

MINUTES

Ordinary Council Meeting

25 September 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, 25 SEPTEMBER 2023 AT 9.15AM

PRESENT: Cr Barry Hollman (Mayor), Cr Victor Bartley, Cr Sarah Barton (via AV Link), Cr

Sally Davis, Cr Cec Dorrington, Cr Lachlan Ford (Deputy Mayor – via AV Link), Cr Sam Rice, Cr Grace Ridge (via AV Link), Cr Nathan Ryan, Cr Robert Stutsel

(via AV Link)

IN ATTENDANCE: Leonie Brown (General Manager), Peter Brown (Manager Works), Carolyn

Crain (Acting Manager Environmental Services), Paul Flanagan (Manager Roads Services), Melanie Milgate (Economic Development Manager), Ang Pasang Rai (Manager Corporate 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:

Helen Bowden Sheree Bowden Cecil "Shorty" Collis

Margaret Gadsby Fiona Gaffney Margaret Gaiter

Kenny Graham Vicki Graham Harold Hunt

Chris Johnson Val McLennan William "Panther" Nean

Cookie Sullivan-Rose

4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS

Requests to attend the meeting via Audio Visual Link were received from Cr Sarah Barton, Cr Lachlan Ford, Cr Grace Ridge and Cr Robert Stutsel who were unable to attend the meeting due to personal reasons.

Resolution 2023/192 Moved: Cr Sally Davis Seconded: Cr Sam Rice

That Cr Sarah Barton, Cr Lachlan Ford, Cr Ridge and Cr Robert Stutsel be permitted to attend the meeting via Audio-Visual link given their inability to attend in person due to personal reasons.

Carried

6 DISCLOSURES OF INTEREST

Cr Sarah Barton declared a significant non-pecuniary interest in Item 13.3 of the Agenda - Business Arising, Proposed Projects Under Phase 4 of the Local Roads and Community Infrastructure Program (LR&CIP). The reason for such interest is that Cr Barton is the Secretary for the Back O' Bourke Picnic Race Club who make use of the Renshaw Sporting Complex and facilities, a potential project as listed in the report. In making this declaration, Cr Barton advised that she would turn off her AV link and be out of sight should Council consider this matter as part of Item 13.3 of the Agenda.

Cr Victor Bartley declared a pecuniary interest in Item 13.3 of the agenda – Proposed Sale of Land to Bourke Aboriginal Corporation Health Service. 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 should Council's separately consider this matter as part of Item 13.3 of the agenda.

Cr Sally Davis declared a pecuniary conflict of interest in Item 13.3 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 this declaration, Cr Davis advised she would leave the Chamber and be out of sight should Council seperately consider this matter as part of Item 13.3 of the agenda.

Cr Grace Ridge declared a pecuniary conflict of interest in Item 13.3 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 turn off her AV Link and be out of sight should Council separately consider this matter as part of Item 13.3 of the Agenda.

Cr Grace Ridge declared a significant non-pecuniary interest in Item 13.3 of the Agenda - Business Arising, Proposed Projects Under Phase 4 of the Local Roads and Community Infrastructure Program (LR&CIP). The reason for such interest is that Cr Ridge is the Secretary for the Bourke P & A Show Committee who make use of the Renshaw Sporting Complex and facilities, a potential

project listed in the report. In making this declaration, Cr Ridge advised that she would turn off her AV Link and be out of sight should Council consider this matter as part of Item 13.3 of the Agenda.

Cr Nathan Ryan declared a less than significant non-pecuniary conflict of interest in Item 13.3 of the Agenda – Business Arising, Proposed Sale of Land to Bourke Aboriginal Corporation Health Service. The reason for such interest is that Cr Ryan is a contractor to the Bourke Aboriginal Corporation Health Service providing yard and property maintenance to Doctor's houses. In making this declaration Cr Ryan advised that he would remain in the Chamber but would not contribute should Council separately consider this matter as part of Item 13.3 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 2023/193

Moved: Cr Barry Hollman

That the information in the Mayoral Minute – Mayoral Activities Report as presented to Council on Monday, 25 September 2023 be noted.

Carried

8 MAYORAL ELECTION

8.1 *** ELECTION OF MAYOR

File Number: C11.5

The Council had before it the report of the General Manager regarding the Election of Mayor.

Resolution 2023/194

Moved: Cr Sarah Barton Seconded: Cr Cec Dorrington

- 1. That should an election be required for the Office of Mayor and Deputy Mayor that Council determine the method of voting.
- 2. That it be noted that the Mayoral Term for the upcoming period is from 25 September 2023 till it automatically expires on 14 September 2024, when the term of all Bourke Shire Councillors also expires, being the day of the 2024 Council elections.
- 3. That on the finalisation of the count all ballot papers, if applicable, be destroyed.

