



BOGAN SHIRE COUNCIL

Business Paper

21 June 2018

Table of Contents

COMMITTEE MEETING MINUTES.....	6
1 NYNGAN MUSEUM MEETINGS.....	6
REPORT TO ORDINARY MEETING OF COUNCIL – MAYORAL MINUTE	11
1 GENERAL MANAGER'S PERFORMANCE REVIEW	11
2 LETTER TO PREMIER OF NSW	12
REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER'S REPORT.....	13
1 CHECKLIST.....	13
2 COUNCILLOR AND MAYORAL FEES.....	17
REPORT TO THE ORDINARY MEETING OF COUNCIL – PEOPLE AND COMMUNITY SERVICES	20
1 LIBRARY	20
2 VILLAGE FUNDS - COLLERREINA.....	22
REPORT TO THE ORDINARY MEETING OF COUNCIL – MANAGER OF FINANCE AND CORPORATE SERVICES	23
1 BANK RECONCILIATION.....	23
2 INVESTMENTS MAY 2018.....	24
3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION.....	26
4 ADOPTION OF THE 2018/2019 OPERATIONAL PLAN AND BUDGET	28
5 MAKING OF RATES AND CHARGES FOR 2018/2019.	35
6 LONG TERM FINANCIAL PLAN	47
REPORT TO THE ORDINARY MEETING OF COUNCIL – MANAGER OF ENGINEERING SERVICES REPORT	51
1 OPERATIONAL REPORT	51
2 TRAFFIC COMMITTEE MEETING RECOMMENDATIONS.....	54
REPORT TO THE ORDINARY MEETING OF COUNCIL – DEVELOPMENT AND ENVIRONMENTAL SERVICES	57
1 DEVELOPMENT APPLICATIONS.....	57
2 OPERATIONAL REPORTS.....	58
3 REZONING APPLICATION – AUSTRALIAN HOTEL SITE NYNGAN.....	60
4 LICENCE – NEW PALAIS THEATRE, TABRATONG STREET, NYNGAN	83



PRECIS OF CORRESPONDENCE.....	104
1 COUNTRY WOMEN'S ASSOCIATION OF NSW	104
2 NYNGAN SHOW SOCIETY.....	104
3 BILL DEWHURST.....	104
4 LOCAL GOVERNMENT NSW	105
5 WEEKLY CIRCULARS	105

14 June 2018

COUNCIL MEETING NOTICE

The next Ordinary Meeting of Council will be held in the Council Chambers, Nyngan on Thursday 21 June 2018 at 9.30am.

At 10.00am, a Citizenship Ceremony will be conducted for Mrs Shiya Joy (country of birth India).

At 1.30pm Councillors will visit the Community Hall (old Scouts Hall) at an invitation extended by Pastor Richard Milligan.

AGENDA

1. Opening Prayer
2. Remembrances
3. Apologies
4. Declarations of Interest
5. Confirmation of the Closed and Confidential Minutes of the Council Meeting held on 24 May 2018.
6. General Manager's Closed and Confidential Report
 1. Dental Surgery
In accordance with the provision of Section 10A (2) (c) of the Local Government Act 1993, the General Manager is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: 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.
7. Confirmation of the Ordinary Minutes of the Council Meeting held on 24 May 2018
8. Mayoral Minute
9. General Manager's Report incorporating reports from:-
 - People and Community Services
 - Finance and Corporate Services
 - Engineering Services
 - Development and Environmental Services
10. Correspondence

Your attendance at this meeting would be appreciated.

Yours sincerely

Cathy Ellison
Executive Assistant



**Committee Meeting Minutes to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

COMMITTEE MEETING MINUTES

1 NYNGAN MUSEUM MEETINGS

Attached are the Minutes of the Nyngan Annual General and Ordinary Museum Meetings held on 6 June 2018, and a copy of the Treasurer's Report.

1.1 Recommendation

That the Minutes of the Nyngan Annual General and Ordinary Museum Meetings held on 6 June 2018, and Treasurer's Report be received and noted.



Committee Meeting Minutes to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

Nyngan Museum AGM Meeting Date: 6th June 2018 Venue: Nyngan Museum

Present:

Margaret Sibbald, Glad Eldridge, Leonie Montgomery, Anna Corby, Bay Lovett, Ray Donald

Apologies:

Collin Pardy, Yvonne Pardy, Hugh Sibbald, Val Keighran, Peter Keighran, Abigail McLaughlin

Guests:

Venetta

RAY DONALD WAS ASKED TO TAKE THE CHAIR FOR AGM.

ALL POSITIONS DECLARED VACANT.

Before nominations were called, the description of the expectations of the position of President was redefined. It was suggested the President would no longer be required to chair meetings. A new position of Meeting Chairperson would be introduced to fill this need. Moved Anna Corby, 2nd Leonie. Passed

Minutes: Unavailable. To be accepted as unread. Ray Donald 2nd Anne Quarmby

	<u>Nominations</u>	<u>Accepted</u>	<u>Nominated</u>	<u>Result</u>
<u>President</u>	Val Keighran	Yes	Glad Eldridge	Elected
<u>Meeting Chairperson</u>	Ray Donald	Yes	Leonie Montgomery	Elected
<u>Treasurer</u>	Collin Pardy	Yes	Leonie Montgomery	Elected
<u>Secretary</u>	Anna Corby	Yes	Anne Quarmby	Elected

Meeting closed 10.10am

GENERAL MEETING OPENED 10.10am

Nyngan Museum Meeting Date: 6th June 2018 Venue: Nyngan Museum

Present:

Margaret Sibbald, Glad Eldridge, Leonie Montgomery, Anna Corby, Bay Lovett, Ray Donald



**Committee Meeting Minutes to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

Apologies:

Collin Pardy, Yvonne Pardy, Hugh Sibbald, Val Keighran, Peter Keighran, Abigail McLaughlin

Guests:

Venetta

Treasurers Report attached: **read and moved:** *Leonie* **2nd:** *Glad*

Correspondence In:

Letter from Bogan Shire re opening procedures and times for the Museum and Visitor Information centre. Read

Ability Links have postponed their morning tea booking until further notice.

Correspondence Out:

Business arising from previous minutes:

After May meeting, the Shire was contacted by the museum requesting they reassess the opening procedures and responsibilities. A meeting was then held between Museum executive and Bogan Shire. (Derek Francis and Ray Donald) This was reviewed by both stakeholders at the meeting. Bogan Shire was able to reduce its accreditation hours each week but opening at 9 would be difficult for them. The meeting discussed

Opening hours and procedures. These will remain the same. Volunteers will open at 9am. for as long as they are able to fill a roster to do so.

<i>eg Monday</i>	<i>Collin</i>
<i>Tuesday & Friday</i>	<i>Leonie</i>
<i>Wednesday & Thursday</i>	<i>Peter</i>

The Shire suggested the volunteers extend their time each day until 12.30. Those committed to other programs such as Meals on Wheels will have to organize cover internally. The meeting agreed to trial all these arrangements, and they will be revised after a trial period of 6 months. A letter will be sent to the Shire advising of the meeting decisions, and thanking them for their suggestions.

Co ordinator's Report

A new sales sheet is now available. It has only two columns. One is for eftpos and one for cash. If you describe your sale, eg Bogan Sticker, Museum magnet etc. then Collin will be able to differentiate the sales later. Accepted



**Committee Meeting Minutes to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

DVD player has been looked at and is no longer reliable. Leonie moved the purchase of a new one. 2nd Anne Quarmby. Passed

A Big Bogan show attraction has been delivered to the Museum platform. It is not appropriate for this area because it is open to the weather where it is, and there is nowhere for the VIC to store it either. Ray moved it be returned and a new storage area be found for it somewhere else. 2nd Anna Passed

Derek, Louise, Leonie and Anna will meet at the Museum on 19th June, to review and discuss the changes we would like to make. The aim of the meeting is to have some idea of cost so that we know where we stand in seeking financial support with grants or donations. Meeting will discuss

- *Lining and construction in the railway room*
- *Lining the Remembrance Room*

Maintenance Report: *SES: Bogan Shire have been able to assist the SES financially so that they can complete their new shed to occupation standards. As soon as these modifications are complete they will be able to move out of the Railway Station. The museum will not be able to move into the rooms until a departure inspection has been carried out.*

General Business

A reminder was given to those opening the museum to turn on all the cupboard lights and both TVs and videos so that they are up and going when visitors arrive.

The DVD player in the flood room is faulty.

New merchandise has arrived. This includes mugs and hessian bags.

New curtains have arrived.

Shire would like to have museum meeting minutes earlier than at present. They are sent now after they have been ratified at the next meeting. Meeting voted to try and have minutes available sooner, with the understanding they cant be ratified until after they are published by the Shire. This would mean that any adjustments or queries from the next meeting would be retroactively changed by the council in their own copies, so that they are correct. Moved Ray 2nd Anna Passed

Meeting Closed: 11.08

Next meeting 4th July 2018

**Committee Meeting Minutes to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

Nyngan Museum and Visitor Information Centre - May 2018

Date	VIC Cash	VIC EFTPOS	MSG Cash	MSG EFTPOS	Entry Cash	Entry EFTPOS	Discrep.
7/05/2018	\$ 75.00	\$ 35.00	\$ 48.00	\$ -	\$ 144.00	\$ -	\$ 1.00
14/05/2018	\$ 67.00	\$ -	\$ 30.00	\$ -	\$ 84.00	\$ 6.00	\$ 2.50
21/05/2018	\$ 134.00	\$ 30.00	\$ 54.00	\$ -	\$ 145.00	\$ 19.00	\$ -
28/05/2018	\$ 71.00	\$ 45.00	\$ 34.00	\$ -	\$ 96.00	\$ 6.00	\$ 5.05
	\$ 347.00	\$ 110.00	\$ 166.00	\$ -	\$ 469.00	\$ 31.00	\$ 8.55

Adults	Children
48	0
30	0
54	2
34	0
166	2

Total Visitors	168
Total Cash	\$ 982.00
Total EFTPOS	\$ 141.00
Total Income	\$ 1,123.00



**Mayoral Minute to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

REPORT TO ORDINARY MEETING OF COUNCIL – MAYORAL MINUTE

Councillors

The following report is submitted for consideration:-

1 GENERAL MANAGER'S PERFORMANCE REVIEW

The annual review of the General Manager's performance was carried out by Council's Performance Appraisal Committee comprising the Mayor and Deputy Mayor on 13 June 2018. The General Manager provided a presentation on his efforts over the past twelve months and provided a hard copy document with a comprehensive self-appraisal for reference during the session.

The Committee assessed and rated each of the Performance Measures as set out in Part One and Part Two of the Performance Agreement document. This was followed by a discussion of both parts with the General Manager present.

All Councillors were given the opportunity to provide input to the Committee prior to this meeting.

The review was based on assessment of the managerial objectives and specific responsibilities set out in the General Manager's Contract of Employment.

1.1 Recommendation

That Council rates the General Manager's performance over the last 12 months as either 5 – Outstanding, 4 – More than satisfactory, 3 – Satisfactory, 2 – Some concerns or 1 – Unsatisfactory.



**Mayoral Minute to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

2 LETTER TO PREMIER OF NSW

Below is a copy of a letter forwarded to the Premier of NSW concerning drought conditions in NSW.

A copy of the letter was also forwarded to The Hon Niall Blair MP, Minister for Primary Industries and Mr Kevin Humphries MP, Member for Barwon.

2.1 Recommendation: That the letter forwarded to the Premier of NSW concerning drought conditions in NSW be received and noted.

Dear Premier

As I am sure you are aware the drought in NSW continues to grow in its severity and area and unfortunately we look like travelling into a very dry winter. I sincerely hope that next week's State Budget will be able to assist farmers and communities as they continue to suffer from the effects of this situation.

We are aware that current measures to assist the drought situation involve the availability of a \$20,000 long term loan with initial interest and repayment free period of two years. This measure is appreciated but I believe people intending to apply for this loan must be a Centrelink or Rural Financial Counsellor client, therefore experiencing financial hardship. I am glad these measures are available to people in this situation.

It seems unfair if those farmers who are not yet in this situation, but are endeavouring to feed stock and retain their core breeders are not eligible for this assistance. Many of these farmers are paying very high prices for purchasing fodder and the transport costs involved. Surely they should be eligible via criteria to access this benefit as they continue to battle the same drought. Some form of freight rebate for transport of fodder is one measure that would certainly benefit farmers.

Government assistance to help farmers prepare for drought and encourage resilience is certainly appreciated but is of little assistance to help the drought in its current situation. Most farmers still on the land practise these measures anyway.

We look forward to the State Budget providing more assistance to farmers and communities that is accessible, with criteria that is inclusive and provides measures that will encourage and help the State rural industry to survive.

**Ray Donald OAM
Mayor**



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

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

Mayor and Councillors

The following report is submitted for consideration:-

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	24/03/2016 15/12/2016	078/2016 485/2016	Bicentennial Wall & Ceramic Mural	The General Manager work with Peter Zanetti to undertake the necessary work to complete the reinstatement of the wall & mural.	GM	Wall has been reconstructed with only minor works outstanding. <u>UPDATE:</u> All tiles have been remade and fixed to the wall. COMPLETED
2	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.	GM	Public Information Meeting 14 December 2016. Community expressed a preference for the Cobar/Dandaloo Streets site.



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

						<p>Building Better Regions Grant Program identified as a match for this project. Application submitted.</p> <p>Application also submitted under Stronger Country Communities Grant.</p>
3	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	<u>UPDATE:</u> Recruitment agencies engaged to source locum / permanent second doctor.
	26/10/2017	312/2017		Council investigate alternatives to having VMO rights that would allow a doctor to visit patients and / or attend emergency services at the hospital.		<u>UPDATE:</u> Verbal report to Council.
	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.		<u>UPDATE:</u> BSMC locums invited to attend August Council Meeting.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018

4	21/12/2017	392/2017	Increase of train speed through Nyngan	Strong letter of concern & a request to address Council be send to the relevant rail authorities & a copy to local member.	GM	<p>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.</p> <p>UPDATE: Follow up letter on level crossing to be sent.</p>
5	21/12/2017	418/2017	Council Electricity Contracts	GM to proceed with obtaining quotations for the installation of solar electricity infrastructure for the three administration offices, BS Medical Centre & ELC.	MES	<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>UPDATE: Request for quotations now closed. Under evaluation with a report to next Council Meeting.</p>



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

6	21/12/2017	421/2017	New Cemetery Entrance Design	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.	MDES	<u>UPDATE:</u> Work on new entrance programmed to commence August 2018.
7	26/04/2018	102/2018	Nyngan/Cobar Water Security Project	Council request a meeting with Local Member Kevin Humphries & DP & C representative Don Murray to discuss report & concerns about projects.	GM	Ongoing discussion between Mayor and local member Kevin Humphries.
8	24/05/2018	165/2018	Heavy Vehicle Inspection Shed	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.	ENG	<u>UPDATE:</u> Letter has been forwarded.

**General Manager’s Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

1.1 Recommendation

That the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.

2 COUNCILLOR AND MAYORAL FEES

Summary:-

This report is to advise Council of the determination of the Local Government Remuneration Tribunal and to recommend that Council fixes Councillor and Mayoral Fees for the 2018/19 financial year based on this determination.

2.1 Introduction

The purpose of this report is to advise Council of the determination of the Local Government Remuneration Tribunal and to recommend that Council fixes Councillor and Mayoral Fees for the 2018/19 financial year based on this determination.

2.2 Background

Section 241 of the Local Government Act 1993 requires the Local Government Remuneration Tribunal to determine each year the maximum and minimum amounts of annual fees payable during the following year to Mayors and Councillors.

Sections 248 and 249 of the Act require Councils to fix and pay fees based on the Tribunal’s determination. If Council does not fix a fee, Council is required to pay the minimum fee determined by the Tribunal.

2.3 Discussion

The following fees were approved for 2017/18 financial year:

Councillor		Mayor (Additional Fee) *	
Minimum	Maximum	Minimum	Maximum
\$8,750	\$11,570	\$9,310	\$25,250

* - This fee must be paid in addition to the fee paid to the Mayor as a Councillor (s.249(2))

**General Manager’s Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

The current Government Policy on wages pursuant to section 146(1) (a) of the Industrial Relations Act 1996 is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent, and this includes the minimum and maximum fees payable to Councillors and Mayors.

