



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**24 October 2019**





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

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

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

**DECLARATION OF INTEREST:** Nil

**322/2019 RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 26 September 2019 copies which have been circularised to Councillors be taken as read and confirmed. **(Boag/Ryan)**

Business Arising:

- Stronger Country Communities Fund – appreciation was extended to the staff involved in the preparation of the application.
- Garford Fire Engine – examine options for the best way to go forward.

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

**316/2019 APOLOGY: RESOLVED** that the apology received from Councillor AJ Elias be received and he be granted leave of absence from both meetings. **(Neill/Boag)**

**317/2019 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. **(Deacon/Ryan)**

**318/2019 RESOLVED** that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 26 September 2019, copies of which have been circularised to Councillors be taken as read and confirmed. **(Neill/Ryan)**

**319/2019 RESOLVED** that Council accept the tender of Westrac for the Caterpillar 140M for \$371,000. **(Jackson/Ryan)**

**320/2019 RESOLVED** that Council accept Tracserv's tender for the Isuzu FXZ 240-350LWB Truck fitted with crane and tilt tray for \$283,472.73. **(Douglas/Jackson)**

**321/2019 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. **(Neill/Deacon)**



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**COMMITTEE MEETING MINUTES**

**1 NYNGAN MUSEUM MEETING**

**323/2019 RESOLVED** that the Minutes of the Nyngan Museum Committee Meeting held on 2 October 2019 at the Nyngan Museum be received and noted. **(Deacon/Neill)**

**2 ORANA JOINT ORGANISATION**

**324/2019 RESOLVED** that the Minutes of the Orana Joint Organisation Meeting held on 30 September 2019 at Narromine Shire Council Chambers be received and noted. **(Neill/Dutton)**

Other Matters:

- Governor's Visit

**325/2019 RESOLVED** that Council send a *thank you* to the CWA for providing the morning tea during the Governor's visit. **(Boag/Ryan)**

- Palais Theatre site

**326/2019 RESOLVED** that Council advertise that the whole site of the Palais Theatre is available for interested organisations to construct seniors accommodation. **(Ryan/Douglas)**

- LGNSW Conference

Councillor Neill and the Director of Development and Environmental Services provided reports to Council about the LGNSW Conference, which they had recently attended.



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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>	Director Development and Environmental Services working closely with external Project Manager to ensure compliance with Stronger Communities grant milestones	<b>DDES</b>	Development Application and Construction Certificate lodged with Council for assessment.  Pre-DA assessment completed indicating general compliance with State Environmental Planning Policy (Housing for seniors or people with a disability) 2004.
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.  Second Locums secured until 22/5/2020.



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3	21/12/2017	392/2017	<b>Increase of train speed through Nyngan</b>	Strong letter of concern & a request to address Council be sent 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.
	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>GM</b>	406 Petitions received.  On-site meeting held with Deputy Premier.
4	25/10/2018	340/2018	<b>Palais Theatre</b>	Following selection of options & places, detailed costings be obtained to facilitate a grant application for a new structure.	<b>GM</b>	Council resolved to demolish the Palais Theatre with the costs to be provided from accumulated funds at Council Meeting 28 March 2019.





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						<p>Quotations for demolition accepted.</p> <p>DA for demolition works approved. Demolition works to commence October 2019.</p>
5	28/02/2019	021/2019	<b>Drought Works</b>	<p>The General Manager continues to pursue grant funding opportunities to meet the cost to improve water security for Girilambone &amp; Hermidale.</p>	<b>DES</b>	<p>Application submitted, awaiting response. Funding for water carting to the villages has been approved. No additional funding currently available from NSW Government.</p> <p>Request resubmitted via Town Water Supply Commissioner.</p> <p>NSW Government advice at this stage is that individual tanks do not meet the drought funding criteria.</p>