Carried

At this juncture, Cr Hollman relinquished the Chairmanship of the meeting for the purpose of the election for the p[osition of the Office of Mayor to be conducted.

The General Manager, as Returning Officer, conducted the election for the position of the Office of Mayor.

On declaring nominations for the position closed, in accordance with the Local Government (General) Regulation 2005, the Returning Officer advised that one (1) nomination for the position had been received, that being for Cr Barry Hollman. Cr Hollman was nominated by Cr Rice and Cr Hollman. Cr Hollman formally accepted the nomination.

Accordingly, the General Manager as Returning Officer declared Councillor Barry Hollman duly elected to the Office of Mayor of Bourke Shire Council for the Mayoral term.

Cr Hollman resumed Chairmanship of the meeting.

8.2 *** ELECTION OF DEPUTY MAYOR

File Number: C11.6

The Council had before it the report of the General Manager regarding the Election of Deputy Mayor.

Resolution 2023/195

Moved: Cr Cec Dorrington Seconded: Cr Sally Davis

- 1. That Council proceed to create the Office of Deputy Mayor, Bourke Shire Council and elect a Deputy Mayor.
- 2. That the period for which the Deputy Mayor is to be elected is the Mayoral Term.
- 3. That all ballot papers be destroyed following the declaration of the Office of Deputy Mayor, if applicable.

Carried

The General Manager, as Returning Officer, conducted the election for the position of the Office of Deputy Mayor.

On declaring nominations for the position of Deputy Mayor closed, in accordance with Local Government (General) Regulation 2005, the Returning Officer advised that one (1) nomination for the position had been received, that being for Cr Lachlan Ford. Cr Lachlan Ford was nominated by Cr Barton and Cr Rice. Cr Ford formally accepted the nomination.

Accordingly, the General Manager as Returning Officer declared Councillor Lachlan Ford duly elected to the Office of Deputy Mayor of Bourke Shire Council for the Mayoral term.

8.3 *** DETERMINATION OF MEETING TIME AND SCHEDULE

File Number: C12.1

The Council had before it the report of the General Manager regarding the Determination of Meeting Time and Schedule.

Resolution 2023/196
Moved: Cr Sam Rice
Seconded: Cr Sally Davis

- That Council's scheduled meeting day be generally the fourth Monday of each month, as set out in the report of the General Manager for the period October 2023 up to and including 14 September 2024, being the date of the General Local Government Elections in NSW, with meetings commencing at 9.15 am with a Public Forum being held from 9.00am till 9.15am, as required, on the day of the Council meeting.
- 2. That public notice be given in relation to the proposed meeting schedule in accordance with Councils Code of Meeting Practice.

Carried

*** COMPOSITION OF COUNCIL COMMITTEES AND APPOINTMENT OF DELEGATES TO OTHER ORGANISATIONS

File Number: C6.1

The Council had before it the report of the General Manager regarding the Composition of Council Committees and Appointment of Delegates to Other Organisations.

Resolution 2023/197
Moved: Cr Sally Davis
Seconded: Cr Sarah Barton

- 1. That Council no longer form its four (4) standing Committees (being the Roads and Plant Committee, Corporate Planning Committee, Town and Village Committee and the Tourism and Economic Development Committee).
- 2. That Council adopt the General Managers Performance Review Committee as its only Internal Committee, as provided for in the listing attached to the report of the General Manager.
- 3. That Council maintain involvement in, and be represented on, the various Local Government Organisations, Inter Government Liaison Groups, Community Liaison Groups and Regional Advisory Groups as provided for in the listing attached to the report of the General Manager.
- 4. That the Delegates to outside organisations be notified to those organisations together with appropriate contact details.

8.5 *** DELEGATIONS TO THE MAYOR

File Number: A3.8

The Council had before it the report of the General Manager regarding the Delegations to the Mayor.

Resolution 2023/198 Moved: Cr Sam Rice Seconded: Cr Sally Davis

- 1. That Policy No 1.5.1 (v11) being Mayoral Delegations be adopted.
- 2. That Council delegates to the Mayor, the delegations as detailed in Policy document numbered 1.5.1(v11).

Carried

8.6 *** DELEGATIONS TO THE DEPUTY MAYOR

File Number: A3.8

The Council had before it the report of the General Manager regarding the Delegations to the Deputy Mayor.

Resolution 2023/199
Moved: Cr Sam Rice
Seconded: Cr Victor Bartley

- 1. That Policy No 1.5.2 (v11) being the Deputy Mayor Delegations be adopted.
- 2. That Council delegates to the Deputy Mayor, the delegations as detailed in Policy document numbered 1.5.2(v11).

Carried

9 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 2023/200

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

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, 25 September 2023 be adopted.