The Tribunal reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and found that the full increase of 2.5 per cent available to it was warranted.

On that basis, and having regard to the above, and after taking the views of the Assessors into account, the Tribunal considers that an increase of 2.5 per cent in the fees for Councillors and Mayors is appropriate and has so determined.

Therefore the Tribunal has determined, pursuant to section 241 of the Local Government Act, 1993 that the fees payable to Councillors and the Mayor of Bogan Shire Council, effective from 1 July 2018, are as follows:

Councillor		Mayor (Additional Fee) *	
Minimum	Maximum	Minimum	Maximum
\$8,970	\$11,860	\$9,540	\$25,880

** - This fee must be paid in addition to the fee paid to the Mayor as a Councillor (s.249(2))*

Previously, Bogan Shire Council has resolved to pay Councillors the minimum fee 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:

	Councillor Fee	Mayor Fee	Total Fee
Councillors	8,970	-	8,970
Deputy Mayor	8,970	3,919	12,889
Mayor	8,970	15,674	24,644



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

2.4 Recommendation

That Council considers the fees payable to Councillors, Deputy Mayor and Mayor of Bogan Shire Council, effective from 1 July 2018, as determined by the Tribunal.

**Derek Francis
General Manager**

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

Mayor and Councillors

The following report is submitted for consideration:-

1 LIBRARY

Summary:-

The purpose of this report is to provide Council with information both statistical and informative in regards to the Library's function.

1.1 Introduction

The purpose of this report is to provide Council with information both statistical and informative in regards to the Library's function.

1.2 Background

A quarterly operational Library report is provided for the information of Councillors.

1.3 Discussion

The 2018 Book Link Reading program has commenced and will continue until Friday 13 July. The program has been running for the past 11 years and was initiated by the Nyngan CWA in conjunction with the Library to encourage children to read.

National Simultaneous Story Time was held on Wednesday 23 May 2018. This year's book was "Hickory Dickory Dash" by Tony Wilson. 79 children and 9 carers from the Bogan Shire Early Learning Centre, Nyngan Preschool and Nyngan Public School along with 4 mothers and 8 children from the community all enjoyed the book as well as other stories and a craft activities.

The Cancer Council's Biggest Morning Tea was held at the Library on Thursday 24 May 2018. Thank you to all community members, Council Staff and Councillors for attending and for your donations. In total \$175.00 was raised for the Cancer Council.

**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

The Library hosted Story Time sessions on Wednesdays for the community and the Bogan Shire Early Learning Centre. There was a great gathering of around 25 children along with their mothers and carers with more adding to the group each week. The children participated in an activity relating to the book that is read on that day. Thank you to the ELC for their ongoing support with Story Time.

Our Library Meeting/Computer Room is being used more frequently for meetings. Tutors and students and external study students are accessing Wi-Fi and quiet study areas. Children attending the Library with parents enjoy playing with toys and reading books in the children's area and more recently groups of young people are coming in after school to use our Wi-Fi.

Statistics

Statistics for the past quarter dating from 1.04.18 to 14.06.18 are as follows with a comparison of the previous year figures for the same period:

April – June, 2018		April – June, 2017	
Adult Fiction	597	Adult Fiction	700
Western Fiction	11	Western Fiction	49
Large Print	146	Large Print	394
Magazines	122	Magazines	189
Adult Non Fiction	55	Adult Non Fiction	112
Talking Books	106	Talking Books	83
Junior Fiction	230	Junior Fiction	281
Junior Non Fiction	21	Junior Non Fiction	20
Easy & Easy2 & RR	369	Easy & Easy2 & RR	540
Toys	9	Toys	10
Junior Talking Books	0	Junior Talking Books	9
Young Adult Fiction	9	Young Adult Fiction	78
Equipment	2	Equipment	0
DVD's	N/A	DVD's	542
TOTAL ISSUES	2294	TOTAL ISSUES	3120
TOTAL MEMBERS	2379	TOTAL MEMBERS	2577
New Members	22	New Members	13
Internet Usage ½ hour sessions	N/A	Internet Usage ½ hour sessions	2868
IT Help	N/A	IT Help	127
Wi-Fi	N/A	Wi-Fi	371
People counter	2841	People counter	3926
Reference Inquiries	N/A	Reference Inquiries	79

As this report demonstrates, the Bogan Shire Library provides many services to our community and the community is keen to use the Library for their various needs.

1.4 Recommendation

That the Library Report April to June 2018 to be received and noted.

2 VILLAGE FUNDS - COLLERREINA

Summary:-

This report is for Council to approve the use of village funds for the Collierreina Hall Committee.

2.1 Introduction

The purpose of this report is for Council to approve the use of village funds for the Collierreina Hall Committee.

2.2 Background

Council has provided \$6,000 this financial year – and in previous years - for the use of the Collierreina Hall Committee to be used on local projects. Accumulated funds available to the Collierreina community stand at \$18,369. As is the case with all village funds, Council needs to approve nominated projects before commencement.

2.3 Discussion

The Committee has requested that a brass plaque in memory of those from the Collierreina district who served in the First World War be purchased. The plaque is to be erected at the Hall. Cost of the plaque will be \$1,512.

2.4 Recommendation

That the request from the Collierreina Hall Committee for the release of \$1,512 from village funds for the purchase of a commemorative plaque be approved.

Debb Wood
Manager People and Community

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

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

Mayor and Councillors

The following reports are submitted for consideration:-

1 BANK RECONCILIATION

1.1 Introduction

Summary:-

The report is to present the reconciliation of Council's Cash Book, Bank Statements and Ledger Bank Account as at 31 May 2018.

1.2 Introduction

The purpose of this report is to present the reconciliation of Council's Cash Book, Bank Statements and Ledger Bank Account as at 31 May 2018.

1.3 Background

The presentation of the reconciliation of Council's Cash Book, Bank Statements and Ledger Bank Accounts is not a requirement of any Act, however historically it has been provided for the information of Councillors.

Bank Reconciliation for May 2018

Council General Fund

Bank Statement Balance	\$ 100,000.00cr
Add Deposits not yet presented	\$ 19,386.38cr
Less Unpresented Payments	\$ 363.00dr
Balance as per Council	\$ 119,023.38cr
Represented by the following in Council Ledgers	
Account	
19001.8000.8000	\$ 119,023.38cr
Difference	\$ 0.00

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

1.4 Recommendation

That the Bank Reconciliation Report as at 31 May 2018 be received and noted.

2 INVESTMENTS MAY 2018

Summary:-

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

At 31 May 2018 Council had \$10.5 million invested. There has been an increase of \$1.69 million to Council's investments due to the 4th quarter rates instalment falling due. In addition to this the 4th quarter Roads to Recovery payment of \$478,000, the 4th quarter FAG instalment of \$487,000, part of RMS Repair Grant funds \$110,000, a claim for consultant work on the piping of the Albert Priest Channel of \$478,000 and a claim from the RMS for \$1.45 million have all been received.

2.1 Introduction

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

2.2 Background

In accordance with Clause 212 of the Local Government (General) Regulation 2005 a report must be presented to the Council setting out details of all the money that the Council has invested under section 625 of the Act.

2.3 Discussion

The Investment Report for May 2018 is shown below. At 31 May 2018 Council had \$10.5 million invested. There has been an increase of \$1.69 million to Council's investments due to the 4th quarter rates instalment falling due. In addition to this the 4th quarter Roads to Recovery payment of \$478,000, the 4th quarter FAG instalment of \$487,000, part of RMS Repair Grant funds \$110,000, a claim for consultant work on the piping of the Albert Priest Channel of \$478,000 and a claim from the RMS for \$1.45 million have all been received.

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

All money has been invested in accordance with Council's Investment Policy.

Consideration of this report means that Council is complying with the Local Government (General) Regulation 2005.

Investment Movements for May 2018

It is hereby certified that these investments have been made in accordance with the Local Government Act 1993 and the Regulations thereto.

Bogan Shire - Investment movements							
REF	Source	Taken up	Maturity	Days	% rate	Bal April 18	Bal May 18
3204	NAB	11/06/2017	11/06/2018	365	2.580%	1,000,000.00	1,000,000.00
4608	NAB	1/09/2017	1/06/2018	303	2.570%	2,000,000.00	2,000,000.00
300023	Commonwealth	10/08/2017	6/06/2018	300	2.530%	2,800,000.00	2,800,000.00
516	NAB	29/08/2017	29/06/2018	304	2.550%	1,000,000.00	1,000,000.00
6894	NAB - Professional Funds	4/05/2016	At Call		1.900%	2,016,610.93	3,712,401.46
	Balance securities held					8,816,610.93	10,512,401.46
	Balance Ledger 19010.8200.8200					8,816,610.93	10,512,401.46
	Summary by institution						
	Commonwealth					2,800,000.00	2,800,000.00
	NAB					6,016,610.93	7,712,401.46
						8,816,610.93	10,512,401.46

2.4 Recommendation

That the Investments Report for May 2018 be received and noted.

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary:-

This report is to provide a comparison of rate collections as at 31 May 2018, with the same period last year.

Total arrears have decreased from \$499,256 at 31 May 2017 to \$359,131 as at 31 May this year.

3.1 Introduction

The purpose of this report is to provide a comparison of rate collections as at 31 May, 2018, with the same period last year.

3.2 Discussion

This report is provided for the information of Councillors.

Rate Collections	2017-2018	2016-2017
Arrears Prior to 01/07/2017	102,245	207,959
First Instalment in arrears as at 31/05/2018	27,701	34,295
Second Instalment in arrears as at 31/05/2018	33,827	43,824
Third Instalment Outstanding as at 31/05/2018	52,167	60,291
Fourth Instalment Outstanding as at 31/05/2018	143,191	152,887
Total Arrears	359,131	499,256
Total Outstanding	359,131	499,256
Monthly Transactions		
Amount Levied & B/Fwd	5,244,533	5,002,958
Add: Adjustments	-40,089	31,736
Less: Payments to end of November	-4,764,382	-4,458,111
Less: Rebates	-83,874	-80,310
Add: Postponed	2,943	2,983
Gross Total Balance	359,131	499,256
Arrears of total amount levied %	7%	10%

Total arrears have decreased from \$499,256 at 31 May 2017 to \$359,131 as at 31 May this year.

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

Each instalment amounts to approximately \$1,311,000
(Total Rates, Waste, Water & Sewer Access Charges)

Council has collected \$306,271 more than at the same time last year.

2% of rates were unpaid on the first instalment.

2.5 % of rates were unpaid on the second instalment.

4 % of rates were unpaid on the third instalment.

11% of rates were unpaid on the fourth instalment

3.3 Recommendation

That the Rates and Annual Charges Collection Report as at 31 May 2018 be received and noted.

Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018

4 ADOPTION OF THE 2018/2019 OPERATIONAL PLAN AND BUDGET

Summary:-

The report is to present the draft 2018/2019 Operational Plan and Budget for adoption.

At the time of writing, four public submissions relating to the Operating Plan and Budget had been received.

4.1 Introduction

The purpose of this report is to present the draft 2018/2019 Operational Plan and Budget for adoption.

4.2 Background

The following is a summary of the Operational Plan requirements contained in section 404 of the Local Government Act:-

- Council must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken that year, as part of the Delivery Program.
- The Operational Plan will include the Statement of Revenue Policy.
- The draft Operational Plan must be publicly exhibited for at least 28 days and public submissions can be made to Council during the period.
- The exhibition must be accompanied by a map showing where the various rates will apply within the Local Government area.

Council must consider any submissions made on the draft Operational Plan before adopting the Operational Plan.

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

4.3 Discussion

Council approved the draft 2018/2019 Operation Plan and Budget for public exhibition at a Special Meeting on 8 May 2018. The exhibition period closed on 13 June 2018.

At the time of writing, four public submissions relating to the Operating Plan and Budget had been received. All submissions are attached at appendix A, B, C & D.

1. Submission relates to the request for a sewer system in Oatley Street.
2. Submission relates to construct and seal of 170m of Terangion Street.
3. Submission relates to reducing water usage charges instead of increasing them.
4. Submission relates to reconsidering extra labourers position.

4.3. Fees and Charges

It should also be noted that the following changes need to be put into the fees and charges:-

- Page 70: The Ad Valorems have changed for the Categories Farmland and Business due to the receipt of supplementary changes from the Valuer General.
- Page 72 and 75: Water Access Charges were amended to a 5% increase.
- Page 80: Domestic Waste Management additional collection charge. Yield changed from \$2,547 to \$2,574.
- Page 94: The Cemetery fees and charges had been adjusted from what was put to Council but not what was on display. Interment fee for cemetery (not lawn section) \$740 and the lawn cemetery cremation section has been removed and left under lawn cemetery.
- Page 96: Council has received notification on 7 June that Companion Animal Registration Fees have been increased in line with the CPI. The new fees are listed below:-
 - o Desexed animal: \$57 (from \$55)
 - o Animal under 6 months not desexed: \$57 (from \$55)
 - o Non-desexed animal: \$207 (from \$201)
 - o Breeder (Recognised) concession: \$57 (from \$55)
 - o Pensioner concession (desexed animal only): \$24 (from \$23)

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

- Page 104: Inclusion of a Fee under Commercial / Industrial Waste Disposal - under both Sorted and Separated Commercial or Industrial Waste Disposal by Contractor and Unsorted and Unseparated Commercial or Industrial Waste Disposal by Contractor a fee for a one-off bin only collection by Council (240lt) - \$10.00.
- Page 127: Removal of the Essential Fire Services Annual Statement fee of \$70.00 (this is the Statement provided by building owners to the Council for our records)

It is recommended that after consideration of the above submission that Council adopt the Draft 2018/2019 Operational Plan and Budget.

4.4 Recommendation

That following consideration of the submissions and amendments, the 2018/2019 Draft Operational Plan and Budget be adopted.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

Appendix A.

-----Original Message-----

From: Carey Carter [mailto:carey_c025@hotmail.com]

Sent: Saturday, 26 May 2018 10:57 AM

To: Graeme Bourke

Subject: Sewer system Oatley Street

The General Manager
Bogan Shire Council

Dear Derek

I would like Council to please consider my submission to the Draft Operational Plan and Budget 2018-2019.

I am requesting, along with other residents, that Council installs a sewer reticulation system to service the properties along Oatley Street, Nyngan.

I believe that some residents had requested a sewer system in Oatley Street many years ago and were promised of the same when the following was achieved.

-The street became a higher populated area (a number of further have since been built) -Allow an estimated time of 10 years for council to complete (this was 15 or more years ago). I understand that this would be an expensive asset and would require consultation with all property owners in the street to review their requirements.

Thank you considering my request.

Carey Carter

Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018

Appendix B

Construct and Seal 170m of Terangion Street.
\$25,000.

118 Terangion Street
P.O. Box 167
Nyngan 2825
1st June, 2018

The Manager
Bogan Shire Council
P.O. Box 221
NYNGAN 2825


Dear Sir,

I am writing to ask if consideration could be given by Council to the sealing of a section of road at the far southern end of Terangion Street. It has been a concern for many years with increasing traffic, particularly with motor bikes and speeding vehicles racing up and down the road. A sign 'No Through Road' has had no effect and is of no use.

My house and those in this vicinity, are regularly covered in dust making life very unpleasant and so unnecessary.

I hope you will be able to help in this matter.

Yours sincerely


Mrs. D. E. Inglis
Tel. 68321 638

BOGAN SHIRE COUNCIL	
FILE	R/N
05 JUN 2018	
ASSIGNEE	

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

Appendix C

Submission to Water Fund Budget

Councillors

It is proposed in the draft budget out for consultation that water charges be increased by 5% for both Access and User Charges. This will be \$591 for a standard 20mm access and \$2.07 per kilolitre for consumption.

Council currently has one of the highest charges for water in the State which is not a badge we like to wear. In order to start to address this, and encourage people to water their gardens and nature strips, I suggest Council doesn't increase the consumption charge by 5%, but instead reduce it from \$1.97 current in this year, to \$1.90 per kilolitre. The consumption charge is only an estimate, as it varies depending on the season, however I have had feedback that some people are not watering as much, and have stopped watering their nature strips because of their high water bill. If Council supports this move, some adjustment may need to be made to the 18/19 works program.

