



BOGAN SHIRE COUNCIL

Minutes

22 October 2020



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Minutes to the Ordinary Meeting of Bogan Shire Council held in the Training Room of the Engineering Department on 22 October 2020 at 9.30am

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

Also present were Mr Derek Francis (General Manager), Mr Mike Ryan (Acting Director Engineering Services), Mrs Debb Wood (Director People and Community Services), Mrs Stephanie Waterhouse (Director Finance and Corporate Services), Mr Jim Boyce (Acting Director Development and Environmental Services), Mrs Cathy Ellison (Executive Assistant) and Mrs Melissa Salter (Engineering Assistant).

DECLARATION OF INTEREST

- | | |
|--------------------|---|
| Councillor Dutton | General Manager's Report Item 6. Nyngan Local Aboriginal Lands Council |
| Councillor Donald | General Manager's Report Item 7. Larkin Oval Canteen Construction |
| Councillor Neill | Engineering Services' Report Item 2. Grid Removal Booramugga Road Girilambone |
| Councillor Jackson | People and Community Services Report Item 3. Use of the Big Bogan Trade Mark |

286/2020 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 24 September 2020 copies of which have been circularised to Councillors be taken as read and confirmed. **(Dutton/Deacon)**

Business Arising: Nil

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 22 October 2020.

282/2020 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed section of Council with the public excluded in accordance with the Local Government Act 1993, Clause 10A (2) (c) because it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. **(Neill/Boag)**

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283/2020 RESOLVED that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 24 September 2020, copies of which have been circularised to Councillors be taken as read and confirmed.
(Boag/Neill)

284/2020 RESOLVED that:-

1. Council sell Lot 3 DP 1177431 of the John Hoare OAM Business Estate for \$50,000, excluding GST, to the current proponent on the following terms:-
 - a. Council agrees to an interest free loan, secured by way of mortgage over the land, for the full purchase price of the property repayable over 10 years, with the mortgagor to pay all associated legal costs.
 - b. Council agrees to fund and provide the following services to the block:-
 - i. Access to Council's sewerage system from the perimeter of the block, including a grinder pump system.
 - ii. Access to Council's water reticulation system to the perimeter of the block.
 - iii. Kerb and guttering to the Lawlor Street frontage of the block.
- (Ryan/Jackson)**

285/2020 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Dutton/Deacon)**

COMMITTEE MEETING MINUTES

1 MUSEUM COMMITTEE MINUTES

287/2020 RESOLVED that the Minutes of the Nyngan Museum Committee Meeting held at the Nyngan Museum on Wednesday 7 October 2020 be received and noted.
(Douglas/Boag)

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

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	28/09/2017	283/2017	Medical Centre	The General Manager in consultation with PHN proceeds to recruit & engage a second doctor for the BSMC.	GM	Recruitment agencies engaged to source locum / permanent second doctor. Locums secured until 31/12/2020. Renewed recruitment effort underway for permanent doctor with the Rural Doctors Network.
2	21/12/2017	392/2017	Increase of train speed through Nyngan	Strong letter of concern & a request to address Council be sent to the relevant rail authorities & a copy to local member.	GM	Letter sent to Minister for Transport & Infrastructure, with copy to Kevin Humphries.

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	21/06/2018	293/2018		<p>Council seek further follow up from the responsible Minister, reiterating Council's safety concerns for pedestrians & road users due to the nature of the crossing & variation of speeds.</p>	DES	<p>406 Petitions received.</p> <p>On-site meeting held with Deputy Premier.</p> <p>Met with Minister for Regional Transport & Roads in Bourke on 25 November 2019.</p>
				<p>The best control measures would be to erect flashing lights at the Hoskins Street Crossing.</p>		<p>Council advised that this crossing is not a priority for John Holland Rail.</p>
	28/05/2020	110/2020		<p>Council engage a Safety Consultant to inspect the Hoskins Street Level Crossing & to provide a report documenting the safety factors of the Crossing which can then be forwarded to the John Holland Rail & Minister for Regional Transport & Roads.</p>		<p>Safety Consultant has been engaged to inspect crossing at the end of July & will be preparing a risk audit for Council.</p> <p>In contact with Safety Consultant – awaiting site visit.</p> <p>Consultant has visited site and commenced report.</p>

