



# **MINUTES**

**Ordinary Council Meeting**

**26 September 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, 26 SEPTEMBER 2022 AT 9.15AM**

**PRESENT:** Cr Lachlan Ford (Deputy Mayor - Chair), Cr Victor Bartley, Cr Sally Davis, Cr Cec Dorrington, Cr Sam Rice, Cr Grace Ridge, Cr Nathan Ryan, Cr Robert Stutsel

**IN ATTENDANCE:** Leonie Brown (General Manager), Peter Brown (Manager Works), Paul Flanagan (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 then provided an Acknowledgment of Country

**3 REMEMBRANCE**

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

|                 |                   |                    |
|-----------------|-------------------|--------------------|
| Jean Buckley    | Aileen Field      | Merle Elsie Fraser |
| Lionel Johnston | Suzanne Mansfield | Lance Molloy       |

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

Requests for Leave of Absence were received from Councillor Sarah Barton and Councillor Barry Hollman who were absent from the meeting for personal reasons.

**Resolution 2022/198**

**Moved:** Cr Cec Dorrington

**Seconded:** Cr Grace Ridge

**That the apologies received from Councillors Barton and Hollman be accepted and leave of absence granted.**

**Carried**

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

Nil

## 6 DISCLOSURES OF INTEREST

Cr Victor Bartley declared a pecuniary interest in Item 22.2 of the Agenda – Proposed Integrated Primary Health Care Centre. The reason for such interest is that Cr Bartley is a Director on the Board of Management for the Bourke Aboriginal Corporation Health Service. In making this declaration, Cr Bartley advised he would leave the Chamber and be out of sight when Council considered this matter.

Cr Sally Davis declared a pecuniary interest in Item 12.1 of the Agenda – Business Arising, North Bourke Storm Water Drainage. The reason for such interest is that Cr Davis owns land adjacent to the land the subject of the report and has a friendship with the landowner (Mr G Seiler). In making this declaration Cr Davis advised she would leave the Chamber and be out of sight should Council separately consider Item 12.1 of the Agenda.

Cr Grace Ridge declared a pecuniary interest in Item 12.1 of the Agenda – Business Arising, North Bourke Storm Water 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 this declaration Councillor Ridge advised that she would leave the Chamber and be out of sight should Council separately consider Item 12.1 of the Agenda.

Cr Nathan Ryan declared a non-pecuniary and less than significant interest in Item 22.2 of the Agenda – Proposed Integrated Primary Health Care Centre. The reason for such interest is that Cr Ryan is a contractor to the Bourke Aboriginal Corporation Health Service (BACHS), providing yard and property maintenance to Doctor's houses and is known to the Chief Executive Officer of the BACHS, Mr John Ireland. In making this declaration Cr Ryan advised that he would remain in the Chamber but would not contribute when Council considered this matter.

## 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 2022/199**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Sally Davis**

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

| <b>Item No</b> | <b>Name of Report</b>       | <b>Officer</b> |
|----------------|-----------------------------|----------------|
| 21.2           | Engineering Activity Report | Leonie Brown   |

**Resolution 2022/200**

**Moved: Cr Victor Bartley**

**Seconded: Cr Robert Stutsel**

**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, 26 September 2022 be adopted save and except for Item No 21.2 of the agenda, with such item to be considered seperately.**

**Carried**

**9 CONFIRMATION OF MINUTES****Resolution 2022/201**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Sam Rice**

**That the minutes of the Ordinary Council Meeting held on 22 August 2022 be 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 2022/202****Moved: Cr Sam Rice****Seconded: Cr Sally Davis**

**That the information in the Business Arising Report as presented to Council on Monday, 26 September 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 2022/203****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

**That the information in the Calendar of Events Report as presented to Council on Monday, 26 September 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 2022/204****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

**That the contents of the Information to Councillors Report as presented to Council on Monday, 26 September 2022 be noted.**

**Carried**

**13 ENGINEERING SERVICES DEPARTMENT**

Nil

**14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT****14.1 CONTINUATION OF ALCOHOL-FREE ZONE - VILLAGE OF ENNGONIA****File Number: H1.5**

The Council had before it the report of the Manager Environmental Services regarding the Continuation of Alcohol-Free Zone - Village of Enngonia.

**Resolution 2022/205****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

**That Council approves the continuation of the Alcohol-Free Zone within the village of Enngonia from 1 November 2022 to 31 October 2026 and to notify the public in accordance with the Ministerial Guidelines.**

**Carried****14.2 FAR WEST NSW COUNCILS - PLANNING ISSUES****File Number: T5.1**

The Council had before it the report of the Manager Environmental Services regarding the Far West NSW Councils - Planning Issues.

