



BOGAN SHIRE COUNCIL

Minutes

24 April 2019

**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 24 April 2019 at 9.30am**

At 10.00am the Mayor conducted the Citizenship Ceremony for the Patel Family.

The Mayor, on behalf of Council, expressed his thanks to Mrs Cathy Ellison for all the effort she puts into making Citizenship Ceremonies a special occasion.

Council adjourned for morning tea at 10.15am and resumed at 10.40am and proceeded with the Ordinary Meeting of Council.

PRESENT: Councillors RL Donald OAM, (in the Chair), VJ Boag, WG Deacon, JL Douglas, VJ Dutton, AJ Elias, GN Jackson, GRJ Neill and KM Ryan.

Also present were Mr Derek Francis (General Manager), Mr Graeme Bourke (Director Engineering Services) Mrs Stephanie Waterhouse (Director Finance and Corporate Services), Mrs Debb Wood (Director People and Community Services), Mrs Cathy Black (Senior Environmental Officer) and Mrs Cathy Ellison (Executive Assistant).

DECLARATION OF INTEREST: Councillor Dutton – Item 5 of the Precis – Naidoc Week.

099/2019 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 28 March 2019, copies of which have been circularised to Councillors be taken as read and confirmed with the following amendments. **(Ryan/Dutton)**

- *Minute 067/2019 should read – That Council accepts the plans for a new Bogan Shire Cultural Centre and Theatre on the site of the existing Town Hall.*
- *Minute 071/2019 should read – That Council includes in the Estimates 2019/2020 an amount for the purchase of the iPads and additional software and sufficient funding for training.*
- *Minute 091/2019 should read – That Council pay 2WEB Outback Radio ¼ of the Annual Package for this financial year and the full Annual Package of \$5,500 plus GST in the 2019/2020 budget.*

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Business Arising:

- Bogan Shire Regional Cultural Centre and Theatre

100/2019 RESOLVED that Council agrees to payment of \$6,000 for additional work undertaken by de Beer Building Design. **(Douglas/Boag)**

- Service NSW

101/2019 RESOLVED that Council receives the further correspondence in relation to driver testing parking space and Council's original Resolution remain. **(Ryan/Dutton)**

- Arts and Cultural Funding

102/2019 RESOLVED that Councillor Dutton be Council's delegate on the Outback Arts Board and Director of People and Community Services, be the alternate delegate. **(Neill/Boag)**

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 24 April 2019.

094/2019 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed section of Council with the public excluded in accordance with the Local Government Act 1993 Section 10A (2) (c) because it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. **(Neill/Elias)**

095/2019 RESOLVED that the Minutes of the Closed and Confidential Section of the Extraordinary Meeting of Council held on 28 March 2019, copies of which have been circularised to Councillors be taken as read and confirmed. **(Boag/Ryan)**

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096/2019 **RESOLVED** that the General Manager negotiates a draft lease agreement for the old Cobb & Co Workshops at the Council Works Depot with John and Penny Hoy for consideration by Council. **(Jackson/Neill)**

097/2019 **RESOLVED** that the Mayor and General Manager endeavour to negotiate a new contract with Dr Peter Hanley for the provision of GP Services at the Bogan Shire Medical Centre in the best interests of ratepayers and residents of Bogan Shire. **(Ryan/Neill) Unanimous**

098/2019 **INCLUSION OF PRESS AND PUBLIC:** **RESOLVED** that the meeting move into open Council. **(Ryan/Deacon)**

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REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	27/10/2016	423/2016	Seniors Living – Rental Units	Consult with community to gauge interest in the project before making a decision on which location & how many units to build.	DDES	Public Information Meeting 14 December 2016. Community expressed a preference for the Cobar/Dandaloo Streets site. Application under Stronger Country Communities successful. Project to go to tender May 2019. Demolition programmed for July 2019.

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2	28/09/2017	283/2017	Medical Centre	The General Manager in consultation with PHN proceeds to recruit & engage a second doctor for the BSMC.	GM	Recruitment agencies engaged to source locum / permanent second doctor. Second Locums secured until 31/12/2019.
3	21/12/2017	392/2017	Increase of train speed through Nyngan	Strong letter of concern & a request to address Council be sent to the relevant rail authorities & a copy to local member.	GM	Letter sent to Minister for Transport & Infrastructure, with copy to Kevin Humphries.
	21/06/2018	293/2018		Council seek further follow up from the responsible Minister, reiterating Council's safety concerns for pedestrians & road users due to the nature of the crossing & variation of speeds & that the best control measures would be to erect flashing lights at the Hoskins Street Crossing.	GM	406 Petitions received.