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						Site inspection complete, report to November 2020 Council Meeting.
3	24/04/2019	117/2019	Cobar Water Board	Whilst Council is prepared to have discussion with CWB to explore options for delivery of water to minor users within the Bogan Shire LGA, it does not agree to the Board's proposal at this stage.	GM	<p>Further correspondence sent to CWB.</p> <p>Following meeting with CWB held on 11 January 2020, further agreements are to be negotiated.</p> <p>Agreed with Secretary CWB on the need for a further meeting to negotiate arrangements.</p> <p>Meeting on hold in current pandemic circumstances. Preparations for meeting under way.</p>

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4	22/08/2019	264/2019	Stronger Country Communities Fund – Round 3	Council works with community orgs who deliver youth and other community support services to investigate methods of funding for ongoing employment of a part-time Youth Worker & further upgrading to the facility.	DPCS	Discussions yet to commence – reprioritised due to current pandemic circumstances.
5	26/09/2019	292/2019	Garford Fire Engine	Council proceed with the respray of the Garford Fire Engine, with funds to be provided from the Historical Society \$5,224, Community Arts & Culture Fund \$15,362 & Accumulated Funds \$9,414.	DES	Quotes for the Garford to be resprayed and the exterior restored have been requested.

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	24/10/2019			Council examine options on the best way forward.		Verbal report to meeting.
6	28/11/2019	359/2019	Burrendong Dam	Council contact the relevant departments to request that as a matter of priority, a system be put in place which would have trigger points as to the level of Burrendong Dam and the release of water for use for fodder crops.	GM	Original letter sent 9 January 2020. Follow-up letter sent 25 May 2020. Response from Minister Marshall 25 May 2020 – “Letter is with the Minister’s Office for consideration”.
7	28/11/2019	366/2019	Regional Water Supply Pipe Network	Council supports in principle the investigation of a Regional Water Supply Network servicing the communities currently supplied by the Macquarie River downstream of Burrendong Dam.	GM	Water NSW is progressing investigation for pipeline from Narromine bore fields to Nyngan. Water NSW investigating bores in the Warren Shire and will notify land owners in the surrounding area.

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8	28/11/2019	368/2019	Repairs to Nyngan & Cobar Emergency Water Storage	The General Manager be authorised to procure sufficient quantities of Geosynthetic Clay Liner & Geotextile material to complete the remediation works, according to specifications provided by NSW Public Works. The procurement be carried out by way of quotations.	DES	Remediation work in progress. Remediation work postponed due to wet weather and soft floor.
9	23/07/2020	192/2020	Crown Land to convert the Perpetual Special Lease 78218 (Saleyards) to freehold & transfer title to Council.	1. Council purchase the Nyngan saleyards from the Crown at a cost of \$35,100 funded from Council's reserves.	GM	In progress.

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				2. The GM present a report to Council on necessary measures to allow future use of the site, including an RMS heavy vehicle uncoupling station, wash bay for trucks & hold over are for livestock.		
10	23/07/2020	193/2020	Speed limit in Nyngan CBD	The survey responses received for reducing speed limit in the Nyngan CBD to 40km/hr between Terangion & Dandaloo Streets be presented to the Traffic Committee Meeting to be held in August 2020.	DES	Verbal update at meeting following Traffic Committee Meeting. Referred to RMS. No response from RMS yet.

288/2020 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.
(Elias/Boag)

2 PECUNIARY INTEREST RETURNS

Summary:

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

289/2020 RESOLVED that Pecuniary Interest Register in respect of the period 1 July 2019 to 30 June 2020 be received and noted. **(Jackson/Neill)**

3 CHRISTMAS – NEW YEAR CLOSURE

Summary:

- *The purpose of this report is to obtain Council’s approval for the closure of Council offices over the Christmas/New Year holiday period.*
- *As a long-established practice in common with other Councils, Bogan Shire Council has closed its Council offices between Christmas and New Year.*
- *Following the past practice, this would mean that the Shire offices would be closed for what would otherwise be normal working days on Tuesday 29 December 2020, Wednesday 30 December, 2020 and Thursday 31 December 2020.*

290/2020 RESOLVED that Council close the Shire Offices on Tuesday 29 December 2020, Wednesday 30 December, 2020 and Thursday 31 December 2020 and advise the community accordingly. **(Ryan/Douglas)**