**Resolution 2022/206****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

**That Council note the information in the report regarding the Far West NSW Councils Planning Issue paper.**

**Carried**



**15 GENERAL MANAGER****15.1 2022 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS****File Number: R7.6-G2.2-M2.2**

The Council had before it the report of the General Manager regarding the 2022 National Local Roads and Transport Congress.

**Resolution 2022/207****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

- 1. That the Mayor and General Manager, or nominee, attend the 2022 National Local Roads and Transport Congress to be held 2-3 November 2022.**
- 2. That Councillors who wish to attend the 2022 National Local Roads and Transport Congress to be held from 2-3 November 2022 nominate to the General Manager prior to Wednesday, 5 October 2022.**

**Carried**

**15.2 AUSTRALIA DAY****File Number: C2.3-C2.31**

The Council had before it the report of the General Manager regarding Australia Day.

**Resolution 2022/208****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel****1. That award categories for the 2023 Australia Day Awards be maintained as follows:**

- Citizen of the Year;
- Junior Citizen of the Year
- Sportsperson of the year
- Junior Sportsperson of the year
- Village Service Award
- Emergency Services Volunteer of the year

**2. That nominations in respect of the 2023 Australia Day Awards open on Tuesday 1 November 2022 and close at 4.30 pm on Friday 2 December 2022.****3. That Council delegate to the General Manager the role of finalising the determination of the Bourke Shire Council Australia Day Award Recipients, having regard to deliberations to be undertaken as part of a Workshop of Councillors to be convened following the Ordinary Council meeting to be held on 19 December 2022.****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 Acting Manager Corporate Services regarding the Bank Reconciliation & Statement of Bank Balances.

**Resolution 2022/209****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 August 2022 be noted.**

**Carried**

**16.2 \*\*\* INVESTMENT REPORT AS AT 31 AUGUST 2022****File Number: F1.1**

The Council had before it the report of the Acting Manager Corporate Services regarding the Investment Report as at 31 August 2022.

**Resolution 2022/210****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

1. That the report regarding Council's Investment Portfolio 31 August 2022 be received and noted.
2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.

**Carried****16.3 \*\*\* FINANCIAL ASSISTANCE GRANT****File Number: F1.4.6**

The Council had before it the report of the Acting Manager Corporate Services regarding the Financial Assistance Grant.

**Resolution 2022/211****Moved: Cr Robert Stutsel****Seconded: Cr Grace Ridge**

1. That Council notes the report detailing the Financial Assistance Grant recommended allocation for 2022/2023.
2. That the additional funds received, estimated to be \$652,140.00 be transferred to Councils Asset Renewal Reserve.

**Carried**

**17 ECONOMIC DEVELOPMENT DEPARTMENT****17.1 \*\*\* VISITOR ENHANCEMENTS AT BACK O' BOURKE EXHIBITION CENTRE****File Number: T1.1**

The Council had before it the report of the Manager Economic Development regarding the Visitor Enhancements at Back O' Bourke Exhibition Centre.

**Resolution 2022/212****Moved: Cr Robert Stutsel****Seconded: Cr Grace Ridge**

- 1. That an application for funding of \$506,000 be made to the Regional Tourism Activation Fund for visitor enhancements to the Back O' Bourke Exhibition Centre.**
- 2. That should the grant application be successful, Council make a co-contribution of \$168,000 towards the proposed enhancement works at the Back O' Bourke Exhibition Centre from Councils Infrastructure Renewal Reserve fund.**

**Carried****18 DELEGATES AND COUNCILLORS REPORTS**

Nil

**19 POLICIES**

Nil

**20 PRÉCIS OF CORRESPONDENCE****20.1 \*\*\* FINANCIAL ASSISTANCE - BOURKE HIGH SCHOOL - YEAR 12 FORMAL****File Number: A3.14-E1.2**

The Council had before it the report of the General Manager regarding the Financial Assistance - Bourke High School - Year 12 Formal.

**Resolution 2022/213****Moved: Cr Nathan Ryan****Seconded: Cr Victor Bartley**

**That Council accede to the request of Bourke High School to waive the hire fees and the lodgement of a bond in support of the 2022 Year 12 Formal.**

**Carried**

**21 ACTIVITY REPORTS****21.1 \*\*\* ACTIVITY REPORT - ENGINEERING SERVICES ROAD WORKS & WORKSHOP - WORKS UNDERTAKEN****File Number: E7.1**

The Council had before it the report of the General Manager regarding the Activity Report - Engineering Services Road Works & Workshop - Works Undertaken.