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				<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>		<p>Request resubmitted via Town Water Supply Commissioner.</p>
6	24/04/2019	117/2019	<b>Cobar Water Board</b>	<p>1. The General Manager requests further information from CWB 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.</p>	<b>GM</b>	<p>Advice from CWB is that they disposed of their licence in 2010.</p> <p>Further correspondence sent to CWB. Awaiting response.</p>



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				<p>2. Notes all current minor user agreements are between CWB and relevant users and that there may potentially be logistical and legal implications to BSC being responsible for supply of water via CWB's infrastructure.</p>	<p>Council staff to investigate implications.</p> <p>Council's Solicitors engaged to assist with new agreement.</p> <p>Further correspondence sent to CWB. Awaiting response.</p>
				<p>3. Whilst Council is prepared to have discussion with CWB 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.</p>	<p>Further correspondence sent to CWB. Awaiting response.</p>



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7	23/05/2019	164/2019	<b>Nyngan/Cobar Water Security</b>	Council notes with concern that CWB appears to have used more than their allocation of water this year & that the General Manager raises this concern with the Secretary of CWB.	<b>GM</b>	Meeting held on 18 June 2019 with Secretary of CWB and staff.  Further correspondence sent to CWB. Awaiting response.
8	27/06/2019	222/2019	<b>Nyngan Regional Cultural Centre</b>	Council engage Ian Bassett & Partners to prepare a detailed cost estimates for the construction of the Nyngan Regional Cultural Centre for purposes of a grant submission.	<b>GM</b>	Design requirement being confirmed.  Architects working on detailed plans.
9	27/06/2019	179/2019	<b>Purchase of Land – Pangee Street</b>	General Manager approach the owner of the identified property with a view to ascertaining whether they are interested in selling the property & on what terms.	<b>GM</b>	Verbal report to be given at Council Meeting 24 October 2019.



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	22/08/2019	253/2019		The General Manager be authorised to offer the agreed price to purchase the land in Pangee Street and allow the owner until the end of the year to remove whatever structures he wishes to. Money to be taken out of accumulated funds.		
10	22/08/2019	263/2019	<b>Stronger Country Communities Fund – Round 3</b>	Council makes a grant application to the Stronger Country Communities Fund for the construction of a Community Centre on the site of the old tennis courts incorporating a sum of money for a part-time Youth Worker for a period of one year.	<b>DPCS</b>	Grant application to be submitted by 27 September 2019.  Application submitted.



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	22/08/2019	264/2019		Council works with community organisations who deliver youth and other community support services to investigate methods of funding for ongoing employment of a part-time Youth Worker and further upgrading to the facility.		
11	26/09/2019	292/2019	<b>Garford Fire Engine</b>	Council proceed with the respray of the Garford Fire Engine, with funds to be provided from the Historical Society \$5,224, Community Arts and Culture Fund \$15,362 and Accumulated Funds \$9,414.	<b>GM</b>	



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	24/10/2019			Council examine options on the best way forward.		
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Nyngan Regional Cultural Centre – Council invite Charles de Beer to the November 2019 Council Meeting to discuss other options for the Centre.

**327/2019 RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist. **(Neill/Boag)**

At 10.30am Council adjourned for morning tea and visited the Bogan Shire Early Learning Centre to celebrate Children’s Week.

Council resumed the meeting at 11.00am.

## **2 NYNGAN SUB- BRANCH OF THE RETURNED AND SERVICES LEAGUE**

**Summary:-**

*This report is to advise Council of recent discussions with the Nyngan sub-Branch of the Returned and Service League.*

**328/2019 RESOLVED** that the Mayor, Deputy Mayor and General Manager be authorised to negotiate and enter into an agreement concerning an historic military vehicle for the Anzac Day parade including making provision for maintenance, registration and storage. **(Jackson/Dutton) Unanimous**



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### 3 PECUNIARY INTEREST RETURNS

**Summary:**

*Tabling of the Pecuniary Interest Register is a requirement under Section 450A of the Local Government Act.*