4 DECEMBER / JANUARY RECESS

Summary:

- *The purpose of this report is for Council to consider the option of going into recess during December / January.*
- *Council has in the recent past not held an Ordinary Monthly Meeting in January.*
- *It is common for Councils to go into recess over the holiday season.*

291/2020 RESOLVED that:

1. Council goes into recess from 24 December 2020 until 31 January 2021 and consequently does not have an Ordinary Meeting during January 2021.
2. Pursuant to and subject to the limitations of Section 377 of the Local Government Act, Council grants authority to the Mayor, Deputy Mayor and General Manager with Councillors to be contacted if practical, to make decisions on behalf of Council during this recess period.
3. Any such decisions are to be reported to the Council at its first meeting in 2021.
(Ryan/Deacon)

5 MONSTER GRILL CATERING PTY LTD

Summary:-

This report is to provide Council with information regarding fees paid by Monster Grill Catering Pty Ltd to camp at the Nyngan Showgrounds.

292/2020 RESOLVED that the Monster Grill Catering Pty Ltd Report be received and noted. **(Ryan/Elias)**

6 NYNGAN LOCAL ABORIGINAL LANDS COUNCIL –

Councillor Dutton declared an interest and left the meeting.

Summary:-

This report is to present certain matters raised in a letter from the Nyngan Local Aboriginal Lands Council for consideration.

293/2020 RESOLVED that:

1. Council relocate the cemetery water meter to Council-owned land.
(Ryan/Boag)
2. The Mayor, Deputy Mayor and General Manager meet with the Nyngan Local Aboriginal Lands Council to discuss the content of their letter and report back to the next Council Meeting. **(Ryan/Deacon)**

Councillor Dutton returned to the Meeting.

Mayor Donald declared an interest and left the meeting, Deputy Mayor Neill took the Chair.

7 LARKIN OVAL CANTEEN CONSTRUCTION

Summary:-

This report is to present to Council for consideration a request from the builder of the new Larkin Oval Canteen for payment over and above the quoted contract price for the project.

294/2020 RESOLVED that:

1. Council agree to pay the Contractor the amount of \$12,870.00
(Ryan/Boag)
2. Council not pay the additional amount of \$1,301 for the stairs.
(Ryan/Douglas)

Mayor Donald returned to the meeting and took the Chair.

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

1 NYNGAN SHOW DAY

Summary:

The purpose of this report is to advise Council of community response to the declaration of a local event day / public holiday for Nyngan Show Day in 2021, Monday 10 May 2021 and for Council to determine their request to the Minister for Industrial Relations accordingly.

295/2020 RESOLVED that Council applies for a half day public holiday for Nyngan Show day 2021. **(Ryan/Boag)**

2 BOGAN BUSH MOBILE – TERM 3 REPORT

Summary:

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

296/2020 RESOLVED that the Bogan Bush Mobile Report Term 3 be received and noted. **(Dutton/Elias)**

3 USE OF BIG BOGAN TRADE MARK

Summary:-

This report is to seek Council's approval for the use of the Big Bogan trade mark as part of the masthead for the new Nyngan Weekly.

297/2020 RESOLVED that Council approve the use of the Big Bogan trade mark as part of the masthead for the new Nyngan Weekly. **(Douglas/Elias)**

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

1 INVESTMENTS SEPTEMBER 2020

Summary:-

The report is to outline the performance of Council's Investment Portfolio for the month of September 2020.

At 30 September 2020 Council had \$13.3 million invested. There has been a decrease of \$1.3 million due to expenditure on Grants with income still outstanding and purchase of the new Roller and Grader from Capital Plant Purchases.

298/2020 RESOLVED that the Investments Report for the month of September 2020 be received and noted. **(Neill/Dutton)**

2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary:-

The report is to provide a comparison of rate collections as at 30 September 2020, with the same period last year.

Total arrears have increased from \$502,873 as at 30 September 2019 to \$803,445 as at 30 September this year.

299/2020 RESOLVED that the Rates and Annual Charges Collection Report for the month of September 2020 be received and noted. **(Douglas/Jackson)**

3 FIRST QUARTER 2020/2021 BUDGET REVIEW

Summary:-

Council remains in a sound financial position and is broadly on budget.

