



# **BOGAN SHIRE COUNCIL**

## **Business Paper**

**25 May 2017**



## Table of Contents

REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT.....	7
1 CHECKLIST.....	7
2 VILLAGE TOURS 2017 .....	19
3 DUCK CREEK PICNIC RACES 2017.....	32
4 COUNCILLOR AND MAYORAL FEES.....	33
REPORT TO THE ORDINARY MEETING OF COUNCIL – COMMUNITY SERVICES .....	36
1 BOGAN SHIRE MEDICAL CENTRE .....	36
2 BOGAN SHIRE MEDICAL CENTRE LOGO .....	39
3 BOGAN SHIRE EARLY LEARNING CENTRE .....	42
REPORT TO THE ORDINARY MEETING OF COUNCIL – CORPORATE SERVICES .....	45
1 BANK RECONCILIATION.....	45
2 INVESTMENTS APRIL 2017 .....	46
3 SUMMARY OF RATES & ANNUAL CHARGES COLLECTION .....	48
4 CUSTOMER SERVICE CHARTER .....	50
REPORT TO THE ORDINARY MEETING OF COUNCIL – ENGINEERING SERVICES.....	52
1 OPERATIONAL REPORT .....	52
2 NYNGAN COBAR WATER SECURITY PROJECT STAGE 2 PROJECT PLAN	56
REPORT TO THE ORDINARY MEETING OF COUNCIL – DEVELOPMENT AND ENVIRONMENTAL SERVICES .....	60
1 DEVELOPMENT APPLICATIONS.....	60
2 OPERATIONAL REPORTS.....	62
3 MOBILE FOOD AND DRINK VENDING VEHICLES POLICY .....	64
4 DAVIDSON PARK PROGRAM OF WORKS .....	68
5 WESTERN SLOPES GAS PIPELINE MAJOR PROJECT.....	70
PRECIS OF CORRESPONDENCE.....	73
1 CASTLEREAGH – BARWON – DARLING RIVER POLICE RUGBY UNION FOOTBALL CLUB.....	73
2 MELINDA MILLS .....	73
3 AUDIT OFFICE OF NSW – AUDITOR-GENERAL .....	73

4	MARGOT DOWNING .....	74
5	WEEKLY CIRCULARS .....	74
	GRANTS AND FUNDING .....	91

**18 May 2017**

## **COUNCIL MEETING NOTICE**

The next Ordinary Meeting of Council will be held in the Council Chambers, Nyngan on Thursday 25 May 2017 at 9.30am.

At 10.00am, the Mayor will conduct a Citizenship Ceremony for Lisa Madden.

At 10.15am, Mark and Clare McConochie will address Council on concerns regarding the proposed APA Gas Transmission Pipeline.

At 10.30am, Council will adjourn to the Library for the "Biggest Morning Tea" function.

### **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 27 April 2017
6. Engineering Services Confidential Report
  1. **Water Security Project – Tender for construction of pump station, pipeline and 700ml in ground storage**

In accordance with the provision of Clause 10A (2) (d) (i) 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 information provided and discussed involves commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
7. Confirmation of the Extraordinary Minutes of the Council Meeting held on 11 May 2017
8. Confirmation of the Minutes of Council Meeting held on 27 April 2017
9. General Manager's Report incorporating reports from:-
  - Community Services
  - Corporate Services
  - Engineering Services
  - Development and Environmental Services
10. Correspondence
11. Grants and Funding

Your attendance at this meeting would be appreciated.

Yours sincerely

*Cathy Ellison*  
**Executive Assistant**



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

**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	13/12/2012 28/03/2013	418/2012 098/2013	<b>Davidson Park Revitalisation Program</b>	Establish paving pathways to the mural.	<b>MDES</b>	<b><u>UPDATE:</u></b>  <b>Report refers.</b>
2	24/09/2015	342/2015	<b>Teamster Rest Area</b>	Invite NHS to make suggestions for internal & external painting that the school could undertake. Dump point be relocated to Flood Memorial Car Park.	<b>MDES</b>	<b><u>UPDATE:</u></b>  <b>To be installed prior to Council Meeting.</b>  <b>COMPLETED</b>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

3	22/06/2014	209/2014	<b>Tourist Information Bay</b>	<p>On commencement of project, Council advise owners/apparent owners of existing highway signage that existing signs to be removed.</p> <p>Or maybe replaced by signs on the Information Bays.</p> <p>Council charge an annual fee and an initial fee.</p>	<b>GM</b>	<p>Affected business owners identified and engagement process commenced.</p> <p>Letters drafted.</p>
4	26/09/2014	363/2014	<b>Fire Safety Audit Program</b>	Further report on progress of compliance with Program.	<b>MDES</b>	<p>Fire Safety Audit Reports (FSARs) to all selected properties completed. Meetings held with several owners / Boards.</p> <p>Agreement on required works achieved with several owners / Boards.</p>
	26/02/2015	033/2015		<p>Legal proceedings including the issuing of Notices and Orders to commence against the owner/occupier of any premises who fails to</p>		<p>Efforts still being made to have owners upgrade building voluntary.</p>



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

				confirm their agreement to comply with the findings of the FSAR.		
5	26/11/2015	457/2015	<b>Sports Insurance</b>	Council continue to follow up correspondence with the Minister for Sport, Minister for Health, Minister for Finance, Dept of Fair Trading, Australian Competition & Consumer Commission and Icare Workers Insurance – concerning inadequate reply to Council's enquiry on what local sports insurance fees are spent on.	<b>MPC</b>	<p>Ongoing.</p> <p>Letters sent 29 November 2016 to the following:-</p> <ul style="list-style-type: none"> <li>• NSW Country Rugby League</li> <li>• NSW Netball Association</li> <li>• Cricket NSW</li> </ul> <p>To date no replies have been received.</p> <p>All communication and documentation has been provided for submission to the CRL via Councillor Neill.</p>

General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017

6	25/02/2016	022/2016	<b>Bogan Bush Mobile</b>	Delegation is planned to meet with Minister.	<b>GM</b>	Meeting held 1 December 2016.
	15/12/2016	481/2016		Council works together with MCSA & other Councils in Parkes Electorate to formulate a combined response to the proposed BBF funding changes, expressing grave concerns that a valuable service to our rural families will be lost.		Council's response report sent to PwC, with a copy to Mark Coulton on 27 Jan 2017.  Submission has been made to Senate Enquiry.  BBM has been assured of ongoing funding but it is uncertain what form this will take. Awaiting follow up visit from consultants, PwC.
7	23/03/2017	046/2017	<b>Dob in a Dealer Campaign</b>	The General Manager initiate in conjunction with the NSW Police, a local Dob in a Dealer Campaign.	<b>GM</b>	<b><u>UPDATE:</u></b>  <b>Council in conjunction with the Nyngan Police will run a local campaign.</b>

General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017

						<b>COMPLETED</b>
8	24/03/2016 15/12/2016	078/2016 485/2016	<b>Bicentennial Wall &amp; Ceramic Mural</b>	The General Manager work with Peter Zanetti to undertake the necessary work to complete the reinstatement of the wall & mural.	<b>GM</b>	<p>Peter Zanetti &amp; his team have commenced the project.</p> <p>Broken tiles have been put together &amp; now to be catalogued. Community workshop dates to be confirmed.</p> <p>Manufacture of blank tiles commenced.</p>
9	28/04/2016	107/2016	<b>Village Tour</b>	Entrance Signs into villages be pursued in conjunction with the villages' communities. Costing to be part funded from village allocation & part funded by Council.	<b>MES</b>	<p><b><u>UPDATE:</u></b></p> <p><b>Construction of signs still in progress.</b></p>

General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017

10	28/07/2016	266/2016	<b>Signs at Ovals &amp; Parks</b>	Investigate the history of the former Nyngan residents and sportsmen, after whom parks and sportfields are named, with a suggested wording & cost for signage.	<b>MPC</b>	<p>Sufficient information obtained to develop draft signs for Larkin &amp; Smith Ovals &amp; Vanges, O'Reilly &amp; Davidson Parks.</p> <p><b><u>UPDATE:</u></b></p> <p><b>Signs have been ordered.</b></p>
11	27/10/2016	423/2016	<b>Seniors Living – Rental Units</b>	Consult with community to gauge interest in the project before making a decision on which location & how many units to build & advise prospective tenants of what the highest rental payment will be & what they would receive for their payment.	<b>GM</b>	<p>Public Information Meeting 14 December 2016.</p> <p>Community expressed a preference for the Cobar/Dandaloo site. A site plan is being prepared &amp; will be costed &amp; presented to Council for consideration at the April Council Meeting.</p>
	27/04/2017	109/2017		Council approve \$7,000 in the current year's budget to have the construction plans complied.		<p><b><u>UPDATE:</u></b></p> <p><b>A report be presented to Council detailing the estimated cost of the development once the construction plans have been received and</b></p>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

						quantified.
12	15/12/2016	491/2016	<b>Mitchell Highway</b>	As a priority, further urgent representation to the Minister for Transport & RMS concerning the conditions, safety & dangerous section of the Highway.	<b>MES</b>	<b><u>UPDATE:</u></b>  <b>COMPLETED</b>
13	15/12/2016	494/2016	<b>Proposed Amendment to the Bogan Development Control Plan 2012 for Outbuilding Height &amp; Size</b>	<p>Council review the Bogan DCP 2012 &amp; amend the current maximum outbuilding size &amp; height.</p> <p>Council delegate the Plan &amp; review to the General Manager &amp; Mayor &amp; permit the amended Plan to be placed on public exhibition for 28 days with a further report to February 2017 Council Meeting in order to adopt</p>	<b>MDES</b>	<b><u>UPDATE:</u></b>  <b>COMPLETED</b>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

				the Plan or make further amendments as required post exhibition.		
14	23/02/17	003/2017	<b>Bogan Shire Medical Centre</b>	The General Manager takes the necessary steps to establish the Bogan Shire Medical Centre under the management and control of BSC.	<b>GM</b>	<b><u>UPDATE:</u></b>  <b>Bogan Shire Medical Centre opened Monday 15 May 2017.</b>  <b>COMPLETED</b>
15	23/02/2017	027/2017	<b>Lions Park</b>	Council investigate replacing the road base with sand or a suitable alternate at the cricket nets.	<b>MDES</b>	Remaining works still to be completed. Budget to be reviewed after such time to investigate possible alternative material.
	23/03/2017	046/2017		Increase budget to replace the hard surface with sand or a suitable alternative at the cricket nets.		Adjacent road base material has been removed. Contractor engaged to lay additional concrete. Suitable surfacing (synthetic turf) being investigated.  <b><u>UPDATE:</u></b>  <b>Quote received for synthetic</b>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

						turf.
16	23/03/2017		<b>Funding for Live Music Events in Regional NSW</b>	Further investigation by staff.	<b>MPC</b>	<b><u>UPDATE:</u></b>  <b>Council to investigate participation in EOI process.</b>
17	23/03/2017	042/2017	<b>Rural Financial Counsellor Services</b>	Council approach the local Federal Member & Minister for Agriculture & Water Resources to continue funding for four offices, Nyngan, Mudgee, Walgett and Tottenham to remain open after 30 June 2017.	<b>GM</b>	Letters sent to Mark Coulton, local Federal Member & Barnaby Joyce, Federal member for Agriculture & Water Resources.  To date, no replies have been received.
	27/04/2017	086/2017		Council follow up with a stronger letters to both local member and Minister.		

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

18	23/03/2017	048/2017	<b>Nyngan Cobar Water Security Business Case</b>	The 2017 Nyngan Cobar Water Security Business Case be exhibited for a period of 28 days.	<b>MES</b>	On exhibition until 24 May 2017.  <b><u>UPDATE:</u></b>  Report refers.  <b>COMPLETED</b>
19	23/03/2017	062/2017	<b>Mobile Food &amp; Drink Vending Vehicles Local Policy</b>	Place the BS Mobile Food & Drink Vending Vehicles Local Approvals Policy on public exhibition for a period of not less than 28 days & once all submission are received after this period proceed to consider a further report on the Policy.	<b>MDES</b>	<b><u>UPDATE:</u></b>  Report refers.  <b>COMPLETED</b>
20	23/03/2017	064/2017	<b>Pangee Street Garden Beds</b>	Reallocate funds of \$5,528 to the Pangee Street Garden beds – further report be presented to Council on the success of the trial garden bed.	<b>MDES</b>	<b><u>UPDATE:</u></b>  Currently underway.



