



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**26 July 2018**



**Minutes of the Ordinary Meeting of Bogan Shire Council  
held in the Council Chambers on 26 July 2018 at 9.30am**

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

Also present were Mr Paul Mann (Acting General Manager), Mr Graeme Bourke (Manager Engineering Services), Mrs Stephanie Waterhouse (Manager Finance and Corporate) Mr Jim Boyce (Acting Manager Development and Environmental Services), Mr John Kite (Acting Senior Development and Environmental Officer) Mrs Nichole Jenkins (Acting Manager People and Community Services), and Mrs Cathy Ellison (Executive Assistant).

**DECLARATION OF INTEREST:** Councillor Dutton – Precis Item 2 – NAIDOC Week.

**217/2018 RESOLVED** that the Minutes of the Ordinary Meeting of Council held of 21 June 2018, copies of which have been circularised to Councillors be taken as read and confirmed. **(Ryan/Dutton)**

Business Arising: Nil

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 26 July 2018.

**206/2018 APOLOGY: RESOLVED** that the apology received from Councillor VJ Boag be received and she be granted leave of absence from both meetings. **(Dutton/Neill)**

**207/2018 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, Clause 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/Deacon)**

**208/2018 RESOLVED** that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 21 June 2018, copies of which have been circularised to Councillors be taken as read and confirmed, with the following amendment. **(Neill/Jackson)**

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**Resolution 168/2018 to read:-**

1 *That Council rates the General Manager's performance over the last twelve months as five out of five which is outstanding as his performance consistently exceeds requirements*

2 *That Council delegates to the Mayor and Deputy Mayor the authority to negotiate an increase in remuneration with the General Manager in accordance with discussions held in Committee. (Jackson/Ryan)*

**209/2018 RESOLVED that:-**

1. Subject to discussions, Dr Heggie be offered the lease of the Dental Surgery for ten (10) years on the basis of five (5) years with an option of five (5) years and generally in accordance with conditions detailed in the report.

2. The General Manager be authorised to negotiate the lease arrangement with Dr Heggie and have the necessary lease documentation prepared. **(Neill/Deacon)**

**210/2018 RESOLVED** that Council note and confirm the sale of 59 Budther Street Coolabah (Lot 1 Sec 26 DP 758274, 2023M2) and the General Manager be authorised to sign all legal documents. **(Douglas/Ryan)**

**211/2018 RESOLVED** that Council note finalisation of the purchase Lot 2 DP 1073422, Lot 413 DP 618374, 2.125Ha. **(Ryan/Neill)**

**212/2018 RESOLVED** that Council accept the tender of Laser Electrical Dubbo for the Design, Supply and Installation of Sports Lighting for Larkin Oval along with the included options. **(Neill/Jackson)**

**213/2018 RESOLVED** that the tender for Gravel Haulage Services to Council for the period to 30 June 2019 from Neill Earthmoving Pty. Ltd. be accepted, subject to the plant and operators meeting Council's requirements. **(Ryan/Dutton)**

**214/2018 RESOLVED** that the tender, for provision of Crushing Road Base Services for the period to 30 June 2019, of Neill Earthmoving Pty Ltd. be accepted, subject to the plant and operators meeting Council's requirements. **(Douglas/Elias)**

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**215/2018** **RESOLVED** that the tenders for the Hire of Plant for the period to 30 June 2019 be accepted as submitted to form a panel of contractors, subject to the plant and operators meeting Council's requirements, and to be engaged in the best interest of Council. **(Douglas/Ryan)**

**216/2018** **INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting moved into Open Council. **(Jackson/Douglas)**

## **COMMITTEE MEETING MINUTES**

### **1 NYNGAN MUSEUM MEETINGS**

**218/2018** **RESOLVED** that the Minutes of the Nyngan Museum Meeting held on 4 July 2018 be received and noted. **(Elias/Dutton)**