Cash Balance is still strong although expected to decrease over the next nine months as income received in advance is expended.

300/2020 RESOLVED that Council:-

1. Note the report on Actual compared to Budget for the quarter ended 30 September 2020.
2. Adopt the adjustments to the 2020/2021 budget as shown in the Budget Review Statement at Appendix A to this report. Council extended appreciation to the Department of Finance and Corporate Services. **(Ryan/Neill)**

Council adjourned for Morning Tea at 10.30am and resumed at 11.00am.

4 ANNUAL FINANCIAL REPORTS

Summary:-

- *The purpose of this report is to table the 2019/2020 Financial Statements.*
- *In accordance with Section 418 Council is required to hold a public meeting in order to present the Financial Reports.*
- *Notification of the meeting was advertised on Council's website and Council's Facebook page on the 8th October 2020 and the presentation of the audited financial reports is to occur at this meeting.*

301/2020 RESOLVED that the Financial Reports and Auditor's Report for the period 1 July 2019 to 30 June 2020 be presented to the public and be received and noted. **(Douglas/Neill)**

5 DELIVERY PROGRAM

Summary:-

This report is to provide information regarding progress with respect to the principal activities detailed in Council's adopted Delivery Program.

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

302/2020 RESOLVED that the Delivery Program Report be received and noted.
(Deacon/Douglas)

6 LEASE FOR PORTION OF BOTTOM DEPOT

Summary:-

This report is for Council to consider the lease of a portion of the "Bottom Depot" in Pangee Street.

Council has leased a portion of this land since 2014 and the current Lessee wishes to continue with the lease for a further two years.

303/2020 RESOLVED that Council authorises the General Manager to enter negotiations of renewing the lease with the current lessee for a two year period with an option to renew. (Ryan/Boag)



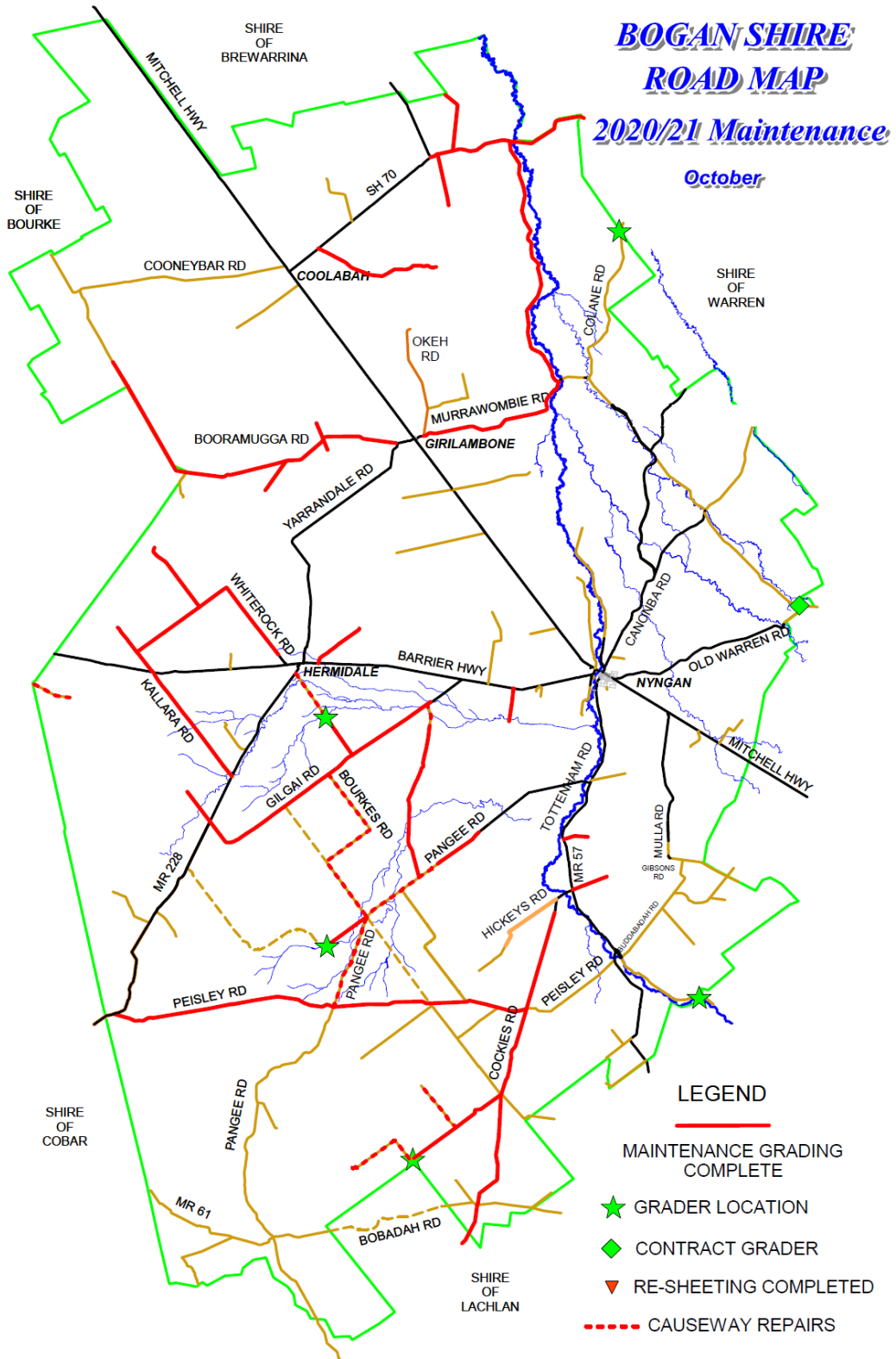
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REPORT TO THE ORDINARY MEETING OF COUNCIL – MANAGER OF ENGINEERING SERVICES REPORT

