



# **MINUTES**

**Ordinary Council Meeting**

**26 June 2023**

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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 JUNE 2023 AT 9.15AM**

**PRESENT:** Cr Barry Hollman (Mayor), Cr Victor Bartley, Cr Sally Davis, Cr Cec Dorrington, Cr Lachlan Ford (Deputy Mayor), Cr Grace Ridge (Via AVL), Cr Nathan Ryan, Cr Robert Stutsel (Via AVL)

**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**

The Mayor opened the meeting with a prayer

**2 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor then provided an Acknowledgment of Country

**3 REMEMBRANCE**

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

Geraldine Barrot	Joy Crothers	Peter Gibbs Snr	Eunice Hartnett
Elaine McGirr	Sue Rice	Nora Smith	Philip Woods

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

Requests for Leave of Absence were received from Cr Sarah Barton and Cr Sam Rice who were absent from the meeting due to personal reasons.

**Resolution 2023/112**

**That the apologies received from Councillor Sarah Barton and Councillor Sam Rice be accepted and leave of absence granted.**

**Moved: Cr Victor Bartley**

**Seconded: Cr Sally Davis**

**Carried**

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

Requests to attend the meeting via Audio Visual Link were received from Councillor Grace Ridge and Councillor Robert Stutsel who are unable to attend the meeting due to personal reasons.

**Resolution**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Victor Bartley**

**That Cr Grace Ridge and Cr Robert Stutsel be permitted to attend the meeting via Audio-Visual link due to their inability to attend in person due to personal reasons.**

**Carried**

**6 DISCLOSURES OF INTEREST**

Cr Victor Bartley declared a non-pecuniary conflict of interest in Item 20.1 of the Agenda – 'A' Day Bowls Tournament Committee. The reason for such interest is that Cr Bartley is the Secretary of the 'A' Day Bowls Committee. In making this declaration, Cr Bartley advised that he would leave the Chamber and be out of sight during Council's consideration of the matter.

Cr Sally Davis declared a pecuniary conflict of interest in Item 12.3 of the Agenda – Business Arising, North Bourke Storm Water Drainage. The reason for such interest is that Cr Davis and her husband own land adjacent to the land the subject of the reports and is in discussion with Council regarding a potential sale of a portion of such land. In addition, she has a friendship with the landowner (Mr G Seiler). In making these declarations, Cr Davis advised she would leave the Chamber and be out of sight should Council separately consider this matter as part of Item 12.3 of the Agenda.

Cr Grace Ridge declared a pecuniary conflict of interest in Item 12.3 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 this matter as part of Item 12.3 of the Agenda.

**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 2023/113****Moved: Cr Barry Hollman**

**That the information in the Mayoral Minute – Mayoral Activities as presented to Council on Monday, 26 June 2023 be noted.**

**Carried****7.2 MAYORAL MINUTE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION GENERAL ASSEMBLY REPORT****File Number: 2847**

The Council had before it the report of the Mayor regarding the Mayoral Minute - Australian Local Government Association General Assembly Report.

**Resolution 2023/114****Moved: Cr Barry Hollman**

**That as a follow up to the Mayors recent interaction in Canberra with the Prime Minister, Council formally invite the Hon Anthony Albanese MP; the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development; and the Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories to visit Bourke to not only view the Back O Bourke facility, but also other infrastructure improvements to the Bourke Shire as a result of Government funding over the years.**

**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.

Item No	Name of Report	Officer
21.6	Tourism and Events Report	Manager Economic Development

**Resolution 2023/115****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**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 June 2023 be adopted save and except for Item No 21.6 of the Agenda, with such item to be considered seperately.**

**Carried****9 CONFIRMATION OF MINUTES****Resolution 2023/116****Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

**That the minutes of the Ordinary Council Meeting held on 22 May 2023 taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.**

**Carried****10 RESCISSION MOTIONS**

Nil

**11 NOTICES OF MOTION**

Nil

**12 BUSINESS ARISING****12.1 CALENDAR OF EVENTS****File Number: C12.6**

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

**Resolution 2023/117****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**That the information in the Calendar of Events Report as presented to Council on Monday, 26 June 2023 be noted.**

**Carried**

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

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

**Resolution 2023/118****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**That the contents of the Information to Councillors Report as presented to Council on Monday, 26 June 2023 be noted.**

**Carried****12.3 \*\*\* BUSINESS ARISING****File Number: C12.1**

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

**Resolution 2023/119****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**That the information in the Business Arising Report as presented to Council on Monday, 26 June 2023 be noted.**

**Carried**



**13 ENGINEERING SERVICES DEPARTMENT****13.1 \*\*\* ACTIVE TRANSPORT PLAN REPORT****File Number: R7.7.19**

The Council had before it the report of the Manager Works regarding the Active Transport Plan Report.