### **2 OROC BOARD MEETING**

**219/2018** **RESOLVED** that the Minutes of the OROC Board Meeting held on Thursday 7 June 2018 at Warrumbungle Shire Council be received and noted. **(Jackson/Deacon)**

At 10.00am the Mayor conducted an Australian Citizenship Ceremony for the following:-

Raymond and Yolanda Tollemache (South Africa)

John, Ruth, Jordan, Napoleon and Nathanie Sipendi (Papua New Guinea)

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

**1 CHECKLIST**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	27/10/2016	423/2016	<b>Seniors Living – Rental Units</b>	Consult with community to gauge interest in the project before making a decision on which location & how many units to build.	<b>GM</b>	<p>Public Information Meeting 14 December 2016.</p> <p>Community expressed a preference for the Cobar/Dandaloo Streets site. Building Better Regions Grant Program identified as a match for this project. Application submitted.</p> <p>Application not successful – refer to advice Precis.</p> <p>Application also submitted under Stronger Country Communities Grant.</p>

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2	28/09/2017	283/2017	<b>Medical Centre</b>	The General Manager in consultation with PHN proceeds to recruit & engage a second doctor for the BSMC.	<b>GM</b>	Recruitment agencies engaged to source locum / permanent second doctor.
	22/02/2018	016/2018		Council at an appropriate time, invite the current doctors at the BSMC to address Council on their experiences at Rural/Regional Medical Centres.		BSMC locums invited to attend August Council Meeting.
3	21/12/2017	392/2017	<b>Increase of train speed through Nyngan</b>	Strong letter of concern & a request to address Council be send to the relevant rail authorities & a copy to local member.	<b>GM</b>	Letter sent to Minister for Transport & Infrastructure, with copy to Kevin Humphries.  Minister has now forwarded the letter onto the Minister for Roads, Maritime and Freight, the Hon Melinda Pavey MP.  Follow up letter on level crossing to be sent.  Further letter sent 12 July 2018.

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	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.	<b>MES</b>	
4	21/12/2017	418/2017	<b>Council Electricity Contracts</b>	GM to proceed with obtaining quotations for the installation of solar electricity infrastructure for the three administration offices, BS Medical Centre & ELC.	<b>MES</b>	<p>Report on viability of solar power at these three sites has been received, indicating positive paybacks. Staff will now progress tender arrangements for all Council sites.</p> <p>Request for quotations now closed. Under evaluation with a report to July 2018 Council Meeting.</p> <p>Report refers.</p>



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5	21/12/2017	421/2017	<b>New Cemetery Entrance Design</b>	Council approve the design presented with changes to the steel column on the right hand side to delete the wheat sheaf & replace with a cow's head and sheep's head.	<b>MDES</b>	Work on new entrance programmed to commence August 2018.
6	24/05/2018	165/2018	<b>Heavy Vehicle Inspection Shed</b>	An urgent letter be sent to the Minister for Transport strongly objecting to the way vehicle inspections are being carried at Nyngan HVIS. Copy of letter to Kevin Humphries.	<b>MES</b>	Letter has been forwarded.  No response to date.
7	21/06/2018	186/2018	<b>Oatley Street Sewer Reticulation System</b>	Council undertakes community consultation via survey to Oatley Streets residents concerning this request.	<b>MES</b>	In progress. Letters sent to residents 11 July 2018.

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8	21/06/2018	187/2018	<b>Labourer's Position</b>	Two of Council's grader gangs be consolidated to work together so that one position of offsider be removed from rural works & transferred to civil works to achieve budget savings.	<b>MES</b>	In progress – investigating implications. Two graders working towards each other to begin trial.
9	21/06/2018	204/2018	<b>Nyngan Rugby Union</b>	Council discuss with the Rugby Union the overcharges they levy on community organisations including the Nyngan Rugby League.	<b>GM</b>	Initial discussions held with Rugby Union 17 July 2018.

