



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**22 November 2018**





**Minutes of the Ordinary Meeting of Bogan Shire Council  
held in the Council Chambers on 22 November 2018 at 9.30am**

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

Also present were Mr Derek Francis (General Manager), Mrs Stephanie Waterhouse (Manager Finance and Corporate), Mr Graeme Bourke (Manager Engineering Services), Mr Tony Payne (Manager Development and Environmental Services) and Mrs Cathy Ellison (Executive Assistant).

**DECLARATION OF INTEREST:** Nil

**381/2018 RESOLVED** that the Minutes of the Ordinary Meeting of Council held of 25 October 2018, copies of which have been circularised to Councillors be taken as read and confirmed with the following amendment. **(Boag/Jackson)**

- Minute 354/2018 (1) to read:-

*Council note the report on Actual compared to Budget for the quarter ended 30 September 2018, which reflects a budget result with a small surplus of \$770 across all funds.*

Business Arising:

- Minute 305/2018 - Drought Communities Program

The General Manager provided an update on the progress of grants which will be submitted next week. Council expressed appreciation to staff involved preparing these grant applications.

- Minute 349/2018 – Nyngan Show Day

**382/2018 RESOLVED** that Council when applying for a Public Holiday for the Annual Show Day for the Shire, include an exemption for all schools in the Shire to be granted a full day Public Holiday. **(Neill/Boag)**



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At 10.00am the Mayor conducted a citizenship ceremony for the Mr Mian Ifikhar Ud Din.

Councillor K Ryan now attended the meeting, the time being 10.10am.

At 10.15am the Nyngan High School Delegation to Tongling No 15 Middle School now attended and addressed the meeting.

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 22 November 2018.

**373/2018 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) (a) because discussion involves personnel matters concerning particular individuals (other than Councillors). **(Boag/Douglas)**

**374/2018 RESOLVED** that the General Manager's contract be renewed for a period of five years from 7 January 2019 and that the Mayor and Deputy Mayor be delegated the authority to negotiate and sign the contract on behalf of Council. **(Neill/Deacon)**

**375/2018 APOLOGIES: RESOLVED** that the apologies received from Councillors VJ Dutton & AJ Elias be received and they be granted leave of absence from both meetings. **(Boag/Douglas)**

**376/2018 RESOLVED** that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 25 October 2018, copies of which have been circularised to Councillors be taken as read and confirmed. **(Neill/Deacon)**

**377/2018 RESOLVED** that Council deal with the late item of correspondence received from the General Manager. **(Douglas/Neill)**

**378/2018 RESOLVED** that Council offers to extend the current lease of the Bogan Coffee Shop by way of a new lease agreement with the current tenants for a further two years with a one year option for renewal. **(Douglas/Boag)**



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**379/2018 RESOLVED** that:-

1. Council accept the tender of Tracserv of the Isuzu FYJ 300/350 8x4, with the Allquip Polyurethane Tank for the amount of \$277,239.09.
2. The General Manager be authorised to dispose of Plant No 429 and 834 in the best interest of Council. **(Jackson/Deacon)**

**380/2018 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting moved into Open Council. **(Neill/Boag)**

**COMMITTEE MEETING MINUTES**

**1 SHOWGROUND / RACECOURSE USERS MEETING**

**383/2018 RESOLVED** that the Minutes of the Showground / Racecourse Users Meeting held on Wednesday 7 November 2018 at the Council Chambers be received and it be noted that all present at the meeting expressed appreciation to Council for a well maintained appearance of the showground. **(Ryan/Neill)**

**2 BOGAN CAPTAINS MEETING**

**384/2018 RESOLVED** that the Minutes of the Bogan Captains Meeting held on Wednesday 24 October 2018 at the Nyngan Fire Control Centre be received and noted. **(Boag/Douglas)**

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## **RESCISSION MOTION**

**385/2018 RESOLVED** that the October Meeting Resolution (372/2018) to hold the December Council Meeting on Thursday 13 December 2018 be rescinded. **(Neill/Boag)**

**386/2015 RESOLVED** that the December Council Meeting and Christmas Party be held on the third Thursday, being 20 December 2018. **(Neill/Douglas)**

## **MAYORAL MINUTE TO THE ORDINARY MEETING OF COUNCIL**

### **1 CANDIDATES FOR BARWON**

**387/2018 RESOLVED** that Council write to all candidates for Barwon enquiring if they have a Strategic Plan for each community and seeking their views on the following important current issues:-

