



MINUTES

Ordinary Council Meeting

19 December 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, 19 DECEMBER 2022 AT 9.22AM**

PRESENT: Cr Lachlan Ford (Deputy Mayor - Chairman), Cr Victor Bartley, Cr Sarah Barton, Cr Sally Davis, Cr Cec Dorrington, Cr Sam Rice, Cr Grace Ridge (via Audio Visual Link), Cr Nathan Ryan, Cr Robert Stutsel

IN ATTENDANCE: Leonie Brown (General Manager), Peter Brown (Manager Works), Paul Flanagan (Manager Roads Services), Melanie Milgate (Economic Development Manager), Ang Pasang Rai (Manager Corporate Services), Dwayne Willoughby (Manager Environmental Services), Margo Anderson (Executive Assistant – Minutes)

1 OPENING PRAYER

Cr Dorrington provided an opening prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor then provided an Acknowledgment of Country.

3 REMEMBRANCE

Council stood in silence in the memory of recently deceased resident, Wayne McKellar Snr.

4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

A request for Leave of Absence was received from Cr Barry Hollman who was absent from the meeting due to personal reasons.

Resolution 2022/276

Moved: Cr Sarah Barton

Seconded: Cr Cec Dorrington

That the apology received from Cr Barry Hollman be accepted and leave of absence granted.

Carried

5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS

A request to attend the meeting via Audio Visual Link was received from Councillor Grace Ridge who was unable to attend the meeting due to personal reasons.

Resolution 2022/277**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis****That Cr Grace Ridge be permitted to attend the meeting via audio-visual link due to her inability to attend in person due personal reasons.****Carried**

6 DISCLOSURES OF INTEREST

Cr Sarah Barton declared a significant non pecuniary conflict of interest in Item 13.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Cr Barton is the niece of Mr Warren Hand, who is an applicant for the supply of raw water in North Bourke to be extended to his property and also, that Cr Barton's residence is opposite the various properties requesting access to the raw water supply. In making this declaration, Cr Barton advised that her property already had access to the raw water supply and further, that she would leave the Chamber and be out of sight during Councils consideration of Item 13.1 of the Agenda.

Cr Sally Davis declared a pecuniary conflict of 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 Sally Davis declared a significant non pecuniary conflict of interest in Item 13.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Cr Davis is friends with those submitting the raw water extension request and further, owns property in the North Bourke vicinity. In making this declaration, Cr Davis advised she would leave the Chamber and be out of sight during Councils consideration of Item 13.1 of the Agenda.

Cr Cec Dorrington declared a significant non pecuniary conflict of interest in Item 13.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Mrs Susanne Hand is Cr Dorrington's daughter, with Mr Warren Hand being his son in law with all remaining parties who are seeking the extension of raw water to their properties along the Enngonia Road, North Bourke considered as close personal friends. In making this declaration, Cr Dorrington advised he would leave the Chamber and be out of sight during Councils consideration of Item 13.1 of the Agenda.

Cr Lachlan Ford declared a significant non pecuniary conflict interest in Item 13.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Cr Ford owns property in the North Bourke area which could be affected by the raw water extension request. In making this declaration, Cr Ford advised he would leave the Chamber and be out of sight during Councils consideration of Item 13.1 of the Agenda.

Cr Sam Rice declared a significant non pecuniary conflict of interest in Item 13.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Cr Rice’s wife is the grand daughter of Mr Alan Morrall, who is an applicant for the supply of raw water in North Bourke to be extended to his property and also that Cr Rice and his wife own property adjacent to the requested extended route of the raw water pipeline. In making this declaration, Cr Rice advised he would leave the Chamber and be out of sight during Councils consideration of Item 13.1 of the Agenda.

Cr Grace Ridge declared a pecuniary conflict of interest in Item 12.1 of the Agenda – Business Arising, North Bourke Storm Water Drainage. The reason for such interest is that Cr Ridge and her family have a business relationship with the owner of the land detailed within the report. In making this declaration Cr Ridge advised that she would leave the Chamber and be out of sight should Council separately consider Item 12.1 of the Agenda.

Councils General Manager, Mrs Leonie Brown, declared a significant non pecuniary conflict of interest in Item 13.1 of the Agenda – North Bourke Water Supply. The reason for such interest is that Mr Warren Hand, who is an applicant for the supply of raw water in North Bourke to be extended to his property, is the brother of Mrs Brown. In making this declaration Mrs Brown advised she would leave the Chamber and be out of sight during Councils consideration of Item 13.1 of the Agenda.

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - MAYORAL ACTIVITIES

File Number: M2.1

The Council had before it the Mayoral Minute regarding Mayoral Activities.

Resolution 2022/278

Moved: Cr Lachlan Ford

Seconded: Cr Sarah Barton

That the information in the Mayoral Minute – Mayoral Activities as presented to Council on Monday, 19 December 2022 be noted.

Carried

7.2 COUNTRY MAYOR'S ASSOCIATION OF NSW**File Number: A12.10**

The Council had before it the Mayoral Minute regarding the Country Mayor's Association of NSW.