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**220/2018 RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.  
**(Neill/Jackson)**

**2 COUNCILLOR AND MAYORAL FEES**

**Summary:-**

*To formally consider fixing and payment of annual fees for Councillors.*

**221/2018 RESOLVED** that Bogan Shire Council:-

- Fixes the annual fees for Councillors and the Mayor in accordance with the minimum fees for 2018/19 as determined by the Local Government Remuneration Tribunal, and 75.7% of the maximum Mayoral Fee with this being split 80% to the Mayor and 20% to the Deputy Mayor. Taking into account the Tribunal's determination, this would translate into the following for 2018/19.

<b>2018/19</b>	<b>Councillor Fee</b>	<b>Mayor Fee</b>	<b>Total Fee</b>
Councillors	\$8,970	-	\$8,970
Deputy Mayor	\$8,970	\$3,919	\$12,889
Mayor	\$8,970	\$15,674	\$24,644

- Pays Councillors the same annual fees as the 2017/18 amount as set out in the table below, with the remainder of annual fees of \$220 per Councillor, with a total of \$2,459 being donated to a suitable local drought related charity as determined by the Mayor and the General Manager. **(Neill/Elias)**

<b>2017/18</b>	<b>Councillor Fee</b>	<b>Mayor Fee</b>	<b>Total Fee</b>
Councillors	\$8,750	-	\$8,750
Deputy Mayor	\$8,750	\$3,822	\$12,572
Mayor	\$8,750	\$15,292	\$24,042

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**222/2018 RESOLVED** that Council agreed to make the donation to Can Assist Nyngan. **(Ryan/Jackson) Unanimous**

### **3 COMMENCEMENT OF CROWN LAND MANAGEMENT ACT 2016**

**Summary:-**

*To advise Council of commencement of Crown Land Management Act 2016 and implications this could have on Council.*

**223/2018 RESOLVED** that:-

1. Council note the Commencement of Crown Land Management Act 2016 from 1 July 2018 and the allocation of \$100,000 for the preparation of Plans of Management for the Crown Lands transferred for management by Council under the Local Government Act 1993.
2. Council consider the designation of a Crown Lands Manager from within Council staffing structure and options for the employment or engagement of a Native Title Manager when transitional processes become clearer.
3. Council note that the Nyngan Rugby Union lease will be the subject of a detailed report to a future meeting. **(Ryan/Dutton)**

### **4 JOINT ORGANISATIONS OF COUNCIL**

**Summary:-**

*To consider draft Orana Joint Organisation Charter and note minutes of the JOC's meeting held on 13 June 2018.*

**224/2018 RESOLVED** that Council note the Joint Organisation of Councils Report and offer any comment on the Charter and Policies included within the Charter. **(Ryan/Neill)**

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

### 1 BOGAN SHIRE EARLY LEARNING CENTRE

**Summary:**

*The purpose of this report is to advise Council of the activities and statistics of the operation of the Bogan Shire Early Learning Centre.*

**225/2018 RESOLVED** that:-

1. The Early Learning Centre report be received and noted.
2. Council forwards its letter to Mr Mark Coulton MP and his response to the Hon. Sarah Mitchell MLC, NSW Minister for Early Childhood Education and Assistant Minister for Education. **(Douglas/Jackson)**

Council adjourned for morning tea at 10.30am and resumed at 10.50am.

### 2 BOGAN BUSH MOBILE – TERM 2 REPORT

**Summary:-**

*The purpose of this report is to advise Council on the Term 2 activities of the Bogan Bush Mobile service.*

**226/2018 RESOLVED** that the Bogan Bush Mobile Report Term 2 be received and noted. **(Jackson/Douglas)**

### 3 LIBRARY – RENEW OUR LIBRARIES

**Summary:-**

*In the 2018 Budget the NSW Government cut library funding again. NSW public libraries funding is at a crisis point. At the 2017 LGNSW Conference local Councils agreed unanimously to a joint Local Government (LGNSW) and NSW Public Libraries Association (NSW PLA) advocacy.*