- More Block Grant Funding for Regional Roads;
- Winding back Daylight Saving to exclude March;
- Future of Joint Organisations;
- A special allocation to fill the new 700mg water storage west of Nyngan;
- A pipeline from the Bogan Weir Pool to the confluence of the Bogan Gunningbar Creek for 22 stock and domestic users;
- Returning more waste levys and Mining Royalties to Councils;
- Future of the Native Vegetation Legislation;
- Train speeds through Nyngan and flashing lights at Hoskins Street;
- Winding back regulations and excessive reporting for Local Government;
- Keeping electricity prices down;



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- Black spots – telephone coverage; and
- Water treatment funding. **(Jackson/Neill)**

**388/2018** **RESOLVED** that Council deal with the Mayor's late item of correspondence. **(Ryan/Neill)**

## **2 CODE OF MEETING PRACTICE**

**389/2018** **RESOLVED** that Council write to the Local Government Minister about the new Code of Meeting Practice and other regulations recently released pointing out the adverse effect these regulations will have on ratepayers standing for Local Government in the future. **(Neill/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	<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.</p> <p>Application under Stronger Country Communities successful.</p> <p>Awaiting funding Deed.</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>	<p>Recruitment agencies engaged to source locum / permanent second doctor.</p> <p>Second Locums secured until 30/06/2019. Continuing to explore resourcing options with LHD.</p>
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>	<p>Letter sent to Minister for Transport &amp; Infrastructure, with copy to Kevin Humphries.</p> <p>Minister has now forwarded the letter onto the Minister for Roads, Maritime and Freight, the Hon Melinda Pavey MP.</p>
	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 &	<b>MES</b>	<p>Further letter sent 12 July 2018.</p> <p>No response to date.</p>

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				that the best control measures would be to erect flashing lights at the Hoskins Street Crossing.		
4	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.  47 letters sent, 7 responded No, 9 Yes (2 depending on cost). Progressing with design and cost estimates for a full report to Council.
5	27/09/2018	290/2018	<b>Fuel at Nyngan Airport</b>	Council investigate if there are any fuel companies interested in supply fuel at the Nyngan Airport and Council Depot.	<b>MES</b>	In Progress.

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6	27/09/2018	291/2018	<b>Q Fever Vaccination</b>	Council make an urgent approach to the Federal & State members on behalf of the community to consider making the Q Fever Vaccination available on the PBS listing.	<b>MPC</b>	Letter sent.  Mayor meeting with Mark Coulton to discuss 13 November 2018.  Response received from Mark Coulton - Precis refers.
7	27/09/2018	294/2018	<b>Nyngan / Cobar Water Security Project</b>	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.	<b>MES</b>	In Progress.  Business Case has been done.
8	27/09/2018	312/2018	<b>Wool Loading Ramp Repairs</b>	Council approach John Holland to discuss maintenance of the disused wool loading ramp.	<b>MES</b>	In Progress.

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9	27/09/2018	313/2018	<b>Reuse of Larkin Oval Lighting</b>	<p>1.Call for EOI from local organisations wishing to use the lights.</p> <p>2.Relocate two lights to Flood Memorial Carpark, provided it can be done within the existing budget.</p> <p>3.Make a direct approach to schools if interested in using the lights.</p>	<b>MES</b>	In Progress.
10	27/09/2018	317/2018	<b>Palais Theatre</b>	<p>Investigate options for ensuring public safety in relation to the presses metal tiles located over the road reserve, which could include the fencing of the site or removal of the tiles.</p> <hr/> <p>Following selection of options &amp; places, detailed costings be obtained to facilitate a grant application for a new structure.</p>	<p><b>MDES</b></p> <hr/> <p><b>MDES</b></p>	<p>Investigations under way regarding location of site fencing to restrict public access below hazardous tiles.</p> <hr/> <p>Awaiting report from Architect.</p>

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	25/10/2018	340/2018	<b>Palais Theatre</b>	Council agrees to reconstruction of the Palais Theatre and considers options for this including retaining the façade or not.	<b>GM</b>	
	25/10/2018	341/2018	<b>Palais Theatre</b>	General Manager proceed with the engagement of an architect to further develop reconstruction options including the design development stage of the project for further consultation and consideration.	<b>GM</b>	



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Discussion:

Item 3:- Increase of Train Speed through Nyngan:

Further action be taken, with a petition and TV coverage of the crossing.

