity Report .....	23
21.3	Environmental Services Department - Activity Report .....	24
21.4	General Manager's Activity Report .....	24
21.5	Library Manager's Activity Report.....	24
21.6	Tourism & Events Manager's Activity Report .....	25
<b>22</b>	<b>Closed Session.....</b>	<b>25</b>
22.1	*** Purchase of One 6x4 Bridge Maintenance Truck and Hiab-Crane 972756-04/02 .....	27
22.2	*** Purchase of One 4WD Crew Cab Truck 4x4 Bourke 972791-07/21 .....	27
22.3	*** Tender of (1) Side Loading Garbage Compactor with Cab Chassis 972755-02/22 .....	27
22.4	*** Plant Hire Tender 01/22-2021/2022 .....	28
22.5	*** Tender for Supplies of Aggregates and Raw Materials T092122OROC .....	29
22.6	*** Becker Street Pump Station .....	29
22.7	*** Evaluation of Submissions Tender: "Netwaste Tender for Collection of Recycling ScRap Metal" .....	29

**MINUTES OF SHIRE OF BOURKE  
ORDINARY COUNCIL MEETING  
HELD AT THE BOURKE SHIRE COUNCIL, 29 MITCHELL STREET BOURKE NSW  
ON MONDAY, 26 JULY 2021 AT 9.15AM**

**PRESENT:** Cr Barry Hollman (Mayor/Chairman), Cr Victor Bartley, Cr Sarah Barton (via audio-visual link), 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), Peter Brown (Manager Works), Mark Gordon (Manager Roads Services), Dwayne Willoughby (Manager Environmental Services).

Cr Sarah Barton requested that attendance by her at today's Council meeting be via audio-visual link due to exceptional circumstances.

**Resolution 2021/187**

**Moved:** Cr Cec Dorrington

**Seconded:** Cr Victor Bartley

**That Cr Sarah Barton be permitted to attend the meeting via audio-visual link due to exceptional circumstances.**

**Carried**

At this juncture, Cr Barton joined 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 Acknowledgement of Country

**3 REMEMBRANCE**

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

Richard (Dick) Jackson

Peter Norman

Sandra Boede

Marj Payton

Marjorie Brown

Edward Barker

**4 LEAVE OF ABSENCE**

Nil

## **5 DECLARATION OF INTEREST**

Cr Victor Bartley declared a pecuniary interest in Item 14.6 of the Agenda – Western Herald Advertising Proposal. The reason for such interest is that Councillor Bartley is a Director of WREB Co-op Ltd, the publishers of the Western Herald. In making his declaration, Councillor Bartley advised that he would leave the Chamber and be out of sight during Council's consideration of the matter.

Cr Ian Cole declared a pecuniary interest in Item 14.6 of the Agenda – Western Herald Advertising Proposal. The reason for such interest is that Councillor Cole is a Director of WREB Co-op Ltd, the publishers of the Western Herald. In making his declaration, Councillor Cole advised that he would leave the Chamber and be out of sight during Council's consideration of the matter.

Cr Cec Dorrington declared a non – pecuniary, significant interest, in Item 14.6 of the Agenda – Western Herald Advertising Proposal. The reason for such interest is that Councillor Dorrington is an employee of WREB Co-op Ltd, the publishers of the Western Herald. In making his declaration, Councillor Dorrington advised that he would leave the Chamber and be out of sight during Council's consideration of the matter.

Cr Cec Dorrington declared a non – pecuniary, less than significant interest in Item 22.4 of the Agenda – Plant Hire Tenders. The reason for such interest is that Councillor Dorrington is related to one of the tenderers and a family member works for another of the tenderers. In making his declaration, Councillor Dorrington advised that he would not leave the Chamber during the consideration of the matter.

## **6 MAYORAL MINUTE**

### **6.1 MAYORAL MINUTE - MAYORAL ACTIVITIES**

**File Number: M2.1**

The Council had before it the Mayoral Activity Report from 23 June 2021 to 21 July 2021.