**227/2018 RESOLVED** that Council:-

1. Formally endorse Renew our Libraries and its objectives, and engage the support of the other Councillors.
2. Facilitate briefings with library staff and seek their support in distributing Renew Our Libraries material.
3. Promote Renew Our Libraries through social media.
4. Encourage other groups in the community to become Renew Our Libraries partners.
5. Contact our local MP to raise the issue and encourage them to support the Renew Our Libraries objectives. **(Douglas/Neill)**

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

### 1 BANK RECONCILIATION

**Summary:-**

*The report is to present the reconciliation of Council's Cash Book, Bank Statements and Ledger Bank Account as at 30 June 2018.*

**228/2018 RESOLVED** that the Bank Reconciliation Report as at 30 June 2018 be received and noted. **(Ryan/Elias)**

### 2 INVESTMENTS JUNE 2018

**Summary:-**

The report is to outline the performance of Council's Investment Portfolio for the month of June 2018.

At 30 June 2018 Council had \$12.1 million invested. There has been an increase of \$1.6 million to Council's investments due to an advance payment of the Financial Assistance Grant for 2018/19 of \$1,997,467. In addition to this the 4th quarter RMCC claim of \$1,172,873 has been received.

**229/2018 RESOLVED** that the Investments Report for the month of June 2018 be received and noted. **(Jackson/Douglas)**

### 3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

**Summary:-**

*This report is to provide a comparison of rate collections as at 30 June 2018, with the same period last year.*

*Total arrears have decreased from \$405,995 at 30 June 2017 to \$282,476 as at 30 June this year.*

**230/2018 RESOLVED** that the Rates and Annual Charges Collection Report as at 30 June 2018 be received and noted and commend staff for their efforts in reducing arrears. **(Ryan/Douglas)**

### 4 REPORT ON COUNCIL'S OUTSTANDING RATES AS AT 30/6/2018

**Summary:-**

*This report is to inform Council of the current outstanding rates position as at 30 June 2018.*

*Total arrears have decreased from \$405,995 as at 30 June 2017 to \$282,476 as at 30 June this year.*