10 CONFIRMATION OF MINUTES

Resolution 2023/201

Moved: Cr Cec Dorrington Seconded: Cr Sally Davis

That the minutes of the Ordinary Council Meeting held on 28 August 2023 be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.

Carried

11 RESCISSION MOTIONS

Nil

12 NOTICES OF MOTION

Nil

13 BUSINESS ARISING

13.1 CALENDAR OF EVENTS

File Number: C12.6

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

Resolution 2023/202

Moved: Cr Cec Dorrington Seconded: Cr Sam Rice

That the information in the Calendar of Events Report as presented to Council on Monday, 25 September 2023 be noted.

Carried

13.2 INFORMATION TO COUNCILLORS

File Number: C12.1

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

Resolution 2023/203

Moved: Cr Cec Dorrington Seconded: Cr Sam Rice

That the contents of the Information to Councillors Report as presented to Council on Monday, 25 September 2023 be noted.

13.3 *** BUSINESS ARISING

File Number: C12.1

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

Resolution 2023/204

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

That the information in the Business Arising Report as presented to Council on Monday, 25 September 2023 be noted.

Carried

14 ENGINEERING SERVICES DEPARTMENT

14.1 *** RETENTION OF GARBAGE TRUCK

File Number: T3.1, T3.2

The Council had before it the report of the Manager Roads regarding the Retention of Garbage Truck.

Resolution 2023/205

Moved: Cr Cec Dorrington Seconded: Cr Sam Rice

- 1. That plant number 218, being a Hino McDonald Johnson Garbage Compactor, be retained by Council as a backup vehicle for Councils garbage collection operations or utilised for hire to other entities for garbage collection services.
- 2. That the General Manager be authorised to take the necessary action in selling this piece of plant in the future, as appropriate.

Carried

15 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT

Nil

16 GENERAL MANAGER

16.1 *** COUNCILLOR NUMBERS

File Number: C11.1

The Council had before it the report of the General Manager regarding the Councillor Numbers.

Resolution 2023/206

Moved: Cr Cec Dorrington Seconded: Cr Sam Rice

That as per Section 224 (2) of the Local Government Act, Council in determining its number of Councillors, maintain the status quo and retain its councillor numbers at 10 (one of whom is the Mayor).

Carried

17 CORPORATE SERVICES DEPARTMENT

17.1 *** BANK RECONCILIATION AND STATEMENT OF BANK BALANCES - AUGUST 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 - August 2023.

Resolution 2023/207

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

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 2023 be noted.

17.2 *** INVESTMENT REPORT AS AT 31 AUGUST 2023

File Number: F1.1

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

Resolution 2023/208

Moved: Cr Cec Dorrington Seconded: Cr Sally Davis

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

Carried

17.3 *** FINANCIAL ASSISTANCE GRANT 2023/2024

File Number: F1.4.6

The Council had before it the report of the Manager Corporate Services regarding the Financial Assistance Grant 2023/2024.

Resolution 2023/209

Moved: Cr Victor Bartley Seconded: Cr Sally Davis

- 1. That Council notes the report detailing the Financial Assistance Grants recommended allocation for 2023/2024.
- 2. That the additional funds received, estimated to be \$1,277,260, be transferred to Council's Asset Renewal Reserve.

17.4 PUBLIC INTEREST DISCLOSURE POLICY

File Number: 2571

The Council had before it the report of the Manager Corporate Services regarding the Public Interest Disclosure Policy.

Resolution 2023/210

Moved: Cr Cec Dorrington Seconded: Cr Sam Rice

- 1. That Councils Public Interest Disclosure Policy (v4) dated 23 July 2018 be rescinded.
- 2. That the Public Interest Disclosure Policy dated 25 September 2023 (v5) developed as per the requirements of the Public Interest Disclosures (PID) Act 2022 be adopted and be effective as at 1 October 2023.

Carried

18 ECONOMIC DEVELOPMENT DEPARTMENT

Nil

19 DELEGATES AND COUNCILLORS REPORTS

Nil

20 POLICIES

Nil

21 PRÉCIS OF CORRESPONDENCE

Nil

22 ACTIVITY REPORTS

22.1 ACTIVITY REPORT - ENGINEERING SERVICES ROAD WORKS & WORKSHOP - WORKS COMPLETED

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 Completed.

Resolution 2023/211

Moved: Cr Cec Dorrington Seconded: Cr Sam Rice

That Council note the information in the Engineering Services Department Road Works and Workshop – Works Undertaken Activity Reports as presented to Council on Monday, 25 September 2023.

Carried

22.2 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 2023/212

Moved: Cr Cec Dorrington Seconded: Cr Sam Rice

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, 25 September 2023.

22.3 ACTIVITY REPORT - PLANNING, REGULATORY & 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 & Environmental Services.