**Resolution 2021/188**

**Moved: Cr Barry Hollman**

**That the information in the Mayoral Minute as presented to Council on Monday, 26 July 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. The following additional report was identified by Council to be starred for individual consideration.

Item No	Name of Report	Officer
14.1	Exercise of Council functions during caretaker period	General Manager
14.2	Polling Place for Local Government Elections	General Manager
14.3	Annual Conference of LGNSW	General Manager
14.4	Final Meeting of the Council Elected September 2016	General Manager
21.4	General Manager's Activity Report	General Manager
21.6	Tourism and Events Manager's Activity Report	Tourism and Events Manager

### Resolution 2021/189

**Moved:** Cr Cec Dorrington

**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, 26 July 2021 be adopted save and except for Item No. 14.1, 14.2, 14.3, 14.4, 21.4 and 21.6 of the Agenda, with such items to be considered separately.

**Carried**

## 8 CONFIRMATION OF MINUTES

### Resolution 2021/190

**Moved:** Cr Cec Dorrington

**Seconded:** Cr Robert Stutsel

That the minutes of the Ordinary Council Meeting held on 28 June 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 2021/191****Moved: Cr Cec Dorrington****Seconded: Cr Robert Stutsel****Recommendation**

**That the information in the Business Arising Report as presented to Council on Monday, 26 July 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 2021/192****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**That the information in the Calendar of Events Report as presented to Council on Monday, 26 July 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 26 June 2021 to 20 July 2021.

**Resolution 2021/193****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley****Recommendation**

**That the contents of the Information to Councillors Report as presented to Council on Monday, 26 July 2021 be noted.**

**Carried****12 ENGINEERING SERVICES DEPARTMENT**

Nil

**13 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT****13.1 \*\*\* CONSTRUCTION OF WATER STORAGE FACILITY****File Number: DA 2021/0011**

The Council had before it the report of the Manager Environmental Services regarding the Construction of Water Storage Facility.

**Resolution 2021/194****Moved: Cr Lachlan Ford****Seconded: Cr Robert Stutsel**

**That application DA 2021/0011 for the construction of a water storage facility at Lots 4 and 5 DP 134908, "Lucerne View", 96 Tancred Drive, Bourke NSW 2840, be granted consent subject to all conditions listed below.**

**PART A - GENERAL CONDITIONS****1. APPROVED PLANS AND SUPPORTING DOCUMENTATION****Condition**

**Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.**

Plan No.	Revision No.	Plan Title	Drawn By	Dated



0456_2.1	A	Farm Map Flood works Layout Sheet 1 of 1	TCS	23/09/19
0456_1.1	B	Irrigation Modernisation Storage Typical Cross Section Sheet 1 of 2	TCS	16/04/21
0456_1.2	B	Irrigation Modernisation Storage Typical Cross Section Sheet 2 of 2	TCS	16/04/21
Nil	Nil	Statement of Environmental Effects	TCS	26/02/2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

#### Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

## PART B – GENERAL CONDITIONS OF CONSENT

### 1. FAILURE MANAGEMENT PLAN

#### Condition

Prior to the commencement of works, the applicant is to provide Council with a Failure Management Plan that identifies procedures that in the event of a failure of the dam:

- Preserves the safety of human life
- Limits Environmental Impacts
- Provides an evacuation plan

#### Reason

To preserve the safety of human life and prevent major environmental damage in the event of a cell failure.

### 2. MAINTENANCE PROGRAM

#### Condition

The applicant is to provide Council with a Maintenance Program and Monitoring Procedure which outlines strategies employed to maintain the structural soundness of the dam. The Maintenance Program and Monitoring Procedure is to be implemented for the lifetime of the development.

#### Reason

To maintain structural soundness and safety through the lifetime of the project.

**3. STORMWATER CAPTURE & RUNOFF****Condition**

Storm water capture is to be compliant with harvestable rights legislation under the Water Management Act 2000.