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4	21/06/2018	186/2018	Oatley Street Sewer Reticulation System	Council undertakes community consultation via survey to Oatley Streets residents concerning this request.	DES	In progress. Letters sent to residents 11 July 2018. 47 letters sent, 7 responded No, 9 Yes (2 depending on cost). Progressing with design and cost estimates for a full report to Council. To be included in Budget Meeting.
5	27/09/2018	290/2018	Fuel at Nyngan Airport	Council investigate if there are any fuel companies interested in supply fuel at the Nyngan Airport and Council Depot.	DES	Council's current fuel supplier preparing prices. Local supplier advised that it would be uneconomical for them to provide a fuel tank.
6	27/09/2018	294/2018	Nyngan / Cobar Water Security Project	Council pursue the necessary processes to secure funding for the construction of a second off-river storage & an allocation to fill the completed off-river storage.	DES	Business Case has been completed and submitted. Business Case is being assessed. Letter received from Department of Industry.

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7	25/10/2018	340/2018	Palais Theatre	Following selection of options & places, detailed costings be obtained to facilitate a grant application for a new structure.	GM	Council resolved to demolish the Palais Theatre with the costs to be provided from accumulated funds at Council Meeting 28 March 2019.
8	22/11/2018	405/2018	Rural Addressing – Renaming Tottenham Road to the Bogan Way	Council rename the road from Nyngan to the Shire Boundary “The Bogan Way”. Council advertise the name change & notify relevant agencies of the renaming of the road & advise residents along the Tottenham Road & reason why. Council rename the Nymagee to Condobolin Road the Balowra Road from the Cobar Shire Boundary to Bobadah, then Henry Parkes Way from Bobadah heading south towards Condobolin.	DES	The roads’ names’ changes have been approved by the Geographical Name Board. To be now advertised in the Government Gazette.

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9	28/02/2019	005/2019	Delay of Post Mortems	Council forward a strong letter to the Post Mortem Centre in Newcastle & relevant Government Dept / Minister responsible, demanding the time taken for post-mortems be investigated & improved. Support from other regional towns through Orana JO be sought.	Mayor	Response received. Verbal report at the Council Meeting.
10	28/02/2019	007/2019	Moves to Regulate Angel Flight	Council contact relevant authorities with concerns of proposed CASA regulations for Angel Flight & express Council support that Angel Flight Services continues as has been.	Mayor	Letter sent. Response received from Michael McCormack MP, Minister for Transport and Regional Development.

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11	28/02/2019	021/2019	Drought Works	<p>The General Manager continues to pursue grant funding opportunities to meet the cost to improve water security for Girilambone & Hermidale.</p> <hr/> <p>Council strongly points out to the relevant authorities that paying for water tanks will save the NSW Government money in the medium to long term rather than paying for the carting of water to fill the overhead tanks.</p>	DES	<p>Application submitted, awaiting response.</p> <p>Funding for water carting to the villages has been approved.</p> <hr/> <p>NSW Government advice at this stage is that individual tanks do not meet the drought funding criteria.</p>
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12	28/02/2019	047/2019	Plaque at Nyngan Airport Terminal for Bill Taylor	Council have a plaque made in recognition of Bill Taylor & his contribution to local aviation. Plaque to be placed outside the terminal. Final suggestions for wording on the plaque in consultation with local pilots & family.	DES	Plaque has been ordered.
13	28/03/2019	062/2019	Nyngan to Gunningbar Creek Confluence Bogan River Association	At no cost to Council, Council engage a consultant to carry out the necessary work to facilitate the following:- 1. Obtain a 3,000 megalitre allocation for the Recreation/Lower Weir. 2. Change the classification of the Recreation/Lower Weir to enable environmental & high security water to be out in the weir.	GM	In progress.

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				3. Have a pipeline constructed from the Recreation/Lower Weir to the Bogan River Confluence with the Gunningbar Creek to enable stock and domestic users to obtain their licence from the pipeline.		
14	28/03/2019	083/2019	Drought Management Plan	Council urgently request the Department of Industry-Water to investigate the availability, quality and quantity of ground water to the east of Nyngan.	MES	In progress.