**Resolution 2023/120****Moved: Cr Sally Davis****Seconded: Cr Lachlan Ford**

1. That the Bourke Shire Council Active Transport Plan 2023, be adopted for the purposes of the document being placed on public exhibition and comment for a period of 28 days, for a further report to Council should any submissions be received.
2. That in the event of no submissions being received, the Bourke Shire Council Active Transport Plan 2023 be adopted with funding for the implementation of identified projects being considered as part of the preparation of Council 2024/2025 draft Operational Plan, or as grant or other funding opportunities become available.

**Carried****14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT****14.1 HERITAGE LISTING FOR 13 STURT STREET AND 30 MITCHELL STREET BOURKE****File Number: H2.1**

The Council had before it the report of the Manager Environmental Services regarding the Heritage Listing for 13 Sturt Street and 30 Mitchell Street Bourke.

**Resolution 2023/121****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**That 13 Sturt Street, Bourke, and 30 Mitchell Street, Bourke (the Port of Bourke Hotel), be potential heritage items in the heritage schedule of Bourke Local Environmental Plan 2012.**

**Carried**

**15 GENERAL MANAGER****15.1 \*\*\* PECUNIARY INTEREST RETURNS****File Number: S6.29-LD-S3.8.31**

The Council had before it the report of the General Manager regarding the Pecuniary Interest Returns.

**Resolution 2023/122****Moved: Cr Sally Davis****Seconded: Cr Victor Bartley**

**That Council notes the information received in relation to Pecuniary Interest Returns as presented to Council on Monday, 26 June 2023.**

**Carried****16 CORPORATE SERVICES DEPARTMENT****16.1 \*\*\* BANK RECONCILIATION AND STATEMENT OF BANK BALANCES - MAY 2023****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Bank Reconciliation and Statement of Bank Balances - May 2023.

**Resolution 2023/123****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 May 2023 be noted.**

**Carried**

**16.2 \*\*\* INVESTMENT REPORT AS AT 31 MAY 2023****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Investment Report as at 31 May 2023.

**Resolution 2023/124****Moved: Cr Cec Dorrington****Seconded: Cr Lachlan Ford**

1. That the report regarding Council's Investment Portfolio 31 May 2023 be received and noted.
2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.

**Carried****16.3 \*\*\* RATES WRITE OFF AFTER SALE FOR UNPAID RATES IN ACCORDANCE WITH SECTION 713 OF THE LOCAL GOVERNMENT ACT 1993****File Number: R2.5**

The Council had before it the report of the Manager Corporate Services regarding the Rates Write Off After Sale for Unpaid Rates in accordance with Section 713 of the Local Government Act 1993.

**Resolution 2023/125****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

That in accordance with Section 719 of the *Local Government Act 1993* and Section 131 of the *Local Government (General) Regulation 2021*, Council proceed to write off Ordinary/General Rates and charges totalling \$856,749.29 in respect of the blocks sold at Public Auction for Unpaid Rates and Charges on 17 March 2023, as per the listing as attached to the report of the Manager Corporate Services.

**Carried****17 ECONOMIC DEVELOPMENT DEPARTMENT**

Nil

**18 DELEGATES AND COUNCILLORS REPORTS**

Nil

**19 POLICIES****19.1 \*\*\* COUNCIL-RELATED DEVELOPMENT APPLICATION CONFLICT OF INTEREST POLICY****File Number: D2.1**

The Council had before it the report of the Coordinator Development & Regulatory Services regarding the Council-Related Development Application Conflict of Interest Policy.

**Resolution 2023/126****Moved: Cr Sally Davis****Seconded: Cr Lachlan Ford**

**That Council adopt the Council-Related Development Application Conflict of Interest Policy as presented to Council on Monday, 26 June 2023.**

**Carried****19.2 \*\*\* PROCUREMENT POLICY****File Number: P4.1, B2.6**

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

**Resolution 2023/127****Moved: Cr Sally Davis****Seconded: Cr Victor Bartley**

**That Council adopt the Procurement Policy labelled 1.8.14 (v7) as presented to Council on Monday, 26 June 2023.**

**Carried**

At this juncture, Cr Victor Bartley left the meeting, the time being 9:37 am.