Ray Donald OAM



Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018

Appendix D

"Belah Creek
Nyngan NSW 2825

12th June 2018

Mr Derek Francis
General Manager
Bogan Shire Council
PO Box 221
Nyngan NSW 2825

Dear Derek,

RE: Submission to the Management Plan

As we consider the extra labourers position in the Management Plan and Budget could Council look at a different model to the one currently in place in regards to the crews. If we were able to change the structure of the current crews we may be able to eliminate the need for an extra labourer.

As a suggestion, could consideration be given to combining two crews to work together on a job, that is two graders and two water carts and necessary off siders to work on one job thus resulting in possibly freeing up a labourer from one of the crews.

Yours faithfully,

Victoria Boag
Victoria Boag.

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

5 MAKING OF RATES AND CHARGES FOR 2018/2019.

Summary:-

The report is to make the Rates and Charges for 2018/2019.

Proposed Rates and Charges for 2018/2019 were included in the Draft Operational Plan and Budget approved by Council at its meeting on 8 May 2018. The Draft Operational Plan was on public display and advertised from 16 May – 13 June 2018.

Rates and Charges as listed in the Draft Operational Plan for 2018/2019 are listed below.

5.1 Introduction

Following Council's compliance with sections 404,405 and 406 relating to the public display of the draft Operational Plan for 2018/2019 financial year, Council must now make the following rates and charges for the 2018/2019 financial year in accordance with sections 494,533,534,535 and 543 of the Local Government Act, 1993.

5.2 Background

Proposed Rates and Charges for 2018/2019 were included in the Draft Operational Plan and Budget approved by Council at its meeting on 8 May 2018. The Draft Operational Plan was on public display and advertised from 16 May – 13 June 2018.

Rates and Charges are the primary source of revenue for Council. Such revenue is critical for funding operational expenditure used for service delivery to the community in addition to the funding of the maintenance and renewal of Council's Infrastructure assets.

The Local Government Act requires that the Rates and Charges be made by Resolution of Council, after adoption of the Draft Operational Plan, pursuant to Sections 534 and 535 of the Local Government Act 1993.

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

5.3 Recommendation

1. That Council authorise the General Manager to prepare and serve the rate notices or in his absence they may be served by the Revenue Accountant.
2. That pursuant to the Local Government Act, 1993, Council hereby resolves to make the ordinary rates for the 2018/2019 period as laid out below.
3. That Council applies the maximum allowable interest rate in accordance with Section 566 of the Local Government Act 1993. Council has been notified for the 2018/19 year the interest rate will be 7.5%.

Making of Rates and Charges

1. General Rates

Farmland Rate

Farmland rate (to apply to all land categorised as Farmland within Bogan Shire Council) of 0.0051435 cents in the dollar having a minimum rate of \$250.00, applied to Land Value of \$332,644,932, yielding a total income of approximately \$1,718,271 in compliance with Council's allowable Notional Income.

Residential Urban Rate

Residential Rate (to apply to all land categorised as Residential Nyngan within Bogan Shire Council) of .0110038 cents in the dollar having a minimum rate of \$261.00, applied to Land Value of \$22027998, yielding a total income of approximately \$273323.00 in compliance with Council's allowable Notional Income.

Residential Rural

Residential Rural Rate (to apply to all land sub - categorised as Residential Rural within Bogan Shire Council) of .0082991 cents in the dollar having a minimum rate of \$158.00, applied to Land Value of \$1085600, yielding a total income of approximately \$ 9009.00 in compliance with Council's allowable Notional Income.

Residential

Residential Rate (to apply to all land sub - categorised as Residential within Bogan Shire Council) of .0063913 cents in the dollar having a minimum rate of \$158.00, applied to Land Value of \$637600, yielding a total income of approximately \$ 4379.00 in compliance with Council's allowable Notional Income.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

Residential – Small Villages - Hermidale

Residential – Small Villages Rate (to apply to all land sub - categorised as Residential – Small Villages within Bogan Shire Council) of .0058380 cents in the dollar having a minimum rate of \$160.00, applied to Land Value of \$265600, yielding a total income of approximately \$7611.00 in compliance with Council's allowable Notional Income.

Residential – Small Villages – Girilambone

Residential – Small Villages Rate (to apply to all land sub - categorised as Residential – Small Villages within Bogan Shire Council) of .0490010 cents in the dollar having a minimum rate of \$160.00, applied to Land Value of \$188950, yielding a total income of approximately \$8721.00 in compliance with Council's allowable Notional Income.

Residential – Small – Villages – Coolabah

Residential – Small Villages Rate (to apply to all land sub - categorised as Residential – Small Villages within Bogan Shire Council) of .0326390 cents in the dollar having a minimum rate of \$160.00, applied to Land Value of \$39733, yielding a total income of approximately \$4248.00 in compliance with Council's allowable Notional Income.

Business

Business Rate (to apply to all land categorised as Business within Bogan Shire Council) of .0081346 cents in the dollar having a minimum rate of \$291.00, applied to Land Value of \$1525622, yielding a total income of approximately \$19154.00 in compliance with Council's allowable Notional Income.

Business - Nyngan

Business Nyngan Rate (to apply to all land categorised as Business Urban within Bogan Shire Council) of .0551957 cents in the dollar having a minimum rate of \$291.00, applied to Land Value of \$3906243, yielding a total income of \$216737.00 in compliance with Council's allowable Notional Income.

Business – Villages – Hermidale

Business Hermidale Rate (to apply to all land categorised as Business within Bogan Shire Council) of .0020901 cents in the dollar having a minimum rate of \$163.00, applied to Land Value of \$ 68400, yielding a total income of approximately \$1994.00 in compliance with Council's allowable Notional Income.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

Business – Villages - Girilambone

Business Girilambone Rate (to apply to all land categorised as Business within Bogan Shire Council) of .0008294 cents in the dollar having a minimum rate of \$163.00, applied to Land Value of \$ 41850, yielding a total income of approximately \$831.00 in compliance with Council's allowable Notional Income.

Business – Villages - Coolabah

Business Coolabah Rate (to apply to all land categorised as Business within Bogan Shire Council) of .0357352 cents in the dollar having a minimum rate of \$163.00, applied to Land Value of \$10200, yielding a total income of approximately \$831.00 in compliance with Council's allowable Notional Income.

Business – Unknown

Business Unknown Rate (to apply to all land categorised as Business within Bogan Shire Council) of .0000011 cents in the dollar having a minimum rate of \$2.00, applied to Land Value of \$43600, yielding a total income of approximately \$112.00 in compliance with Council's allowable Notional Income.

Mining

Mining Rate (to apply to all land categorised as Mining within Bogan Shire Council) of .0812502 cents in the dollar having a minimum rate of \$373.00, applied to Land Value of \$7325000, yielding a total income of approximately \$595158.00 in compliance with Council's allowable Notional Income.

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

2. Water Supply and Annual and User Charges:

- (i) Water Supply charges: That Council, in accordance with Section 535, and pursuant to Sections 501 and 539(1) of the Local Government Act 1993, hereby makes the following Water Supply Charges for the financial year 1 July 2018 to 30 June 2019 as set out below.
- (ii) A Water Access Charge shall be made and levied based upon the size, volume factor and number of water services connected to an individual assessment.

Service Size	Volume Factor	Water Access Charge 2018/2019
20mm	1.00	\$591
25mm	1.56	\$951
32mm	2.56	\$1,561
40mm	4.00	\$2,440
50mm	6.25	\$3,815
100mm	25.00	\$15,253
20 CSO	1.00	\$158
Water Meter Reading Charge for Connections with nil reads up to 10kl consumption		\$110

- (iii) Other Rateable Water Charges shall be made and levied on non-metered properties in the locations described.

Rateable Water Charge	Charge 2018/2019
Hermidale – Raw Water Access	\$698
Girilambone – Raw Water Access	\$480
Coolabah – Raw Water Access	\$480
Nyngan – Raw Water Access	\$480

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

- (iv) Other Non-Rateable Water Charges shall be made and levied on non-metered properties in the locations described.

Non-Rateable Water Charge	Charge 2018/2019
Girilambone	\$481
Hermidale	\$698

- (v) Other Water Charges shall be made and levied on properties as appropriate, being:

Water Charge	Charge 2018/2019
Albert Priest Channel - Access	\$25.48 per ML allocation
Albert Priest Channel - Usage	\$38.50 per ML of usage

- (vi) Water Consumption Charges: That Council, pursuant to Sections 502, 539 and 540 of the Local Government Act, make and levy Water Consumption Charges, based on the appropriate tariff charge per measure, or estimate of measure, as shown in the table below, during 2018/2019, being for Reading Cycle Periods 1, 2, 3 and 4

Charge for treated Water for 2018/19 per kl shown	Charge for Other (Raw) Water for 2018/2019 per kl shown
\$2.0685/kl	\$0.66/kl

3. Sewer Supply Annual and User Charges

- i) Sewer Supply Charges: That Council, in accordance with Section 535, and pursuant to Section 501 of the Local Government Act 1993, hereby makes the following Annual Sewer Access Charges for the financial year 1 July 2018 to 30 June 2019 as set out below.
- ii) Residential Sewerage Annual Charge *will be made and levied on all residential properties which have sewer supply available to it.*

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

Residential Sewer Access Charge	Charge 2018/2019
Residential	\$540 per meter
Residential Flat Sewer (per flat)	\$415 per flat

iii) Non-Residential Sewerage Access Charge will be made and levied on all non-residential properties which have sewer supply available to it.

Service Charge Type	Water Service Size	Discharge Factor	Annual Access Sewer Charge 2018/2019
Non-Residential Sewer Access Charge	20/25mm	10%	\$540
Non-Residential Sewer Access Charge	40mm	10%	\$648
Non-Residential Sewer Access Charge	50mm	10%	\$1013
Non-Residential Sewer Access Charge	100mm	10%	\$4050
Non-Residential Sewer Access Charge	20/25mm	30%	\$540
Non-Residential Sewer Access Charge	40mm	30%	\$648
Non-Residential Sewer Access Charge	50mm	30%	\$1,013
Non-Residential Sewer Access Charge	100mm	30%	\$4,050
Non-Residential Sewer Access Charge	20/25mm	50%	\$540
Non-Residential Sewer Access Charge	50mm	50%	\$1,688
Non-Residential Sewer Access Charge	20mm	90%	\$540
Non-Residential Sewer Access Charge	25mm	90%	\$759

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

Non-Residential Sewer Access Charge	40mm	90%	\$1,944
Non-Residential Sewer Access Charge	50mm	90%	\$3,038
Non-Residential Sewer Access Charge	100mm	90%	\$12,150
Effluent Disposal Charge			\$333

iv) Sewer Usage Charges: That Council, pursuant to Sections 502, 539 and 540 of the Local Government Act, make and levy Sewer Usage Charges as detailed below.

v) Non-Residential Sewer Usage Charges will be made and levied on all **rateable** non-residential properties which have sewer supply available to it, under best practice guidelines, and will be charged on a quarterly basis in accordance with the following pricing structure:

$$B = SDF \times (AC + C \times UC)$$

Where, B = Sewerage charge non residential

SDF = Sewerage Discharge factor**

$$AC = \left(\frac{AC_{20} \times D^2}{400} \right) \text{ Access Charge}$$

D = Water Supply Service Connection Size

C = Annual Water Consumption

UC = Usage Charge \$1.96

vi) Non-Residential Sewer Usage Charges will be made and levied on all **non-rateable** non-residential properties which have sewer supply available to it, under best practice guidelines, and will be charged on a quarterly basis in accordance with the following pricing structure:

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

$$B = SDF \times (AC + C \times UC)$$

Where, B = Sewerage charge non residential

SDF = Sewerage Discharge factor**

$$AC = \left(\frac{AC_{20} \times D^2}{400} \right) \text{ Access Charge}$$

D = Water Supply Service Connection Size

C = Annual Water Consumption

UC = Usage Charge \$2.07

- vii) Non-Residential Sewer Usage Charges will be made and levied on all **multi-use** properties which have sewer supply available to it, under best practice guidelines, and will be charged on a quarterly basis in accordance with the following pricing structure:

$$B = SDF \times (AC + C \times UC)$$

Where, B = Sewerage charge non residential

SDF = Sewerage Discharge factor**

$$AC = \left(\frac{AC_{20} \times D^2}{400} \right) \text{ Access Charge}$$

D = Water Supply Service Connection Size

C = Annual Water Consumption

UC = Usage Charge \$2.07

*****And that Sewerage Discharge Factors in each of the above be applied according to the following table:***

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

Discharger	Discharge Factor	Discharger	Discharge Factor
Aged Care Facility	.90	Medical Centres	.90
Bakery	.90	Mixed Business	.90
Caravan Parks	.50	Home Based Small	.50
Church's	.90	Motel	.90
RSL Club	.90	Motor Repairers	.90
Bowling Club	.10	Multiple Units	.90
Golf Club	.10	Nurseries	.10
Cottage Industry	.50	Office Based	.90
Butchers	.90	Other (default category)	.90
Dental Surgery	.90	Parks & Gardens	.10
Doctor	.90	Panel Beater	.90
Engineering Services	.90	Public Amenities	1.0
Hardware Store	.90	Restaurant	.90
Hospital	.50	Schools, Pre-Schools	.30
Florist	.50	Service Stations	.90
Guest House	.90	Supermarkets	.90
Halls	.90	Swimming Pool Complex	.50
Hairdressers	.90	Takeaway Shop	.90
Hotel/Tavern	.90	Utility Services	.90
Laundromat	.90	Veterinary Clinic	.90
Library	.90		

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

4. Waste Management Charges

- i) Domestic Waste Management Charges and Recycling Charges: That Council, in accordance with Section 535, and pursuant to the provisions of Sections 496, 502, and 504 of the Local Government Act 1993, hereby makes the following Domestic Waste and Recycling Charges upon each parcel of rateable land for which the service is available, for the financial year 1 July 2018 to 30 June 2019, as set out below.

Service Charge Type	Charge 2018/2019
Domestic Waste Management Collection Charge	\$222
Domestic Waste Management Additional Collection Charge	\$117
Domestic Kerb Side Recycling Charge	\$131
Domestic Kerb Side Recycling Additional Bin Charge	\$68

- (ii) Waste Management Charges – Other: That Council, in accordance with Section 535, and pursuant to the provisions of Section 501 and 502, of the Local Government Act 1993, hereby makes the following Waste Charges upon each parcel of rateable land for which the service is available, for the financial year 1 July 2018 to 30 June 2019, as set out below:

Service Charge Type	Charge 2018/2019
Business Waste Management - Collection Charge	\$222
Business Waste Management – Additional Collection Charge	\$117
Waste Management - Depot Charges Nyngan	\$316
Waste Management - Depot Charges Business	\$316
Business Waste Recycling Collection Charge	\$131
Business Waste Additional Recycling Collection Charge	\$68



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

- 1. Trade Waste Charges:** That Council adopt the Trade Waste Charges for 2018/19 as advertised in the draft Operational Plan and Budget 2018/19.
- 2. Fees and Charges:** That Council adopt the Fees and Charges for 2018/2019 as advertised in the draft Operational Plan and Budget 2018/2019 (Fees and Charges) with additional changes as reported.
- 3. Interest on Overdue Rates and Charges:** That Council, in accordance with the provisions of Section 566 (3) of the Local Government Act 1993, make the interest rate, to be charged on overdue rates, charges and arrears, for the period 1 July 2018 to 30 June 2019 at 7.5% per annum on a daily basis.

6 LONG TERM FINANCIAL PLAN

Summary :-

The report is to present to Council a Long Term Financial Plan, projected for 10 years, and updated annually as part of the development of the Operational Plan. A revised Long Term Financial Plan was presented to Council in July 2018 in line with Council's integrated planning and reporting. This current plan has updated budget figures for 2016/2017 actuals, 2017/2018 adopted revised budget and 2018/2019 Draft Budget and will be sent to T-Corp as part of our loan funding requirements.