General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017

21	27/04/2017		<b>Waste Dump Point</b>	To be checked.	<b>MES</b>	<b><u>UPDATE:</u></b>  <b>Not constructed for disabled access.</b>
22	27/04/2017		<b>Industrial Estate</b>	Seek public interest in naming of the estate.	<b>MPC</b>	<b><u>UPDATE:</u></b>  <b>Public Notice in local paper. Closing date 9 June 2017 for suggestions.</b>
23	27/04/2017	090/2017	<b>Flood Memorial Carpark</b>	Signage be erected in the carpark advising campers free camping is permitted within the area for 24 hours and that no access to power is available, however, power is available at the two Caravan parks.	<b>MPC</b>	<b><u>UPDATE:</u></b>  <b>Signage being drafted.</b>
24	27/04/2017	093/2017	<b>Stormco</b>	Council write to Stormco to encourage them to come back to Nyngan as all their visits have been a great success.	<b>MPC</b>	<b><u>UPDATE:</u></b>  <b>Letter has been sent.</b>  <b>COMPLETED</b>



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

25	27/04/2017	110/2017	<b>Bogan Shire Swimming Pool Inspection Program</b>	Council place the BS Swimming Pool Inspection on public exhibit for 28 days.	<b>MDES</b>	<b><u>UPDATE:</u></b> <b>Currently on public exhibition.</b>
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## 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 VILLAGE TOURS 2017

### **Summary:-**

*This report is to record matters raised during the 2017 Village Tour as well as progress made with items raised in previous meetings with community representatives.*

### 2.1 Introduction

The purpose of this report is to record matters raised during the 2017 Village Tour as well as progress made with items raised in previous meetings with community representatives.

### 2.2 Background

Councillors and management staff met with representatives of Coolabah, Girilambone and Hermidale on Thursday, 20 April 2017 as part of Council's regular annual meeting program with village communities.

### 2.3 Discussion

A report-back on previous issues was provided and the following new matters were raised by community members present.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

Coolabah

- Roads – compliments to Shire staff involved in recent roadworks.
- Public Toilets – consider need for – encourage travellers to stop.
- Grass Slashing – request to review program (highway and town).
- Tree – overhanging powerline outside residence.
- Level crossing – dangerous projections (bolts) in roadway.

Girilambone

- Village Tip – issues with people dumping on road – schedule regular cleanup.
- Okeh Road – resheeting and work on causeways needed.

Hermidale

- Roads – compliments to Shire staff involved in recent roadworks.
- Park – upgrades needed to fence, clean up trees and lawn.
- Highway intersection – near misses reported – need turn lane.
- Minimum lot size for rural properties – review.
- Light at Larkin Oval – urgently needed.
- Grass Slashing – being well carried out.

**2.4 Attachment**

Village Meeting Checklist.

**2.5 Recommendation**

That the Village Tours 2017 Report be received and noted.

**Bogan Shire Council**

**Coolabah Village Meeting – 16 April 2015**

**Coolabah Follow-up Meeting – 9 December 2015**

**Coolabah Village Meeting – 12 April 2016**

**Coolabah Village Meeting – 6 December 2016**

**Coolabah Village Meeting - 20 April 2017**

**Coolabah**

Key discussion points and actions:

Items for Action	Responsible Officer	Status
<p><b>Items for action from Meeting 16 April 2015</b> Incorrect house identified – item still outstanding.</p>	<p><b>Manager Development &amp; Environmental Services</b></p>	<p>Council to consider policy position.</p>
<p>i. Recycling – investigate central point in Nyngan.</p>	<p><b>Manager Development &amp; Environmental Services</b></p>	<p>Significant contamination occurring in trial bins at Teamster's Rest.</p> <p>Recommend to Council that the trial be discontinued as contamination increases cost to Council and defeats the purpose of recycling.</p> <p>Recycling facility incorporated into new Nyngan Waste Depot.</p> <p><b><u>COMPLETED</u></b></p>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

Items for Action	Responsible Officer	Status
<b>Items for action from Meeting 16 April 2015</b>		
i BBQ area – fencing required, especially along Highway – use of village funds.	<b>Manager Engineering Services</b>	Preparations underway. Fencing to be completed shortly.
ii Rest Stop – fenced off area needs a bigger gate.	<b>Manager Engineering Services</b>	To be scheduled in the first quarter 2016. Prioritised list prepared. <b><u>COMPLETED</u></b>
<b>Items for action from Meeting 12 April 2016</b>		
i. Silt tank – needs clearing.	<b>Manager Engineering Services</b>	<b><u>UPDATE:</u></b> To be carried out while loader is in the area for roadwork.
ii. Scrap metal – needs to be removed. (Price of scrap metal currently very low – contractors not available to remove).	<b>Manager Development &amp; Environmental Services</b>	<b><u>UPDATED</u></b> Contact has been made with scrap metal contractor. The contractor will conduct pick-ups at the Nyngan Waste Facility as well as the Village Tips. Date to be confirmed.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

Items for Action	Responsible Officer	Status
iii. Road works – Tubbavilla Road needs attention. (On current program)	<b>Manager Engineering Services</b>	<b><u>COMPLETED</u></b>
<b>Items for action from Meeting 12 April 2016</b>		
i Awning at Hall – agreement to proceed.	<b>Manager Development &amp; Environmental Services</b>	Obtaining quotes.
<b>Items for action from Meeting 20 April 2017</b>		
i Roads – compliments to Shire staff involved in recent roadworks.	<b>Manager Engineering Services</b>	
ii Public Toilets – consider need for – encourage travellers to stop.	<b>Manager Engineering Services</b>	
iii Grass Slashing – request to review program (highway and town).	<b>Manager Engineering Services</b>	



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

<b>Items for Action</b>	<b>Responsible Officer</b>	<b>Status</b>
iv Tree – overhanging powerline outside residence.	<b>Manager Engineering Services</b>	
v Level crossing – dangerous projections (bolts) in roadway	<b>Manager Engineering Services</b>	



**Bogan Shire Council**

**Girilambone Follow-up Meeting – 24 November 2014**

**Girilambone Village Meeting – 16 April 2015**

**Girilambone Follow-up Meeting – 9 December 2015**

**Girilambone Village Meeting – 12 April 2016**

**Girilambone Village Meeting – 6 December 2016**

**Girilambone Village Meeting - 20 April 2017**

**Girilambone**

Key discussion points and actions:

Items for Action	Responsible Officer	Status
<p>Illegal scrap metal – concern about snakes, pests etc. and encroachment onto neighbouring blocks. Shire to investigate and address.</p> <p><b><u>Meeting 24 November 2014</u></b></p> <p>Owners have returned to property, significant community concerns about scrap metal, snakes and pests. BSC to investigate.</p>	<p><b>Manager Development &amp; Environmental Services</b></p>	<p>Two premises have been identified and legal notices have been issued on owners.</p> <p>One property has cooperated and undertaken major clean-up.</p> <p>Other property, owners has left property and subject dwelling has recently been fire damaged.</p> <p>Investigations to recommence with appropriate legal action/s to be undertaken if matter/s not addressed.</p>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

<b>Items for Action</b>	<b>Responsible Officer</b>	<b>Status</b>
<b>Items for action from Meeting 16 April 2015</b>		
i. Playground – shade for consideration using 2015/16 village fund & community funds.	<b>Manager Engineering Services</b>	Unused shade frame from old BBM premises to be transferred to playground. Quotes to be obtained for shade sail.  <b>Frame delivered.</b>
ii. Playground – need to formalise arrangements for lawn mowing.	<b>Manager People and Culture</b>	Community volunteers to be inducted.
iii. Park – sign required, no alcohol. Bins required.	<b>Manager Development &amp; Environmental Services</b>	To be installed.  <b><u>COMPLETED</u></b>
<b><u>Items for action from Meeting 9 December 2015</u></b>		
ii Sign for war memorial rather than brass plaque.	<b>Manager Engineering Services</b>	Agreed to proceed at meeting 6/12/2016.
iii Council asked to investigate uniform entrance signs into each village – like Narromine.	<b>Manager Engineering Services</b>	Awaiting feedback following meeting on 6/12/2016.  <b><u>COMPLETED</u> – Signs being constructed.</b>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

Items for Action	Responsible Officer	Status
<b><u>Items for action from Meeting 12 April 2016</u></b>		
ii Sprinklers in park – blocking and not working effectively. (To be monitored)	<b>Manager Engineering Services</b>	Entire system to be re-evaluated as silt blocks up sprinklers. Quotes to be obtained.
iii Road works – maintenance required on road to village tanks.	<b>Manager Engineering Services</b>	<b><u>COMPLETED</u></b>
iv Water orange and unpleasant odour. (Overhead tank due to be cleaned out)	<b>Manager Engineering Services</b>	<b><u>COMPLETED</u> - Tanks cleaned.</b>
v Pathology services not available at Hospital – (Under consideration for Medical Centre)	<b>Manager People and Culture</b>	<b><u>UPDATE:</u> Pathology services will be available 3 days per week initially.</b>
<b><u>Items for action from Meeting 20 April 2017</u></b>		
<ul style="list-style-type: none"> <li>Village Tip – issues with people dumping on road – schedule regular cleanup</li> </ul>	<b>Manager Development &amp; Environmental Services</b>	
<ul style="list-style-type: none"> <li>Okeh Road – resheeting and work on causeways needed</li> </ul>	<b>Manager Engineering Services</b>	

## Hermidale

**Bogan Shire Council**

**Hermidale Follow-up Meeting – 24 November 2014**

**Hermidale Village Meeting – 16 April 2015**

**Hermidale Follow-up Meeting – 9 December 2015**

**Hermidale Village Meeting – 12 April 2016**

**Hermidale Village Meeting - 20 April 2017**

Key discussion points and actions:

Items for Action – Previous Meetings	Responsible Officer	Status
<p>Outstanding item for 2011 – property behind the pub. Council to address.</p> <p><b><u>Meeting 24 November 2014</u></b></p> <p><i>Request for BSC to follow up with family again.</i></p> <p><b><u>Meeting 16 April 2015</u></b></p> <p>Strong request for Council to progress as property is a fire hazard.</p>	<p><b>Manager Development &amp; Environmental Services</b></p>	<p>Communications received from owner. Vegetation cleared. Orders to demolish issued 14 March 2013. Owner has removed vegetation nuisance and discussing demolition options with Council.</p> <p>No further communication received. Legal Action pending.</p> <p>Investigations to recommence with appropriate legal action/s to be undertaken if matter/s not addressed.</p> <p><b>Property cleared.</b></p> <p><b><u>COMPLETED</u></b></p>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

Items for Action – Previous Meetings	Responsible Officer	Status
<p>Nymagee Road – <b><u>Meeting 24 November 2014</u></b></p> <p>Request for Council to reconsider, especially on dangerous bends. White lines on edges of road also needed for night time. Increased mine traffic &amp; harvest traffic a concern.</p>	<p><b>Manager Engineering Services</b></p>	<p>Reconsider at Estimates Meeting.</p> <p>Not approved in 2015/16 estimates.</p>
<p><b>Items for action from Meeting 24 November 2014</b></p>		
<p>i. Hermidale – Nymagee Road:-</p> <p>a. Request to start seal from Nymagee end → maximise benefit for residents.</p> <p>b. Straighten out chicane bends on Shire boundary when constructing – in the meantime ensure appropriate warning signs.</p>	<p><b>Manager Engineering Services</b></p>	<p>2016/17 application to RMS was for the Northern End, and it was considered to be the area with greatest issues.</p> <p>Straightening of bends to be included in future applications and plans.</p>
<p><b>Items for action from Meeting 9 December 2015</b></p>		
<p>i. Certain town blocks not slashed or cleared because of rubble/rubbish</p>	<p><b>Manager Development &amp; Environmental Services</b></p>	<p>Investigations to recommence with appropriate legal action/s to be undertaken if matter/s not addressed.</p> <p><b>Will be monitored – <u>COMPLETED</u></b></p>