## **20 PRÉCIS OF CORRESPONDENCE**

### **20.1 \*\*\* 'A' DAY BOWLS TOURNAMENT COMMITTEE**

**File Number: C12.5-D5.2**

The Council had before it the report of the General Manager regarding the 'A' Day Bowls Tournament Committee.

**Resolution 2023/128**

**Moved: Cr Sally Davis**

**Seconded: Cr Nathan Ryan**

**That Council accede to the request of the 'A' Day Bowls Tournament Committee, in the amount of \$400.**

**Carried**

At this juncture, Cr Victor Bartley returned to the meeting, the time being 9:39 am.

## **21 ACTIVITY REPORTS**

### **21.1 ENGINEERING SERVICES - ROAD WORKS AND WORKSHOP - WORKS UNDERTAKEN**

**File Number: E7.1**

The Council had before it the report of the Manager Roads regarding the Engineering Services - Road Works and Workshop - Works Undertaken.

**Resolution 2023/129**

**Moved: Cr Cec Dorrington**

**Seconded: Cr Victor Bartley**

**That Council note the information in the Roads Department Road Works and Workshop Activity Report as presented to Council on Monday, 26 June 2023.**

**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 2023/130****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**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 June 2023.**

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

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

**Resolution 2023/131****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**That the information in the Planning, Regulatory & Environmental Services Activity Report as presented to Council on Monday, 26<sup>th</sup> June 2023 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 2023/132****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**That the information in the General Manager's Activity Report as presented to Council on Monday, 26 June 2023 be noted.**

**Carried****21.5 LIBRARY MANAGER'S ACTIVITY REPORT FOR MAY 2023****File Number: L4.1**

The Council had before it the report of the Library Manager regarding the Library Manager's Activity Report for May 2023.

**Resolution 2023/133****Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

**That the information in the Library Manager's Report for May 2023 as presented to Council on Monday, 26 June 2023 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 2023/134****Moved: Cr Lachlan Ford****Seconded: Cr Victor Bartley**

**That the information in the Tourism and Events Managers Report for May 2023 as presented to Council on Monday, 26 June 2023 be noted.**

**Carried**

**22 CLOSED SESSION**

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

**Resolution 2023/135**

**Moved:** Cr Sally Davis

**Seconded:** Cr Cec Dorrington

**That Council considers the confidential report listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:**

**22.1 \*\*\* Plant Hire Tender 2023/2024**

**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.**

**Carried**

Council proceeded into closed session with the livestreaming of the meeting being paused at 9.46 am.



**22.1 \*\*\* PLANT HIRE TENDER 2023/2024**

**File Number: T3.1, T3.2**

The Council had before it the report of the Manager Roads regarding the Plant Hire Tender 2023/2024.

**Resolution 2023/136**

**Moved: Cr Sally Davis**

**Seconded: Cr Lachlan Ford**

1. That the tenders received for the Supply of Plant and Equipment Hire to Council for the period 1 July 2023 to 30 June 2024, 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. Conplant	2. NAK Grader Hire
3. JR Richards & Sons	4. Bourke Waste Management
5. J & B Consolidated Pty Ltd	6. Aqua Assets Pty Ltd
7. Brooks Hire Services	8. Wayne J Cohen
9. Full Diesel Pty Ltd	10. Richardson Rural Contracting
11. Specialised Pavement Services	12. KC Sandford & WL Styles
13. Premiair Services Pty Ltd	14. Stabilised Pavements of Australia
15. THM Hire	16. New Pave
17. Lewis AG Logistics	18. A One Earthworks Pty Ltd
19. RM + CA Sandford + PJ Duncan	20. Rollers Australia
21. Darnel Pastoral Company	22. A-Plant Equipment Pty Ltd
23. Coates Hire Operations Pty Ltd	
2. That the various tenderers be advised of Council's 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 Council's Tender Documentation; and,
  - Council will be in further contact should it wish to source plant and equipment hire from a selected firm.
3. That the documents and considerations in respect to this matter remain confidential to Council.

**Carried**

**Resolution 2023/137**

**Moved: Cr Sally Davis**

**Seconded: Cr Lachlan Ford**

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

**.Carried**

Open council resumed at 9:48 am.

**RESOLUTIONS FROM CLOSED SESSION OF COUNCIL**

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

**The Meeting closed at 9.51 am.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 July 2023.**

.....  
**CHAIRPERSON**