Resolution 2022/279**Moved: Cr Victor Bartley****Seconded: Cr Sally Davis**

- 1. That the Mayor and General Manager be authorised to attend a meeting of the Country Mayors Association, to be held in Sydney in early 2023.**
- 2. That following attendance at the early 2023 meeting of the CMA, the Mayor, in consultation with the General Manager, be delegated the authority to determine whether Council joins the Country Mayors Association, or not.**

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 2022/280**Moved: Cr Victor Bartley****Seconded: Cr Cec Dorrington**

That the recommendations as detailed in the un-starred items as contained in the agenda for the Ordinary Meeting of Council, held on Monday, 19 December 2022 be adopted.

Carried**9 CONFIRMATION OF MINUTES****Resolution 2022/281****Moved: Cr Cec Dorrington****Seconded: Cr Robert Stutsel**

That the minutes of the Ordinary Council Meeting held on 28 November 2022 be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manager.

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 2022/282**Moved: Cr Robert Stutsel****Seconded: Cr Victor Bartley**

That the information in the Business Arising Report as presented to Council on Monday, 19 December 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 2022/283**Moved: Cr Victor Bartley****Seconded: Cr Cec Dorrington**

That the information in the Calendar of Events Report as presented to Council on Monday, 19 December 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 2022/284**Moved: Cr Victor Bartley****Seconded: Cr Cec Dorrington**

That the contents of the Information to Councillors Report as presented to Council on Monday, 19 December 2022 be noted.

Carried**13 ENGINEERING SERVICES DEPARTMENT****13.1 *** NORTH BOURKE WATER SUPPLY****File Number: W2.1**

The Council had before it the report of the Manager Works regarding the North Bourke Water Supply.

Having regard to the apology from Cr Hollman and the previously advised conflict of interest declarations from Crs Barton, Davis, Dorrington, Ford, and Rice, the Chairman adjourned consideration of this item to the February Ordinary Meeting of Council commencing at 9.15am on Monday, 27 February 2023 in the Council Chamber, due to the lack of a quorum to consider the matter, with Crs Bartley, Ridge (via Audio Visual Link), Ryan and Stutsel being the remaining councillors present.

14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT

Nil

15 GENERAL MANAGER**15.1 *** ADMINISTRATION OF SEPTEMBER 2024 ORDINARY COUNCIL ELECTIONS****File Number: C11.1, E2.3.7**

The Council had before it the report of the General Manager regarding the Administration of September 2024 Ordinary Council Elections.

Resolution 2022/285**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

- 1. That pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.**
- 2. That pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.**
- 3. That pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.**
- 4. That the General Manager be requested to publish a copy of this resolution on Council's website and further advise the NSW Electoral Commission.**

Carried**15.2 *** ANNUAL REPORT 2021/2022****File Number: A3.2**

The Council had before it the report of the General Manager regarding the Annual Report 2021/2022.

Resolution 2022/286**Moved: Cr Sally Davis****Seconded: Cr Cec Dorrington**

That the information in the report regarding the Annual Report as presented to Council on Monday, 19 December 2022 be noted.

Carried

15.3 * COMMUNITY CONSULTATION MEETINGS 2023****File Number: V1.9**

The Council had before it the report of the General Manager regarding the Community Consultation Meetings 2023.

Resolution 2022/287**Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

- 1. That Council note the scheduling of the 2023 Community Consultation Meetings.**
- 2. That Councillors indicate to the General Manager which meetings they are able to attend so transport and catering can be coordinated.**

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 Corporate Services regarding the Bank Reconciliation & Statement of Bank Balances.

Resolution 2022/288**Moved: Cr Victor Bartley****Seconded: Cr Robert Stutsel**

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 30 November 2022 be noted.

Carried

16.2 * INVESTMENT REPORT AS AT 30 NOVEMBER 2022****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Investment Report as at 30 November 2022.

Resolution 2022/289**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the report regarding Council's Investment Portfolio 30 November 2022 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.**

Carried**17 ECONOMIC DEVELOPMENT DEPARTMENT**

Nil

18 DELEGATES AND COUNCILLORS REPORTS

Nil

19 POLICIES**19.1 INVESTMENT POLICY****File Number: P4.1, B2.6**

The Council had before it the report of the Manager Corporate Services regarding the Investment Policy.

Resolution 2022/290**Moved: Cr Victor Bartley****Seconded: Cr Cec Dorrington**

That Council adopt the Investments Policy labelled 1.8.10 (v7) as presented to Council on Monday, 19 December 2022.

Carried**20 PRÉCIS OF CORRESPONDENCE**

Nil

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 Manager Roads regarding the Activity Report - Engineering Services Road Works & Workshop - Works Undertaken.

Resolution 2022/291**Moved: Cr Victor Bartley****Seconded: Cr Cec Dorrington**

That Council note the information in the Roads Department Road Works and Workshop Activity Report as presented to Council on Monday, 19 December 2022.