Resolution 2023/213

Moved: Cr Cec Dorrington Seconded: Cr Sam Rice

That the information in the Planning, Regulatory and Environmental Services Activity Report as presented to Council on Monday, 25th September 2023 be received and noted.

Carried

22.4 ACTIVITY REPORT - GENERAL MANAGER

File Number: G2.1

The Council had before it the report of the General Manager regarding the Activity Report - General Manager.

Resolution 2023/214

Moved: Cr Cec Dorrington Seconded: Cr Sam Rice

That the information in the General Manager's Activity Report as presented to Council on Monday, 25 September 2023 be noted.

Carried

22.5 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 2023/215

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

That the information in the Tourism and Events Report for August 2023 as presented to Council on

Monday, 25 September 2023 be noted.

22.6 LIBRARY MANAGER'S ACTIVITY REPORT FOR AUGUST 2023

File Number: L4.1

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

Resolution 2023/216

Moved: Cr Cec Dorrington Seconded: Cr Sam Rice

That the information in the Library Manager's Report for August 2023 as presented to Council on Monday, 25 September 2023 be noted.

Carried

23 CLOSED SESSION

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

Resolution 2023/217

Moved: Cr Cec Dorrington Seconded: Cr Sam Rice

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:

23.1 *** North Bourke Bridge Restoration

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 closed session with the livestreaming of the meeting being paused at 10.06am.

23.1 *** NORTH BOURKE BRIDGE RESTORATION

File Number: 4373

The Council had before it the report of the General Manager regarding the North Bourke Bridge Restoration.

Resolution 2023/218
Moved: Cr Sam Rice
Seconded: Cr Sarah Barton

- 1. That Council endorse the series of desired outcomes to lead the restoration project, as follows:
 - a) To make the bridge an attraction of choice to visitors, tourists, the local and surrounding communities, in conjunction with the historic Jandra Paddle Steamer tourist attraction.
 - b) To restore the bridge to allow pedestrian and cyclist access and to provide for weddings and other similar community functions.
 - c) To restore the wrought iron lift bridge span to a safe and accessible condition, with the lift span to remain fixed in position.
 - d) To restore the iron structure where deemed necessary.
 - e) To make safe the bridge decking, by removing the existing timber decking and replacing with new alternative decking material, that allows visibility to the iron trusses below and reduces future deck maintenance costs.
 - f) To demolish and replace the timber approach structures with other suitable access such as concrete or steel approaches (approx. 3-4m wide), and possibly accommodating a maximum loaded truck of 15 tonnes.
 - g) Wherever possible, seek leverage with the current similar upgrade works being undertaken on the nearby Brewarrina Bridge, via FBE and TfNSW.
- 2. That Council acknowledge that an estimated \$1.2m in funding is required to undertake Stage 1 and Stage 2 design and documentation works (\$800,000) and the deconstruction of the timber approaches to the Bridge (\$400,000).
- 3. That Council note the advice of NSW Public Works regarding the deteriorated condition of the timber approaches to the North Bourke Bridge and the advice "that the approach spans should be demolished as early as practicable."
- 4. That Council endorse the engagement of NSW Public Works and Focus Bridge Design (as a sub-contractor), with a view to:
 - a) the development of documentation, and a recommendation regarding the engagement of a contractor to undertake the deconstruction of the timber approaches to the bridge; and
 - b) the development of the necessary designs and documentation that would result in indicative restoration costs being identified that allow Council to seek grant funding to engage a contractor(s) to restore the North Bourke Bridge and further, ensure the project is "shovel ready" to proceed once a tender for the required restorartion works is awarded, once grant funding is attained;
 - at a combined estimated cost of \$1.2m.
- 5. That NSW Public Works be requested to prepare a revised project brief, in conjunction with Focus Bridge Engineering, such that demolition of the timber approaches to the bridge are included in what were Stages 1 and 2 of their proposal dated 18 June 2023.

- 6. That Council note the actions taken by Staff to secure funding for the required design and deconstruction works.
- 7. That Council authorise the Mayor and General Manager to take the necessary action in respect of the use of available Council funds, having regard to the success or otherwise of Councils various applications for funding for the design and deconstruction works.
- 8. That the General Manager be requested to report to Council, in due course, the outcome of its applications to Government for the required design and deconstruction works.
- 9. That the General Manager be requested to update the community on the status of the bridge project.
- 10. That the documents and considerations in respect of this matter remain confidential to the Council.

Carried

Resolution 2023/219 Moved: Cr Sam Rice

Seconded: Cr Cec Dorrington

That Council moves out of Closed Council into Open Council.

Carried

Open council resumed at 10.24am.

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 10.30am.

The	minutes	of	this	meeting	were	confirmed	at	the	Ordinary	Council	Meeting	held	on	25
Dece	ember 20	30.												

CHAIRPERSON