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

Items for Action – Previous Meetings	Responsible Officer	Status
<b>Items for action from Meeting 12 April 2016</b>		
ii. Village Signs – proposal to erect uniform village signs at entrance to each village.	Manager Engineering Services	<u>For discussion.</u> <b><u>COMPLETED</u></b> – Signs being constructed.
iii. Widening of sealed section of Hermidale – Nymagee Road. (No current funding)	Manager Engineering Services	<u>UPDATE:</u> Not approved in estimates – to be considered again for 2017/18.
iv. Water tower – large pothole needs filling.	Manager Engineering Services	<b><u>COMPLETED</u></b>
v. Park – please clean-up for Anzac Day.	Manager Development & Environmental Services	<b><u>COMPLETED</u></b>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

<b>Items for action from Meeting 20 April 2017</b>		
i. Roads – compliments to Shire staff involved in recent roadworks	<b>Manager Engineering Services</b>	
ii. Park – upgrades needed to fence, clean up trees and lawn	<b>Manager Development &amp; Environmental Services</b>	
iii. Highway intersection – near misses reported – need turn lane	<b>Manager Engineering Services</b>	
iv. Minimum lot size for rural properties – review	<b>Manager Development &amp; Environmental Services</b>	
v. Light at Larkin Oval – urgently needed	<b>Manager Engineering Services</b>	
vi. Grass Slashing – being well carried out	<b>Manager Engineering Services</b>	

### 3 DUCK CREEK PICNIC RACES 2017

**Summary:-**

*This report is to present a recommendation to Council in regard to an alcohol free zone for consideration for the Duck Creek Picnic Races.*

#### 3.1 Introduction

The purpose of this report is to present a recommendation to Council in regard to an alcohol free zone for consideration.

#### 3.2 Background

The Duck Creek Picnic Races are to take place on Saturday 1 July 2017. The Mayor, Deputy Mayor and General Manager will be meeting with Race Organisers and the NSW Police to help ensure an enjoyable and safe event.

#### 3.3 Discussion

Council has previously declared an alcohol free zone for the areas of the Showground and Racecourse that are not contained within the security fencing erected by Duck Creek Organisers. Consultation with the organisers and the NSW Police indicates that this considerably reduces the incidence of patrons drinking in the car parks which is a major risk for the event in relation to the potential for violence, anti-social behavior and alcohol related medical emergencies.

#### 3.4 Recommendation

1. That this report be received and noted.
2. That Council declare an Alcohol Free Zone for forty-eight (48) hours from 6.00am on Saturday 1 July 2017 in the areas of the Nyngan Showground and Nyngan Racecourse that are not contained within the fencing erected by the organisers of the Duck Creek Picnic Races.



## **4 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 2017/18 financial year based on this determination.*

### **4.1 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 2017/18 financial year based on this determination.

### **4.2 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.

### **4.3 Discussion**

The following fees were approved for 2016/17 financial year:

<b>Councillor</b>		<b>Mayor (Additional Fee) *</b>	
<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>
\$8,540	\$11,290	\$9,080	\$24,630

\* - 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 25 May 2017**

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 2017, are as follows:

<b>Councillor</b>		<b>Mayor (Additional Fee) *</b>	
<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>
\$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))*

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 2017/18:



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017**

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

**4.4 Recommendation**

That Council considers the fees payable to Councillors, Deputy Mayor and Mayor of Bogan Shire Council, effective from 1 July 2017, as determined by the Tribunal.

**Derek Francis  
General Manager**



Community Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 May 2017

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

### Mayor and Councillors

The following reports are submitted for consideration:-

#### 1 BOGAN SHIRE MEDICAL CENTRE

**Summary:-**

*This report is to inform Council of the opening of the Bogan Shire Medical Centre.*

##### 1.1 Introduction

The purpose of this report is to inform Council of the opening of the Bogan Shire Medical Centre.

##### 1.2 Background

Feedback from residents concerning several factors relating to the health care of our community prompted Bogan Shire Council to seek a solution that would provide reliable and high quality primary health care services in the Bogan Shire both now and into the future. Accordingly, Council submitted a grant application to the National Stronger Regions Fund for the construction of a new Medical Centre in the amount of \$611,432 in 2016.

This funding was approved and, following a successful construction project, managed by Council and with \$700,000 of Council's own money added to the Commonwealth funding the Bogan Shire Medical Centre was completed on time and on budget and saw its first patient on 15 May 2017.

Council initially hoped to be able to attract an established practice management company to run the Medical Centre on our behalf but only received one firm proposal after an extensive expression of interest process. Council did not consider this proposal to be in the best interests of our community and accordingly took the decision to establish and operate the Centre itself with support from the Western NSW Primary Health Network.

**Community Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

### **1.3 Discussion**

An extensive information campaign preceded the opening of the Medical Centre, which included:-

- A letterbox drop in Nyngan;
- Mail outs to central points at the Villages for rural residents;
- Posters and flyers distributed to the businesses along the main street;
- Flyers sent out electronically to schools and community organisations;
- A Public Notice was posted on Council's website and Facebook pages;
- The Nyngan Observer carried electronic and printed information; and
- Community radio announcements and interviews were done.

Two open days were held in the week before opening and approximately 300 people were taken through the Centre and provided with information packs and patient registration forms. The Centre commenced operations on 15 May 2017, with 65 appointments having been made and 112 patients registered on the first morning.

The Bogan Shire Medical Centre will be focussing on Chronic Disease Management (CDM), which will enable our Doctors to plan and coordinate the health care of patients with chronic medical conditions, including patients with these conditions who require ongoing care from a multidisciplinary team including the Doctor and at least two other health or care providers, such as our Nurses and Podiatrist. Services provided will be bulk billed and include:-

- Standard routine GP consultations
- Longer GP consultations
- Acute appointments
- Script appointments
- Minor procedures
- Wound dressings
- Childhood vaccinations (funded by Medicare)
- Vaccinations, including overseas vaccinations and immunisations
- Chronic Disease Management Plans
- Diabetes Cycle of Care – regular checks
- Asthma Cycle of Care – regular checks
- Preventive health checks
- Home visits (at the discretion of our GPs)

**Community Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

- Family Planning
- Pap Smears
- Health assessments
- Skin checks and skin clinic appointments
- WorkCover appointments
- Pre-Employment Medicals
- RMS Medicals, Insurance Medicals

All patient records will be electronic and kept on a separate and secure server in keeping with the *Privacy Act 1988* and *Australian Privacy Principles*.

Bogan Shire Medical Centre will also be using My Health Record. My Health Record is the new name of the national digital health record system. Having a My Health Record means important health information like allergies, medical conditions and treatments, medicine details, test or scan reports can be accessed through one system. Healthcare providers like doctors, specialists, allied health and hospital staff can see it online from anywhere at any time when they need to, like in an accident or emergency.

Podiatry services will be offered at the Centre and other Allied Health Services are also planned including mental health, speech pathology and physiotherapy. Pathology Services will be available on three days a week to start with.

Council has employed staff at the Medical Centre including nurses, reception staff and a cleaner and will operate it according to best practice to achieve practice accreditation in 12 months.

#### **1.4 Recommendation**

That the Bogan Shire Medical Centre report be received and noted.

**Community Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

## **2 BOGAN SHIRE MEDICAL CENTRE LOGO**

**Summary:-**

*The purpose of this report is for Council to consider a logo design for the Bogan Shire Medical Centre.*

### **2.1 Introduction**

The purpose of this report is for Council to consider a logo design for the Bogan Shire Medical Centre.

### **2.2 Background**

In November 2006, Council adopted the “sun and landscape” logo currently used on all branding to assist in identification and marketing of the Bogan Shire. In May 2016, the Early Learning Centre had a logo designed, which was relevant and relatable to the service being provided at the Centre and in keeping with the childcare “industry”. This logo is used alongside the Bogan Shire Council logo on official letterhead, records, reports and other operational documentation.

### **2.3 Discussion**

In order to establish the Bogan Shire Medical Centre with its own identity in people’s minds it is recommended that the same approach be adopted for the Centre.

The logo will be used for the Medical Centre for branding and marketing purposes, to be used alongside the Bogan Shire Council logo for formal events and publicity purposes, but on its own letterhead for the purposes of sending out appointment reminder notifications, follow up letters, and any other general information that may be provided to patients.

Two logo designs have been included with this report as attachment 1, and can be re-coloured or reversed depending on what medium the logo is to be printed on, i.e. paper products (colour and black and white), online, clothing or other materials.



**Community Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

**2.4 Attachment**

Bogan Shire Medical Centre logo proofs.

**2.5 Recommendation**

That Council considers the two logos and adopts one to be the official logo of the Bogan Shire Medical Centre.



Community Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017

**Attachment 1: Bogan Shire Medical Centre logo proofs.**

Option 1: Logo with stethoscope icon and custom font.



Option 2: Logo with custom font only on solid background.



**Community Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

### **3 BOGAN SHIRE EARLY LEARNING CENTRE**

**Summary:-**

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

#### **3.1 Introduction**

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

#### **3.2 Discussion**

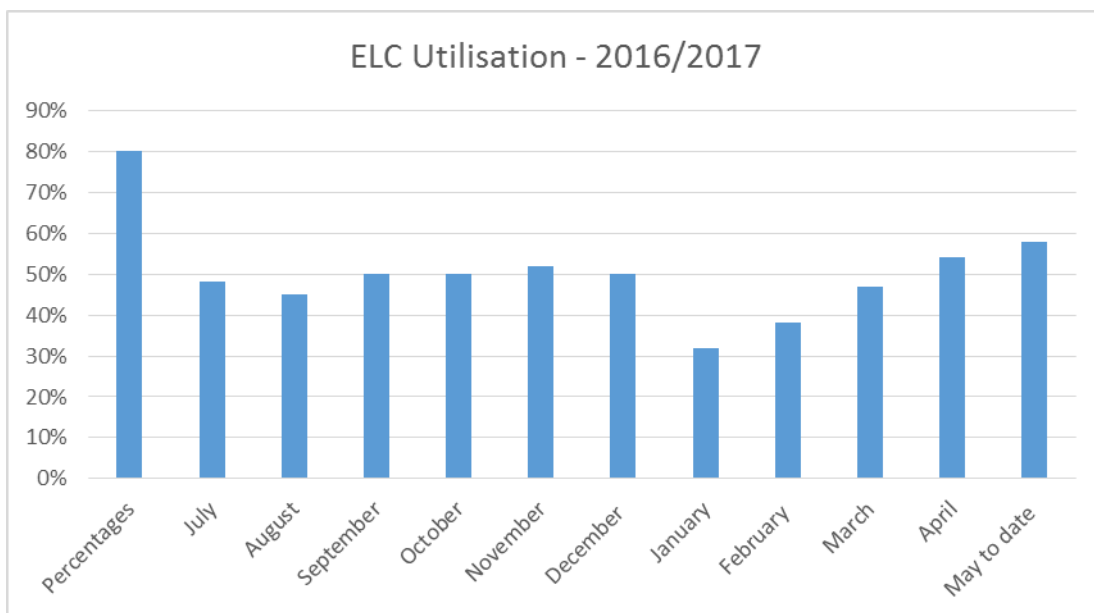
##### Statistics

- Total children enrolled as at 6/02/2017: 79
- Total Children enrolled as at 10/05/2017: 100
  
- Total children scheduled to attend for the week ending 10/02/2016: 74
- Total children scheduled to attend for the week ending 07/05/2017: 120

**Community Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

Usage Capacity

	Monday	Tuesday	Wednesday	Thursday	Friday	Ave.
July	47%	40%	55%	59%	44%	48%
August	35%	35%	49%	66%	41%	45%
September	34%	47%	58%	63%	45%	50%
October	34%	50%	61%	62%	47%	50%
November	34%	54%	56%	67%	41%	52%
December	41%	46%	0%	59%	44%%	50%
January	28%	39%	39%	22%	29%	32%
February	33%	37%	47%	34%	40%	38%
March	48%	50%	52%	43%	43%	47%
April	52%	58%	68%	47%	44%	54%
May (1 to 12)	62%	60%	74%	48%	45%	58%





**Community Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

The Early Learning Centre is continuing to run smoothly, with numbers on steadily growing since January. In the past month there has been a noticeable increase in the number of new enrolments, which has also visibly boosted attendance numbers as shown in the statistics and usage capacity figures included above.