1 OPERATIONAL REPORT

304/2020 RESOLVED that the Operational Report for the reporting period 14 September 2020 to 9 October 2020, including Roads, Civil Works, Community Facilities and Water and Wastewater be received and noted. **(Deacon/Ryan)**

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305/2020 **RESOLVED** that Council to defer The Engineering Services Report 2 Grid Removal Booramugga Road Girilambone, to the next meeting, for further investigation. **(Ryan/Boag)**

3 HERMIDALE PARK

Summary:-

This report is to present to Council comments from Hermidale residents concerning the proposal to relocate the park in Hermidale.

306/2020 **RESOLVED** that further community consultation be carried out by way of a survey which includes a larger plan of the proposed new site next to the Phillip Dutton Rest Area.

(Neill/Jackson)

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

1 DEVELOPMENT APPLICATIONS

307/2020 **RESOLVED** that the Development Applications Report since 24 September 2020 Council Meeting be received and noted. **(Boag/Neill)**

2 OPERATIONAL REPORT

308/2020 **RESOLVED** that the Operational Report including Council's Gardening Team, Ranger and Noxious Weeds Officer for the reporting period 14 September 2020 to 9 October 2020 be received and noted. **(Ryan/Jackson)**

309/2020 **RESOLVED** that Council forward a letter of appreciation to the Rural Outback Animal Rescue. **(Dutton/Boag)**

3 INFRASTRUCTURE CONTRIBUTIONS PLAN

Summary:-

This report is to present to seek direction from Council on the merits or otherwise of a Section 7.12 Levy Contributions Plan.

310/2020 RESOLVED that Council Officers prepare a report for Council consideration proposing a Draft Fixed Levy Contributions Plan. **(Ryan/Neill)**

PRECIS OF CORRESPONDENCE

1 KARINA DUNN

311/2020 RESOLVED that Council agree to both requests submitted by Karina Dunn. **(Ryan/Jackson)**

2 LISA QUINTON

312/2020 RESOLVED that Council reply to this Letter, explaining that whilst Council sets the pool fees, Council does not collect them. Also, that the grant funding for opening the pool in extreme heat was not retained by Council. **(Douglas/Boag)**

3 GIRILAMBONE COMMUNITY ASSOCIATION

313/2020 RESOLVED that Council advise the Girilambone Community Association that Council can not justify spending funds on The School of Arts Hall, but is to concentrate on the Girilambone Railway project **(Ryan/Neill)**

The Mayor noted that this was Mrs Ellison's final Council Meeting with Bogan Shire Council, her assistance and years of services are appreciated by Council.



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There being no further business the meeting closed at 12:10.

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

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GENERAL MANAGER

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MAYOR