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- Drought Works

103/2019 RESOLVED that at the next NSW Local Government Conference, Council strongly point out to the relevant authorities that individual water tanks will save the NSW Government money in the medium to long term rather than paying for the carting of water to fill overhead tanks. **(Jackson/Douglas)**

104/2019 RESOLVED that the report relating to the Monthly Checklist be received **(Ryan/Jackson)**

**REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S
SUPPLEMENTARY REPORT**

2 FINANCIAL ASSISTANCE GRANTS (FAGS)

Summary:

FAGs are a vital part of the revenue base of all Councils, and this year Councils will receive \$2.4 billion from the Australian Government under this important program.

105/2019 RESOLVED that Council:-

1. Acknowledges the importance of Federal Funding through the Financial Assistance Grants Program for the continued delivery of Council services and infrastructure;
2. Expresses its concern about the decline in the value of Financial Assistance Grants Funding at the national level from an amount equal to around 1% of Commonwealth Taxation Revenue in 1996 to a current figure of around 0.55%.;
and

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3. Calls on all political parties contesting the 2019 Federal Election and their local candidates to support the Australian Local Government Association's call to restore the national value of Financial Assistance Grants funding to an amount equal to at least 1% of Commonwealth Taxation revenue and therefore to provide a Fairer Share of Federal funding for our local communities.
(Ryan/Douglas)

**REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR PEOPLE AND
COMMUNITY SERVICES**

1 BOGAN BUSH MOBILE – TERM 1 REPORT

Summary:-

The purpose of this report is to advise Council on Term 1 activities of the Bogan Bush Mobile Service.

106/2019 RESOLVED that the Bogan Bush Mobile Report, Term 1 be received and noted. **(Elias/Deacon)**

REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR OF FINANCE AND CORPORATE SERVICES

1 INVESTMENTS MARCH 2019

Summary:-

- The report is to outline the performance of Council's Investment Portfolio for the month of March 2019.
- At 31 March 2019 Council had \$12.8 million invested. There has been an increase of \$1.35 million due to Council receiving the final instalment of Roads to Recovery income with about \$600,000 worth of work still remaining and the second quarter RMCC claim being received.

107/2019 RESOLVED that the Investments Report for the month of March 2019 be received and noted. **(Neill/Ryan)**

2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary:-

- *The report is to provide a comparison of rate collections as at 31 March 2019, with the same period last year.*
- *Total arrears have increased from \$399,244 as at 31 March 2018 to \$424,848 as at 31 March this year.*

108/2019 RESOLVED that the Rates and Annual Charges Collection Report for the month of March 2019 be received and noted. **(Jackson/Boag)**

3 THIRD QUARTER 2018/2019 BUDGET REVIEW

Summary:-

- Council remains in a sound financial position and is broadly on budget.
- Cash Balance is strong although decreasing as expected due to advance payments being expended.

109/2019 RESOLVED that:-

1. The third quarter 2018/2019 Budget Review Report be received and noted and staff involved with the report be commended.
2. Council adopts the budget amendments shown on the Budget Review Statement for the 2018/2019 Operating and Capital Budgets. **(Ryan/Douglas)**

4 DELIVERY PROGRAM

Summary:-

- This report is to provide information regarding progress with respect to the principal activities detailed in Council's adopted Delivery Program.
- The General Manager is required under the provisions of Section 404(5) of the Local Government Act to provide Council with regular reports regarding progress with respect to the principal activities detailed in Council's Delivery Program.
- Council previously resolved that these reports be provided in October and April.
- Directors responsible for each of the activities listed under the Strategies and Outcomes have indicated the current status of the activity.

110/2019 RESOLVED that the Delivery Program Report be received and noted.
(Neill/Douglas)