- Item 10:- Nyngan / Cobar Water Security Project:

**390/2018 RESOLVED** that Council approach the relevant water authorities to establish priorities of offtakes of natural flows in the Bogan River to fill the water storages, south of Nyngan. **(Neill/Jackson)**

- Item 12: Reuse of Larkin Oval Lighting:

**391/2018 RESOLVED** that a light be installed at the main entrance to Larkin Oval. **(Ryan/Neill)**

- Palais Theatre:

**392/2018 RESOLVED** that Council's architect develop options around the Town Hall including tiered seating, dual purpose supper room and modern kitchen incorporated with an enclosed bar area in function room, retain the front façade including front offices and that Council defer any further work on the current Palais Theatre site. **(Ryan/Neill)**

**393/2018 RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist. **(Ryan/Deacon)**



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## 2 BOGAN SHIRE COUNCIL DROUGHT APPEAL FUND

**Summary:-**

*The purpose of this report is to brief Council on the status of the Bogan Shire Council Drought Appeal Fund.*

**394/2018 RESOLVED** that:-

1. The Bogan Shire Council Drought Appeal Fund Report be received and noted.
2. Council endorses the decision of the Bogan Shire Council Drought Appeal Fund Committee to provide assistance in the amount of \$2,750.00 for the period 25 October 2018 to 12 November 2018. **(Neill/Boag)**

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

### 1 VISITOR INFORMATION CENTRE OPERATIONAL REPORT

**Summary:-**

*The purpose of this report is to provide information to Council on the operations of the Visitor Information Centre.*

**395/2018 RESOLVED** that the Operational Report for the Visitor Information Centre be received and noted and Council acknowledge and convey its appreciation to the volunteers. **(Ryan/Boag)**

**396/2018 RESOLVED** that Council deal with the Manager of People and Community Services' late item. **(Ryan/Neill)**

### 2 DROUGHT COMMUNITIES PROGRAMME – TENDERS

**Summary:-**

*This report is to recommend that Council resolve not to call for tenders for projects completed under the Drought Communities Programme due to extenuating circumstances arising from the funding requirements of the programme.*

**397/2018 RESOLVED** that for all current Drought Communities Programme projects, where Council would normally be required to invite tenders for contracts, that it not do so, under Section 55(3) (i) of the Local Government Act, 1993 because of extenuating circumstances. These extenuating circumstances arise because, to be able to meet a project / programme requirements and incur eligible expenditure under this grant programme, Council needs to contract with a local business rather than one from outside the Shire who might otherwise be the successful tenderer. **(Ryan/Neill)**





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At 12 noon the Ordinary Meeting of Council was suspended and a Special Meeting opened to present the audited Financial Reports and Auditor's Report for the year 2017/2018.

**398/2018 RESOLVED** that Council move into a Special Meeting to present the audited Financial Reports and Auditor's Report for the year 2017/2018. **(Neill/Boag)**

### **3 ANNUAL FINANCIAL REPORTS**

**Summary:-**

- *The purpose of this report is to table the 2017/2018 Financial Statements.*
- *In accordance with Section 418 Council is required to hold a public meeting in order to present the Financial Reports.*
- *Notification of the meeting was advertised in the local newspaper and the presentation is scheduled to occur at a meeting of Council on Thursday 22 November 2018.*

**399/2018 RESOLVED** that the Financial Reports and Auditor's Report for the period 1 July 2017 to 30 June 2018 presented to the public in accordance with Section 418 (3) of the Local Government Act 1993 be received and noted. **(Ryan/Boag)**

**400/2018 RESOLVED** that the Special Meeting of Council close and reopen the Ordinary Meeting of Council. **(Boag/Neill)**



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

**1 INVESTMENTS SEPTEMBER 2018**

**Summary:-**

- *The report is to outline the performance of Council's Investment Portfolio for the month of October 2018.*
- *At 31 October 2018 Council had \$12.6 million invested. There has been a decrease of \$159,000 due to various Capital Plant purchases.*

**401/2018 RESOLVED** that the Investments Report for the month of October 2018 be received and noted. **(Jackson/Douglas)**

**2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION**

**402/2018 RESOLVED** that the Rates and Annual Charges Collection Report for the month of October 2018 be received and noted. **(Jackson/Neill)**

**This item was dealt with at 12 noon.**

**3 ANNUAL FINANCIAL REPORTS**

#### 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. Due to competing priorities the October report has been tabled in November.*
- *Managers responsible for each of the activities listed under the Strategies and Outcomes have indicated the current status of the activity.*

**403/2018 RESOLVED** that the Delivery Program Report be received and noted.  
(Jackson/Deacon)

#### 5 ANNUAL REPORT 2017/2018

**Summary:-**

- *Within 5 months after the end of each year, a Council must prepare its Annual Report for that year reporting as to its achievements in implementing its Delivery Program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.*
- *The purpose of this report is to table to Council the Annual Report for the financial year 1 July 2017 to 30 June 2018.*