6.1 Introduction

Council is required to adopt a Long Term Financial Plan (LTFP) under the provisions of the Local Government Act. The Long Term Financial Plan must project financial forecasts for the Council for at least ten years, and be updated annually as part of the development of the Operational Plan.

6.2 Background

The LTFP, shown as Attachment A, is based on the 2016/2017 actuals, the 2017/2018 adopted revised budget as well as the draft 2018/2019 budget, and projections are then made for a further eight years. The attachment shown is the consolidated LTFP. This is made up of the General, Water and Sewer Funds.

6.3 Discussion

The Plan shows that, overall, Council will be financially viable into the future. It is projected that the General Fund will post an accounting operating surplus in 2017/18 due to Capital Grant income being included in operating income and a lot of the expenditure related to this being capitalised and not included in the income statement. The deficit in the three future years 2018/19, 19/20 and 20/21 relates to operating losses from both the Medical Centre and the Early Learning Centre. This improves in 2021/2022 as the businesses are expected to increase Revenue and maintain expenditure levels except for award and CPI increases. Certain assumptions have been made which are detailed below:-

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

- Financial Assistance Grants (FAGS) have been estimated to increase by 5% for the next ten years , which amounts to between \$192,000 - \$298,000 per annum from 2018/2019 to 2027/2028. The increase in this grant has been used to help with the reduction in R2R funding and to do more local roads work.
- Roads to Recovery Grants are budgeted \$646,368 in 2018/2019. This will then complete the current five year program. It has been budgeted for 2019/2020 to 2027/2028 that the grant will reduce to \$650,000 based on what Council was receiving prior to the additional funding. The government did mention in the 2018/19 budget that for 2020/21 and 2021/22 there will be increases however Council is unaware at this stage what they will be.
- Income from Roads and Maritime Services (RMS) has been estimated to remain the same over them coming years. This is the best estimate as without RMS advice there is no way of knowing what Council may receive. This income is offset with an equal amount of expenditure.
- Loans of \$2,800,000 were taken out at the beginning of 2016/17 with T-Corp at an interest rate of 2.94% for 20 years at \$186,000 per annum. A further internal loan has been added to the LTFP for \$340,000 for the 2017/2018 budget but does not commence being repaid until 2018/2019.
- Capital Works for 2017/2018 and 2018/2019 are as per the Capital Budgets. Capital works for the years after 2018/2019 have been assumed to be similar to previous years for the General Fund and have been budgeted according to the Asset Management Plans for both the Water and Sewer Funds.
- Revenue for both the Medical Centre and the early Learning Centre have been budgeted to increase by 5% for 2019/20 and 2020/21 and then 3% up until 2028.
- Sewer fund shows an operating loss for the 2018/19 years until 2024/25 when the fund starts making operating profits. The 2018/19 year was budgeted for no increase to the sewer fund charges as per the draft operational plan. The charges have however been budgeted in the LTFP to increase by 5% in 2019/2020 until 2023/2024, where there is no increase for the next four years. If Council decides not increase the charges by 5% during these years there will obviously be larger operating deficits that will eat into the cash reserves for the Sewer Fund.

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

Alternatively, Council could increase the Sewer charges more in order to return an operating surplus in each year.

Further General Economic Assumptions include:-

- CPI of 3% has been applied to general expenditure. Employee wages have been budgeted to increase by 2.5% per annum from 2019/2020 onwards. This is in line with the award increase for 2018/2019 and 2019/2020.
- Employees Superannuation has been increased by 0.5% from 2021/2022 to 2025/2026 as per Australian Taxation Office legislation.
- Ordinary Rates in the General Fund have been budgeted for an increase of 2.5% from 2019/20 onwards. This could increase or decrease depending on the rate peg set by IPART. 2018/2019 increase was 2.3%.
- Annual Charges have been budgeted to increase by 5% from 2019/2020 onwards.
- Water access and usage charges to increase by 3% per annum from 2019/2020 onwards. Due to a reduction in Capital Expenditure in the projected years the cash flow shows cash rebuilding to \$3.8 million by 2027/2028. This is as long as projected income and expenditure remains as is.
- Sewer access and usage charges to increase by 5% per annum from 2019/2020 until 2023/2024 where no increase has been projected for the following four years. There has been no increase to the Sewer Funds charges for the past six years.
- Waste Charges to increase by 5% from 2019/2020 onwards. If Council does not increase these charges then this will increase the operating deficits in the General Fund or Council need to look at ways to reduce the operating costs for the waste area.
- Interest Rate increases of 1.00% in 2019/2020 and 1.35% per annum onwards.
- Service levels and the breadth of services offered will remain stable.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 21 June 2018**

6.4 Attachment

A copy of Council's Long Term Financial Plan, which includes Income Statements, Balance Sheets and Cash Flow Statements for 2018/19 to 2027/28 are attached as Appendix A.

6.5 Recommendation

That Council adopt the Long Term Financial Plan Attached as Appendix A.

**Stephanie Waterhouse
Manager Finance and Corporate Services**

**Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

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

Mayor and Councillors

I submit the following report for consideration:-

1 OPERATIONAL REPORT

1.1 Civil Works

Work undertaken during this reporting period from the 14 May, 2018 to 8 June, 2018 consisted of the following:-

- Completing the construction of a new footpath and gutter bridge leading to the Early Learning Centre in Dandaloo Street.
- Completing the construction of new pedestrian refuges in Dandaloo Street outside the Nyngan Public School.
- Commencing the process of fixing tiles to the rebuilt section of the mural wall in Davison Park.
- Completing maintenance to headwalls at the Nyngan Cemetery.
- Completing maintenance and repairs at the RFS Building in Lawlor Street.
- Assisting with the completion of repairs to a grid on Monkey Bridge Road near the property 'Carinya'.
- Completing maintenance at the Hermidale Sports Ground.
- Completing repairs and maintenance at the Nyngan Showground in preparation for the Duck Creek Races.

1.2 Community Facilities

Work undertaken by Council's Community Facilities during this reporting period consisted of the following:-

- Mowing and maintenance of ovals and reserves.
- Cleaning of town facilities.
- Cleaning and sweeping of the Nyngan CBD.
- Preparing for private functions.
- Cleaning and maintenance of town streets and nature strips.
- Cleaning of town streets gutters and culverts.
- Digging and backfilling of graves.

**Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

1.3 Roads

The work undertaken during this reporting period by Rural Works Crews consisted of the following:-

No.	Name	Comments
7514	Cockies Road	1km of construction completed. Maintenance grading continuing.
5	Piesley Road	Maintenance grading completed.
55	Trethowan's Road	Maintenance grading completed.
3	Buddabadah Road	Resheeting continuing.
15	Kallara Road	Maintenance grading completed.
MR228	Hermidale Nymagee Road	Upgrade of unsealed section continuing.
HW7	Mitchell Highway	Rehabilitation of 3.1 km commenced.
HW8	Barrier Highway	Tree trimming continuing. 450m of barrier rail installation completed.

The Jet Patcher completed maintenance on the following roads:-

- Yarrandale Road
- Tottenham Road
- Canonbar Road
- Colane Road
- HW7 & HW8
- Nyngan Town Streets

**Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

The works program for the remainder of June and July includes but is not limited to the following works:-

- Construction and sealing of the remaining unsealed section of Hermidale Nymagee Road.
- Completing tree trimming of overhanging braches on the Barrier Highway between Miandetta and Nyngan.
- Completing the rehabilitation of segment 2715 on the Mitchell Highway approximately 25km west of Nyngan.
- Digging/cleaning of ground tanks on Mulla Road for future road works.
- Commencing or continuing maintenance grading of the following roads, Colane Road, Honeybugle Road, and Bourke's Road.
- Commencing construction of new concrete footpath in Nymagee Street heading west past the Australian Hotel.

1.4 Recommendation

That the Operational Report for the reporting period 14 May 2018 to 8 June 2018 be received and noted.

**Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

2 TRAFFIC COMMITTEE MEETING RECOMMENDATIONS

Summary:-

The purpose of this report is to present the discussions of the Traffic Committee meeting held on Wednesday 23rd May 2018 and for Council to consider their recommendations.

2.1 Introduction

The purpose of this report is to present the discussions of the Traffic Committee meeting held on Wednesday 23rd May 2018 and for Council to consider their recommendations.

2.2 Background

The Traffic Committee meets quarterly to discuss traffic and pedestrian facilities and related issues, and to make recommendations to Council.

2.3 Discussion

The following issues were discussed:-

Parking in front of Nyngan Truck and Travellers Stop

"No Parking" signs to be erected in June with the area to be delineated with guide posts or bollards to prevent parking and improve intersection sight distance.

Train Speeds through Nyngan

John Holland Rail had advised of the upgrading of the Moonagee Street rail crossing with fencing to improve pedestrian safety.

John Holland Rail has discussed Council's concern regarding train speeds with the Minister and has advised speeds are expected to be 50-60 km/hr rather than 80 km/hr.

**Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

The Committee resolved that:-

Council seek further follow-up from the responsible Minister, reiterating Councils safety concerns for pedestrians and road users due to the nature of the crossing and variation of speeds, and that the best control measure would be to erect flashing lights at the crossing.

Community Road Safety Grant

The Nyngan Local Aboriginal Land Council emailed, asking if the Traffic Committee had any suggestions for Community Road Safety Grant projects.

Bus stops, bicycle lanes, and footpath improvements were all discussed with no specific projects being nominated.

Installation of Fatigue signage on Highway

Manager Engineering Services asked about the process of having fatigue signage installed on the highway to encourage motorists to stop in Nyngan and have a break.

It was suggested that this be referred to RMS Road User Safety Committee through Joe Sulicich.

MR70 Speed Zone review

Joe Sulicich advised he will be conducting a Speed Zone review along Arthur Hall VC Way (MR70). A speed limit of 110km/hr has been proposed and Joe will be reviewing bitumen seal widths during the speed zone review to determine the suitability for an increase in speed.

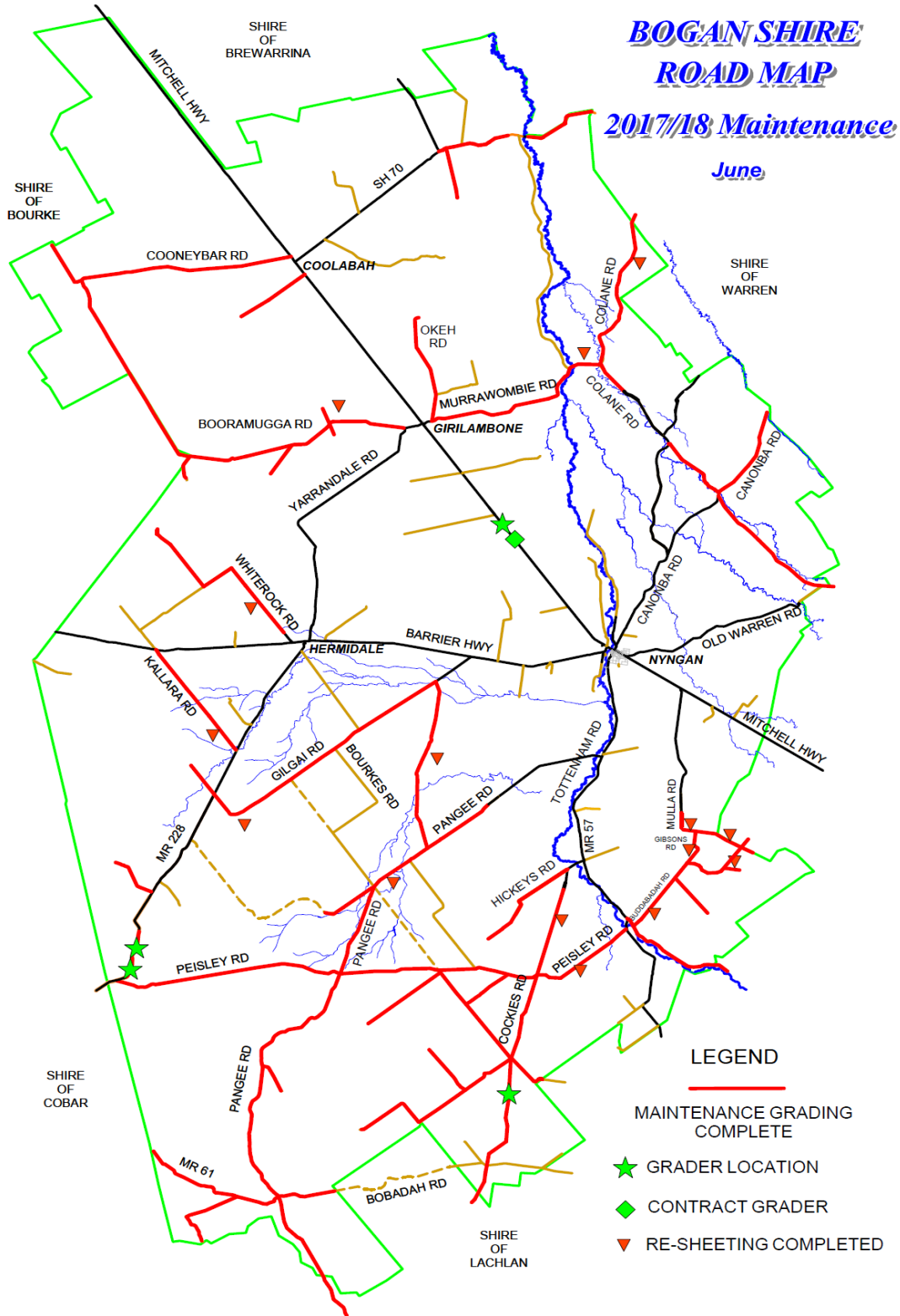
2.4 Recommendation

1. That the report be received and noted.
2. That Council seek further follow-up from the responsible Minister, reiterating Council's safety concerns for pedestrians and road users due to the nature of the crossing and variation of speeds, and that the best control measure would be to erect flashing lights at the crossing.

Graeme Bourke

Manager Engineering Services

**Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**



**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

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

Mayor and Councillors

I submit the following reports for consideration:-

1 DEVELOPMENT APPLICATIONS

1.1 Introduction

One (1) Application has been approved since Council's May 2018 Meeting.

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2014/001	Dr Ryan Heggie	Canonba Road, NYNGAN	Hangar	64,000	Applicant advises that the DA will continue subject to lease negotiations.
2018/004	Mr G Pack	22 Bourke Street, Girilambone	Use of Existing Building as a Dwelling	15,000	Additional information required, letter issued to applicant.
2018/012	Bogan Shire Council	76 Pangee Street, Nyngan	Extension to Existing Medical Centre	315,000	Being Assessed
2018/013	Mr R and Mrs L Robb	32 Mitchell Highway, Nyngan	New Private Shed	9125	Approved
2018/014	Picton Bros	1 Collins Street, Nyngan	Patio Cover	11,900	Being Assessed
2018/015	First Class Game	Lot 1 Section 27 DP 758803 Barrier Highway, Nyngan	Chiller	42,000	Being Assessed
2018/016	Mr Robert Gudgeon	11 Derrybong Street, Nyngan	Change of Use to New Gym	10,000	Being Assessed

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

1.2 Recommendation

That the report be received and noted.

2 OPERATIONAL REPORTS

2.1 Introduction

The purpose of this report is to outline the key works undertaken since Council's May 2018 meeting by the Parks and Gardens Team and the Weeds Officer.

2.2 Discussion

Key works that have been undertaken by the Parks and Gardens Team consisted of the following:-

- Routine maintenance duties including manual watering (where required), whipper snipping, mowing, weed removal of Heritage Par, Nyngan Cemetery, Davidson Park, Vanges Park, Medical Centre, Teamsters Rest, Town Hall and Senior Citizens area, Flood Memorial Rest Area, Council Administration Building, Moonagee Street Park, Early Learning Centre, former Fire and Rescue Building, Rotary Park, Pioneer Park, Lions Park and Centenary Park.
- Trimming of trees in Pangee Street.
- Removal of old garden beds in Pangee Street.
- Designing of new garden beds to be constructed in Heritage Park.

Key works that have been undertaken by the Weeds Officer consisted of:-

- Spraying of Woody Weeds located at Arthur Hall VC Way, Neeroc Road and Cockies Road.
- Spraying of Cactus located at Coolabah and Bourkes Road.
- Routine Roadside Inspections.