**329/2019 RESOLVED** that the Pecuniary Interest Register in respect of the period 1 July 2018 to 30 June 2019 be received and noted. **(Boag/Douglas)**

### 4 CHRISTMAS – NEW YEAR CLOSURE

**Summary:**

- *The purpose of this report is to obtain Council's approval for the closure of Council offices over the Christmas/New Year holiday period.*
- *As a long-established practice in common with other Councils, Bogan Shire Council has closed its Council offices between Christmas and New Year.*
- *Following the past practice, this would mean that the Shire offices would be closed for what would otherwise be normal working days on Friday 27 December 2019, Monday 30 December 2019, and Tuesday 31 December 2019.*

**330/2019 RESOLVED** that:-

1. Council goes into recess from 24 December 2019 until 31 January 2020 and consequently does not have an Ordinary Meeting during January 2020.
2. Pursuant to and subject to the limitations of Section 377 of the Local Government Act, Council grants authority to the Mayor, Deputy Mayor and General Manager with Councillors to be contacted if practical, to make decisions on behalf of Council during this recess period.
3. Any such decisions are to be reported to the Council at its first meeting in 2020.  
**(Ryan/Deacon)**



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

**1 BOGAN BUSH MOBILE – TERM 3 REPORT**

**Summary:-**

*The purpose of this report is to advise Council on the Term 3 activities of the Bogan Bush Mobile Service.*

**331/2019 RESOLVED** that the Bogan Bush Mobile Report Term 3 be received and noted. **(Neill/Douglas)**

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

**1 INVESTMENTS SEPTEMBER 2019**

**Summary:-**

*The report is to outline the performance of Council's Investment Portfolio for the month of September 2019.*

*At 30 September 2019 Council had \$13.5 million invested. There has been a decrease of \$558,000 due to the payments to contractors for the Drought Communities and SCCF Grants capital works and funding not being received until projects are complete.*

**332/2019 RESOLVED** that the Investments Report for the month of September 2019 be received and noted. **(Ryan/Jackson)**



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## 2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

**Summary:-**

*This report is to provide a comparison of rate collections as at 30 September 2019, with the same period last year.*

*Total arrears have increased from \$396,048 as at 30 September 2018 to \$502,873 as at 30 September this year.*

**333/2019 RESOLVED** that the Rates and Annual Charges Collection Report for the month of September 2019 be received and noted. **(Neill/Deacon)**

## 3 FIRST QUARTER 2019/2020 BUDGET REVIEW

**Summary:-**

*This report is to:-*

- 1. To review actual performance against budget for the first three months of the 2019/20 financial year up to 30 September 2019.*
- 2. To adjust the budget in response to changes in the financial landscape and changes to Council's corporate goals.*

**334/2019 RESOLVED** that Council:

- Note the report on Actual compared to Budget for the quarter ended 30 September 2019.
- Adopt the adjustments to the 2019/2020 budget as shown in the Budget Review Statement at Appendix A to this report. **(Ryan/Douglas)**

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#### **4 ANNUAL FINANCIAL REPORTS**

This item was dealt with later in the meeting.