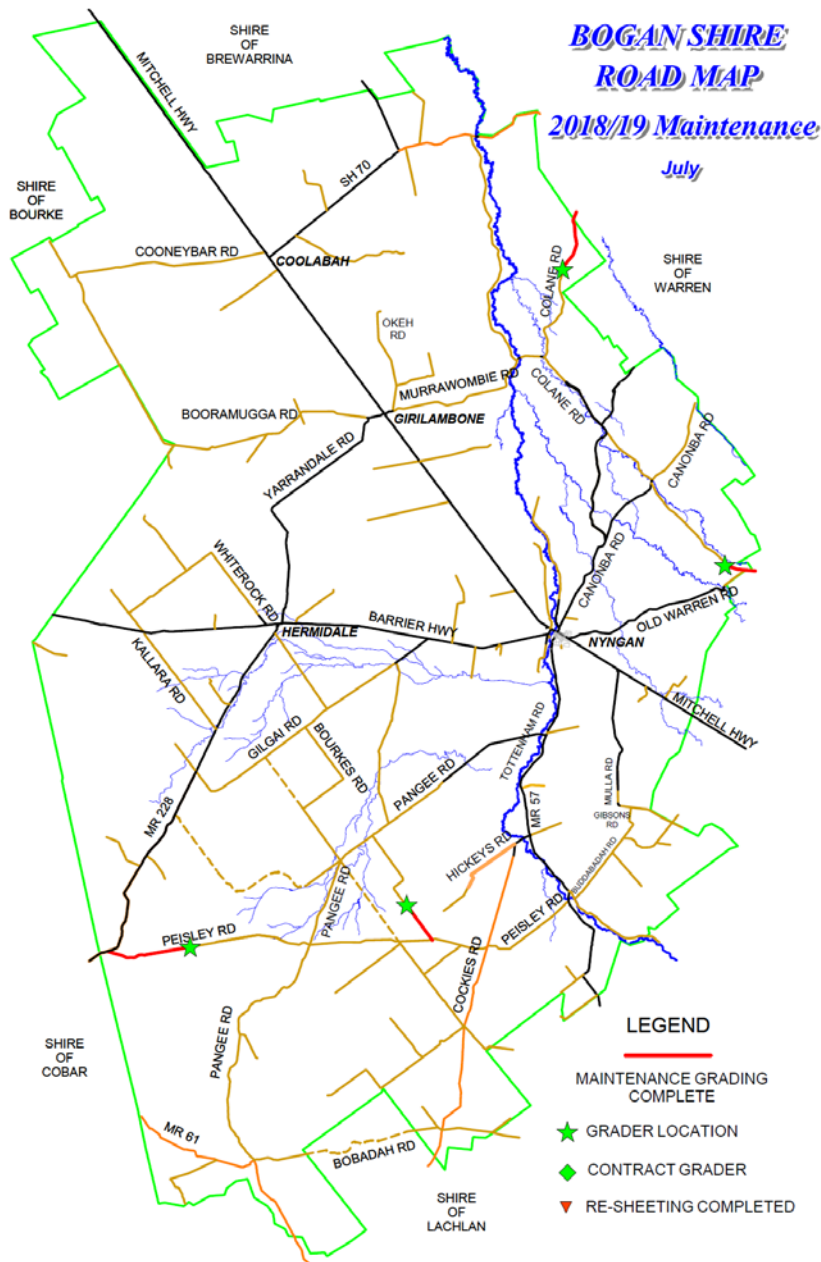
**231/2018 RESOLVED** that the Report on Council's Outstanding Rates as at 30 June 2018 be received and noted. **(Ryan/Jackson)**



**REPORT TO THE ORDINARY MEETING OF COUNCIL – MANAGER OF ENGINEERING SERVICES REPORT**

**1 OPERATIONAL REPORT**

**232/2018 RESOLVED** that the Operational Report including Civil Works, Community Facilities and Roads for the reporting period 11 June, 2018 to 13 July, 2018 be received and noted. **(Neill/Deacon)**



## 2 INSTALLATION OF SOLAR PV SYSTEMS TO COUNCIL BUILDINGS

**Summary:-**

*The purpose of this report is for Council to consider providing \$80,000 in the 2018/2019 budget for the installation of solar PV systems to four buildings.*

**233/2018 RESOLVED** that Council authorise the capital expenditure of \$80,000 immediately for the installation of Solar PV Systems to Council's four buildings, Bogan Shire Medical Centre, Bogan Shire Early Learning Centre, Council Chambers and Council Depot, and be funded from Council's Major Development Fund. **(Ryan/Jackson)**

## 3 ROAD NAMING AT COOLABAH

**Summary:-**

*The purpose of this report is for Council to consider the naming of the road that provides access through "Pine View" to Lot 2 DP751318 at Coolabah.*

**234/2018 RESOLVED** that Council apply to the Geographical Names Board to name the road through "Pine View", Coolabah, *Walsh Road*. **(Douglas/Jackson)**

## REPORT TO THE ORDINARY MEETING OF COUNCIL – DEVELOPMENT AND ENVIRONMENTAL SERVICES

### 1 DEVELOPMENT APPLICATIONS

**335/2018** RESOLVED that the Development Applications Report since the June 2018 Council Meeting be received and noted. (Ryan/Jackson)

### 2 OPERATIONAL REPORTS

**336/2018** RESOLVED that the Operational Report including Parks and Gardens and Noxious Weeds since the June 2018 Council meeting be received and noted. (Neill/Dutton)

### 3 OPERATIONAL MATTERS

#### Coolabah Hall

**337/2018** RESOLVED that Council authorise Charles de Beer to progress a Concept Plan at a cost of up to \$6,500 and then meet with the Coolabah Hall Committee to develop a Program of Works. (Ryan/Douglas)