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

Capital Projects – SES Office and Shed

The SES Office and Shed are nearing completion with an anticipated hand over to SES in late June 2018. Additional works have been required to be undertaken on the SES Office facility to address disability access regulatory requirements. These works require the expenditure of additional funds of approximately \$23,000, to ensure compliance and to enable an Occupation Certificate to be issued by a contracted Private Certifier. It is recommended these funds come from the budget for Disability Inclusion Action Plan Works of which \$30,000 is remaining.

2.3 Recommendation

1. That Council notes the requirement for additional funds to complete the construction of the SES Office and Shed to meet disability access requirements.
2. That these additional funds are to come from the budget for the Disability Inclusion Action Plan Works.

3 REZONING APPLICATION – AUSTRALIAN HOTEL SITE NYNGAN

Summary:-

The purpose of this report is to advise Council that no submissions were received following community consultation on the proposed amendment to the Bogan Local Environmental Plan 2011 to rezone Lot 1 Section 33 DP 758802 (Australian Hotel site) from R1 – General Residential to B6 – Enterprise Corridor, and for Council to request that a local environmental plan be drafted.

3.1 Introduction

At the Ordinary Meeting of Council held on 22 March 2018 Council resolved as follows:-

“That Council endorse the planning proposal dated March 2018 to enable the planning proposal to be forwarded to the Department of Planning and Environment and gain a Gateway determination.”

3.2 Discussion

Council received the Gateway Determination (refer to **Attachment 1**) from the Department of Planning and Environment and the written authorisation to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979* (refer to **Attachment 2**) on 26 April 2018.

In accordance with the Gateway Determination the planning proposal (refer to **Attachment 3**) was made publicly available for review from 9 May 2018 to 6 June 2018. Community consultation was undertaken as follows:-

1. An advertisement was placed in the local newspaper;
2. Letters were forwarded to all surrounding neighbours;
3. A notification of the exhibition was included on Council's web page.

No public submissions were received on the planning proposal.

Following consideration of any public submissions the Council may now request that the Parliamentary Council's Office draft the planning instrument.



**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

3.3 Attachments

Attachment 1: Gateway Determination

Attachment 2: Written Authorisation to Exercise Delegation

Attachment 3: Planning Proposal - March 2018

3.4 Recommendation

It is recommended that Council in accordance with the written authorisation to exercise delegation request that a draft Local Environmental Plan to rezone Lot 1 Section 33 DP 758802 (Australian Hotel Site) from R1- General Residential to B6 – Enterprise Corridor be prepared under section 3.36(1) of the *Environmental Planning and Assessment Act 1979*.

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

Gateway Determination

Planning proposal (Department Ref: PP_2018_BOGAN_001_00): Rezoning of 42-44 Nymagee Street, Nyngan.

I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bogan Local Environmental Plan 2011 (LEP) for the proposed rezoning of 42-44 Nymagee Street, Nyngan from R1 General Residential to B6 Enterprise Corridor, should proceed subject to the following conditions:

1. Community consultation is required under sections 2.22 and 3.34(2)(c) of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment August 2016)*.

No consultation is required with public authorities under section 3.34(2)(d) of the Act.

2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
3. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 26 day of April 2018.



Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018



Planning &
Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bogan Shire Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2018_BOGAN_001_00	Planning proposal for rezoning of 42-44 Nymagee Street, Nyngan from R1 General Residential to B6 Enterprise Corridor

In exercising the Minister's functions under section 3.36, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 26 April 2018



Damien Pfeiffer
Director Regions, Western
Department of Planning and Environment

Delegate of the Minister for Planning



**PLANNING PROPOSAL
AMENDMENT TO BOGAN LOCAL ENVIRONMENTAL PLAN 2011**

PREPARED FOR
NYNGAN RURAL AGENCIES PTY LTD

MARCH 2018



• Civil, Environmental & Structural Engineering • Surveying • Environmental • Planning • Architecture



Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

PLANNING PROPOSAL

AMENDMENT TO BOGAN LOCAL ENVIRONMENTAL
PLAN 2011

REZONE LAND AT 42-44 NYMAGEE STREET, NYNGAN FROM R1 –
GENERAL RESIDENTIAL TO B6 – ENTERPRISE CORRIDOR

PREPARED FOR:

NYNGAN RURAL PROPERTIES

MARCH 2018



**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**



PLANNING PROPOSAL
AMENDMENT TO BOGAN LOCAL ENVIRONMENTAL PLAN 2011
NYNGAN RURAL PROPERTIES

Report Title:	<i>Planning Proposal</i>
Project:	<i>Amendment to Bogan Local Environmental Plan 2011</i>
Client:	<i>Nyngan Rural Properties</i>
Report Ref.:	<i>218080_PP_001B.docx</i>
Status:	<i>Final</i>
Issued:	<i>13 March 2018</i>

Geolyse Pty Ltd and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All information contained within this report are/is prepared for the exclusive use of Nyngan Rural Properties to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Geolyse Pty Ltd accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**



TABLE OF CONTENTS

ABBREVIATIONS	1
BACKGROUND	2
1.1 INTRODUCTION	2
INTENT AND PROVISIONS	3
2.1 OBJECTIVE	3
2.2 EXPLANATION OF PROVISIONS	3
JUSTIFICATION	4
3.1 NEED FOR THE PLANNING PROPOSAL.....	4
3.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	5
3.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS	9
3.4 STATE AND COMMONWEALTH INTERESTS	14
COMMUNITY CONSULTATION	15
4.1 TYPE OF COMMUNITY CONSULTATION REQUIRED	15
REFERENCES	16
TABLES	
Table 3.1 – Net Community Benefit Test	11

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**



PLANNING PROPOSAL
AMENDMENT TO BOGAN LOCAL ENVIRONMENTAL PLAN 2011
NYNGAN RURAL PROPERTIES

ABBREVIATIONS

Abbreviation	Full Name
PP	Planning Proposal
DP&E	NSW Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
SEPP	State Environmental Planning Policy
LEP	Local Environmental Plan
AHD	Australian Height Datum
LGA	Local Government Area
BLEP	Bogan Local Environmental Plan 2011

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 21 June 2018



Background

1.1 INTRODUCTION

Geolyse has been commissioned by Nyngan Rural Properties to prepare a planning proposal to amend the *Bogan Local Environmental Plan 2011* (BLEP) to rezone land at 42-44 Nymagee Street, Nyngan from R1 – General Residential to B6 – Enterprise Corridor, and thereby enable the commercial use of the site with the consent of Council.

The objectives of the B6 zone are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development.*

The site of this proposal is Lot 1 Section 33 DP758802, 42-44 Nymagee Street, Nyngan with a total area of approximately 2,022 square metres. The site currently features the Australian Hotel, and the site is understood to have hosted a working pub longer than any site in Nyngan.

The applicant intends to continue to utilise the site as a pub whilst also redeveloping the currently vacant portion of the site for commercial purposes.

The range of land uses currently permissible within the B6 zone is considered to be compatible with the range of uses proposed by the applicant. Any redevelopment or change of use would be subject to the gaining of development consent from Council, including the assessment of potential impacts associated with the use.

Endorsement of this planning proposal is sought from Bogan Shire Council to enable the planning proposal to be forwarded to the Department of Planning and Environment and gain a Gateway determination.

Intent and Provisions

2.1 OBJECTIVE

To rezone land at Lot 1 Section 33 DP758802, 42-44 Nymagee Street, Nyngan from R1 – General Residential to B6 – Enterprise Corridor pursuant to the *Bogan Local Environmental Plan 2011* (BLEP). This will also necessitate a change to the Minimum Lot Size map to provide a minimum lot size consistent with commercial land within the Bogan Local Government Area.

2.2 EXPLANATION OF PROVISIONS

This is a simple planning proposal to rezone land from R1 to B6. The business zones within the Bogan LGA do not currently have a minimum lot size (MLS) for the purposes of subdivision, and it is not proposed to impose an MLS for the subject site. This ensures consistency.

The extent of changes would be the need to amend the Land Zoning mapping to reflect the change from R1 to B6. No change the land use table is required as no additional uses are proposed.

The Land Use Table entry within BLEP for the B6 zone is:

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations; Roads

3 Permitted with consent

Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Multi dwelling housing; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Residential flat buildings; Seniors housing; Shop top housing; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Resource recovery facilities; Residential accommodation; Roadside stalls; Rural industries; Sewage treatment plants; Shops; Vehicle body repair workshops; Waste disposal facilities; Water treatment facilities; Wharf or boating facilities

Justification

3.1 NEED FOR THE PLANNING PROPOSAL

Is the planning proposal a result of any strategic study or report?

A planning proposal is required as an amendment to the BLEP is proposed.

The objective is to rezone land at 42-44 Nymgee Street, Bogan from R1 to B6.

The proposal is not specifically addressed via a strategic study or report.

The Western Councils Sub Regional Land Use Strategy 2009 (LUS) provides high level strategic goals with respect to land use in a range of Western Council's, including Bogan. The LUS identifies that, at the time of preparation of the strategy, Nyngan had a limited supply of available land for commercial purposes and that additional land would be required to meet demand. Some land was subsequently zoned for commercial purposes during the creation of the LEP in 2011 however it is unclear how much take up of this land has occurred.

Demand exists for commercial use of the site and, as previously noted, the site has housed commercial usage, in the form of a public house, for longer than any site in the town of Nyngan.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed approach is considered the best means of achieving the project objective.

Other alternatives considered include:

- Rezoning the site to B2 – Local Centre;
- Rezoning the site to B1 – Neighbourhood centre;
- Rezoning the site to B3 – Commercial core;
- Rezoning the site to B4 – Mixed use;
- Rezoning the site to B5 – Business development;
- Add the site to the list of properties contained within Schedule 1 (additional permitted uses) and include permissible uses (such as commercial premises). The land use definition of commercial premises is included as Attachment 2. The Department of Planning and Environment (DP&E) has issued general advice that Schedule 1 should only be used where the desired outcome cannot be achieved by another method; as other options exist this approach may not be supported;
- Amend the list of permissible uses within the R1 zone to include commercial development.

A site specific additional permitted use was discounted on the basis that the NSW Planning Practise Note (PN 11-001) suggests that the use of Schedule 1 should be kept to a minimum and on the basis that the site has historically housed a commercial land use for many years. Consistency with the strategic framework is considered paramount. PN 11-001 states:

Wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where council has demonstrated why this cannot be achieved.

The adoption of the B6 zoning in favour of the other forms of business zoning was considered appropriate having regard for the objectives of each of the zones and the range of currently permissible land uses. It was also considered unwise to include a business zone that is not otherwise provided for within the LGA.

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 21 June 2018



Amending the R1 land use table to include commercial land uses would affect all R1 zoned land in Bogan Shire and has a high potential for unintended consequences by allowing commercial land uses in all residential areas.

As rezoning the land to B6 would achieve the project objective without any unintended consequences, it is considered the most appropriate approach.

3.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

As discussed above, the LUS applies to the site, which seeks generally to map out a plan for the desired future development of the constituent Councils. The LUS provides a broad range of recommendations, many of which were adopted by Councils in the making of their standard instrument Local Environmental Plans in the period following adoption of the Standard Instrument (Local Environmental Plans) Order 2006. Minor matters such as individual rezoning of land is not typically captured by a LUS.

The *Far West Regional Plan 2036* is the NSW Government's strategy for guiding land use planning decisions for the Far West Region for the next 20 years. At its heart is a core vision for the region supported by four supporting goals:

Vision: A unique part of Western NSW with a diverse economy, supported by the right infrastructure, an exceptional natural environment and resilient communities

Goals:

- *A diverse economy with efficient transport and infrastructure networks*
- *Exceptional semi-arid rangelands traversed by the Barwon-Darling River*
- *Strong and connected communities*

This is discussed further in relation to Ministerial Direction 5.10.

The proposal is considered to be generally consistent with the objectives and actions of the Plan.

Is the planning proposal consistent with Council's local strategy or other local strategic plan?

There is no local strategy or strategic plan applying to the site. The minor nature of the planning proposal, and the consistency with the current (existing) land use demonstrates the minor nature of the proposal.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is broadly compliant with all relevant State Environmental Planning Policies (SEPPs). The following specific comments are made in relation to applicable SEPPs.

State Environmental Planning Policy No 55 – Remediation of Lands

State Environmental Planning Policy 55– Remediation of Lands (SEPP55) aims to:

...promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment...

This policy applies to the whole of the State, including the Bogan LGA. SEPP55 defines 'contaminated land' as per the definition in Part 5 of the *Contaminated Land Management Act 1997 No 140* as the presence in, on or under the land of a substance a concentration above the concentration at which the

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 21 June 2018



substance is normally present in, on, or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

Given the current commercial use of the land, and the proposed commercial use envisaged by this planning proposal, the land is considered likely to be, on the basis that the receptor pathway for potential contamination to future users of any use is consistent with the current level of usage.

Further a review of the online resources maintained by the Environment Protection Authority with respect to contamination do not reveal any historic contaminating land uses. The current use of the site is not a form of development listed at Appendix 3 of the document *Applying SEPP33: A Guide* (2011) as being potentially hazardous or offensive.

State Environmental Planning Policy (Infrastructure) 2007

The aim of the State Environmental Planning Policy (infrastructure) 2007 (ISEPP) is to facilitate the effective delivery of infrastructure across the state by:

- a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services*
- b) *greater flexibility in the location of infrastructure and service facilities*
- c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land*
- d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development)*
- e) *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development*
- f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

Clause 104 of the ISEPP specifies that traffic generating development requires referral to RTA (now Roads and Maritime Services, or RMS) where it meets certain triggers. These triggers are identified in Schedule 3 to the ISEPP. Any development of the subject land would require consideration of these triggers at DA stage. Access to the site from a street other than a classified road is available if required.

Is the planning proposal consistent with applicable Ministerial Directions (s177 directions)?

Direction 1.1 – Business and Industrial Zones

In accordance with the following Clause 3(a) of Ministerial Direction 1.1 – Business and Industrial Zones as follows:

“a planning proposal that would affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary)”

This direction is applicable to the planning proposal as the land would be zoned B6.

As Clause 3(a) of the Ministerial Direction 1.1 is applicable, the following Clause 4 factors of Ministerial Direction 1.1 are considered:

- 4(b) – *“Retain the areas and locations on existing businesses and industrial zones”*

The planning proposal would not affect the areas or locations of the existing environment, as it proposes additional scope for further development of industry rather than any reduction of permissible uses.

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 21 June 2018



- 4(c) – “not reduce the total potential floor space area for employment uses and related public services in business zones.

The planning proposal would add a new business zone to the locality and provide for employment generating land uses.

- 4(d) – “not reduce the total potential floor space area for industrial uses in industrial zones

Does not affect industrial zoned land, nor propose to zone land for industrial purposes.

- 4(e) – “ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

The planning proposal would result in rezoning to allow for further employment, consistent with the existing use of the land. The matter is of minor significance.

The planning proposal is therefore consistent with Direction 1.1.

Direction 3.4 – Integrating Land Use and Public Transport

Ministerial Direction 3.4 – Integrating Land Use and Public Transport is applicable as the planning proposal would rezone land for commercial purposes (i.e. from R1 – General Residential to B6 – Enterprise Corridor).

As per Clause 3 of Ministerial Direction 3.4:

“This direction applies when a relevant planning authority prepares a planning proposal that would create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes”.

As per Clause 4 of Ministerial Direction 3.4, the proposed change must be consistent with the aims and objectives of the following documents:

“A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001)”.*

“A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy which:
 - i) Gives consideration to the objective of this direction, and*
 - ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - iii) Is approved by the Director-General of the department of planning, or**
- (b) Justified by a study (prepared in support of the planning proposal) which gives consideration to the objectives of this direction, or*
- (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) Of minor significance.*

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 21 June 2018



The planning proposal is of minor significance given it proposes a rezoning of land to allow commercial uses, considering this is a current existing use of the site.

Direction 5.10 – Implementation of Regional Plans

Direction 5.10 seeks to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

The direction applies to land to which a Regional Plan has been released by the Minister of Planning. The *Far West Regional Plan* has been approved and applies to the Bogan LGA.