A celebration event to mark the 1<sup>st</sup> birthday of the ELC is planned for Thursday 1 June – the day the ELC was officially opened. Councillors and families are invited to come along and join the children and staff at the birthday party, which is being held at the ELC at 3pm.

Recent highlights for the service

The ELC have recently completed funding submissions for both the FRRR Small Grants for Rural Communities and the Frank Johnstone Foundation. Information contained in these applications address areas of the outdoor environment that are yet to be completed. Council will be notified of the outcome once the information is received.

Upcoming events

Bogan Shire Children's Services are planning show displays for the Nyngan Show and will be working with the children on items they can submit in the Preschool Category.

**3.1 Recommendation**

That the Early Learning Centre Report be received and noted.

**Debb Wood**

**Manager People and Culture**

**Corporate Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

**REPORT TO THE ORDINARY MEETING OF COUNCIL – CORPORATE SERVICES**

**Mayor and Councillors**

The following reports are submitted for consideration:-

**1 BANK RECONCILIATION**

**Summary:-**

*The report is to present the reconciliation of Council's Cash Book, Bank Statements and Ledger Bank Account as at 30 April 2017.*

**1.1 Introduction**

The purpose of this report is to present the reconciliation of Council's Cash Book, Bank Statements and Ledger Bank Account as at 30 April 2017.

**1.2 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.

<b>Bank Reconciliation for April 2017</b>	
<b>Council General Fund</b>	
Bank Statement Balance	\$ 100,000.00cr
Add Deposits not yet receipted	\$ 6,703.84cr
Less Unpresented Payments	\$ 95,937.60dr
<b>Balance as per Council</b>	<b>\$ 10,766.24 cr</b>
<b>Represented by the following in Council Ledgers</b>	
Account	
<b>19001.8000.8000</b>	<b>\$ 10,766.24cr</b>
<b>Difference</b>	<b>\$ 0.00</b>

**Corporate Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

### **1.3 Recommendation**

That the Bank Reconciliation Report as at 30 April 2017 be received and noted.

## **2 INVESTMENTS APRIL 2017**

### **Summary:-**

- *The report is to outline the performance of Council's Investment Portfolio for the month of April 2017.*
- *At the 30 April 2017 Council had \$9.6 million invested. There has been a decrease of \$176,800 to Council's investments since the March 2017 report due to some large accounts being paid for various Capital Projects including the Medical Centre, Road Works Expenditure and upgrades to Council's Water Treatment Plant.*

### **2.1 Introduction**

The purpose of this report is to outline the performance of Council's Investment Portfolio for the month of April 2017.

### **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 April 2017 is shown below. At the 30 April 2017 Council had \$9.6 million invested. There has been a decrease of \$176,800 to Council's investments since the March 2017 report due to some large accounts being paid for various capital projects including the Medical Centre, Road Works Expenditure and upgrades to Council's Water Treatment Plant. 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.

**Corporate Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

**Investment Movements for April 2017**

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 for April 2017							
REF	Source	Maturity	Days	% rate	Interest	Bal 31/03/2017	Bal 30/04/2017
3204	NAB	11-Jun-17	270	2.650%	19,603	1,000,000.00	1,000,000.00
4608	NAB	1-Sept-17	180	2.600%	26,000	2,000,000.00	2,000,000.00
7985	NAB	08-Aug-17	365	2.850%	79,800	2,800,000.00	2,800,000.00
516	NAB	29-Aug-17	365	2.760%	27,600	1,000,000.00	1,000,000.00
300023	C'WEALTH	27-Jan-18	270	2.670%	19,750	1,000,000.00	1,000,000.00
6894	NAB Professional Funds		At Call	2.000%		1,999,081.36	1,822,275.09
	Balance securities held					9,799,081.36	9,622,275.09
	Ledger Balance					9,799,081.36	9,622,275.09
	<b>Summary by institution</b>						
	C'wealth					1,000,000.00	1,000,000.00
	NAB					8,799,081.36	8,622,275.09

**2.4 Recommendation**

That the Investments Report for the month of April 2017 be received and noted.

**Corporate Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

### 3 SUMMARY OF RATES & ANNUAL CHARGES COLLECTION

**Summary:-**

- *The report is to provide a comparison of rate collections as at 30 April, 2017, with the same period last year.*
- *Total arrears have increased from \$303,815 at the 30 April 2016 to \$376,912 as at 30 April this year.*
- *Council has stepped up its debt collection processes to reduce these arrears in line with Council's Debt Collection Policy.*

#### 3.1 Introduction

The purpose of this report is to provide a comparison of rate collections as at 30 April 2017 with the same period last year.

#### 3.2 Discussion

This report is provided for the information of Councillors.

<b>Rate Collections</b>	<b>2016-2017</b>	<b>2015-2016</b>
Arrears Prior to 01/07/2016	222,822	208,589
First Instalment Outstanding as at 30/04/2017	36,490	20,236
Second Instalment Outstanding as at 30/04/2017	47,426	28,546
Third Instalment Outstanding as at 30/04/2017	70,174	46,444
Fourth Instalment Outstanding as at 30/04/2017	847,354	806,009
<b>Total Arrears</b>	<b>376,912</b>	<b>303,815</b>
<b>Total Outstanding</b>	<b>1,224,266</b>	<b>1,109,824</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	5,002,959	4,955,755
Add: Adjustments	19,809	13,951
Less: Payments to end of April	-3,721,159	-3,779,785
Less: Rebates	-80,311	-83,174
Add: Postponed	2,968	3,077
<b>Gross Total Balance</b>	<b>1,224,266</b>	<b>1,109,824</b>
<b>Arrears of total amount levied %</b>	<b>7%</b>	<b>6%</b>



**Corporate Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

Total arrears have increased from \$303,815 at the 30 April 2016 to \$376,912 as at 30 April this year.

Council has recently placed some long term outstanding accounts with Council's debt collection firm in order to try and recover some long term outstanding debt.

Each instalment amounts to approximately \$1,251,000.  
(Total Rates, Waste, Water & Sewer Access Charges)

2% of rates were unpaid on the first instalment.

3% of rates were unpaid on the second instalment.

5% of rates were unpaid on the third instalment.

### **3.3 Recommendation**

That the Rates and Annual Charges Collection Report as at 30 April 2017 be received and noted.

**Corporate Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

## **4 CUSTOMER SERVICE CHARTER**

### **Summary:-**

- *This report seeks the adoption of the Customer Service Charter AP010.*
- *The purpose of this report is to present to Council the new Bogan Shire Council Customer Service Charter and to have it adopted as a Policy of Council.*

### **4.1 Introduction**

The purpose of this report is to present to Council the Bogan Shire Council Customer Service Charter and to have it adopted as a Policy of Council.

### **4.2 Background**

It is good practice for Council to spell out its Policy in relation to Customer Service to meet our obligations under the Delivery Program and meet Council's values.

### **4.3 Discussion**

In order to measure Council's success in customer satisfaction and service delivery Council recently installed a Customer Request Management (CRM) system that integrates with our Authority Software to enable a more efficient way to record and report on Council's customer requests, complaints, compliments and enquiries.

In line with this Council has now developed a Customer Service Charter to provide guidance to both staff and customers in relation to the standards of service and the processes for both customers and staff for making and recording such compliments, enquiries, requests and complaints in relation to Council services.

The Customer Service Charter outlines to customers what they can and should expect from Council staff and helps to give employees of Council clear guidelines on procedures for recording in Council's CRM system and response times from Council to customers.



**Corporate Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

**4.4 Recommendation**

That Council adopt the attached draft Policy AP010 to be known as Bogan Shire Council's "Customer Service Charter".

**Stephanie Waterhouse**

**Finance Manager**

**Engineering Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

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

### **Mayor and Councillors**

I submit the following report for consideration:-

## **1 OPERATIONAL REPORT**

### **1.1 Civil Works**

Work undertaken during the reporting period of 17 April 2017 to 12 May 2017 consisted of the following:-

- Continuing construction of the cycleway next to the Bogan River and Rotary Park.
- Completing repairs and maintenance to the racecourse in preparation for the Anzac Day Races.
- Completing repairs to paving in the Pangee Street CBD.
- Completing repairs at the Nyngan Showground.

### **1.2 Community Facilities**

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

- Preparation and set up for Anzac Day Ceremonies.
- Preparation of the Nyngan Racecourse for the Anzac Day Races.
- Preparation of Nyngan Showground for Annual Show.
- 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 25 May 2017**

**1.3 Roads**

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

<b>No.</b>	<b>Name</b>	<b>Comments</b>
7514	Cockies Road	Shoulder grading for reseals completed.
33	Wye's Road	Maintenance grading completed.
92	Colane Road	Re sheeting continuing.
77	Tubbavilla Road	Re sheeting completed.
228	Hermidale Nymagee Road	Shoulder grading completed.
98	Elmore Road	Maintenance grading commenced.
78	Okeh Road	Re sheeting continuing.
41	Shannonvale Road	Maintenance grading completed.
HW7	Mitchell Highway	2km's of Rehabilitation commenced.
10	Pangee Road	Re sheeting continuing.
22	Moonagee Road	Flood Damage repairs completed.
MR 424	Monkey Bridge road	Maintenance grading continuing.
40	Plummer's Road	Maintenance grading completed.
77	Tubbavilla Road	Maintenance grading completed.
13	Bourke's Road	Maintenance grading commenced.

**Engineering Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

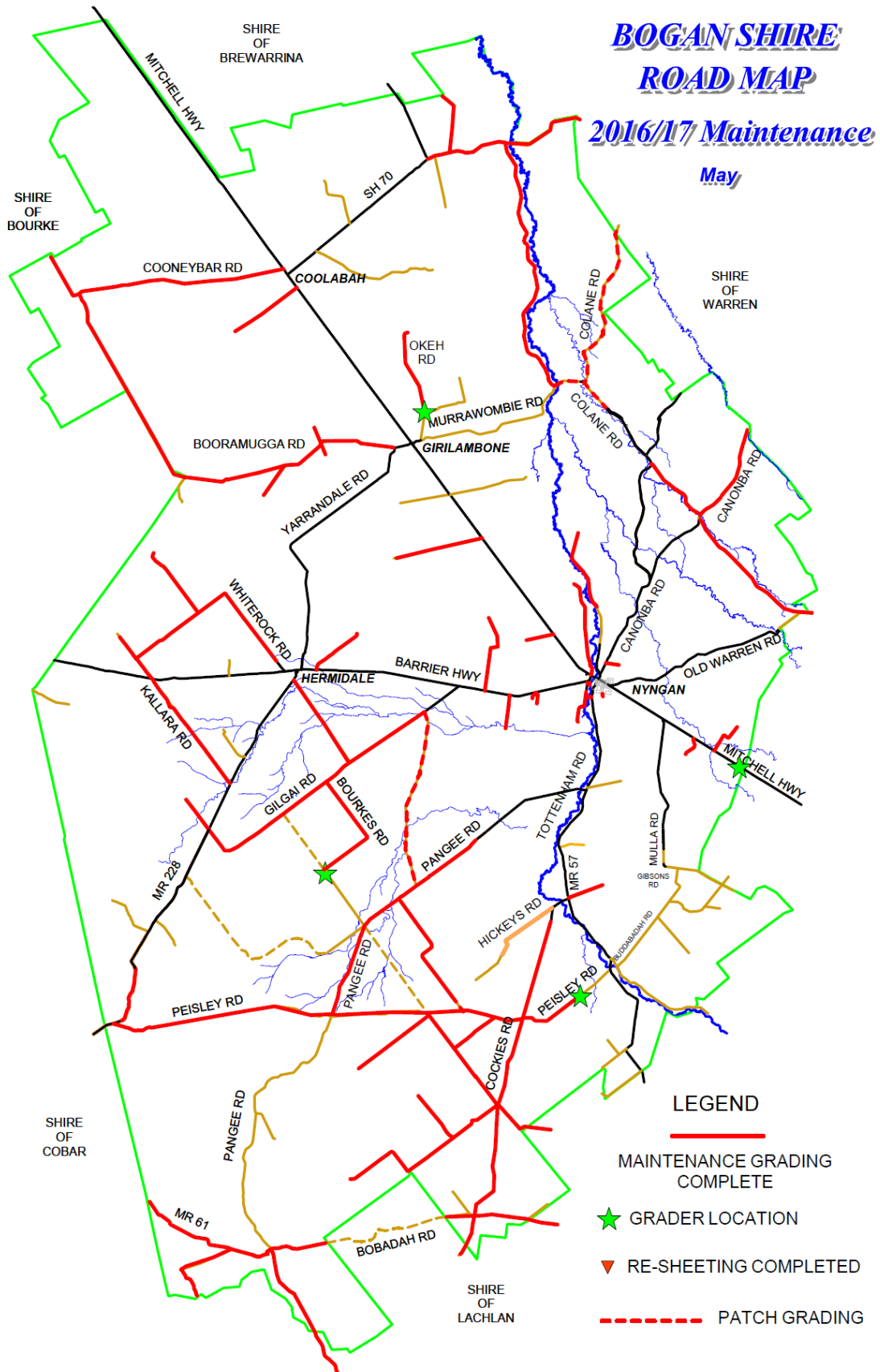
The works program for the remainder of April and the beginning of May includes but is not limited to the following works:-