Further, irrigation waters shall be managed such that run-off from the land is minimised, no contaminated storm water runoff is directed outside of the irrigation area and there is minimal disruption to existing overland flow paths.

**Reason**

To manage the flow of storm water.

**4. WATER MANAGEMENT ACT APPROVALS****Condition**

Prior to any works commencing, the applicant is to ensure required approvals under Part 3 of the Water Management Act 2000 have been sought and gained from Water NSW. Evidence of this approval is to be provided to Bourke Shire Council prior to any works commencing on site.

**Reason**

To ensure compliance with the requirements of the Water Management Act 2000

**5. COMPLIANCE WITH CONDITIONS OF CONSENT****Condition**

All conditions of this consent are to be complied with to the standards specified prior to the filling of the dam.

**Reason**

To ensure the development proceeds in the manner as determined by Council.

## **PART C – PRIOR TO WORKS COMMENCING**

**1. ENGINEERING PLANS & REPORT****Condition**

Prior to the commencement of work the applicant is to provide updated design drawings, specifications and a report from a suitably qualified and competent person outlining how the design, construction and operation of the storage cell will comply with all relevant standards (including but not limited to Irrigation Australia's Guidelines for Ring Tank Storages) and achieve and maintain adequate structural soundness. Further, designs of the proposed storage shall be endorsed by an appropriately qualified engineer. In particular, the applicant is to provide advice on the following:

- Clarification as to how earthworks will be monitored for unsuitable material. Further, what material properties are required for each fill zone identified within the Storage Design Drawings
- Clarification as to how suitable embankment material will be identified and monitored for the cut-off trench and each fill zone within the Storage Cell.

A quality assurance plan shall also be developed by an appropriately qualified engineer and submitted to Council for approval prior to the commencement of works. The quality assurance

plan shall outline the proposed testing, inspection and other verification procedures which are to be implemented during construction.

**Reason**

It is in the public interest that the design of that (those) aspect(s) of the development comply with relevant Standards and Guidelines. Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as amended.

**2. SOIL AND WATER MANAGEMENT PLAN**

**Condition**

Details of the proposed sediment control measures are to be detailed in a soil and water management plan which shall be submitted to and approved by the principal certifying authority prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy shall be maintained on-site and be made available to Council officers upon request. Procedures shall be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited offsite or into existing drainage paths.

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

**Reason**

Because of the requirement to comply with appropriate standards for environmental control. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

**3. CONSTRUCTION SITE MANAGEMENT PLAN**

**Condition**

A Construction Site Management Plan shall be developed, lodged with Council and implemented prior to the commencement of demolition, excavation or building works. The plan must include the following measures, as applicable to the type of development:

1. Location and construction of protective fencing / hoardings to the perimeter of the site.
2. Location of site storage areas / sheds / equipment.
3. Location of materials for construction.
4. Provisions for public safety.
5. Dust control measures.
6. Site access location and construction.
7. Protective measures for tree preservation.
8. Provisions for temporary sanitary facilities.
9. Details of proposed sediment and erosion control measures.
10. Construction noise and vibration management.
11. Construction traffic management details.

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon

request.

**Reason**

Because of the requirement to comply with appropriate standards for environmental control. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

## **PART D – DURING CONSTRUCTION**

### **1. DUST**

**Condition**

Introduce and effectively maintain measures to suppress and control dust at all time during the construction of the development. Details of the proposed dust control measures, including procedures for the implementation of such measures, shall be submitted to Bourke Shire Council for approval prior to commencement of construction works.

**Reason**

To reduce impacts on the amenity from dust generated from construction activities.

### **2. HOURS OF OPERATION FOR WORKS**

**Condition**

All works associated with the construction of this development must be carried out between the following hours:

Weekdays: 7.00am to 7.00pm

Saturdays: 7.00am to 5.00pm

Sundays and Public Holidays: 8.00am to 5.00pm

Council may consider a variation of these hours on an individual basis upon written submission to Council.