The Vision of the Regional Plan is:

A unique part of Western NSW with a diverse economy, supported by the right infrastructure, an exceptional natural environment and resilient communities.

The Vision of the Regional Plan is delivered by three key goals and 30 specific directions. Relevant to this planning proposal are a number of goals and directions, outlined and discussed below:

Goal 1: A diverse economy with efficient transport and infrastructure networks

Direction 1: Grow the agribusiness sector, value-added manufacturing opportunities and supply chains

Direction 5: Promote tourism opportunities

Direction 11: Support new planning and land management arrangements

Direction 12: Enhance the productivity of employment lands

Goal 2: Exceptional semi-arid rangelands traversed by the Barwon-Darling River

Direction 19: Conserve and adaptively re-use European heritage assets

Goal 3: Strong and connected communities

Direction 20: Manage change in settlements

Direction 30: Create healthy built environments

The planning proposal is of minor significance in that it relates to the rezoning of residential land to reflect the current lawful commercial use of the land. It therefore corrects an anomaly in the existing planning framework and via this promotes economic development and growth. The planning proposal, whilst minor in nature, is important in assisting with the delivery of the above goals and directions. The planning proposal is considered to be consistent with the intent and vision of the Regional Plan. The planning proposal is therefore consistent with Direction 5.10.

Direction 6.1 – Approval and Referral Requirements

Ministerial Direction 6.1 – Approval and Referral Requirements applies to all planning proposals forwarded for Gateway Determination by a local authority.

To be compliant with Direction 6.1, a planning proposal must be consistent with the following provisions;

“A planning proposal must:

- (a) *Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) *Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - *The appropriate Minister or public authority, and*

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018



PLANNING PROPOSAL
AMENDMENT TO BOGAN LOCAL ENVIRONMENTAL PLAN 2011
NYNGAN RURAL PROPERTIES

Any development of the land would be the subject of detailed design including considering known site environmental constraints and the need to provide appropriate environmental controls.

Has the planning proposal adequately addressed any social and economic effects?

The development is considered to result in social and economic benefits to the locality, through job creation and flow on effects to local businesses (such as contractors and local suppliers during construction and operation phase, including builders, cleaning companies and the like).

The *Draft Centres Policy 2009* (Policy) provides a number of questions that should be considered in determining whether to proceed with a rezoning; referred to as the Net Community Benefit Test. These questions together with a response are provided in **Table 3.1**.

The Policy identifies that if it is judged that the rezoning would produce a net community benefit, the proposal should proceed through the rezoning process. If no benefit is identified, the proposed rezoning should not proceed.

The outcome of the discussion provided in **Table 3.1** confirms that the rezoning would have a net community benefit and accordingly it is considered that the rezoning should proceed.

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**



Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors)?	A range of adopted directions and strategies apply to the site, as discussed earlier in this planning proposal.	The LEP seeks to rezone the subject site from R1 to B6 to reflect the current lawful commercial use of the site and to enable future development opportunities.	The qualitative benefits of the proposal are: <ul style="list-style-type: none"> • The proposal enables the development of additional employment generating land uses within the town of Nyngan • Enabling the development provides additional employment opportunities for the locality and thereby improves the viability of the town 	No external cost to the community. Increased investment would be a benefit.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or another regional/sub-regional strategy? Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The site is within the area of the Far West Regional Plan. The proposal is consistent with the vision and goals of the Regional Plan.	The proposed LEP seeks to rezone the subject land from R1 to B6 and to therefore enable future commercial development of the site.	The LEP relates to a specific site which already hosts a lawful commercial land use. The proposal is unlikely to lead to the setting of a precedent.	No external cost to the community
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	No other spot re-zonings are known to have occurred in the locality.	The Planning Proposal provides for the rezoning of the land to reflect the existing lawful commercial and future commercial development.	No external cost to the community	No external cost to the community
Would the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The land affected is currently zoned R1 but contains a lawful existing commercial use..	The LEP reflects the lawful use of the land and allows for diversification and further employment generating land uses	Provision of employment generating uses is an output of the LEP. Additionally, facilitating investment in construction would, in turn, facilitate employment in the construction sector.	No external cost to the community

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**



Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The existing zone is R1 within which commercial development is prohibited. As the lawful use of the property remains for commercial purposes, in terms of housing provision there is therefore no change.	There is no change in terms of housing provision.	No external cost to the community	No external cost to the community
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes	Cost of service provision would be borne by the applicant.	Enabling a viable development to proceed would provide a positive benefit to the community through enhancement of the economy and job creation.	No external cost to the community
Would the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	None expected	The LEP would provide increased opportunities for commercial development on the subject land however given the current commercial use, it is not anticipated that any significant changes would result	By allowing for additional employment generating land uses on the site, the qualitative benefit for the community is therefore positive as it allows this type of development to proceed.	No external cost to the community
Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so, what is the expected impact?	No significant assets in the region that would be affected	The LEP seeks to expand the range of employment generating uses that could be developed on the site, for the benefit of the local community	Enhancement of the local economy through provision of a viable business and employment generator.	No external cost to the community
Would the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The land is not unduly constrained.	By virtue of the current and continued use of the land for commercial purposes, the general suitability of the land is confirmed.	No external cost to the community	No external cost to the community

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**



Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Would the public domain improve?	The subject site currently hosts a lawful commercial use without undue impact to the surrounding environment. The development has operated without significant impact to surrounding residential land uses for over 100 years.	The LEP would allow for the expanded use of the land for commercial purposes	Clarification of approvable uses within the zone provides greater certainty for developers and improves the likelihood of investment.	No external cost to the community
Would the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Existing lawful commercial use of the site.	The LEP would rezone the land to enable a wider range of commercial uses to occur on the site.	The proposal improves choice and competition in the area and broader locality.	No external cost to the community
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not relevant to this planning proposal.			No external cost to the community
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Commercial development is not currently permissible in the zone.	Commercial land uses would be permissible with consent in line with the proposed land use table.	Public Interest is best served by enabling a wider range of permissible uses and thereby fostering local competition and improving vitality and viability.	Potential external cost to community if LEP does not proceed due to potential loss of economic opportunities noted above.
Net Community Benefit =			Positive	Positive



3.4 STATE AND COMMONWEALTH INTERESTS

It is not considered that the minor change proposed via this planning proposal would conflict with any State or Commonwealth interests. The views of State and commonwealth public authorities would be ascertained following the Gateway Determination.



Community Consultation

4.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

Section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' identifies two different exhibition periods for community consultation;

- Low Impact Proposals – 14 days; and
- All other PPs (including any proposal to reclassify land) – 28 days.

The Guide describes Low Impact Proposals as having the following attributes;

- *A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the gateway determination, is;*
 - *Consistent with the pattern of surrounding land use zones and/or land uses;*

The current use of the land is for a lawful commercial purpose. The proposal would confirm this arrangement and allow for an expanded range of uses on the site.

- *Consistent with the strategic planning framework;*

Responses have been provided detailing the proposal's compliance with local and regional planning strategies, SEPPs, and ministerial directions.

- *Presents no issues with regard to infrastructure servicing;*

All essential services are currently being provided to the site and these would be augmented as required by the applicant in the context of any future development of the land.

- *Not a principle LEP; and*

The planning proposal is not for a principle LEP.

- *Does not reclassify public land.*

The planning proposal does not seek to reclassify public land.

In accordance with the responses to the above points, the planning proposal is considered to be of low impact. It is therefore considered that a community consultation period of 14 days is justified.



References

NSW Department of Planning & Environment (DP&E). 2016a, *A Guide to Preparing Local Environmental Plans*, DP&E, Sydney.

NSW Department of Planning & Environment (DP&E). 2016b, *A Guide to Preparing Planning Proposals*, DP&E, Sydney.

NSW Department of Planning & Environment (DP&E). 2017, *Far Wes Regional Plan 2036*, DP&E, Sydney

NSW Department of Planning and Infrastructure. 2009, *Draft Centres Policy*, DP&I, Sydney

4 LICENCE – NEW PALAIS THEATRE, TABRATONG STREET, NYNGAN

Summary:-

The purpose of this report is for Council to consider future arrangements for the utilisation of the Palais Theatre for the Performing Arts School.

4.1 Introduction

On 28 May 2012 the Council executed a Deed with Ms White (Licensee) for the purpose of utilising the Palais Theatre for the business of a Performing Arts School. The term of the Licence was three (3) years commencing 1 June 2012 with a licence fee of \$10.00 per month. The Licensee is also responsible for the cost of any electricity used and the cleaning of the licensed area. Point D of the Deed's Introduction *acknowledges the previous licence area occupation by the Licensee and the important contribution which the Licensee makes to the Town of Nyngan and the wider Bogan Shire area by the conduct of the business of a Performing Arts School within the licence area, and also for undertaking a pro bono role as Facility Manager for the Shire.* Please refer to **Attachment 1** for a copy of the Deed.

4.2 Discussion

The term of the Deed between Council and the Licensee expired on 1 June 2015 however provisions within the Deed allow continuation of the terms and conditions set out in the Deed from month to month.

It is recommended that Council consider whether:-

1. A new Deed should be executed with the existing Licensee to secure the ongoing utilisation of the Palais Theatre for a Performing Arts School.

Council will also need to determine the term of the new licence, licence fee and licence provisions.

2. The existing month to month arrangement continues.

Further discussions regarding the ongoing arrangements regarding the utilisation of the Palais Theatre will need to be communicated and negotiated with the Licensee.



**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

4.3 Attachments

Attachment 1: Deed

4.4 Recommendation

For Council's Consideration.

Louise Gee

Acting Manager Development and Environmental Services

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

legal 1/12/17

DEED

This Deed is dated the 28th of May 2012.

Between **BOGAN SHIRE COUNCIL** of 81 Cobar Street, Nyngan, 2825 in the state of New South Wales (referred to in this Deed as "the Licensor")

AND

ANGELA CAROLINE WHITE of Lot 1, Pepper Lane, Nyngan, 2825 in the state of New South Wales (referred to in this Deed as "the Licensee")

INTRODUCTION;

- A. The Licensor is the registered proprietor of the Licence Area located on the land.
- B. The Licensee wishes to use the Licence Area for the purpose of performing arts.
- C. In consideration for the Licence Fee the Licensor agrees to permit the Licensee to use the Licence Area in accordance with this Licence.
- D. The Licensor acknowledges the previous licence area occupation by the Licensee and the important contribution which the Licensee makes to the Town of Nyngan and the wider Bogan Shire area by the conduct of the business of a performing arts school within the licence area, and also for undertaking a pro bono role as facility manager for the Licensor.
- E. The Licensor whilst acknowledging the important role the Licensee remains desirous of making the licence area available for use by other not for profit organisations within the Bogan Shire upon reasonable notice to the Licensee.

IT IS AGREED;

1. INTERPRETATION

1.1. In this Deed, unless otherwise indicated by the context:

- 1.1.1. **ACT** means the Local Government Act (1993) NSW and any other statutory or regulatory requirements regulating the Licensor, the Licensee and/or the Licence Area as amended from time to time;
- 1.1.2. **BUSINESS DAY** means a day that is not a Saturday, Sunday, public holiday or bank holiday in Sydney;
- 1.1.3. **COMMENCEMENT DATE** means the date referred to in **Item 5 of Schedule 1**;
- 1.1.4. **GST** has the meaning given in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth and includes notional GST of the kind for which payments may be made under section 5 of the *Intergovernmental Agreement*

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

Implementation (GST) Act 2000 by a person who is State entity within the meaning of that Act;

- 1.1.5. **EVENT** means any event, function or performance;
 - 1.1.6. **FIXTURES AND EQUIPMENT** means any fixtures or equipment located in the Licence Area except any fixtures or equipment such as the projector, which is used by the Licensor to show movies;
 - 1.1.7. **HIRE AGREEMENT** means that agreement set out in **Schedule 2**;
 - 1.1.8. **LAND** means the land described in **Item 1 of Schedule 1**;
 - 1.1.9. **LICENCE** means the licence granted pursuant to this Deed;
 - 1.1.10. **LICENCE AREA** means the Licence Area described in **Item 3 of Schedule 1** including Fixtures and Equipment located in the Licence Area;
 - 1.1.11. **LICENCE FEE** means the annual GST inclusive licence fee specified in **Item 4 of Schedule 1** as varied from time to time in accordance with this Deed;
 - 1.1.12. **MONTH** means calendar month;
 - 1.1.13. **PERSON** means and includes natural persons and incorporated and unincorporated bodies and associations; and
 - 1.1.14. **TERM** means the period specified in **Item 2 of Schedule 1**.
- 1.2. In this Deed, unless otherwise indicated by the context:
- 1.2.1. words importing the singular include the plural and vice versa;
 - 1.2.2. headings are for convenience only and do not effect interpretation of this Deed;
 - 1.2.3. a reference to a clause, paragraph or schedule is a reference to a clause, paragraph or schedule of this Deed,
 - 1.2.4. Where any word or phrase is given a definite meaning in this Deed, any part of speech or other grammatical form of that word or phrase has a corresponding meaning;
 - 1.2.5. an expression importing a natural person includes a body corporate, partnership, joint venture, association or other legal entity;
 - 1.2.6. a reference to a statute, statutory provision or regulation includes all amendments, consolidation or replacements thereof;
 - 1.2.7. a reference to a party to a document includes that party's successors and permitted assigns;
 - 1.2.8. a covenant or agreement on the part of two or more persons binds them severally; and

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

- 1.2.9. a reference to a body, whether statutory or not;
 - 1.2.9.1 Which ceases to exist; or
 - 1.2.9.2 whose powers or functions are transferred to another body;
- is a reference to the body which replaces it or which substantially succeeds to its powers or functions.

2. LICENCE

- 2.1. Subject to **clause 2.2** and the terms of this Deed the Licensee will have the exclusive licence and privilege to use and occupy the Licence Area and to use the Fixtures and Equipment.
- 2.2. The Licensor may use the Licence Area:
 - 2.2.1. on the provision of 30 days notice in writing to the Licensee of its intention to hold an Event
- 2.3. This Licence does not confer upon the Licensee any estate or interest in the Licence Area or any part of it and the legal possession and control of the Licence Area will at all times remain vested in the Licensor.

3. TERM

- 3.1. The Licence will be for the Term commencing on the Commencement Date.
- 3.2. Should the Licensor permit the Licensee to continue to use the Licence Area after the expiration of the Term, such continued use will be upon the terms and conditions set out in this Deed as a licence from Month to Month such licence being determinable by not less than one Month's notice in writing from either party to the other.

4. PAYMENT

- 4.1. The Licensee covenants with the Licensor to promptly pay the following:
 - 4.1.1. the Monthly Licence Fee payable each quarter year on the first day of the Months, January, April, July; and September for the ensuing month in advance.
 - 4.1.2. the cost of any electricity used in the licence area as invoiced by the Licensor by Invoice which shall take account of the actual cost of the electricity used within the Licence area as is the subject of Tax Invoice from the electricity provider to the Licensor.
- 4.2. The Licensor covenants with the Licensee promptly to pay the following:
 - 4.2.1. the cost of any water charges; and
 - 4.2.2. subject to **clause 6.1.1** the cost of all maintenance including wear and tear.
 - 4.2.3. Subject to **clause 6.1.2.6** any cost of electricity actually imposed by the electricity provider for the provision of electricity to the Licence Area as recorded by the electricity meters applicable to the Licence Area and actually used within the Licence Area.

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

5. GST

5.1. The Licence Fee payable under **clause 4.1.1** and the cost of electricity under **clause 4.2.3** are GST inclusive.

5.2. Subject to **clause 5.1** any other moneys payable under this Licence have been calculated without regard to GST.

5.3. Each party must pay to the other party any amount which is payable by that party for GST as a consequence of any supply under this Licence. Such payment on account of GST is to be made by the paying party at the same time as payment is made for the relevant supply.

5.4. If at any time an adjustment is made as between the parties and the relevant taxing authority of an amount paid on account of GST on any supply made under this Licence, a corresponding adjustment must be made as between the parties and any payments required to give effect to the adjustment must be made.

5.5. No later than 14 days after the date of payment of any GST the party receiving payment must provide to the party making payment a tax invoice complying with any legislation under which GST is imposed.