**404/2018 RESOLVED** that the Annual Report 2017/2018 be received and noted.  
(Ryan/Jackson)

## 6 RURAL ADDRESSING – RENAMING TOTTENHAM ROAD TO THE BOGAN WAY

### **Summary:-**

*The purpose of this report is to seek Council's endorsement of a decision made by a previous Council at its Ordinary Meeting on 23rd March 2006 to which Council then wrote a letter of support to the Tottenham Development Group supporting the proposed naming being "The Bogan Way" from the Newell Highway at Forbes to the Mitchell Highway at Nyngan Via Tottenham.*

### **405/2018 RESOLVED that:-**

1. Council rename the road from Nyngan to the Shire Boundary "The Bogan Way" in keeping with Council's decision to support this on 23 March, 2006.
2. Council advertise the name change and notify the relevant agencies of the renaming of the road and advise residents along the Tottenham Road and the reason why.
3. 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. **(Jackson/Ryan)**

## 7 COMMUNITY EVENTS AND EQUIPMENT HIRE

### **Summary:**

*Council resolved on the 22 June 2017 Resolution 194/2017 that fees and charges for bona-fide community events be waived. This report seeks to clarify if Councils intention was to use Council staff to help facilitate these events outside of normal operating hours.*

### **406/2018 RESOLVED that this item be deferred for one month. (Boag/Ryan)**

Council adjourned for lunch at 12.35pm and resumed at 1.45pm.

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

### 1 OPERATIONAL REPORT

**407/2018** RESOLVED that the Operational Report, including Civil and Community Works and Roads for the reporting period 15 October 2018 to 9 November 2018 be received and noted. **(Ryan/Neill)**

### 2 MAINTENANCE GRADING TRIAL

**Summary:-**

*The purpose of this report is to report back to Council on the trial of running two grader gangs together to achieve budget savings.*

**408/2018** RESOLVED that the trial of operating two grader gangs together to achieve budget savings be discontinued. **(Ryan/Jackson)**

Councillor Douglas now left the meeting, the time being 2.00pm.