Carried**21.2 PARKS & GARDENS / TOWN SERVICES / WATER & WASTE WATER 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 & Waste Water Engineering Services Activity Report.

Resolution 2022/292**Moved: Cr Victor Bartley****Seconded: Cr Cec Dorrington**

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, 19 December 2022.

Carried

21.3 PLANNING, REGULATORY & ENVIRONMENTAL SERVICES - 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 Planning, Regulatory & Environmental Services - Activity Report.

Resolution 2022/293**Moved: Cr Victor Bartley****Seconded: Cr Cec Dorrington**

That the information in the Planning, Regulatory and Environmental Services Activity Report as presented to Council on Monday, 19 December 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 2022/294**Moved: Cr Victor Bartley****Seconded: Cr Cec Dorrington**

That the information in the General Manager's Activity Report as presented to Council on Monday, 19 December 2022 be noted.

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

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

Resolution 2022/295**Moved: Cr Victor Bartley****Seconded: Cr Cec Dorrington**

That the information in the Library Manager's Report for November 2022 as presented to Council on Monday, 19 December 2022 be noted.

Carried

21.6 TOURISM AND EVENTS REPORT**File Number: T4.3**

The Council had before it the report of the Coordinator Tourism Operations regarding the Tourism and Events Report.

Resolution 2022/296**Moved: Cr Victor Bartley****Seconded: Cr Cec Dorrington**

That the information in the Tourism and Events Managers Report for November 2022 as presented to Council on Monday, 19 December 2022 be noted.

Carried**22 CLOSED SESSION**

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

Resolution 2022/297**Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

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 * Transfer of Land - 47 Moculta Street, Bourke**

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).

22.2 * Netwaste Tender for Processing of Garden Organics, Wood and Timber F3928**

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.

22.3 * Tender for Airport Runway Resealing Works**

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.

Carried

Council proceeded into closed session with the livestreaming of the meeting being paused at 9.48am.

22.1 * TRANSFER OF LAND - 47 MOCULTA STREET, BOURKE**

File Number: A11.1.1, L1.1, T4.3

The Council had before it the report of the General Manager regarding the *** Transfer of Land - 47 Moculta Street, Bourke.

Resolution 2022/298

Moved: Cr Sam Rice

Seconded: Cr Cec Dorrington

- 1. That Council proceed to execute the form of Transfer in respect of Council's part of Lot 151 DP 1068536 to Mr Peter Tully as per Councils resolution No. 593/97 that *"Council advise Peter Tully that it will raise no objection to his putting his fence on the proposed alignment, however, if he wishes to transfer the land to his ownership the cost associated with this would have to be borne by him."***
- 2. That the necessary documentation be executed under the Common Seal of Council.**
- 3. That the documents and considerations in respect of this matter remain confidential to Council.**

Carried

22.2 * NETWASTE TENDER FOR PROCESSING OF GARDEN ORGANICS, WOOD AND TIMBER F3928****File Number: W1.4**

The Council had before it the report of the Manager Environmental Services regarding the Netwaste Tender for Processing of Garden Organics, Wood and Timber F3928.

Resolution 2022/299**Moved: Cr Robert Stutsel****Seconded: Cr Cec Dorrington**

- 1. That Council concur with the recommendation of the NetWaste Tender Assessment Panel that Tender F3928 for the Processing of Garden Organics, Wood and Timber be awarded to Davis Earthmoving Pty Ltd at the tendered prices as set out in this report for an initial two (2) year term with the option of two (2) x 12-month available extensions.**
- 2. That Council proceed to enter into a contract with Davis Earth Moving Pty Ltd for the Processing of Garden Organics, Wood and Timber, as per the tendered process as set out in their tender F3928.**
- 3. That as the existing contract expiry date (14 November 2022) has surpassed, a new contract start date for the two (2) year term will be advised by NetWaste upon endorsement from the NetWaste Steering Committee, and engagement of Davis Earthmoving Pty Ltd.**
- 4. That the authority to execute the contracts for the Processing of Garden Organics, Wood and Timber be delegated to the General Manager.**
- 5. That the necessary documentation be executed under the Common Seal of Council.**
- 6. That the documents and considerations in respect of this matter remain confidential to Council.**

Carried

22.3 * TENDER FOR AIRPORT RUNWAY RESEALING WORKS****File Number: A6.17**

The Council had before it the report of the Manager Works regarding the Tender for Airport Runway Resealing Works.

Resolution 2022/300**Moved: Cr Sally Davis****Seconded: Cr Robert Stutsel**

- 1. That the General Manager be specifically delegated the authority to determine a contractor from the two (2) contractors who tendered for the Bourke Airport Resealing Project, to undertake the resealing component of the runway only, once required grant funding is confirmed and the outcome of the Condition Assessment Report of the runway has been finalised, as previously resolved.**
- 2. That the documents and considerations remain confidential to the Council.**

Carried**Resolution 2022/301****Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice****That Council moves out of Closed Council into Open Council.****Carried**

Open council resumed at 10.03 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 10.05 am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 February 2023.

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CHAIRPERSON