6. LICENSEE'S COVENANTS

6.1. During the Term:

6.1.1. Should any damage arise when the Licence Area is under the Licensee's control and care and such damage could have been reasonably avoided by the Licensee exercising proper care of the premises the Licensee shall promptly effect such repairs as are necessary as directed by the Licensor in its absolute discretion.

6.1.2. The Licence Area may be made available for hire by the Licensee to not for profit organisations for the holding of Events which promote the performing arts within Bogan Shire subject to the following:

6.1.2.1. The Licensee must ensure that the hirer executes the Hire Agreement as annexed hereto;

6.1.2.2. The Licensee must ensure after an Event the Hirer shall remove all of their or its equipment, or property, or the property of any attendees of the event forthwith or in any event within a reasonable time being the next day.

6.1.2.4. Remove all rubbish and filth, and clean the latrines, the wash basins, and toilet areas.

6.1.2.5. No fees apart from the recovery of the costs to the Licensee of allowing the hire which shall include any cleaning needed to be performed by the Licensee and which is not satisfactorily performed by the Hiree, any electricity provided for the event to the hiree, and the repair of any damages caused during the hire to the licence area are to be charged if the premises are hired by any of the primary schools or high schools located in the Bogan Shire.

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

6.1.2.6. The electricity used by any hiree shall be charged by the Licensee to the Hiree at the rate charged to the Licensee by the Licensor for the kilowatt hour or part thereof used by the hiree.

6.1.2.7. Consent to any application by a Bogan Shire not for profit organisation to hold an event in the Licence Area shall not be unreasonably refused.

6.1.2.8. In the event that the Licensee refuses an application to hire the Licence Area then the Licensee shall refer the matter to the General Manager for the time being of the Licensor who may finally decide the matter, PROVIDED that the General Manager shall not agree for the third party hire of the Licence Area if the application is made for a date which coincides with an event previously fixed by the Licensee or there is unreasonably short notice of the application being less than 30 days notice of the event.

6.2. The Licensee covenants with the Licensor to:

6.2.1. comply with the Licensor's Drug and Alcohol policy at all times.

6.2.2. act at all times to prevent trespassers and protect property and preserve the property of the Licensor.

6.2.3. not alter, modify or add to any structure located in the Licence Area without first obtaining the written approval of the Licensor to any such alteration, modification or addition remains the property of the Licensor

6.2.4. to advise the Licensor promptly should fixtures and equipment require repair;

6.2.5. not do or omit to do or permit or suffer to be done or omitted any act matter or thing which might in any way endanger the Land (including the Licence Area) or any person, equipment chattels or goods whether the property of the Licensor or not which may be upon the Land;

6.2.6. to comply with the Palais Theatre Code of Conduct and to ensure all persons entering the Licence Area when the Licence Area is under the control and supervision of the Licensee comply with the Palais Theatre Code of Conduct and to ensure that every event at which the public attend prior to the commencement of such event the Hirer shall read aloud in full the safety procedures in schedule 3 hereof ;

6.2.7. at all times to comply with the Act and any other law;

6.2.8. at all times to obtain and maintain any licences or approvals applicable to the Licence Area or its use; and

6.2.9. not to do or to omit to do or permit or suffer to be done or omitted any act matter or thing, which might in any way breach insurances maintained by the Licensor.

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

7. INSURANCE AND RISK

- 7.1. The Licensor shall allow the Licensee to use the Licence Area at the risk of the Licensee and the Licensee releases the Licensor to the full extent permitted by law from all actions claims and demands of every kind and from all liability which may arise in respect of any accident or damage to property or injury to or death of any person on or in the Licence Area except to the extent that any accident or damage to property or injury or death is caused by the Licensor's wilful or negligent act or omission.
- 7.2. The Licensee must effect public liability insurance for not less than Twenty Million Dollars (\$20,000,000.00) in respect of the Licence Area and will provide evidence of insurance to the Licensor within 14 days of a request in writing being made.
- 7.3. The Licensor must effect general insurance in respect of all improvements and the fixtures and equipment located on the Land.

8. LICENSOR'S COVENANTS

- 8.1. The Licensor shall maintain and repair and keep in good order the premises and subject to **clause 6.1(a)** and fixtures and equipment.
- 8.2. The Licensor will at all times during the continuance of this Licence (and any holding over period) retain possession of and full control over the Licence Area and in particular, but not limited to, shall at all times by itself its servants and agents have full and free access thereto for such purposes as it may see fit.
- 8.3. The Licensor bears no responsibility for any loss, damage or expense incurred by the Licensee in relation to property of the Licensee, which may be placed or left by them in the Licence Area.
- 8.4. The Licensor shall enter the Licence Area for the purposes of ensuring all urgent repairs and maintenance and any non urgent repairs and maintenance are attended to in a timely and efficient manner and so as to protect the Licence Area from any waste, dilapidation, continuing damage or on going destruction as and whenever necessary so to do PROVIDED that in so doing in the event the repairs or maintenance is or are of a non-urgent nature such reasonable notice as possible shall be given to the Licensee of such entry and where possible to not interrupt any activity proceeding within the Licence Area conducted by the Licensee
- 8.5. The Licensor shall at all times keep safe the duplicate keys to the Licence Area and shall whenever entering the Licence Area for any of the matters referred to in clause 8.4 hereof keep confidential to itself all security settings or codes and shall ensure that in the event that it must enter the Licence Area when not occupied by the Licensee on exit there from it shall relock the building and re-establish all security settings and codes and as soon as practicable thereafter notify the Licensee of its entry to the Licence Area and the reason for such entry.

9. TERMINATION

- 9.1. This Licence may be terminated as follows;

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

9.1.1. in the case of termination by the Licensee within 90 days of notice in writing to the Licensor; and

9.1.2. in the case of termination by the Licensor:

9.1.2.1. within 90 days of notice in writing to the Licensee; or

9.1.2.2. immediately should any act occur whilst the Licence Area is under the care and control of the Licensee that may in the Licensor's absolute discretion be illegal or bring the Licensor into disrepute.

9.2. Upon termination of this Licence, the Licensee will promptly remove the Licensee's property from the Licensed Area and in default the Licensor will be entitled to remove then and recover the cost of removal from the Licensee. Whatever the Licensor or any person authorised by it will do under this clause is deemed to be done with the full authority of and as agent for and at the risk in all respects of the Licensee.

10. DEFAULT

If:

10.1 the Licensee fails to perform any other of the Licensee's obligations under this Licence for 14 days after the Licensor gives the Licensee written notice of the Licensee's default; or

10.2 if the licensee defaults in the fulfilment of any covenant, condition or stipulation of the Lease to be performed and observed by the Licensee; or

10.3 the Licensee parts with possession of the Licence Area for any reason,

then in any of such events the Licensor will be entitled by written notice to the Licensee to immediately determine this Licence.

11. NO ASSIGNMENT OR SUBLICENSING

This Licence may not be assignment of sublicensed.

12. COSTS AND DISBURSEMENTS

The Licensor must pay all the legal and other costs and disbursements of preparation, negotiation and execution of this Licence or arising out of or associated with this Licence. The Licensor will pay all on this Deed.

13. RELATIONSHIP BETWEEN THE PARTIES

Nothing in this Deed shall constitute the relationship of:

13.1. partner;

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

13.2. employer and employee;

13.3. landlord and tenant,

between the Licensor and the Licensee and the Licensee shall not hold itself out as a partner, officer, employee or tenant of the Licensor.

14. NOTICES

14.1. A notice or other communication required or permitted to be given by one party to another must be in writing and:

14.1.1 delivered personally;

14.1.2 sent by pre-paid mail to the address of the addressee specified in this Deed; or

14.1.3. sent by facsimile transmission to the facsimile number of the addressee with acknowledgment of receipt from the facsimile machine of the addressee.

14.2. A notice or other communication is taken to have been given (unless otherwise proved):

14.2.1 if mailed, on the second Business Day after posting; or

14.2.2 if sent by facsimile before 4 pm on a Business Day at the place of receipt, on the day it is sent and otherwise on the next Business Day at the place of receipt.

14.3. A party may change its address for service by giving notice of that change in writing to the other parties.

15. WAIVER OR VARIATION

15.1. A party's failure or delay to exercise a power or right does not operate as a waiver of that power or right.

15.2. The exercise of a power or right does not preclude:

(a) its future exercise; or

(b) the exercise of any other power or right.

15.3. The variation or waiver of a provision of this Deed or a party's consent to a departure from a provision by another party will be ineffective unless in writing executed by the parties.

16. GOVERNING LAW AND JURISDICTION

16.1. This Deed is governed by the laws of New South Wales.

16.2. Each party irrevocably submits to the non-exclusive jurisdiction of the courts of New South Wales.

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

17. FURTHER ASSURANCE

Each party will from time to time do all things (including executing all documents) necessary or desirable to give full effect to this Deed.

18. COUNTERPARTS

This Deed may be executed in any number of counterparts each of which will be an original but such counterparts together will constitute one and the same instrument and the date of the Deed will be the date on which it is executed by the last party.

19. WHOLE AGREEMENT

In relation to the subject matter of this Deed:

19.1. this Deed is the whole agreement between the parties; and

19.2. this Deed supersedes all oral and written communications by or on behalf of any parties.

20. NO RELIANCE ON WARRANTIES AND REPRESENTATIONS

In entering into this Deed, each party:

20.1. has not relied on any warranty or representation (whether oral or written) in relation to the subject matter of this Deed made by any persons; and

20.2. has relied entirely on its own enquiries in relation to the subject matter of this Deed.

This clause does not apply to warranties and representations that this Deed expressly sets out.

21. SEVERANCE

If any part of this Deed is invalid or unenforceable, this Deed does not include it. The remainder of this Deed continues in full force.

22. NO MERGER

Nothing in this Deed merges, extinguishes, postpones, lessens or otherwise prejudicially affects any right, power or remedy that a party may have against another party or any other person at any time.

23. CONSENTS AND APPROVALS

Where this Deed gives any party a right or power to consent or approve in relation to a matter under this Deed, that party may withhold any consent or approval or give consent or approval

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018


conditionally or unconditionally. The party seeking consent or approval must comply with any conditions the other party imposes on its consent or approval.

EXECUTED AS A DEED

EXECUTED for and on behalf of Bogan Shire
Council of Cobar Street, Nyngan, in the state of
New South Wales 2825 by:



Signature of Authorised Person



Signature of Authorised Person

Derek Francis

Name of Authorised Person

Ray Donald

Name of Authorised Person

General Manager
Authority

Mayor
Authority

EXECUTED by Angela Caroline White:



Signature



Witness Signature

CAITLYN SOAN KILLSON

Name of Witness

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

SCHEDULE 1

LICENCE AGREEMENT DETAILS

- | | |
|---------------|---|
| Item 1 | Land:
All the land contained in Certificate of Titles FI 3/945184, 2/355559 and 1/102113 known as the New Palais Theatre, Tabratong Street, Nyngan, in the state of New South Wales |
| Item 2 | Term:
3 years |
| Item 3 | Licence Area:

The entire complex known as the New Palais Theatre. |
| Item 4 | Licence Fee:
Ten Dollars (\$10.00) per month |
| Item 5 | Commencement Date:
1 st June 2012 |

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

SCHEDULE 2

HIRE AGREEMENT

This agreement is made the day of 201 .

BETWEEN :

WESTERN STUDIO OF PERFORMING ARTS (referred to in this agreement as the
"Hirer")

AND

.....
(referred to in this agreement as the "Hiree")', The Parties.

This agreement to Hire the New Palais Theatre, being those premises located fronting the east side of Tabratong Street, Nyngan and bounded on the North by an un-named lane, and on the South by Cobar Street, (' the Palais') (the Hire) made the day and year first hereinbefore written between the Parties whereby in consideration of the mutual promises contained herein it is agreed as follows:

1. This agreement is made by the Hirer for itself and as authorised and disclosed agent for The Bogan Shire Council (the Principal) the proprietor of the land and buildings on which the Palais Theatre stands.
2. The Hiree agrees to Hire the Palais from the Hirer on the day (s) and for the hour(s) as detailed in the schedule hereto.
3. The Hiree agrees it is a condition of this Agreement that he, she, them, or it shall be liable for any damage caused to the Palais premises during the entire hire period of the Hire either by the Hiree or his, her, their, or its invitees or attendees or person or persons unknown and shall be called upon by the Hirer as agent for the proprietor of the Palais to compensate him, her, them, or it for the cost of the making good of the damage to the Hirer's satisfaction by the Hiree.

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

4. The Hiree shall use and occupy the premises for the purposes specified in the schedule by he, she, them, or it and not for any other purpose.

5. Behaviour of the Hiree or their Attendees:

5.1. The Hiree shall not do or suffer to be done on the Palais premises any nuisance or any act which, in the opinion of the Hirer, may be, or may become, a nuisance or annoyance to or cause damage or inconvenience to, or in any way interfere with, the quiet comfort and enjoyment of other premises and businesses of the Hirer, or of their invitees, or other persons lawfully on their premises or to any persons in adjoining or nearby premises, and will not hold or suffer to permit to be held any auction sale on the demised premises.

5.2. In the event that the Principal or the Hirer is concerned that the use of the Palais by the Hiree is likely to put at risk of damage any of the fabric of the Palais or if any nuisance or upset is likely to be caused to the occupants of adjoining land by the use of the Palais by the Hiree its invitees or attendees then the Principal or the Hirer may cancel this hire and forthwith thereafter demand the Hiree to remove himself, herself, themselves or their invitees or attendees from the premises without being liable for the cost of any claims, damages loss or refunds which might be sought by such invitees or attendees by virtue of them having paid to the Hiree for any ticket entry or pass to enter the Palais.

6. Keeping the Palais clean:

6.1. The Hiree shall cause the Palais premises, including external surfaces windows and doors, to be cleaned in a proper and workmanlike manner and during the whole of the term of the Hire to be kept clean and free from dirt and rubbish and particularly shall store and keep trade waste, trash and garbage in proper receptacles and arrange for the removal thereof from the premises to such other proper receptacles therefore as provided by the Hirer.

6.2. In the event the Hiree shall leave the Palais in an untidy or unclean state on the conclusion of the Hire, in the sole opinion of the Hirer, then the Hirer may engage such persons as it shall deem necessary or advisable to place the Palais in a clean and tidy state and may then call upon the Hiree to pay for such

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

work and in the event the Hiree refuses or declines to pay for the work then the Hirer may sue the Hiree in any Court of competent jurisdiction including a claim to the Consumer Trader and Tenancy Tribunal as it shall deem appropriate

7. Insurances:

7.1. The Hiree shall indemnify and keep indemnified the Hirer from and against all loss and damage to the Palais premises and the building and all property therein caused by the negligence of the Hiree his, her, their, or its invitees or attendees, or by person or persons unknown and in particular (but without limiting in any way the generality of the following) be reason of the negligence or careless use or misuse, waste, or abuse of water or electricity or faulty fittings and fixtures by the Hiree, employees, agents or subcontractors, invitees or attendees and the Hiree shall give to the Hirer or its agent, caretaker, or collector prompt, written notice of any accidental or negligently caused damage to or defects in the water pipes, or other water or waste water plumbing or any electric light wiring, or fittings and fixtures.

7.2. The Hiree shall indemnify and hold harmless the Hirer from and against all claims for sums or a sum of money, costs, charges, expenses, actions, claims for damages and demands which may be sustained or suffered or recovered or made against the Hirer by any person or in respect of any injury such person may sustain when using or entering or near any portion or the Palais premises when in the use of the Hiree where such injury arises or has arisen as a result of the negligence of or as a result of the creation or some dangerous thing or state of affairs by the Hiree and whether the existence of such dangerous thing or dangerous state of affairs was or ought to have been known to the Hirer.

7.3. The Hirer shall not be liable for any damages the Hiree or any clerk, servant, licensee, invitee, workman, employee, clients, agent, customer or visitor of the Hiree may suffer by reason of any injury or damage to any person or property who or which may be at any time in the Palais premises arising from the overflow of water supply or rain water or sewage which may be

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

leaking into the building or any buildings attached or connected with the same or arising from any defect in the gas electric water supply connection, or sewage or any fittings or appliances used in connection therewith.