**338/2018** RESOLVED that the Operational Matters Report, including the SES Office and Shed, Coolabah Hall, Demolition of Pangee Street Wall and Nyngan Waste and Resource Management Facility be received and noted with much appreciation to the staff involved. (Ryan/Neill)

#### 4 SAFETY OF AWNINGS OVER PUBLIC LANDS

**Summary:**

*Due to a street awning partially collapsing onto 48 Cobar Street footpath on 28-29 June 2018 action was taken to secure the site and protect the public thoroughfare.*

**339/2018 RESOLVED** that:-

1. The Planning Circular relating to the Safety of Awnings over public Land BS 13-001 be noted.
2. Council adopt the general principles for Inspection and Assessment of existing tied awnings as set out in Planning Circular BS 13-001 Practice Note 18 dated July 2008.
3. Council delegate to the General Manger the authority to liaise with owners of commercial premises with tied awnings over 10 years of age for the purpose of having their awnings assessed by a Practicing Structural Engineer to determine the structures adequacy for stage 1 of the recommended procedure.
4. A time period of twelve months to complete stage 1 be adopted. **(Ryan/Deacon)**

#### 5 DRAFT FLOOD PLAIN PLAN FOR THE MACQUARIE VALLEY FLOOD PLAIN 2018

**Summary:**

*Council has been provided with Exhibition Documents that support Draft Flood Plain Management Plan for the Macquarie Valley Flood Plain 2018 (Draft Plan).*

**340/2018 RESOLVED** that Council note the exhibition of the Draft Flood Plain Management Plan for the Macquarie Valley Flood Plain 2018. **(Douglas/Dutton)**

## PRECIS OF CORRESPONDENCE

### 1 DEPARTMENT OF INDUSTRY, INNOVATION AND SCIENCE

**341/2018** RESOLVED that the email advising Council's application was unsuccessful to the Building Better Regions Fund Infrastructure Projects Stream be noted. (Ryan/Elias)

Councillor Dutton now left the meeting.

### 2 NAIDOC WEEK COMMITTEE

**342/2018** RESOLVED that Council:-

1. Support the Nyngan NAIDOC Committee Week 24 September 2018 to 28 September 2018;
2. Provide free use of Council's facilities and equipment;
3. Agree to the Committee requests; and
4. Request the Unity Walk occur on the footpath. (Ryan/Neill)

Councillor Dutton returned to the meeting.

### 3 ORANA ARTS

**343/2018** RESOLVED that Council note the Orana Arts Support Program for the region. (Dutton/Deacon)

### 4 NYNGAN HIGH SCHOOL

**344/2018** RESOLVED that Council agreed to the proposal by the Nyngan High School for a joint venture between the School and Council. The School would like to construct and donate two Little Free Libraries with the suggestion they could be situated in each of the RV rest areas offered by Council. The Little Free Library is a small receptacle construct to be weather proof in which books can be made available to be taken. It offers a service to our tourist visitors that costs nothing and reaps a great deal in positive feelings. (Ryan/Jackson)



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**5 BOGAN ABORIGINAL CORPORATION**

**345/2018 RESOLVED** that the letter received from the Bogan Aboriginal Corporation in regards to the parking in Pangee Street and the Mayor’s discussion with the business owner be noted, and the matter be monitored over the next three months. **(Ryan/Neill)**

**6 WEEKLY CIRCULARS**

**346/2018 RESOLVED** that the Local Government Weekly Circulars dated 15 June 2018, 22 June 2018, 29 June 2018, 6 July 2018 and 13 July 2018 be noted. **(Ryan/Deacon)**

There being no further business the meeting closed at 12.10am.

These Minutes were confirmed by Resolution at a meeting held on .....  
and were signed a true copy.

.....  
**ACTING GENERAL MANAGER**

.....  
**MAYOR**