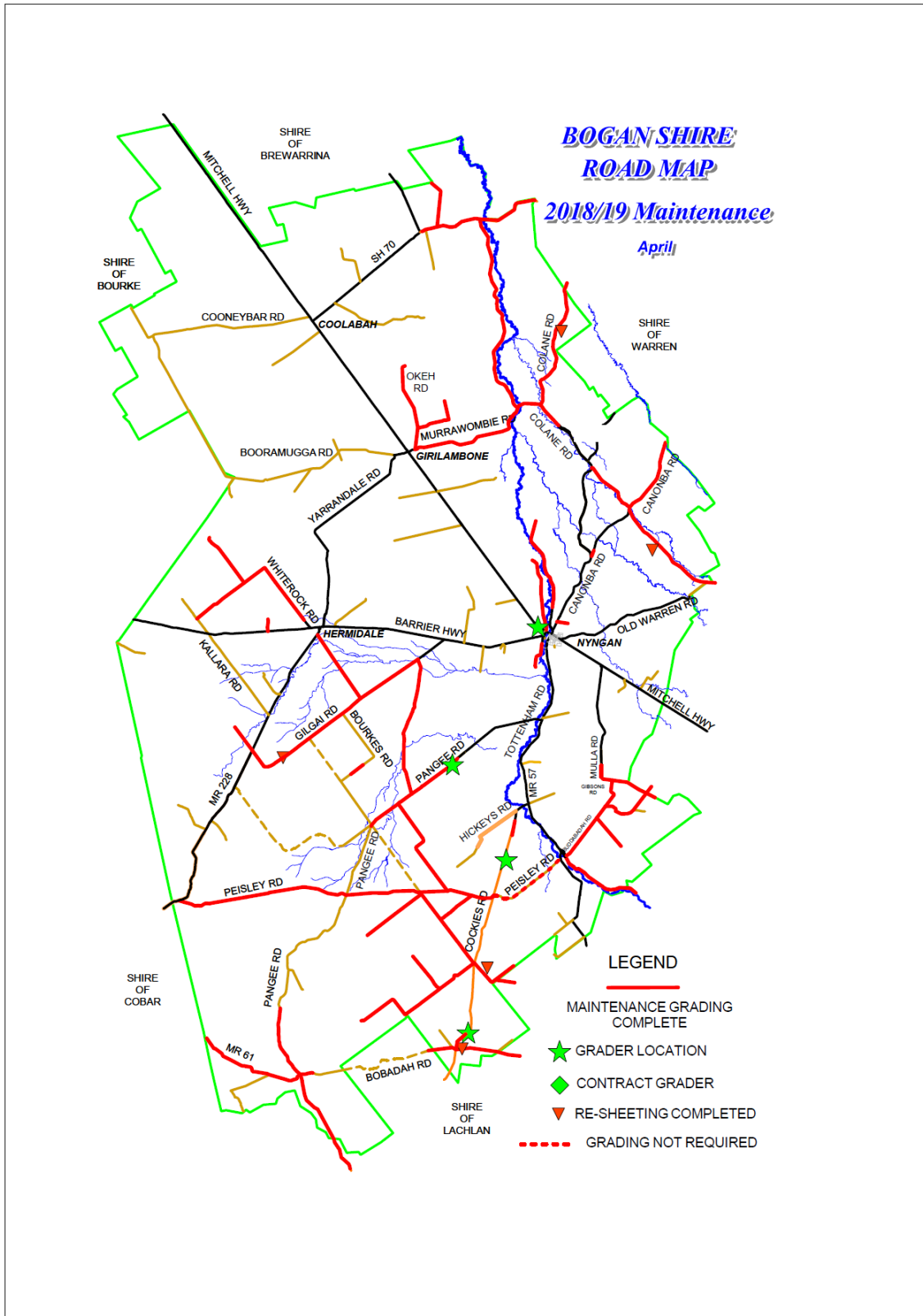
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REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR OF ENGINEERING SERVICES REPORT

1 OPERATIONAL REPORT

111/2019 **RESOLVED** that the Operational Report for the reporting period 18 March 2019 to 12 April 2019 be received and noted. (Elias/Neill)

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REPORTS TO ORDINARY MEETING OF COUNCIL – DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES REPORT

1 DEVELOPMENT APPLICATIONS

112/2019 RESOLVED that the Development Application Report since the 28 March 2019 Council Meeting be received and noted. **(Dutton/Ryan)**

2 OPERATIONAL REPORTS

113/2019 RESOLVED that the Operational Report, including Council's Parks and Gardens Team and Noxious Weeds Officer be received and noted. **(Boag/Elias)**

PRECIS OF CORRESPONDENCE

1 DEPARTMENT OF PRIMARY INDUSTRIES

114/2019 RESOLVED that the correspondence received from the Department of Primary Industries advising that Council has been successful in obtaining funding of \$9,500 from the Recreational Fishing Trusts for the Bogan Shire Council – Fish Cleaning Table set up be received and noted and Council forward a *thank you* letter to the Department. **(Boag/Douglas)**

2 COUNTRY WOMEN'S ASSOCIATION OF NSW – FAR WESTERN PUBLIC SPEAKING COMMITTEE

115/2019 RESOLVED that Council donate \$250.00 to the CWA NSW Far Western Group Public Speaking Committee to support the CWA NSW Far Western Group Public Speaking Event to be held in Narromine on 28 May 2019 for 14 schools within Division 1, including five schools from Bogan Shire. **(Ryan/Boag)**