- Completing stage 3 of the Rotary Park Cycleway.
- Completing construction of the new dressing sheds at Larkin Oval.
- Resealing a total of 4kms on Cockies and Colane Roads.
- Completing the rehabilitation of 1.9km of the Mitchell Highway near the property of Adavale.
- Commencing rehabilitation of a further 1km of the Mitchell Highway near Singleton's Road.
- Rehabilitation and sealing of 2km of Colane Road.
- Shoulder grading on the Mitchell Highway at Coolabah.

#### **1.4 Recommendation**

That the Operational Report for the reporting period 17 April 2017 to 12 May 2017 be received and noted.

Engineering Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017



**Engineering Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

## **2 NYNGAN COBAR WATER SECURITY PROJECT STAGE 2 PROJECT PLAN**

**Summary:-**

*This report is for Council to adopt a Project Plan for a Feasibility Study - Albert Priest Pipeline and 3,000 ML Storage.*

### **2.1 Introduction**

The purpose of this report is for Council to consider a Project Plan prepared by DPI Water for a Feasibility Study - Albert Priest Pipeline and 3,000 ML Storage.

### **2.2 Background**

The Department of Industry – Water has prepared a Project Plan for a Feasibility Study - Albert Priest Pipeline and 3,000 ML Storage.

In December 2016, the Hon. Barnaby Joyce MP, Deputy Prime Minister, and the Hon Naill Blair, NSW Minister for Primary Industries, agreed to an \$850,000 grant from the National Water Infrastructure Development Fund (NWIDF) to the Nyngan Cobar Water Security Project.

The Nyngan Cobar Water Security Project is a 3 Stage Project to increase water security to Nyngan and Cobar townships and the Cobar Mines.

Stages for the Project have until recently been:-

- Stage 1 - 1,400 ML Storage at Nyngan (700 ML under construction)
- Stage 2 – Albert Priest Pipeline
- Stage 3 – An additional Storage (up to 3,000 ML) or Borefield at Warren.

The Business Case for the Albert Priest Pipeline identified benefits to building Stage 3 – 3,000 ML Storage prior to or concurrently with Stage 2 - Pipeline. Council subsequently resolved to consider them concurrently. This Feasibility Study will take this into account and aim to resolve the Staging order. In doing so, most of the investigations are expected to focus on the Pipeline, as the Pipeline presents the largest and most complex set of issues.

The Draft Nyngan & Cobar Water Security Project – Business Case is currently on public exhibition and at the time writing this report, no submissions have been received.



**Engineering Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

**2.3 Discussion**

The objective of the Feasibility Study is to progress the Nyngan Cobar Water Security Project to the next Stage of Capital Works.

Keys to achieving this objective are: -

- Consult with landholders and water users along the Albert Priest Channel.
- Confirm the water security needs for Bogan Shire Council, Cobar Shire Council and Cobar Water Board.
- Determine the cost and benefits for each water user group.
- Optimise the pipeline design.
- Locate suitable sites for the 3,000 ML Storage.
- Identify environmental and cultural heritage issues.
- Council will engage specialist consultants to carry out the Feasibility Study, with Council owning the intellectual property rights to ensure stakeholders are able to use and rely on the Feasibility Study.

**Scope of Work**

Item	Activity	Description
1	Sign Funding agreement	
2	Project Management	The Project Manager will drive the Project and manage all consultants and sub-consultants.
3	Identify potential 3,000 ML Storage Sites	Early identification of potential sites is key to progressing the Engineering, Environmental and Geotechnical Studies.
4	Stakeholder engagement with APC Users Association, irrigators and stock & domestic water users	Conduct a series of meetings with APC Users Association, irrigators and stock & domestic water users to determine their vision for the future and complete benefit and cost analyses to identify the best water delivery and cost sharing options for all water users.

**Engineering Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

5	Project technical advice and stakeholder engagement with Bogan Shire Council, Cobar Shire Council and Cobar Water Board	The Project Technical Advisor will support the Project Director with a strong focus on overall stakeholder engagement and financial planning and assessments. Duties will also involve attending steering committee meetings and maintaining the project plan. If required, duties may include attending stakeholder meetings and reviewing consultancy briefs, selection criteria and outputs.
6	Sign off Feasibility Study – Phase 1	Feasibility Study - Phase 1 will comprise of the findings from the stakeholder engagements. Bogan Shire Council to sign-off the resulting Report/s.
7	Engineering, Environmental and Geotechnical Studies for the 3,000 ML Storage and Pipeline	These studies will investigate the engineering, environmental and geotechnical aspects of options shortlisted by key stakeholders for the purposes of refining the cost benefit analyses and assessing the feasibility.
8	Feasibility Study – Phase 2	This report will assess the findings from the Engineering, Environmental and Geotechnical Studies on the feasibility and cost benefit of options, as well as incorporating any further feedback from key stakeholders.
9	Sign off Feasibility Study – Phase 2	Bogan Shire Council to sign-off the resulting Report/s.

To satisfy the Commonwealth agreement, the completion of Feasibility Study Phase 1 - stakeholder engagement is required in March 2018. The completion of Feasibility Study Phase 2 - detailed engineering and environmental studies and concept designs for supplying water through a pipeline to Nyngan and Cobar is required in March 2019.

Council is the project owner and director while NSW Public Works will be the Project Manager (with technical input from Mike Brearley and Associates) overseeing the following consultants:-



**Engineering Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

- Stakeholder Engagement
- Cost Sharing and Service Agreement
- Legal Advisor
- Surveyor
- Geotechnical
- Planning & Environmental
- Designer

**2.4 Recommendation**

For Council's Consideration.

**Graeme Bourke**  
**Manager engineering Services**

**Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

**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**

Four (4) Applications have been approved since Council's April 2017 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.
2016/015	WR Nominees	Lot 101 Lawlor Street, NYNGAN	Change of Use	15,000	Additional report provided on Fire Safety Upgrades prior to Christmas. Under Assessment. Additional Information required.
2016/016	Terry Lyons	Lot 2 DP 939430 Nyngan Street, Hermidale	Refurbishment of shed and extension	100,000	Advice from Applicant that the application will be withdrawn / amended to reduce scope of project.
2016/031	Mr KD Murphy	50 Oatley Street, Nyngan	Shed	50,000	Approved.
2017/006	Mr J G Leek	54 Oatley Street, Nyngan	Manufactured Home	159,208	Approved.
2017/007	Evolution Planning	39-41 Pangee Street, Nyngan	Replacement Business Signage	45,000	1 objection received regarding lighting impacts on home, applicant to provide further information.

**Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

2017/008	Mr L A Jeffery	66 -72 Flashman Avenue, Nyngan	Shed	14,000	Approved.
CDC2017/ 001	Wrightway Building	15-21 Jubilee Street, Nyngan	New Dwelling	408,000	Approved.
2017/009	Mr M R Young	23 Oxley Street, Nyngan	Shed	8,000	Under assessment.
2017/010	Mr J C & Mrs N J Cassin	Cobar Street, Hermidale	New Dwelling	185,000	Recently lodged.

**1.2 Recommendation**

That the Development Applications Report since Council's April 2017 Meeting be received and noted.

**Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

## **2 OPERATIONAL REPORTS**

### **2.1 Introduction**

The purpose of this report is to outline the key works undertaken since Council's April 2017 meeting by the Parks and Gardens Team and the Noxious 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 whipper snipping, mowing, weed removal, edging of:-
  - Heritage Park
  - Nyngan Cemetery
  - O'Reilly Park
  - Davidson Park
  - Vanges Park
  - Medical Centre
  - Teamsters Rest
  - Flood Memorial Rest Area
  - Council Administration Building
  - Moonagee Street Park
  - Early Learning Centre
  - Library and Senior Citizens building.
- Preparation works to Centenary Park (Fountain) for capital improvements.
- Inspection and rectify/order broken play equipment at O'Reilly Park.
- Assist contractor in trimming of conifers at Nyngan Cemetery.
- Assist in weed spraying of Nyngan Cemetery.
- Removal of old remaining plants, bark and irrigation line in trial Pangee Street garden bed and ordering of new plantings and irrigation for installation.

**Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

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

- Spraying on Arthur Hall VC Way for Woody Weeds.
- Spraying of edge breaks on:-
  - Colane Road.
  - Old Warren Road.
  - Mulla Road.
- Highway 7 spraying of edge break and drains in preparation for re-seal.
- Road inspections.
- Waterway inspections.
- Staff training for new Biosecurity Legislation.

### **2.3 Recommendation**

That the Operational Report, including Parks and Gardens and Noxious Weed since Council's April Meeting be received and noted.

Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017

### 3 MOBILE FOOD AND DRINK VENDING VEHICLES POLICY

**Summary:-**

- *Following exhibition of the Mobile Food and Drink Vending Vehicles Policy for a period of 28 days, one (1) submission was received during this period.*
- *The report is presented to Council for final adoption of the Policy.*

#### 3.1 Introduction

The purpose of this report is to provide Council with the final Policy to guide and control the development of mobile food and drink venders in the Bogan Shire area.

#### 3.2 Discussion

Following exhibition of the Policy for 28 days, one (1) submission was received. The submission is included within *Attachment 1* and whilst does not object to the content of the Policy, seeks to clarify aspects of the Policy.

The content of the submission and a response to the matters raised is provided below:-

- *Section: 4.1 (f) and 4.5 (f)*
  - *Comment: Approval renewal process to be outlined. Does this require another vehicle inspection? Or, is this process more streamline?*
- *Section 4.6 (a) - point two*
  - *Comment: This would be difficult for one to monitor or know if prior trading has already occurred. How does one know that they are not permitted to operate due to previous operations?*
- *Section 5 - Point 12*
  - *Comment: Does natural ventilation qualify as a ventilation system? Extraction fans may not be necessary for some Category 1 vehicles due to design/layout. For example: a coffee trailer which opens at the rear, is operated whilst standing on the ground and the bench/food preparation area depth is 800mm, natural ventilation should be adequate in this circumstance.*



**Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

Sections 4.1(f) and 4.5(f) currently state the following:

*4.1(f) Approvals shall take effect from the date stated thereon and shall expire 12 months after the date of the approval or any other time as stated on the approval.*

*4.5(f) Approvals will be issued subject to conditions including, but not limited to, compliance with this Policy.*

In response to the comment made by the submission, all food inspections (including inspections of mobile vehicles) are required to be undertaken every 12 months, in accordance with the Food Act. However, approvals for the activity issued by Council may be valid for greater than 12 months, in accordance with the Policy wording outlined above. The limit however, would be 5 years.