**Resolution 2022/214****Moved: Cr Sally Davis****Seconded: Cr Victor Bartley**

**That Council note the information in the Roads Department Road Works and Workshop Activity Reports as presented to Council on Monday, 26 September 2022.**

**Carried****21.2 ACTIVITY REPORT - 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 Activity Report - Parks & Gardens / Town Services / Water & Wastewater Engineering Services Activity Report.

**Resolution 2022/215****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

**That Council note the information in the Parks and Gardens, Town Services and Water and Wastewater Engineering Services Department Activity Reports as presented to Council on Monday, 26 September 2022.**

**Carried**

**21.3 ACTIVITY REPORT - PLANNING, REGULATORY AND ENVIRONMENTAL SERVICES****File Number: D3.1-A11.1-A8.1**

The Council had before it the report of the Manager Environmental Services regarding the Activity Report - Planning, Regulatory and Environmental Services.

**Resolution 2022/216****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

**That the information in the Planning, Regulatory and Environmental Services Activity Report as presented to Council on Monday, 26<sup>th</sup> September 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 2022/217****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

**That the information in the General Manager's Activity Report as presented to Council on Monday, 26 September 2022 be noted.**

**Carried****21.5 LIBRARY MANAGER'S ACTIVITY REPORT FOR AUGUST 2022****File Number: L4.1**

The Council had before it the report of the Library Manager regarding the Library Manager's Activity Report for August 2022.

**Resolution 2022/218****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

**That the information in the Library Manager's Report for August 2022 as presented to Council on Monday, 26 September 2022 be noted.**

**Carried**

**21.6 TOURISM & EVENTS MANAGER'S ACTIVITY REPORT****File Number: T4.3**

The Council had before it the report of the Manager Tourism & Events regarding the Tourism & Events Manager's Activity Report.

**Resolution 2022/219****Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

**That the information in the Tourism and Events Manager's Activity Report for August 2022 as presented to Council on Monday, 26 September 2022 be noted.**

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

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

**Resolution 2022/220****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 \*\*\* Bourke Emergency Water Supply Bores - Tenders**

**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 \*\*\* Proposed Integrated Primary Health Care Centre**

**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.**

**22.3 \*\*\* Write-off outstanding Debtor accounts**

**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 9.44 am.

**22.1 \*\*\* BOURKE EMERGENCY WATER SUPPLY BORES - TENDERS**

**File Number: W2.1,W2.10**

The Council had before it the report of the Manager Works regarding the Bourke Emergency Water Supply Bores - Tenders.

**Resolution 2022/221**

**Moved: Cr Robert Stutsel**

**Seconded: Cr Sam Rice**

- 1. That the recommendation of the Tender Evaluation Panel that the tender submitted by Aqua Irrigation Holdings Pty Ltd, T/A Aquawest in the Recommended Tender Amount of \$1,217,500.00 (including GST or \$1,106,818.18 excluding GST), be accepted for Contract No. 10051141 for the Bourke Water Supply - Mechanical, electrical and power supply work for emergency water supply bores" be accepted.**
- 2. That it be noted that this tender price also includes the optional works in respect of vegetation removal and an extraction fan for the chlorine room.**
- 3. That Council concur with the expenditure of \$316,905.00 (ex GST) to fund the engagement of PWA to undertake the Project Management of the tendered works; fund contingencies and engage PWA to develop and design an Operational Plan for Emergency Bores.**
- 4. That any necessary documents be executed under the Common Seal of Council.**
- 5. That the documents and considerations in respect of this matter remain confidential to Council.**

**Carried**



At this juncture, Cr Victor Bartley left the meeting, the time being 9:57 am.

## **22.2 \*\*\* PROPOSED INTEGRATED PRIMARY HEALTH CARE CENTRE**

**File Number: A11.1, H1.1, H1.15**

The Council had before it the report of the General Manager regarding the Proposed Integrated Primary Health Care Centre.