**Reason**

To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality.

### **3. LOADING/UNLOADING OF CONSTRUCTION MATERIALS**

**Condition**

All storage of goods and construction materials and the carrying out of works related to the approved development shall be carried out within the confines of the property, unless otherwise stated in this consent. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under s138 of the *Roads Act 1993*.

**Reason**

To protect the safety of pedestrians and the amenity neighbouring properties.

### **4. ALL WORKS TO BE WITHIN PROPERTY BOUNDARIES**

**Condition**

All construction work shall be carried out within the confines of the property unless separate written permission is obtained from the relevant landowner and/or authority in control of the

land.

**Note:** A copy of any written notices authorising off-site construction operations shall be submitted to Council prior to any operations commencing on the affected land.

**Reason**

To prevent impact on the amenity and conditions of neighbouring properties and public assets.

#### **5. UNCOVERING RELICS OR ABORIGINAL OBJECTS**

**Condition**

While excavation work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Excavation may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

**In this condition:**

“relic” means any deposit, artefact, object or material evidence that:

- (a) Relates to the settlement of the area that comprised NSW, not being Aboriginal settlement, and
- (b) Is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by person of non-Aboriginal extraction and includes Aboriginal remains.

**Reason**

To ensure the protection of objects of potential significance during works.

## **PART E – PRIOR TO OCCUPATION OF THE BUILDING / OPERATION OF THE EVENT**

### **1. WORKS AS EXECUTED**

**Condition**

The applicant shall submit to Council two electronic copies of “works as executed plans” for the works required by Condition(s) titled:

#### **Part C, 1: ENGINEERING PLANS & REPORT**

Each drawing shall be signed and dated by the person responsible for the carrying out of those works. Work as Executed details shall be marked in red and super-imposed over engineering plans. Details shall include, where applicable, critical levels, grades, cross falls and plan locations of all works.

**Reason**

So that Council may ensure that the construction is in accordance with relevant requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as amended.

**2. NOTICE OF COMMENCEMENT OF OPERATIONS****Condition**

At least two weeks prior to the commencement of operations the applicant, or anyone operating under this consent, is to notify Council in writing that the use of the development is to commence.

**Reason**

To ensure Council is suitably notified that the construction works have been completed and operation is to commence.

**3. CONSTRUCTION QUALITY ASSURANCE REPORT****Condition**

Prior to the operation and/or filling of the storage cell the applicant shall submit a Quality Construction Assurance Report prepared by a suitably qualified Geotechnical Engineer. The Quality Construction Assurance Report shall detail the results of all quality assurance that was implemented throughout construction along with certification that the storage cell has been constructed in accordance with the approved plans and specifications.

**Reason**

To ensure the storage cell is constructed in accordance with the approved plans.

**Advisory Note**

The proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the proponent to obtain, renew or comply with such licenses, permits or approvals. The proponent shall ensure that a copy of this approval and all relevant environmental approvals are available at all times.

**ADVISORY NOTE - Prescribed conditions of development consent****ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 - REG 98**

All development must comply with the following where relevant:

**98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

(cu clauses 78 and 78A of EP&A Regulation 1994)

(1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- (b) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(1A) For the purposes of section 4.17 (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the

temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

(2) This clause does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

(3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

Note. There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

#### 98A Erection of signs

(1) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

(2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

(3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

(6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

#### 98B Notification of Home Building Act 1989 requirements

(1) For the purposes of section 4.17 (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any

residential building work within the meaning of the [Home Building Act 1989](#).

(2) Residential building work within the meaning of the [Home Building Act 1989](#) must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

#### 98C Conditions relating to entertainment venues

For the purposes of section 4.17 (11) of the Act, the requirements set out in Schedule 3A are prescribed as conditions of development consent for the use of a building as an entertainment venue

#### 98D Condition relating to maximum capacity signage

(1) For the purposes of section 4.17 (11) of the Act, the requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

(2) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

(3) Words and expressions used in this clause have the same meanings as they have in the Standard Instrument.