7.4. The Hiree shall insure in the joint names of the Hirer, the Principal and the Hiree to the full insurable value thereof and keep the same so insured during the continuance of the Hire or any extension thereof or continuing period of hire there under against breakage or damage from any cause all the plate or other glass and the door and window frames of whatever materials surrounding such plate or other glass in or about, the demised premises and in case of destruction or damage to the same or any part thereof from any cause whatsoever whether covered by any such insurance or not will immediately expend all moneys (if any) received by virtue of such insurances in restoring or reinstating the same will make up any difference in the costs of restoring or reinstating the same at their own expense PROVIDED THAT if such damage as aforesaid is not covered by any such insurance policy then the Hiree shall within seven days of such damage occurring make good any such destruction or damage at the full cost and charge of the Hiree PROVIDE further that no such making good shall be performed except by a tradesman with a qualification of at least 10 years standing.

7.5. The Hiree shall forthwith obtain and keep in force a policy of insurance or indemnity for the full amount of his, her, its, or their legal liability under the Workers' Compensation Act, 1926 (as amended) in respect of each person employed by it in the business conducted in and from the demised premises who is a "Worker" within the meaning of the said Act and for full cover of its anticipated or assessed cover of its risks as an employer in for any injury to such worker or workers and shall produce annually to the Hirer or his agent or representative the current Certificate of Renewal and a receipt for the premiums paid in respect thereof.

7.6. The Hiree shall forthwith obtain and keep in force a policy of insurance in the sum of not less than Twenty Million Dollars (\$20,000,000.00) such

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

insurance policy to be in the form of a standard Public Liability Risk Policy as approved by the Fire and Accident Underwriters' Association of New South Wales. The policy also to include such of the other extensions usually listed in a standard Public Risk policy as the Hirer may reasonably require and the Hiree will indemnify and save harmless the Hirer its officers, servants and agents or assigns from and against all or any actions, suits, claims and demands by or on behalf of any person or corporation whatsoever in respect of any accidental death or accident, bodily injury or accidental damage to property whether real or personal which may arise directly or indirectly out, of the Hiree, its servants or agents of the demised premises.

8. The Hiree acknowledges that it is in charge of the Palais premises for the term of the Hire and that it is the entity or person solely responsible for the conduct of the Palais premises during the Hire and that it is free from any direction in any way save for the directions contained herein from the Hirer or the Principal under the Occupational Health and Safety Act or the Regulations made thereunder.

9. Safety:

The Hiree shall adopt and perform the safety procedures as proscribed in the Schedule hereto at every function conducted in the Palais at which the public attend.

SIGNED FOR AND ON BEHALF OF

**WESTERN STUDIO OF PREFORMING
ARTS**

.....
Signature of Authorised Person

.....
Signature of Witness

.....
Name of Authorised Person

.....
Name of Witne



**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

SIGNED FOR AND BEHALF OF

.....
Authorised Person

.....
Signature of Authorised Person

.....
Name of Authorised Person

.....
Name of Authorised Person

.....
Authority

.....
Authority

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

Hire Agreement Schedule.

Date of Hire:

Hours of Hire: from.....to.....

Purpose of Hire:.....

Safety Procedures:

Procedure to be followed at all functions held in the Palais to which the public are admitted.

A. Immediately before the commencement of the function, the following shall be announced at such volume as all patrons may hear;

"An emergency event at this function shall be announced over the public address system or by the appearance of a person who shall announce, "This is an emergency, this is an emergency, this is an emergency".

In the event of an emergency during this function all patrons are requested to abide by the following directions.

1. Patrons are requested to calmly evacuate the building via the provided emergency exit doorways.

2. Locations of all emergency exit doorways are clearly visible by the notation of the exit signs above them from within the theatre.

3. Exit signs have been positioned above all emergency exit doorways within the main corridor area leading to Tabratong Street and the old outdoor theatre area.

4. Patrons exiting to the old outdoor theatre area can do so via the exit doorways leading onto Tabratong Street.

5. Emergency lighting will be activated within the entire theatre and the adjacent rooms in the event that the mains power is lost during the emergency evacuation.

6. After evacuation patrons are requested to assemble in the Bogan Shire Council Chambers car park located over Cobar Street and off Tabratong Street for their safety coordination.

7. No person shall be permitted to re-enter the theatre for any purpose whatsoever or in any circumstances whatsoever."

B. In the event of an Emergency

B.1. The Licencee, Hiree or user of the Palais Theatre shall ensure the evacuation of the entire theatre complex shall be effected with the quickest practical speed and shall in the process ensure all rooms are vacated by searching each and every room separately progressively from the deepest inside room to the outside without exposing themselves or their staff to any danger.

B.2. If unable to do so before, immediately on completion of the evacuation notify the appropriate civil emergency services.

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018

SCHEDULE 3.

Procedure to be followed at all functions held in the The Palais Theatre to which the public are admitted.

A. Immediately before the commencement of the function, the following shall be announced at such volume as all patrons may hear;

"An emergency event at this function shall be announced over the public address system or by the appearance of a person who shall announce, 'This is an emergency, this is an emergency, this is an emergency'.

In the event of an emergency during this function all patrons are requested to abide by the following directions.

1. Patrons are requested to calmly evacuate the building via the provided emergency exit doorways.
2. Locations of all emergency exit doorways are clearly visible by the notation of the exit signs above them from within the theatre.
3. Exit signs have been positioned above all emergency exit doorways within the main corridor area leading to Tabratong Street and the old outdoor theatre area.
4. Patrons exiting to the old outdoor theatre area can do so via the exit doorways leading onto Tabratong Street.
5. Emergency lighting will be activated within the entire theatre and the adjacent rooms in the event that the mains power is lost during the emergency evacuation.
6. After evacuation patrons are requested to assemble in the Bogan Shire Council Chambers carpark located over Cobar Street and off Tabratong Street for their safety coordination.
7. No person shall be permitted to re-enter the theatre for any purpose whatsoever or in any circumstances whatsoever."

B. In the event of an Emergency

B.1. The Licencee, Hiree or user of the New Palais Theatre shall ensure the evacuation of the entire theatre complex shall be affected with the quickest practical speed and shall in the process ensure all rooms are vacated by searching each and every room separately progressively from the deepest inside room to the outside without exposing themselves or their staff to any danger.

B.2. If unable to do so before, immediately on completion of the evacuation notify the appropriate civil emergency services."

PRECIS OF CORRESPONDENCE

1 COUNTRY WOMEN'S ASSOCIATION OF NSW

Attached is a copy of a *thank you* letter received from the CWA Far Western Group Public Speaking Committee thanking Council for the donation to assist the recent Public Speaking event for Division 1 held in Narromine on 22 May 2018.

1.1 Recommendation: That the *thank you* letter received from the CWA Far Western Group Public Speaking Committee thanking Council for the donation to assist the recent Public Speaking event for Division 1 held in Narromine on 22 May 2018 be received and noted.

2 NYNGAN SHOW SOCIETY

Attached is a copy of a *thank you* letter received from the Nyngan Show Society thanking Council for the support of the Nyngan Show 2018 and for having the Showground facility in perfect condition.

2.1 Recommendation: That the *thank you* letter received from the Nyngan Show Society thanking Council for the support of the Nyngan Show 2018 and for having the Showground facility in perfect condition be received and noted.

3 BILL DEWHURST

Attached is a copy of correspondence received from Bill Dewhurst, Hermidale regarding the naming of the Hermidale Memorial Park at Hermidale, discussed at the Councillors visit to Hermidale. At the time it was decided to change the name to the Boyd Family Park. After further discussion with members of the community it was thought that the name Hermidale Memorial Park remain on account of the Cenotaph being located there and the gateway be named after the Boyd families.

HERMIDALE MEMORIAL PARK

THE BOYD FAMILIES GATEWAY

3.1 Recommendation: For Council's Consideration.

**Precis of Correspondence to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018**

4 LOCAL GOVERNMENT NSW

Attached is a copy of correspondence received from the President Local Government NSW providing members in the Rural/Regional Councils with important information about the election to fill a casual vacancy in the office of Vice President (Rural/Regional Councils) on the Board of the Local Government and Shires Association of NSW. On 6 April 2018 the former Vice President (Regional/Rural Councils) resigned from the Board thus resulting in a casual vacancy. The Association's rules require the casual vacancy to be filled by secret postal ballot in accordance with the provisions appropriate to the election of the vacant office. The AEC was instructed to make arrangement for the election.

The timetable for the election is as follows:

Friday 6 July 2018 – Ordinary members of the Association entitled to vote in the election must provide the names and postal address of their nominated voting delegate to the Association. This nomination must be made online no later than Friday 6 July 2018.

Friday 13 July 2018 – The AEC will cause an Election Notice inviting nominations for the office of Vice President (Rural/Regional Councils) and sent to each member entitled to vote in the election by post on this date.

Council is entitled to one vote.

4.1 Recommendation: That the Mayor be the voting delegate to the Association for the election of Vice President (Rural/Regional Councils) on the Board of the Local Government and Shires Association of NSW.

5 WEEKLY CIRCULARS

Weekly Circulars dated 18 May 2018, 25 May 2018, 1 June 2018 and 8 June 2018 have been emailed to Councillors for information.

5.1 Recommendation: That the Local Government Weekly Circulars be noted.

Precis of Correspondence to the Ordinary Meeting of
Bogan Shire Council held on 21 June 2018



Country Women's Association of NSW

ABN 82 318 909 926

Incorporated in 1931 by an Act of NSW Parliament

All Communication to be addressed to the Secretary of ~~Narrromine~~ Branch/Group.

P.O. Box 398

Narrromine 2821

30th May 2018

The General Manager

Bogan Shire Council

P.O. Box 221 Nyngan 2825

To whom it may concern:

On behalf of CWA Far Western Group Public Speaking Committee, I would sincerely like to thank you for your kind donation to assist our recent Public Speaking Event for Division 1, held in Narrromine on Tuesday 22nd May 2018.

We found it very rewarding to have 13 schools again in attendance, a total of 51 students participating, representing students from schools within Narrromine, Bogan and Warren Shires.

The Prize Money given at Group Day will assist winning students to progress to Inter Group Competition on Tuesday 19th June at Molong. Each participating school library has also received a book, listing participating students, and also donors who have helped CWA Narrromine Branch to make this event happen!

We were once again amazed at the great respect shown one another by the students and seen very well prepared, fine young ambassadors representing their respective schools in the Bogan Shire – a formidable task for our Judges!

Again, we are very appreciative of your support,

Yours sincerely



Peg Finlayson

on behalf of the CWA Far Western Group Public Speaking Committee

www.cwaofnsw.org.au

BOGAN SHIRE COUNCIL	
FILE	R/N
05 JUN 2018	
ASSIGNEE	

Precis of Correspondence to the Ordinary Meeting of
Bogan Shire Council held on 24 May 2018



22 May 2018

Mr Derek Francis
General Manager
Bogan Shire Council
Cobar Street
NYNGAN NSW 2825

Dear Derek

Thank you to the Bogan Shire Council for once again supporting the Nyngan Show Society in making the Showgrounds available to us, and making sure that all the buildings and surrounding areas are in perfect condition. We are very aware of the large costs that are involved in making this happen, but it is such a wonderful community event where all sections of our township and district come together as one, it makes everyone proud to call Nyngan their home, especially when so many visitors comment on how lucky we are to have such a great venue.

Thank you also for our three new shade shelters which was very much needed by our community groups who man our Show gates.

Our Show was very successful again this year and we look forward to working with the Bogan Shire Council at next year's Show which will be held on the 19th & 20th May 2019.

Yours Sincerely

KAKorn

Kathy Korn
SHOW SECRETARY

FILE	24 MAY 2018	R/N
ASSIGNEE		

ALMSLEY
HERMID.

Dear Sir/Madam.

I am writing to you with regard to the discussion re the naming of the Hermitdale Memorial Park at the last shire council visit to Hermitdale.

At the time it was decided to change the name to the Boyd Family Park named after the two Boyd families who were pioneer business families of the village, Store keepers, Publicans Postmen

After further discussion with other members of the community it was thought that the ^{NAME} Hermitdale Memorial Park should be kept on account of the Cenotaph being located there

This being the case we would like to name the gateway after the Boyd families.

~~THE~~ HERMIDALE MEMORIAL PARK
THE BOYD FAMILIES GATEWAY.

Precis of Correspondence to the Ordinary Meeting of
Bogan Shire Council held on 24 May 2018

The Boyd families.

ARTHUR Boyd. Hat House - drove a Coach
running from Hemdale to Nyngan
carrying mail passengers etc,
had a fine party at the Hat W.
(Rainbow Ridge.) With the advent of
motor vehicles the coach was
a man event. Bought the Royal Hat
Hemdale. (1920s)

TED Boyd (ARTHUR'S SON) bought the
General Store Hemdale from a Mr
C.G. Reed and traded for about the next
40 years. Had 4 sons who all worked
at the store, ~~Arthur~~ ~~Arthur~~ ~~Ted~~

Bill Boyd

Post office and Exchange.
PARTY LINKS. MAIL RONS ECT.

BOGAN SHIRE COUNCIL	
FILE	1001
24 MAY 2018	
ASSIGNEE	

Regards,
Bill Dierckx

**Precis of Correspondence to the Ordinary Meeting of
Bogan Shire Council held on 24 May 2018**



Our ref: R17/0004

25 May 2018

Dear General Manager

**Election to fill a casual vacancy in the office of Vice President (Rural/Regional councils)
on the Board of the Local Government and Shires Association of New South Wales**

I write to provide members of the Local Government and Shires Association of New South Wales ("Association") in the "Rural/Regional councils" category with important information about an election to fill a casual vacancy in the office of Vice President (Rural/Regional councils) on the Board of the Association ("Board").

On 6 April 2018 the former Vice President (Regional/Rural councils) resigned from the Board. This resulted in a casual vacancy. The Association's rules require the casual vacancy to be filled by secret postal ballot in accordance with the provisions appropriate to the election for the vacant office.

The Registered Organisations Commission ("ROC") has approved the election and has instructed the Australian Electoral Commission ("AEC") to make arrangements for the election.

Allocation of voting entitlements

The number of voters that each eligible Ordinary member is entitled to is set out in the table at **Annexure A**.

Election Timetable

The timetable for the election is as follows:

- **Friday, 6 July 2018, 12 noon (AEST)** - Ordinary members of the Association entitled to vote in the election must provide the names and postal addresses of their nominated voting delegates to the Association by this date/time (including, for each person – a street address or PO Box number, suburb, state, postcode, and whether the address is a workplace address). No changes to the names of voting delegates (**Roll of Voters**) will be accepted after this date/time.
- **Friday, 13 July 2018** – The AEC will cause an **Election Notice** inviting nominations for the office of Vice President (Rural/Regional councils) to be published in the Association's official journal, the *LGNSW Weekly*, and sent to each member entitled to vote in the election, by post, on this date.

Further details about the election, including the date that nominations close and the date that the ballot opens/closes will be contained in the Election Notice.

Precis of Correspondence to the Ordinary Meeting of
Bogan Shire Council held on 24 May 2018



Eligibility requirements to be a voting delegate

Voting delegates must be a Councillor of a Council which is an Ordinary member of the Association in the 'Rural/Regional councils' category or member of the Board in the 'Rural/Regional councils' category under the Association's rules.

How to nominate voting delegates

Nominations are to be made online using the nomination form at the following link:

<https://lgsa.wufoo.com/forms/voting-delegate-nomination-2018-vp-ruralregional-r1w1541offmc2/>

Only one nomination form may be completed for each Ordinary member. It is important that you have all of the required information for each voting delegate before completing this form (including, for each person – a street address or PO Box number, suburb, state, postcode, and whether the address is a workplace address).

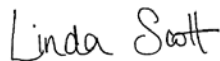
This form must be submitted to the Association by no later than **Friday, 6 July 2018, 12 noon (AEST)**.

Further details

For further information:

- a) **about members' voting entitlements and nomination of voting delegates:** contact Adam Dansie (Senior Manager – Industrial Relations) on (02) 9242-4140 or at adam.dansie@lgnsw.org.au
- b) **about all other matters relating to the election:** contact Anthony Carey (AEC Returning Officer) on (02) 9375 6361 or at nswelections@aec.gov.au

Yours sincerely



Cr Linda Scott
President