#### **5 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.*

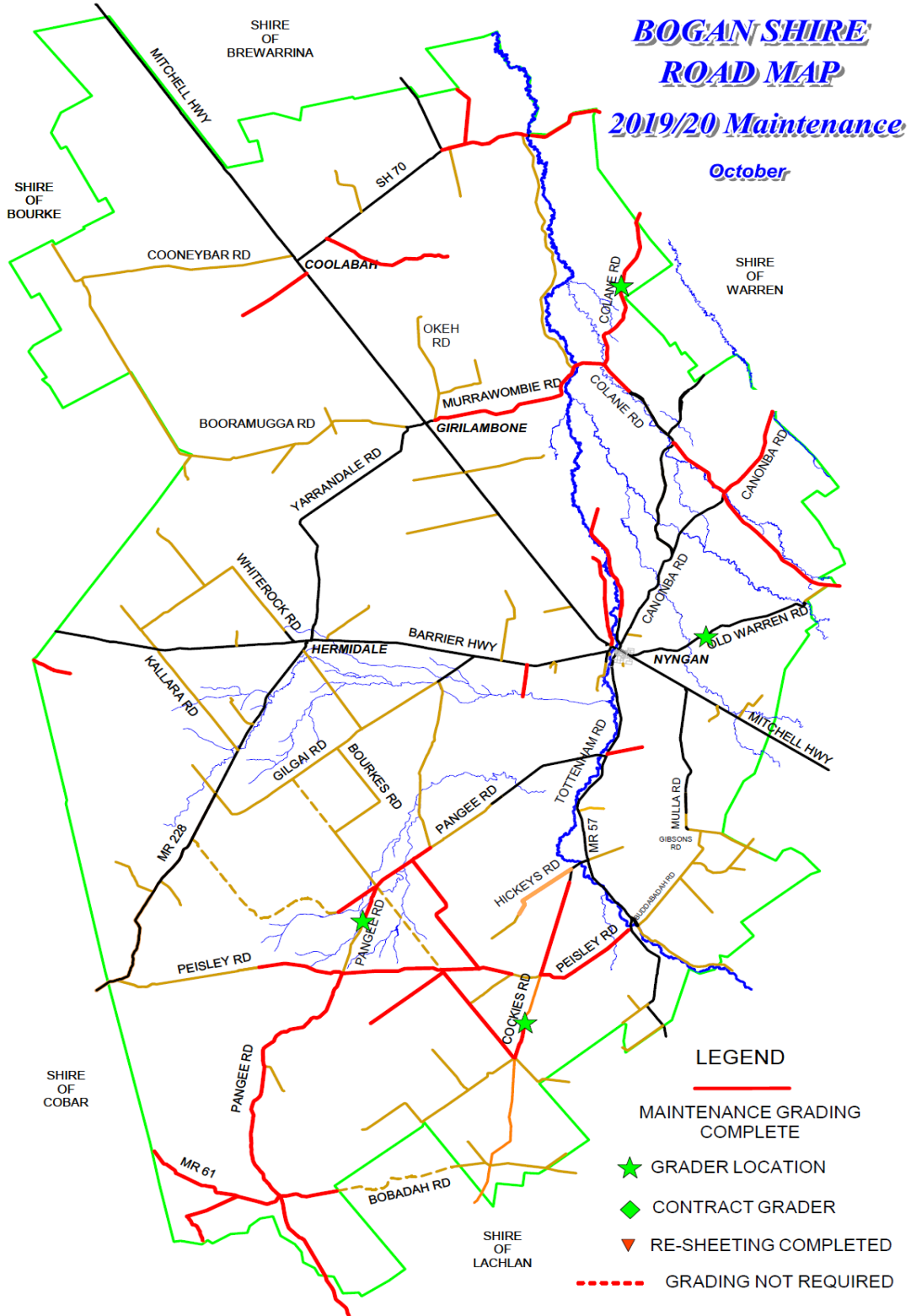
**335/2019 RESOLVED** that the Delivery Program Report be received and noted.  
**(Jackson/Boag)**

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

#### **1 OPERATIONAL REPORT**

**336/2019 RESOLVED** that the Operational Report for the reporting period 16 September 2019 to 11 October 2019 be received and noted. **(Ryan/Boag)**

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

**1 DEVELOPMENT APPLICATIONS**

**337/2019** **RESOLVED** that the Development Applications Report since the Council Meeting of 26 September 2019 be received and noted. **(Neill/Deacon)**

**2 OPERATIONAL REPORTS**

**338/2019** **RESOLVED** that the Operational Report, including Parks and Garden Team and Noxious Weeds Officer be received and noted. **(Dutton/Boag)**

**Council now returned to the Director of Finance and Corporate Services Report**

**4 ANNUAL FINANCIAL REPORTS**

***Summary:-***

*The purpose of this report is to table the 2018/2019 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 on 16 October 2019 and the presentation of the audited financial reports is to occur at this meeting.*

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 2018/2019.