#### 98E Condition relating to shoring and adequacy of adjoining property

(1) For the purposes of section 4.17 (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or



rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(a) protect and support the building, structure or work from possible damage from the excavation, and

(b) where necessary, underpin the building, structure or work to prevent any such damage.

Carried

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motions were recorded:

In Favour: Crs Barry Hollman, Victor Bartley, Sarah Barton, Ian Cole, Sally Davis, Cec Dorrington, Lachlan Ford, Sam Rice, Robert Stutsel and John Thompson

Against: Nil

Carried 10/0

#### 14 GENERAL MANAGER

##### 14.1 EXERCISE OF COUNCIL FUNCTIONS DURING CARETAKER PERIOD

**File Number:** C1.1, C12.1

The Council had before it the report of the General Manager regarding the Exercise of Council functions during caretaker period.

##### **Resolution 2021/195**

**Moved:** Cr Victor Bartley

**Seconded:** Cr Sally Davis

1. That Council notes the report of the General Manager in respect of the Caretaker Provisions under Clause 393B of the Local Government (General) Regulation 2005.
2. That having regard to the Local Government Elections being postponed until 4 December 2021, it be noted that the Caretaker Provisions under Clause 393B of the Local Government (General) Regulation 2005 will apply from Friday, 5 November 2021.

Carried

**14.2 POLLING PLACE FOR LOCAL GOVERNMENT ELECTIONS****File Number: E2.3.5**

The Council had before it the report of the General Manager regarding the Polling Place for Local Government Elections.

**Resolution 2021/196****Moved: Cr Lachlan Ford****Seconded: Cr Sally Davis**

**That the Council note the report that the villages of Louth and Wanaaring will not have a polling place for the Local Government Election to be held 4 December 2021.**

**Carried****14.3 ANNUAL CONFERENCE OF LOCAL GOVERNMENT NEW SOUTH WALES 28-30 NOVEMBER 2021****File Number: C11.1, C6.1, L8.3**

The Council had before it the report of the General Manager regarding the Annual Conference of Local Government New South Wales 28-30 November 2021.

**Resolution 2021/197****Moved: Cr Ian Cole****Seconded: Cr Sam Rice**

- 1. That having regard to the Local Government Elections being postponed until 4 December 2021, the Mayor, Deputy Mayor and General Manager, or their nominees, be authorised to attend the 2021 LGNSW Annual Conference once the conference date is confirmed.**
- 2. That Councillors be invited to submit motions to the General Manager for potential consideration at the 2021 LGNSW Conference.**
- 3. That the Mayor, Deputy Mayor and General Manager be delegated authority to determine the submission of motions to the Conference or amend motions as required.**
- 4. That any Councillors wishing to attend the LGNSW Annual Conference are requested to advise the General Manager so that the necessary arrangements can be secured.**

**Carried**

**14.4 FINAL MEETING OF COUNCIL ELECTED SEPTEMBER 2016****File Number: C12.1**

The Council had before it the report of the General Manager regarding the Final Meeting of Council Elected September 2016.

**Resolution 2021/198****Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

**That having regard to the Local Government Elections being postponed until 4 December 2021, the General Manager be requested to take the necessary action in regard to arrangements for a final dinner and a photograph to recognise the Bourke Council for the period 2016-2021, at the appropriate time.**

**Carried****14.5 \*\*\* 2021 TOUR DE OROC****File Number: C8.11, D4.4, D5.1, D5.2**

The Council had before it the report of the General Manager regarding the 2021 Tour De OROC.

**Resolution 2021/199****Moved: Cr Robert Stutsel****Seconded: Cr Lachlan Ford**

**That Council contribute a donation of up to \$5,000 towards the costs associated with the hosting of the Tour De OROC riders and support crew in Bourke for the 2021 ride.**

**Carried**

At this juncture Cr Bartley, Cr Cole and Cr Dorrington left the chamber and were out of sight having each previously declared a pecuniary interest in respect to item 14.6 of the Agenda, the time being 9.46am.