### **Motion**

Moved: Cr Robert Stutsel

Seconded: Cr Sam Rice

1. That the Mayor and General Manager be requested to further discuss with the Bourke Aboriginal Corporation Health Service (BACHS) the potential acquisition of the following land:
  - a) Lot 8 DP 35739, Lot 9 DP 35739 and Lot 10 DP35739 in Mitchell Street, Bourke
  - b) Three (3) x lots from Lot 6 DP 35797, Lot 7 DP 35797, Lot 8 DP 35797, Lot 9 DP 35797 and Lot 10 DP 35797.
2. That on the basis of three (3) lots in one line being required, the land be available for sale at an indicative combined price of \$45,000 with the final price being subject to the receipt of the current valuation and final resolution of Council.
3. That Council provide the BACHS with the requested evidence of Tenure and Letter of Support, as requested.
4. That the documents and considerations in respect of this matter remain confidential to Council.

### **Amendment**

Moved: Cr Robert Stutsel

Seconded: Cr Sam Rice

1. That the Mayor and General Manager be requested to further discuss with the Bourke Aboriginal Corporation Health Service (BACHS) the potential acquisition of the following land:
  - a) Lot 8 DP 35739, Lot 9 DP 35739 and Lot 10 DP35739 in Mitchell Street, Bourke
  - b) Three (3) x lots from Lot 6 DP 35797, Lot 7 DP 35797, Lot 8 DP 35797, Lot 9 DP 35797 and Lot 10 DP 35797.
2. That on the basis of three (3) lots in one line being required, the land be available for sale at an indicative combined price of \$45,000.
3. That Council provide the BACHS with the requested Evidence of Tenure and Letter of Support, as requested.
4. That the documents and considerations in respect of this matter remain confidential to Council.

**The Amendment was put to the meeting and was carried.**

**The Amendment became the Motion and was put to the meeting.**

**Resolution 2022/222**

**Moved: Cr Robert Stutsel**

**Seconded: Cr Sam Rice**

- 1. That the Mayor and General Manager be requested to further discuss with the Bourke Aboriginal Corporation Health Service (BACHS) the potential acquisition of the following land:
  - a) Lot 8 DP 35739, Lot 9 DP 35739 and Lot 10 DP35739 in Mitchell Street, Bourke**
  - b) Three (3) x lots from Lot 6 DP 35797, Lot 7 DP 35797, Lot 8 DP 35797, Lot 9 DP 35797 and Lot 10 DP 35797.****
- 2. That on the basis of three (3) lots in one line being required, the land be available for sale at an indicative combined price of \$45,000.**
- 3. That Council provide the BACHS with the requested Evidence of Tenure and Letter of Support, as requested.**
- 4. That the documents and considerations in respect of this matter remain confidential to Council.**

**Carried**

At this juncture, Cr Victor Bartley returned to the meeting, the time being 10:16 am.

**22.3 \*\*\* WRITE-OFF OUTSTANDING DEBTOR ACCOUNTS****File Number: D1.1**

The Council had before it the report of the Acting Manager Corporate Services regarding the Write-off outstanding Debtor accounts.

Motion

Moved: Cr Sally Davis

Seconded: Cr Sam Rice

1. That a write-off of \$4,262.84 for DRS Australia Pty Ltd is approved as the debt is not recoverable in the event that an approach to TAFE NSW to recover the funds is unsuccessful.
2. That Council write to TAFE NSW regarding this outstanding debtor account in the name of DRS Australia, a contractor to TAFE NSW.

**Amendment**

Moved: Cr Sally Davis

Seconded: Cr Sam Rice

1. That a write-off of \$4,262.84 for DRS Australia Pty Ltd is approved as the debt is not recoverable in the event that an approach to TAFE NSW to recover the funds is unsuccessful.
2. That Council write to TAFE NSW regarding this outstanding debtor account in the name of DRS Australia, a contractor to TAFE NSW.
3. That the documents and consideration in respect if this matter remain confidential to Council.

The Amendment was put to the meeting and was carried.

The Amendment became the Motion and was carried.

**Resolution 2022/223**

Moved: Cr Sally Davis

Seconded: Cr Sam Rice

1. That a write-off of \$4,262.84 for DRS Australia Pty Ltd is approved as the debt is not recoverable in the event that an approach to TAFE NSW to recover the funds is unsuccessful.
2. That Council write to TAFE NSW regarding this outstanding debtor account in the name of DRS Australia, a contractor to TAFE NSW.
3. That the documents and consideration in respect if this matter remain confidential to Council.

**Carried**

**Resolution 2022/224**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Sally Davis**

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

**Carried**

Open council resumed at 10.31 am.

**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 10.35 am.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 October 2022.**

.....  
**CHAIRPERSON**