3 LYN QUINTON AND LYNNE HODGE

116/2019 RESOLVED that:-

1. Council strongly support Lyn Quinton and Lynne Hodge in holding an Art Exhibition in Nyngan at the end of the year.
2. Council wishes to be advised of the full cost to hold the Exhibition to determine the extent of financial support needed.
3. Council advises Outback Arts of the Exhibition, asking for whatever assistance they can provide. **(Ryan/ Boag)**

4 COBAR WATER BOARD

117/2019 RESOLVED that:-

1. The General Manager requests further information from Cobar Water Board concerning the apparent change in licence holdings, a copy of the legal advice concerning supply of water and reason why Cobar Shire Council cannot supply minor users within the Bogan Shire LGA.
2. Notes that all current minor user agreements are between Cobar Water Board and relevant users and that there may potentially be logistical and legal implications to Bogan Shire Council being responsible for supply of water via Cobar Water Board's infrastructure.
3. Whilst Council is prepared to have discussions with Cobar Water Board to explore options for delivery of water to minor users within the Bogan Shire LGA, it does not agree to the Board's proposal at this stage.
(Douglas/Deacon) Unanimous

Councillor Dutton declared an interest in the following item and left the room.

5 NAIDOC WEEK COMMITTEE

118/2019 RESOLVED that:-

1. Council support the Nyngan NAIDOC Committee Week 1 July 2019 to 5 July 2019 activities and provide free use of Council's facilities and equipment.
2. Council support the Unity Walk, but does not agree to close the road. The Walk is to take place along the footpaths. **(Ryan/Douglas)**

Councillor Dutton returned to the room.

6 DEPARTMENT OF INDUSTRY

119/2019 RESOLVED that Council accepts the offer of \$375,000 financial assistance from NSW Government, through the Drought and Emergency Relief for Regional Town Water Supplies Program to purchase 1,000 ML of water to fill the off-river storage, and seeks confirmation from the Department of Industry as to the permitted use of the water being for Nyngan and Cobar town supply only. **(Jackson/Ryan)**

120/2019 RESOLVED that Council deal with late items of correspondence received after the close of the Business Paper and relating to items already listed in the Business Paper. **(Neill/Deacon)**

7 MICHELLE HALL

121/2019 RESOLVED that the correspondence from Ms Hall be received with the following being noted:-

1. Council made a choice in relation to the use of its resources to support arts and culture within Bogan Shire as the body elected by the community to represent their interests. Informing this decision was community consultation in the form of representations made by local artists to individual Councillors and follow-up discussions between Councillors and their community.
2. Consultation with Orana Arts included a presentation made to Council at its meeting in October 2018 by Alicia Leggett, Executive Director, Orana Arts.
3. Outback Arts have not approached Council with details of possible projects but were asked by staff what their current membership costs were. Other relevant details for the report presented to Council were obtained from their website. Council is not bound, in any transaction, to accept the lowest price offered but has to consider quality and level of service as well.
4. Council has no knowledge of, nor is it responsible for, the alleged interactions between what is referred to as our “new service provider” and Ms Hall.
5. Council is satisfied with the quality and accuracy of the information presented in the report provided to it in March and rejects Ms Hall’s comments made in regard to “inaccuracies” and “misinformation”. Council is disappointed that Ms Hall did not take up the invitation to discuss her concerns with Council in person so that matters could be clarified. **(Ryan/Neill) Unanimous**

9 DUCK CREEK PICNIC RACE COMMITTEE INC

122/2019 RESOLVED that Council provides free of charge the same as last year, the use of the Racecourse and Showground for the Duck Creek Picnics on Saturday 6 July 2019, including tables and chairs, portable fencing, caravan and portable coolroom. **(Neill/Boag)**

Other matters:-

123/2019 RESOLVED that Council concurs with the Mayor’s response to the new Minister of Local Government’s first letter to all Councils. **(Ryan/Neill)**



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8 WEEKLY CIRCULARS

124/2019 RESOLVED that the Local Government Weekly Circulars dated 22 March 2019, 29 March 2019, 5 April 2019 and 12 April 2019 be noted. **(Boag/Douglas)**

Weekly Circulars dated 18 April 2019 – Item – IPART review of Local Government Elections Costs.

125/2019 RESOLVED that Council respond to IPART to assist in recommending a costing methodology for determining the amount the Electoral Commission charges Council. **(Douglas/Ryan)**

There being no further business the meeting closed at 12.20pm.

These Minutes were confirmed by resolution at a meeting held on
and were signed as a true record.

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GENERAL MANAGER

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MAYOR