**14.6 \*\*\* WESTERN HERALD ADVERTISING PROPOSAL****File Number: A4.1-A4.3**

The Council had before it the report of the General Manager regarding the Western Herald Advertising Proposal.

**Resolution 2021/200****Moved: Cr Robert Stutsel****Seconded: Cr Lachlan Ford**

**That Council proceed to enter into an advertising agreement with the Western Herald effective 1 July 2021 for a 12-month flat fee of \$36,000 (plus GST) payable by monthly instalments of \$3,000 (plus GST) as per the proposal herewith.**

**Carried**

At 9:48 am, Cr Victor Bartley, Cr Ian Cole and Cr Cec Dorrington, returned to the meeting.

**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 2021/201****Moved: Cr Cec Dorrington****Seconded: Cr Lachlan Ford**

**That the amended Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 30 June 2021 be noted.**

**Carried**

**15.2 \*\*\* INVESTMENT REPORT AS AT 30 JUNE 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 2021/202****Moved: Cr Cec Dorrington****Seconded: Cr Ian Cole**

- 1. That the report regarding Council's Investment Portfolio 30<sup>th</sup> June 2021 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted and the report adopted**

**Carried****15.3 \*\*\* FINANCIAL STATEMENTS - 30TH JUNE 2021****File Number: F1.4.6**

The Council had before it the report of the Manager of Corporate Services regarding the Financial Statements - 30th June 2021.

**Resolution 2021/203****Moved: Cr Ian Cole****Seconded: Cr John Thompson**

- 1. That Council's Financial Reports for the year ended 30 June 2021 be referred for audit.**
- 2. That the Mayor, a Councillor, General Manager and the Responsible Accounting Officer be authorised to sign the Statement by Councillors and Management on the Financial Reports for the year ended 30 June 2021.**

**Carried**

**15.4 \*\*\* RATES WRITE-OFF - ASSESSMENT NUMBER 01610-11000000-000 AND RATES WRITE-OFF - ASSESSMENT NUMBER 01610-12000000-000****File Number: R.2.5**

The Council had before it the report of the Revenue Officer regarding the Rates Write-off - Assessment Number 01610-11000000-000 and Rates Write-off - Assessment Number 01610-12000000-000.

**Resolution 2021/204****Moved: Cr Robert Stutsel****Seconded: Cr Victor Bartley**

1. That Council write-off Ordinary General Rates (2021-22 Levy) for Assessment No. 01610-11000000-000 to the amount of \$639.47.
2. That Council write off Ordinary General Rates (2021-22 Levy) for Assessment No. 01610-12000000-000 for \$1,087.59 – Total amount of \$1,727.06.

**Carried****15.5 \*\*\* WRITE OFF ASSESSMENT NO. 01694-60000000-000 - WATER ADMINISTRATION MINISTERIAL, JANDRA STATION, BOURKE-WILCANNIA ROAD, BOURKE NSW 2840****File Number: R2.5**

The Council had before it the report of the Revenue Officer regarding the Write Off Assessment No. 01694-60000000-000 - Water Administration Ministerial, Jandra Station, Bourke-Wilcannia Road, Bourke NSW 2840.

**Resolution 2021/205****Moved: Cr Lachlan Ford****Seconded: Cr Cec Dorrington**

1. That Council write-off Rates for the 2021-22 rating period to the amount of \$907.66 and make assessment 01694-00000000-000 "Non-Rateable"
2. That Council advise the payment received for payment of Rates in 2020-2021 period be refunded to the Water Administration Ministerial a total amount of \$297.50.