### 3 WATER RESTRICTION LEVELS

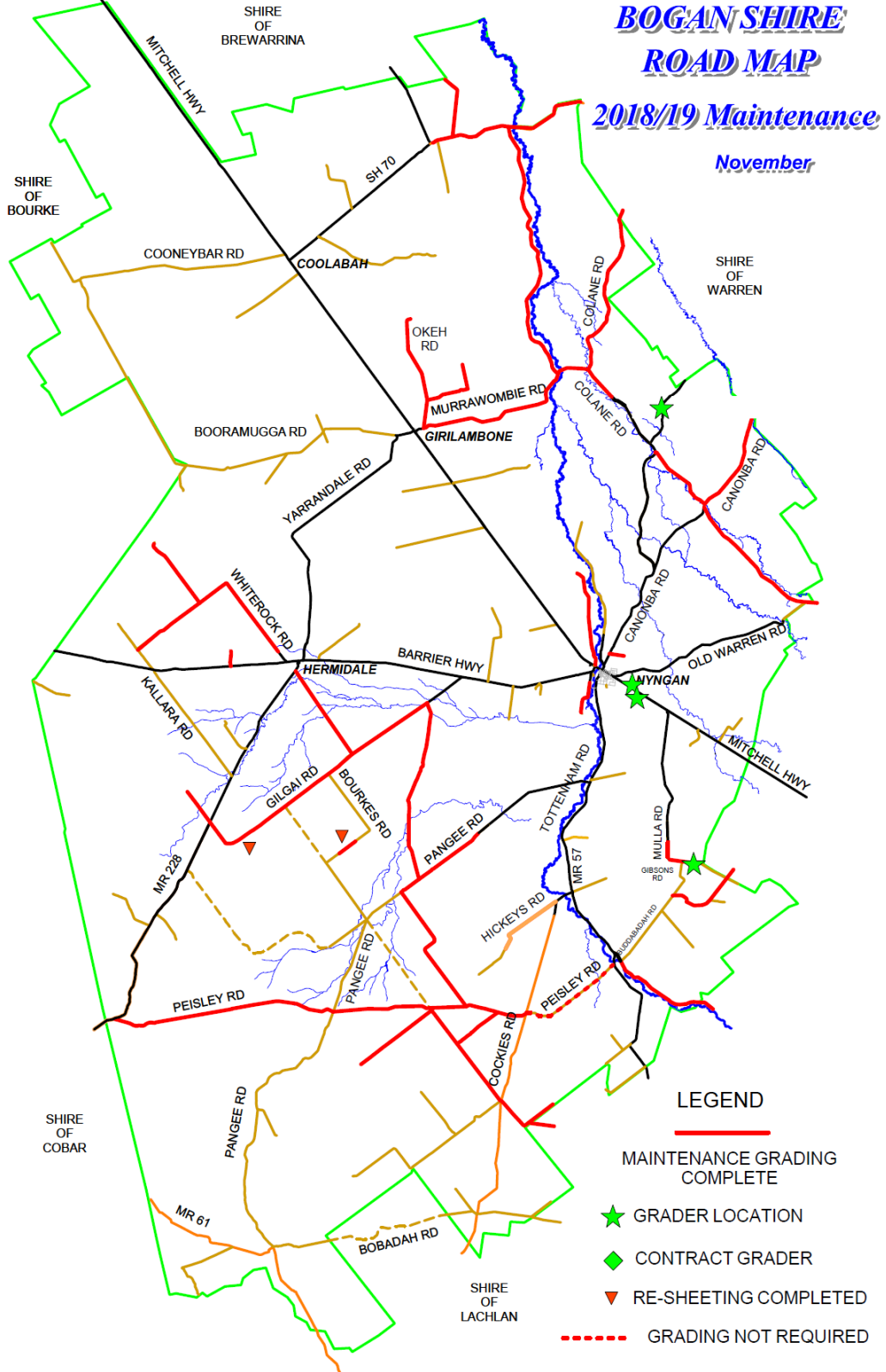
**Summary:-**

*This report is for Council to determine an overall framework for water restriction levels.*

**409/2018** RESOLVED that:-

1. Council adopts the revised water restriction levels as presented as an overall framework for water restrictions.
2. The General Manager be given delegated authority to determine the implementation of restriction levels as and when this becomes necessary.  
**(Ryan/Neill)**

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**REPORTS TO ORDINARY MEETING OF COUNCIL - MANAGER OF  
DEVELOPMENT & ENVIRONMENTAL SERVICES REPORT**

**1 DEVELOPMENT APPLICATIONS**

**410/2018 RESOLVED** that the Development Applications Report since Council's October 2018 Meeting be received and noted. **(Neill/Jackson)**

**2 OPERATIONAL REPORTS**

**411/2018 RESOLVED** that the Operational Reports including Parks and Gardens Team and Weeds Officer be received and noted. **(Boag/Ryan)**



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## PRECIS OF CORRESPONDENCE

### 1 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

**412/2018** **RESOLVED** that the correspondence received from the President of the Australian Local Government Association advising of a National Summit on Drought, convened by the Prime Minister to focus on what can be done in the short and long term to help our drought affected farmers and communities to be more resilient be received and noted. **(Ryan/Jackson)**

### 2 SAVE OUR RECYCLING CAMPAIGN

**413/2018** **RESOLVED** that the email received from LGNSW advising of the launching the *Save Our Recycling* campaign at the LGNSW Annual Conference in Albury recently be received and noted. **(Neill/Boag)**

### 3 REBEL MEDIA

**414/2018** **RESOLVED** that the information received from Rebel Media, enquiring if Bogan Shire would be interested in establishing a commercial radio station in Nyngan be noted. **(Ryan/Neill)**

### 4 NYNGAN TO GUNNINGBAR CONFLUENCE BOGAN RIVER ASSOCIATION CHAIRMAN

**415/2018** **RESOLVED** Council approach the relevant authorities to support the proposal of Nyngan to Gunningbar Stock and Domestic supply Pipeline. **(Neill/Ryan)**

### 5 SHORTAGE OF WATER IN GUNNINGBAR CREEK

**416/2018** **RESOLVED** that the email forwarded to the Manager of Engineering Services from Water NSW regarding shortage of water in Gunningbar Creek be received and passed onto Stuart Barclay. **(Ryan/Boag)**





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**6 NYNGAN SWIMMING CLUB**

**417/2018 RESOLVED** that Council provide sponsorship of \$500.00 to the Nyngan Swimming Club for their Swimming Carnival on 16 December 2018. **(Neill/Boag)**

**7 THE HON MARK COULTON MP**

**418/2018 RESOLVED** that the response received from the Hon Mark Coultton MP regarding Council’s letter seeking support for consideration for a PBS listing of the Q Fever Vaccination be received and noted. **(Jackson/Deacon)**

**8 WEEKLY CIRCULARS**

**419/2018 RESOLVED** that the Local Government Weekly Circulars dated 19 October 2018, 26 October 2018, 2 November 2018 and 9 November 2018 be noted. **(Boag/Neill)**

There being no further business the Meeting closed at 2.20pm.

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

.....  
**GENERAL MANAGER**

.....  
**MAYOR**