**339/2019** **RESOLVED** that Council move into a Special Meeting to present the audited Financial Reports and Auditor's Report for the year 2018/2019. **(Ryan//Boag)**



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**340/2019 RESOLVED** that the Financial Reports and Auditor's Report for the period 1 July 2018 to 30 June 2019 presented to the public in accordance with Section 418 (3) of the Local Government Act 1993 be received and noted. **(Ryan/Dutton)**

**341/2019 RESOLVED** that the Special Meeting of Council close and reopen the Ordinary Meeting of Council. **(Boag/Neill)**

## **PRECIS OF CORRESPONDENCE**

### **1 DUCK CREEK PICNIC RACE COMMITTEE**

**342/2019 RESOLVED** that the correspondence addressed to the Bogan Shire Medical Centre from the Duck Creek Picnic Race Committee advising the Committee is able to provide support and contribute a donation to the Medical Centre for the purchase of two electrical examination couches, costing \$2,790 be received and noted and a *thank you* letter be sent to the Committee. **(Ryan/Neill)**

### **2 KEITH WHITE**

**343/2019 RESOLVED** that the correspondence received from Keith White with suggestions to spend funding be noted. **(Ryan/Neill)**

### **3 THE HONOURABLE SHELLEY HANCOCK MP**

**344/2019 RESOLVED** that Council support the LGNSW position concerning the monetary threshold on the value of gifts that may be accepted by Council officials. **(Ryan/Boag)**



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**4 NYNGAN RIVERSIDE TOURIST PARK**

**345/2019 RESOLVED** that Council revise the signage at the entrance to Rotary Park to indicate *no camping*. **(Neill/Jackson)**

**5 CATHOLIC CARE**

**346/2019 RESOLVED** that Council approve the relocation of Catholic Care to the larger office in the Town Hall, subject to alternate arrangements being made for storage for Western Studio of Performing Arts. **(Ryan/Dutton)**

**6 NSW RURAL FIRE SERVICE**

**347/2019 RESOLVED** that the correspondence received from the NSW Rural Fire Service regarding the 2019-2020 Allocations – NSW Rural Fire Fighting Fund, Bogan allocation be received and noted. **(Ryan/Jackson)**

**7 WEEKLY CIRCULARS**

**348/2019 RESOLVED** that the Local Government Weekly Circulars dated 20 September 2019, 26 September 2019, 3 October 2019 and 10 October 2019 be noted. **(Ryan/Boag)**

**349/2019 RESOLVED** that Council deal with the three late items. **(Ryan/Boag)**

**8 NYNGAN SWIMMING CLUB**

**350/2019 RESOLVED** that Council donate \$500 sponsorship (same as last year) to the Nyngan Swimming Club for their Amateur Swimming Carnival to be held in Nyngan on 8 December 2019. **(Ryan/Boag)**





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**9 NYNGAN JOCKEY CLUB**

**351/2019 RESOLVED** that Council support the Nyngan Jockey Club in their application to Racing NSW to upgrade the 2021 Race Meeting to TAB status due to it being the 30 Year Anniversary of the last TAB Meeting. **(Ryan/Deacon)**

**10 NYNGAN SUB BRANCH OF THE RETURNED AND SERVICES LEAGUE**

**352/2019 RESOLVED** that Council contribute 50% of invoice, being \$455 to the request from the Nyngan sub-Branch of the Returned and Services League to assist with costs for moving the gun in front of the RSL Civic Club for restoration. **(Neill/Jackson)**

Other matters:

The December Council Meeting be held on Thursday 19 December 2019.

There being no further business the meeting closed at 12.25pm.

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

.....  
**GENERAL MANAGER**

.....  
**MAYOR**