**Carried****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 2021/206****Moved: Cr Cec Dorrington****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, 26<sup>th</sup> July 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 2021/207****Moved: Cr Cec Dorrington****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, 26<sup>th</sup> July 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 2021/208****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

That the information in the Environmental Services Activity Report as presented to Council on Monday, 26<sup>th</sup> July 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 2021/209****Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

That the information in the General Manager's Activity Report as presented to Council on Monday, 26 July 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 2021/210****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

That the information in the Library Manager's Report as presented to Council on Monday, 26 July 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 2021/211****Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

**That the information in the Tourism and Events Manager's Activity Report as presented to Council on Monday, 28 July 2021 be noted.**

**Carried****22 CLOSED SESSION**

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

**Resolution 2021/212****Moved: Cr Cec Dorrington****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 \*\*\* Purchase of One 6x4 Bridge Maintenance Truck and Hiab-Crane 972756-04/02**

**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 \*\*\* Purchase of One 4WD Crew Cab Truck 4x4 Bourke 972791-07/21**

**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 \*\*\* Tender Bourke 972755-02/22 supply of (1) Side Loading Garbage Compactor with Cab Chassis**

**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 \*\*\* Plant Hire Tender 01/22-2021/2022**

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.

**22.5 \*\*\* Tender for Supplies of Aggregates and Raw Materials T092122OROC**

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.

**22.6 \*\*\* Becker Street Pump Station**

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 \*\*\* Evaluation of Submissions Tender: "Netwaste Tender for Collection of Recycling Scrap Metal"**

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.

**Carried**

Council proceeded into a closed session with the livestreaming of the meeting being paused at 10.09am.

**Resolution 2021/213**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Sam Rice**

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

**Carried**

Open Council resumed at 10.19am.

**RESOLUTIONS FROM CLOSED SESSION OF COUNCIL**

The Mayor requested the General Manager to read out the motions that were passed in Closed Council.

**22.1 \*\*\* PURCHASE OF ONE 6X4 BRIDGE MAINTENANCE TRUCK AND HIAB-CRANE 972756-04/02****Resolution 2021/214**

1. That the tender from Tracserv Trucks, Dubbo for the purchase of an Isuzu FX2240-350 LWD Auto with Obieco body and Effer Crane for a change over price of \$255,519. be accepted.
2. That the documents and considerations in respect of this matter remain confidential to Council.

**Carried****22.2 \*\*\* PURCHASE OF ONE 4WD CREW CAB TRUCK 4X4 BOURKE 972791-07/21****Resolution 2021/215**

1. That the tender from Tracserv Trucks, Dubbo for the purchase of an Isuzu NPS75-155 4 x 4 Crew Cab for a changeover price of \$67,008.18 be accepted.
2. That the documents and considerations in respect of this matter remain confidential to Council.

**Carried****22.3 \*\*\* TENDER OF (1) SIDE LOADING GARBAGE COMPACTOR WITH CAB CHASSIS 972755-02/22****Resolution 2021/216**

1. That the tender submitted by Tracserv Trucks, Dubbo for the purchase of an Isuzu FVD 165-300 Auto, 4 x 2 Factory Dual Control truck with a Bucher Municiple body at a price \$340,561.44 (ex GST) be accepted.
2. That the General Manager be authorised to take the necessary action to sell the existing Hino McDonald Johnson Garbage Compactor, being Plant No 218, following the delivery of the new garbage compactor vehicle to Bourke.
3. That the documents and considerations in respect of this matter remain confidential to Council.

**Carried**

**22.4 \*\*\* PLANT HIRE TENDER 01/22-2021/2022****Resolution 2021/217**

1. That the tenders received for the Supply of Plant and Equipment Hire to Council for the period 1 July 2021 to 30 June 2022, as below, be accepted for the purpose of the engagement of contractors to supplement the plant and equipment requirements of Council when, and if, required:

1. TMH Hire – “Rivergum Farm”, Bourke, NSW.
2. Rollers Australia – Hume St, Tamworth, NSW.
3. Advance Sweepers – Nevin Close, Gateshead, NSW.
4. Jeff Cronin – “Nelly Vale Station”, Bourke, NSW.
5. Bourke Waste Management – Darling St, North Bourke, NSW.
6. NAK Grader Hire – Anson St, Bourke, NSW.
7. Darnel Pastoral Company – Narromine, NSW.
8. J & B Consolidated PTY LTD – Irwin St Cobar, NSW.
9. A-Plant Equipment – Leewood Drive, Orange, NSW.
10. RM & CA Sandford & PJ Duncan – Becker St, Louth, NSW.
11. Lewis Family Trust – “Springvale Station”, Bourke, NSW.
12. Andrew Lewis – Richard St, Bourke, NSW.
13. Porter Excavations – Ballarat Road, Cambrian Hill, Victoria.
14. RPM Bourke – Darling St, Bourke, NSW
15. Coates Operations PTY LTD – Greenhill Avenue, Moorebank, NSW.
16. Orange Hire – Penelope Cres, Arndell Park, NSW.
17. Tolbra Earthmovers & Haulage – Kanandah Road, Broken Hill, NSW.
18. Conplant PTY LTD – Purvis Lane, Dubbo, NSW.
19. Stabilised Pavements of Australia – Wisemans Ferry Road, Somersby, NSW.
20. Michael Hughes Transport – Warrang St, Walgett, NSW.
21. Hill Earthmoving & Bulk Haulage – George St, Mungindi, NSW.
22. JR Richards & Sons – Bradmill Avenue, Rutherford, NSW.

2. That the various tenderers be advised of Councils resolution and confirm that:

- as per the tender documentation, the Form of Agreement contained therein is that of a ‘Standing Offer’ and does not place any contractual obligation on the Council to hire or engage any contractors;

- tenders submitted were merely statements by a prospective contractor that they are willing to supply specified plant and equipment in accordance with the terms and conditions contained within Councils Tender Documentation; and,

- Council will be in further contact should it wish to source plant and equipment hire from a respective firm.

3. That the documents and considerations in respect of this matter remain confidential to Council.

**Carried**

**22.5 \*\*\* TENDER FOR SUPPLIES OF AGGREGATES AND RAW MATERIALS T092122OROC****Resolution 2021/218**

1. That the tenders received for the Supply and Delivery of Aggregates and Raw Materials to Bourke Shire Council from Boral Resources (NSW) Pty Ltd, Holcim Australia Pty Ltd and Regional Quarries Australia Pty Ltd be accepted on a best fit for purpose basis as the Panel Source suppliers to Bourke Shire Council for the period 1 July 2021 to 30 June 2023.
2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2024.
3. That the documents and considerations in respect of this matter remain confidential to Council.

**Carried****22.6 \*\*\* BECKER STREET PUMP STATION****Resolution 2021/219**

1. That the quotation of \$79,383 (excl. GST) from JAC Pumps to complete the required emergency work to restore the Becker Street Pumping station be accepted.
2. That the funds for such works be sourced from Councils Sewer Fund Reserve.
3. That the documents and considerations in respect of this matter remain confidential to Council.

**Carried****22.7 \*\*\* EVALUATION OF SUBMISSIONS TENDER: "NETWASTE TENDER FOR COLLECTION OF RECYCLING SCRAP METAL"****Resolution 2021/220**

1. That Council accepts the NetWaste tender submitted by Sims for Collection and Recycling of Scrap Metal for the initial two (2) year term and sign the required contract documentation.
2. As the existing contract expiry date (26<sup>th</sup> July 2021) will be surpassed, a new contract start date for the two (2) year term will be advised by NetWaste upon endorsement from all participating Councils.
3. Upon negotiation from NetWaste, Sims are agreeable to a service extension to the current scrap metal contract until the end of September 2021, whilst the Council endorsement process takes place.
4. That the documents and considerations in respect of this matter remain confidential to Council

**Carried**

**The Meeting closed at 10.25am.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 August 2021.**

.....

**CHAIRPERSON**