Section 4.6(a), point two currently states the following:-

- *A maximum of two (2) Mobile Food and Drink Vending Vehicles are permitted to trade on the same lawful car parking space at different times within the same 24 hour period.*

In response to the comment made, this will be made a condition of the approval and will also be monitored by Council staff (including the Ranger). This condition ensures that there are not more than two food vehicles trading in the same location within the same 24 hour time period. An example location is within the car park of Flood Memorial Car Park and therefore will ensure that there is not 2 food vehicles trading at the same time in this location, potentially restricting caravans and travellers stopping for a break.

Section 5, point 12 currently states the following:-

- *The vehicle shall be fitted with an exhaust or ventilation system that discharges vertically and is regularly maintained.*

In response to the comment made, the list of items under section 5 is for consideration under the assessment of an application submitted to Council. The need to install exhaust systems greatly depends on the type of food vehicle (i.e. if there is cooking of food) and its ability to comply with the Food Safety Standard. An open coffee trailer is not cooking food products and would not require a mechanical exhaust system.

**Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

**3.3 Attachments**

*Attachment 1 – Copy of Submission.*

*Attachment 2 – Copy of exhibited Policy.*

**3.4 Recommendation**

That Council adopt the final Policy for Mobile Food and Drink Vending Vehicles as exhibited.

**Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

**From:** Andrew Denovan  
**To:** [Admin](#)  
**Subject:** Bogan Shire Mobile Food and Drink Vending Vehicles Local Approvals Policy  
**Date:** Friday, 28 April 2017 1:14:22 PM

---

This email is addressed to the General Manager, Derek Francis,

Hi Derek,

The policy developed by Bogan Shire Council is a positive step in providing the framework for the operation of Mobile Food Vending Vehicles and as a Mobile food business owner I appreciate the efforts of those involved.

Below are some comments that I wish to be considered when finalising and implementing the policy;

Section: 4.1 (f) and 4.5 (f)

Comment: Approval re-newel process to be outlined. Does this require another vehicle inspection? Or, is this process more streamline?

Section 4.6 (a) - point two

Comment: This would be difficult for one to monitor or know if prior trading has already occurred. How does one know that they are not permitted to operate due to previous operations?

Section 5 - Point 12

Comment: Does natural ventilation qualify as a ventilation system? Extraction fans may not be necessary for some Category 1 vehicles due to design/layout. For example: a coffee trailer which opens at the rear, is operated whilst standing on the ground and the bench/food preparation area depth is 800mm, natural ventilation should be adequate in this circumstance.

I assume this method and format is acceptable for the purpose of a public submission. Please advise if any more information is required.

Kindest regards,

Andrew Denovan

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This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

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## 4 DAVIDSON PARK PROGRAM OF WORKS

### **Summary:-**

*In the 2016/17 Capital Budget, Council allocated \$21,461 towards upgrades to Davidson Park once the old playground has been removed.*

### **4.1 Introduction**

In the 2016/17 Capital Budget, Council allocated \$21,461 towards upgrades to Davidson Park once the old playground has been removed.

This report proposes a scope of works for the park for Council consideration.

### **4.2 Discussion**

In both 2015/2016 and 2016/17, Council resolved to dedicate funding towards the refurbishment of Davidson Park. This funding was previously carried forward to enable works to the Medical Centre to be completed in addition to the refurbishment of the Bicentennial Wall.

Now that works to the Medical Centre has been completed, the works to Davidson Park has been further discussed and is presented to Council for consideration.

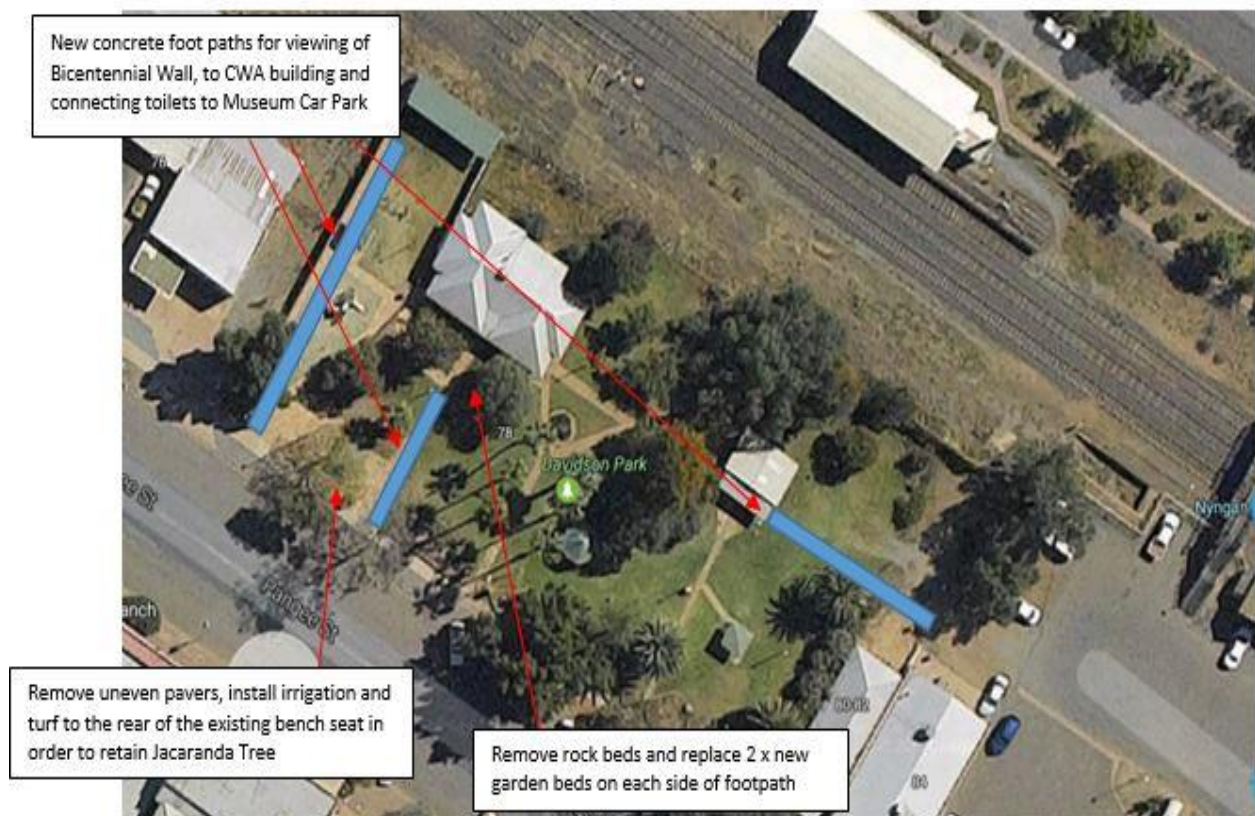
An additional sandstone garden bed was considered, however is not recommended to enable the retention of the existing Jacaranda Tree and Telstra telephone box and services. However, it is proposed to upgrade the garden bed fronting the CWA building in consultation with the Nyngan CWA and include a new concrete pathway after removal of uneven pavers and to turf the remaining area exposed.

Based on this modification, the following works are proposed (plan also included below);

- The uneven paving surrounding the bench chair leading up to the CWA building be removed and replaced, and a new concrete footpath constructed (approx. 5m in length).
- New concrete footpath linking the toilet facilities to the VIC Car Park (approx. 10m in length).
- New footpath adjacent to the Bicentennial Wall to enable ease of viewing.
- Irrigation lines and new turf be placed around the area not covered by the new footpath adjacent to the Medical Centre.

**Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

- Subject to consultation with the Nyngan CWA, the rocks surrounding the CWA buildings current garden area be removed and small raised garden beds be reinstated on each side of the footpath with subsurface drippers installed.
- Plant small native flowering shrubs and grasses within the garden beds.
- Minor maintenance works (paint) to the existing table setting and bin enclosure within the park.



**Overview Plan of Proposed Works**

**4.3 Recommendation**

It is recommended that Council undertakes the scope of works in Davidson Park as detailed.

## 5 WESTERN SLOPES GAS PIPELINE MAJOR PROJECT

### **Summary:-**

- *This report is submitted to Council to provide a summary of the Western Slopes Gas Pipeline Major Project.*

### **5.1 Introduction**

The purpose of this report is to provide Council with information on the Western Slopes Gas Pipeline Major Project to which a Preliminary Environmental Assessment has been submitted by the applicant, APA to the NSW Department of Planning, and is a State Significant Infrastructure Project (Major Project).

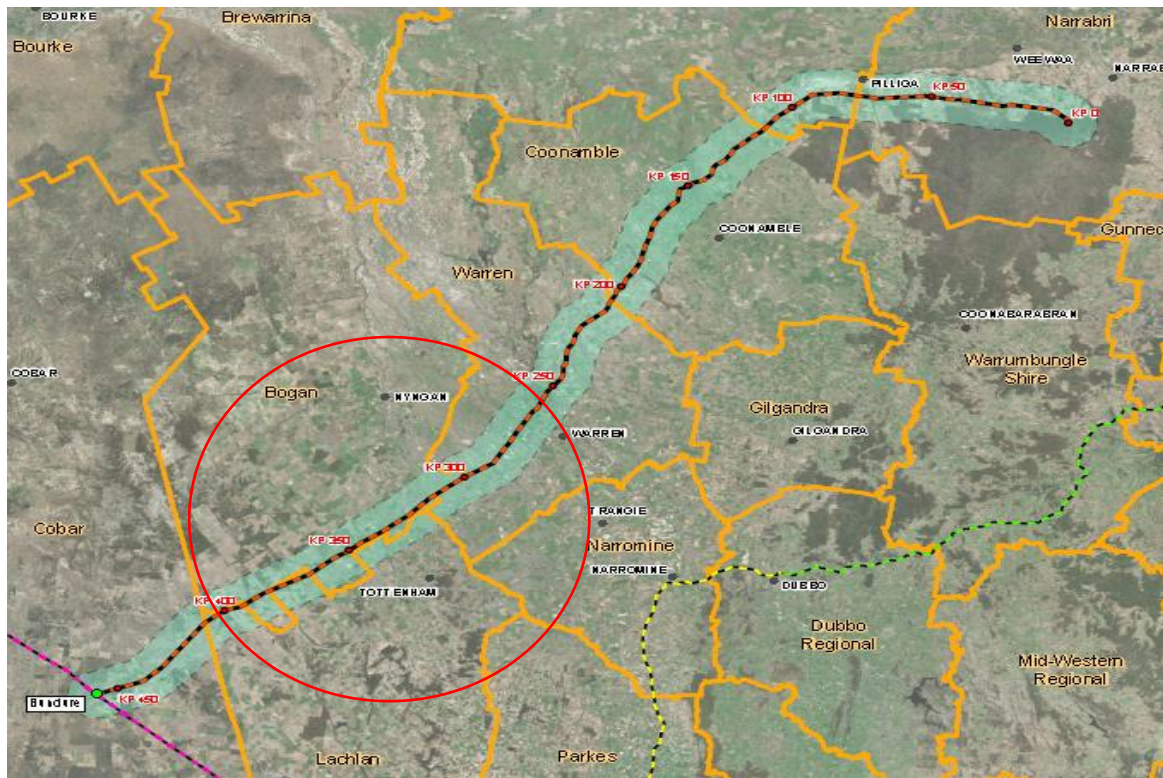
### **5.2 Discussion**

The pipeline is proposed to be 450km long, connecting and transporting natural gas from the proposed Narrabri Gas Project (also currently under assessment with the Department of Planning) to the NSW gas transmission pipeline system (to Sydney). The pipeline affects six other LGA's including Narrabri, Walgett, Coonamble, Warren, Lachlan and Cobar.

The pipeline is proposed (in the preliminary alignment) to travel through a limited number of rural Bogan Shire properties towards the Lachlan Shire boundary areas as depicted below.



**Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**



The Western Slopes Pipeline State Significant Infrastructure Project Application is in its preliminary stages and presently seeks the Secretaries Environmental Assessment Requirements (SEAR's) to enable survey works and environmental assessments to be carried out in the project areas. This process will enable an Environment Impact Statement (EIS) to be prepared and submitted to the Department for assessment including Public Exhibition of the EIS to the public.

It is understood that the applicant APA has begun consultation with landowners regarding access to their properties for survey works and detailed Environmental Investigations to be undertaken. An Authority to Survey application has also been submitted to the Department of Industry to enable surveying works to be undertaken in the event that landholder agreement is not successful. Should this be issued, conditions are applied and includes significant landowner notification prior to commencement of survey works on all land.

Once survey works are undertaken and detailed environmental assessments are completed, in accordance with the Secretaries Environmental Assessment Requirements, the Environmental Impact Statement is submitted, and public exhibition and community consultation is undertaken by the Department of Planning. At this point, submissions can be made to the Department on the proposed Major Project and Council's will also be consulted.

**Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

Any Notice of Determination issued is done so by the Minister for Planning, not by Council.

As the project is in its preliminary stages, the full extent of the impacts of the proposal are not fully identified. As a result, Council will be provided, during the exhibition process of the Environmental Impact Statement, an opportunity to comment on the proposal at that stage.

### **5.3 Recommendation**

For Council's Information.

**Ty Robson**

**Acting Manager of Development and Environmental Services**



Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017

## PRECIS OF CORRESPONDENCE

### 1 CASTLEREAGH – BARWON – DARLING RIVER POLICE RUGBY UNION FOOTBALL CLUB

Attached is a copy of correspondence received from the Castlereagh – Barwon – Darling River Police Rugby Union Football Club seeking sponsorship from local businesses. Police officers from the far west of NSW are organising a rugby union side (The Western Warriors) to compete in the NSW Police “Geoff Richardson Country Rugby Cup” to be held in Forster in October 2017. The correspondence lists the sponsorships available.

**1.1 Recommendation:** For Council’s Consideration.

### 2 MELINDA MILLS

Attached is a copy of an email received from Melinda Mills concerning the Western Slopes Pipeline Project. The General Manager and Senior Development and Environmental Officer met with Mrs Mills and Clare and Mark McConochie to discuss the Project. Clare McConochie will be addressing Council at the meeting at 10.15am. Also, attached is additional information forwarded by Mrs Mills.

**2.1 Recommendation:** For Council’s Consideration.

### 3 AUDIT OFFICE OF NSW – AUDITOR-GENERAL

Attached is a copy of correspondence received from the Audit Office of NSW, Auditor-General regarding the initial Local Government Performance Audits. Recent amendments to the Local Government Act 1993 have made the Auditor-General of NSW the Auditor of Local Councils in NSW. Performance audits assess whether an agency of Council is carrying out its activities effectively, and doing so economically and efficiency and in compliance with relevant laws. Attached also, is the Performance Audit Guide for Local Government.

**3.1 Recommendation:** For Council’s Information.

**Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

#### **4 MARGOT DOWNING**

Attached is a copy of an email received from Margot Downing asking to obtain some property name signs attached to the existing Council street sign posts to help direct trucks and similar to their property, rather than having to meet them closer to town to pilot them out to the property. Her proposal for locations is listed as is the design and dimensions for the signs.

**4.1 Recommendation:** For Councils Consideration.

#### **5 WEEKLY CIRCULARS**

Weekly Circulars 15/17 to 18/17 are tabled for Council's information. Copies of the Circulars Indices and Summary of Items have been dispatched to Councillors.

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

Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017

CASTLEREAGH – BARWON - DARLING RIVER POLICE RUGBY UNION FOOTBALL  
CLUB

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Castlereagh - Orana - Darling River  
P.R.U.F.C



***"THE WESTERN WARRIORS"***

Dear Sir/Madam,

Police officers from the far west of NSW are organising a rugby union side to compete in the NSW Police "Geoff Richardson Country Rugby Cup" to be held in Forster in October 2017.

Our team is the Castlereagh – Barwon - Darling River "Western Warriors" and is drawn from police officers based in Western NSW, including Bourke, Walgett, Nyngan, Cobar, Brewarrina, Lightning Ridge, Collarenebri, Narrabri, Moree and Dubbo. We will be competing against police teams from all over NSW for the Country Cup. The "Western Warriors" won the tournament in 2016.

The Western Warriors are seeking sponsorship from local businesses. Sponsorship is a great way to promote your business and build relationships with your local police officers and their families, friends and supporters. We would sincerely appreciate any sponsorship and will ensure that those who do provide support are acknowledged as set out below and also through our local media. If you would be prepared to support our team we have different levels of sponsorship available;

**MAJOR SPONSORS \$1500:** The major sponsors will have their business logo displayed in pride of place either on the front or rear shoulder area of the player's jersey as well as the player's team shirt. The major sponsors will also receive a jersey, an acknowledgement certificate and team photograph.

**SILVER SPONSORS \$1000:** Silver sponsors will have their business logo displayed prominently on the sleeve of the player's jersey. Silver sponsors will receive a player's team shirt, an acknowledgement certificate and team photograph.

**CLUB SPONSOR \$500:** Our valuable club sponsors will receive an acknowledgement certificate and team photograph.

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THE WESTERN WARRIORS

**Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

**CASTLEREAGH – BARWON - DARLING RIVER POLICE RUGBY UNION FOOTBALL  
CLUB**

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If you are interested in supporting the Western Warriors or have any further questions, please do not hesitate to contact me on (02) 6831 1399, [coop2dan@police.nsw.gov.au](mailto:coop2dan@police.nsw.gov.au) or with your local police officer responsible for giving you this form.

Thanking you in advance for considering supporting the Western Warriors 2017!

Yours faithfully,

Senior Constable Daniel COOPER  
Nyngan Police Station

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THE WESTERN WARRIORS

Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017

Email and Information received from Melinda Mills

Dear Derek,

Thankyou for meeting with us on Tuesday, to discuss our issues with the pipeline project. Please find attached dot points outlining all our issues that we discussed. I confirm that Clare McConochie will be at the Shire Council meeting 25th May, 9.30 to give a power point presentation to the Council on this matter. Any problems please feel free to contact me.

Regards,

Melinda Mills

**Western Slopes Pipeline Project**

APA is Australia's largest gas infrastructure business. They own and/or manage 15,000Km of natural gas pipeline across mainland Australia. The development is for a 450Km gas transmission pipeline from the Narrabri Gas project (still to be approved) to Bundure ( Moomba-Sydney Pipeline).

APA propose to put a large diameter(450mm), high pressure gas pipeline (900mm deep) right through the middle of our cropping paddocks. It crosses our main access road, runs along a watercourse, within 200m of 3 dams and 500m of the neighbour's house.

**Surveyed ~80% of the affected landowners in the Bogan Shire and  
90% say NO PIPELINE**

## **Impacts to the Shire**

- No benefits to the Shire- labour is specialised in APA's own man camps; no gas going into Shire; not getting extra rates; no industry
- Burdens to the Shire- APA labour camps require sewage, water for construction, heavy machinery destroying roads, waste disposal facilities, laydown areas for pipe stockpiling

## **Impacts to the Landholders**

- Survey Access- access land at any time within the period- driving through crops; livestock disruption; erecting markers
- increased landowner anxiety levels ;stress
- Construction Issues- minimum 12 weeks- pending weather/breakdowns and other issues- could be longer –years in flood times
- access through middle of cropping paddocks, livestock disruption
- compaction with heavy machinery( bulldozers, loaders, graders, trucks, padding machines, excavators, wheel ditching machines, boring machines,refuelling and equipment servicing vehicles, crew vehicles)
- increased traffic flow
- interfering with existing infrastructure-cutting fences and laneways-boxed mobs of sheep
- noise with construction crews, machinery
- unknown personnel accessing your property
- stock falling in trenches
- diversion access to paddocks around trenches
- environmental contamination
- changes to watercourse and stream flow

Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017

- increased landowner anxiety levels ;stress

-Easement Issues – minimum 30m easement, possibly larger for machinery turnaround

- subsidence and also altering the water flow

- erosion- water catchment, gilgais

  - weeds -from machinery, from disturbing the soil and bringing in topsoil

- diseases- anthrax spores dormant in soil

- restriction of heavy machinery over the pipeline

- restriction of deep ripping over pipeline

- restriction of land contouring or levelling, fencing over pipeline

- any activity requires prior written approval

- interferes with tramlining infrastructure

- regular access of APA to property for inspection

- inconvenience with intensive feedlotting and handling stock daily

- increased landowner anxiety levels ;stress

-Above ground infrastructure- mainline valves every 75km

- scraper stations/compressor stations- require 4-20 acres, every 60-120Km- noisy

- communication towers

- meter stations

- marker signs- line of sight

Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017

- temporary laydown areas for pipe stockpiling
- Decrease in property values- caveat on your title
- Long term effects- pipeline is there for 40 plus years subject to corrosion and possible rupture, ignition, fatalities
- leakage from weld joints- poisoning water courses and sterilising ground
- pipeline is close to dwellings and infrastructure like dams, yards, laneways,etc
- possibly could duplicate pipeline in the future on the same easement
- flutter and hum in the pipeline possibly affecting livestock
- increased landowner anxiety levels ;stress

Professor Mary O’Kane- Chief Scientist on the CSG Report said”

**There are no guarantees**

-All industries have risks and, like any other, it is **inevitable** that the CSG industry will have some **unintended consequences, including as the result of accidents, human error, and natural disasters.**”

We would like the Council to support its ratepayers that this pipeline affects, by opposing CSG and this pipeline. We feel it would strengthen our case against the pipeline if the Council would support us. We would like our Council to join other councils against CSG and the pipeline such as Walgett, Coonamble, Coonabarabran, Gilgandra, Moree, Narromine and Northern Rivers. We would like the Council to put in a submission on behalf of it’s ratepayers against the proposed pipeline’s Authority to Surve



**Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**



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

BOGAN SHIRE COUNCIL	
FILE	R/N
04 MAY 2017	
ASSIGNEE Derek	

Contact     Audit Office  
Phone No    9275 7100  
Our Ref  
Your Ref

27<sup>th</sup> April 2017

Dear Mr Francis

**Initial local government performance audits**

As you are aware, recent amendments to the *Local Government Act 1993* have made the Auditor-General of NSW the Auditor of Local Councils in NSW. In addition to auditing Councils' annual financial statements, the new mandate provides for the conduct of "Performance Audits".

I am aware Performance Audits are a new type of audit for Local Government so the purpose of this letter is to tell you a little bit about them and my approach.

Essentially, Performance Audits assess whether selected activities or services are carried out efficiently, effectively and economically. The State Government has provided my Office with funding to conduct two to three Local Government performance audits annually. I have consulted with organisations like Local Government NSW and the Office of Local Government regarding topic selection.

In this first year, I have chosen to focus on the sector as a whole, rather than on any individual council. In this way I hope to improve my Office's understanding of Local Government and to work alongside you to provide some general benchmarking or improvement opportunities. My aim is to support Councils to identify good practice and to make improvements over time.

The first Performance Audit will focus on Councils' own reporting to their communities on service delivery. My Office is conducting a desk top review of reporting in Council annual reports and will select a sample of Councils to profile in more detail.

The second audit will survey fraud controls in place across Councils. And the final performance for the 2017/18 financial year will examine current shared services arrangements.

We will contact you directly if your Council is selected for more detailed examination in any audit.

I am sure it will be helpful if I publish a forward program of possible performance audits for you to provide any feedback on. Matters identified in my annual financial audits will also inform the selection of future topics, which may be a mix of sector wide or more targeted audits. Again, my officers will contact you during the early stages of any audit involving your Council.

Information regarding Performance Audits and my Office's approach to Local Government can be found at <http://www.audit.nsw.gov.au/>. I also enclose our Performance Audit Guide for Local Government for your information.

You may like to view my current program of State Government Performance Audits to get a better insight into the nature of performance auditing. You can also discuss any aspect of the audit of your Council with the Business Team Leader responsible for your Council. Contact details will be provided to you in our Client Service Report.

**Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

I am looking forward to working constructively with you and your officers to carry out my obligations under the Act but to also support you in your work. If you have any questions, please feel free to email me (mail@audit.nsw.gov.au).

Please note I have also written to your mayor on this topic. It would be appreciated if you could table this correspondence at a forthcoming council meeting.

With my best regards

A handwritten signature in blue ink, appearing to read "Margaret Crawford", with a stylized flourish at the end.

Margaret Crawford  
Auditor-General of NSW

## Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 25 May 2017

### PERFORMANCE AUDIT GUIDE FOR LOCAL GOVERNMENT

#### INTRODUCTION

Performance audits assess whether an agency or council is carrying out its activities effectively, and doing so economically and efficiently and in compliance with relevant laws.

This Guide provides councils (the audited agency) with information about the NSW Audit Office's performance audit process. The Guide outlines the legislative framework and the NSW Auditor-General's authority, and what to expect of the Audit Office during a performance audit.

The Guide also informs councils of their obligations to assist the performance audit team to effectively and efficiently complete their work.

#### LEGISLATIVE FRAMEWORK

##### ***Auditor-General's authority to conduct performance audits***

The *Public Finance and Audit Act 1983* (PF&A Act) sets out the Auditor-General's functions, mandate and powers.

The Auditor-General's independence is assured by key provisions in the PF&A Act. Specifically, the Auditor-General:

- reports directly to NSW Parliament on audits of agency financial reports and performance
- can only be dismissed by a resolution of both houses of the NSW Parliament
- decides on the program of work undertaken by the Audit Office
- is appointed for a non-renewable eight year period. In addition, performance audits are funded by NSW Parliament, not the agency being audited.

Under the *Local Government Amendment (Governance and Planning) Act 2016* (the Act), the Auditor-General is the auditor of all NSW councils and 'council entities' from 1 July 2016 and has the mandate to conduct performance audits.

The Act gives the Auditor-General authority to choose the topics and agencies for review, and to access required agency information.

The Auditor-General is required to report to the head of the audited agency, the responsible Minister and Treasurer on the result of a performance audit. In many cases, this will include the Office of Local Government and its Minister due to their respective roles.

## Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 25 May 2017

### SUMMARY OF KEY POINTS

In conducting a performance audit, the Audit Office is responsible for:

- obtaining sufficient knowledge of the program or activity being audited
- maintaining a constructive relationship with the audited agency and undertaking adequate consultation (see Table 1)
- securing and keeping confidential all agency information obtained in the course of the audit.

The head of the audited agency is responsible for:

- nominating up to two suitable liaison officers to work with the audit team
- providing full and free access to people and information within requested timeframes. This includes providing all information that is relevant to the audit, even if not specifically requested
- a duty of care to the audit team under WHS and anti-discrimination laws, and harassment free workplace policies.

#### ***Performance audits and topic selection***

Performance audits assess whether an agency is carrying out its activities effectively, and doing so economically and efficiently and in compliance with all relevant laws. Activities examined by a performance audit may include an individual program or service provided by an individual or group of council's, all or part of an individual council, or it may consider particular issues affecting the sector as a whole and may include state agencies as well as council's. Performance audits cannot question the merits of government or council's policy objectives. The Act gives the Auditor-General authority to select performance audit topics and activities to review. We use a strategic approach to selecting performance audits, which balances our performance audit program to reflect issues of interest to Parliament and the community. We include topics that align with the government's policy objectives and reform agenda to assess progress and impacts.

Each year, the Auditor-General seeks input from the heads of government agencies and certain statutory officers, on proposed topics before publishing the performance audit program. The Auditor-General will also take into account performance audit topic suggestions from the Public Accounts Committee, Members of Parliament, local councils and members of the public.

#### ***Authority to access Council information***

The Act provides the Audit Office with full access to information irrespective of any agency obligations for confidentiality. This overrides any other legislation that might restrict disclosure, such as secrecy or privacy laws.

The Auditor-General is entitled at all reasonable times to full and free access to information requested of the audited agency.

The only exception to this access is information that is Cabinet information as defined in the *Government Information (Public Access) Act 2009* (GIPA Act). However, as a matter of convention the Secretary, Department of Premier and Cabinet, provides relevant Cabinet documents to the Auditor-General when requested.

Agencies must provide the Audit Office with information requested.

#### ***Confidentiality requirements***

Under the PF&A Act, any information obtained in the course of undertaking a performance audit must not be disclosed by Audit Office staff to any person other than staff of the auditee, with the exception of information relating to improper conduct as detailed in the Act.

All information that the Audit Office receives, and working papers that the Audit Office creates during an audit, are exempt from the GIPA Act.

## Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 25 May 2017

### **FOLLOW-UP PROCESS AFTER THE PERFORMANCE AUDIT IS COMPLETED**

Approximately 12 months after each performance audit report is tabled in Parliament, the Public Accounts Committee (the Committee) may follow up action taken by audited agencies in response to recommendations made by the Auditor-General. As part of the follow up process, the Committee questions agencies about their response to the recommendations and, if required, conducts public hearings to examine witnesses. The Auditor-General also provides comments on submissions made by agencies to the Committee.

After the performance audit report is tabled, we write to the head of each audited agency to confirm this process and provide a template to assist the audited agency to report to the Committee when requested.

### **ROLES AND RESPONSIBILITIES**

#### **The Audit Office's obligations**

We aim to complete our work efficiently to minimise the impost on each council. The time to complete this work varies depending on the complexity of the audit topic and the number of councils and state agencies that may be involved. This may range from six to 12 months.

#### **Knowledge of the program or activity being audited**

The audit team will obtain sufficient knowledge to enable it to identify and understand issues relevant to the program or activity being audited.

Performance audits may be undertaken on topics that require specialised skills and knowledge beyond those possessed by the audit team. In these cases, we engage consultants to provide expert assistance to the audit team and will discuss this with the audited council. The audit team must ensure that any consultant engaged for the audit has the necessary competence, capabilities and impartiality to complete the work required.

#### **No surprises approach**

The audit team seeks to establish a constructive relationship with each council so that there are 'no surprises' in the final audit report. The audit team will explain the audit process at commencement and will maintain appropriate communication throughout the audit. Council's General Manager, and executive staff, are encouraged to provide input at appropriate stages of the audit, such as when the audit is being scoped, and when preliminary findings, the draft report and potential recommendations are discussed.

Our audit process outlined in Table 1 provides several formal consultation points for the council to discuss the audit planning, preliminary findings and draft report during the course of the audit. In practice, there is ongoing and frequent communication between the audit team and the liaison officers.

Additionally, the head of the audited council and council executive staff can contact the Auditor General, Deputy Auditor General or Assistant Auditor-General Performance Audit at any time to discuss the audit. Our contact details are provided to the General Manager and council liaison officers at the commencement of the audit.

#### **Audit methodology**

Our performance audit methodology is designed to satisfy Australian Audit Standards ASAE 3000 and 3500 on performance auditing. The Standards require the audit team to comply with relevant ethical requirements and plan and perform the audit to obtain reasonable assurance and draw a conclusion on the audit objective. Our processes have also been designed to comply with the performance audit requirements specified in the Act.

#### **Security of agency information**

The Audit Office treats all audit-related information as 'in-confidence'. Our computer network has appropriate security measures in place to mitigate unlawful access. Secure arrangements are also in place to store physical documentation.



## Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 25 May 2017

Sensitive information that, in the Auditor-General's opinion, is not in the public interest will not be included in public reports. This may include commercial in confidence information. Any issues that the council may have about the Auditor-General's powers and the content of the audit report should be discussed with the audit team at the earliest opportunity.

The audit team will discuss with council's liaison officers suitable options and timing to provide information and documentation for the audit. This may include use of a web based secure file transfer facility to enable audited agencies to securely and efficiently provide requested information.

### **The audited agency's obligations**

We aim to use council staff time efficiently and effectively and request the council's cooperation to facilitate our work. In the planning stage of each audit we will consult with council's liaison officers and agree on timely access to people and information (see Table 1).

### **Nominate up to two liaison officers**

Council's General Manager is asked to nominate up to two liaison officers to work with the audit team. The liaison officers' role is important to both the Audit Office and council.

The liaison officer should be a senior member of the council who will keep the General Manager informed of the progress of the audit, and who has authority to make decisions on behalf of the council, for example, when reviewing the draft audit report and discussing potential audit recommendations.

The liaison officer will be asked to assist with the day to day administration of the audit, such as assistance in arranging meetings, access to people and information. Council's General Manager, or the nominated liaison officer, may wish to appoint a second liaison officer to assist the audit team with these matters.

Regular and open communications between the audit team and management of the council help deliver an efficient audit. The audit team will contact the nominated liaison officers regularly during the audit and will direct most questions and documentation requests through them. Refer to Table 1 for more details.

It is essential the audit team receives prompt responses to its questions and requests for supporting documentation.

### **Prepare early for the audit**

The letter sent to the General Manager when a performance audit commences includes an indication of the issues that the performance audit will examine. This is discussed and refined during the planning phase of the audit outlined in Table 1.

The General Manager can prepare early for the performance audit by:

- reviewing relevant plans, records and source data, and making sure these are up-to-date and available for the audit team
- gathering documentation on how council monitors and measures the effectiveness, economy and efficiency of the audited activity and have the most recent results ready.

### **Provide full and free access to people and information**

The General Manager and council's nominated liaison officers are responsible for arranging unrestricted access for the audit team to relevant individuals and documents and for the completeness and accuracy of the information supplied for the audit.

This is particularly important for performance audits. Each performance audit is unique and, as a result, it is difficult for audit teams to know exactly the documentation relevant to the audit. It is therefore the council's responsibility to ensure it provides:

- all information it is aware of that is relevant to the audit, whether or not it is specifically requested
- all information the audit team requests that is relevant to the audit

## Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 25 May 2017

- unrestricted access to all people in the council from whom it is necessary to obtain audit evidence.

### **The General Manager is also requested to advise the audit team:**

- if they or their council has any knowledge of any actual, suspected or alleged intentional misstatement (such as fraud) or non-compliance with laws and regulations in relation to the audit topic
- whether there has been any internal or external reviews or audits conducted in relation to the audit topic.

### **Comply with work health and safety (WHS) and anti-discrimination laws, and harassment-free workplace policies**

The Audit Office is committed to maintaining a high standard of work health and safety, and our staff are expected to treat each other and council staff with courtesy and respect.

Councils have a duty of care to Audit Office staff under the *Work Health and Safety Act 2011*, Regulation, Codes of Practice and recognised industry standards, as appropriate.

If the audit team fails to adhere to anti-discrimination laws or the harassment free workplace policy, the council liaison officers should advise the Assistant Auditor-General Performance Audit immediately.

The Audit Office has policies and strategies to prevent and deal with discrimination and harassment.

If the audit team is treated contrary to anti-discrimination laws and the harassment free workplace policy by any council staff, the audit team will advise the Assistant Auditor-General Performance Audit immediately. The incident will be raised with the council liaison officers and, if necessary, with the General Manager and the Auditor-General.

### **Transmission of agency information**

Council's may provide working papers in hard copy or electronic format. Our preferred format is electronic documents in Word, Excel, or PDF formats provided by e-mail or through the Audit Office's secure file upload service. Details of e-mail addresses to use, or the file upload service, are provided by the audit team when information is requested.

The audit team may need 'read only' access the council's electronic systems. If this is required, the liaison officer will be asked to arrange the necessary access including log in IDs or access terminals on-site.

**Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

**PERFORMANCE AUDIT PROCESS**

Once initiated, performance audits have three main stages: planning, conduct and reporting. A description of each of these stages, and the extent of our consultation with the audited council, is outlined in Table 1.

**Table 1—Performance audit stages and consultation with audited agencies**

<i>Planning</i>	<i>Audit commences</i>	An audit team is assigned and the audit is initiated. Commencement letters are issued to the General Manager, Chief Executive, responsible Minister/s, and the Treasurer. The head of each audited council and state agency nominates their liaison officers who will work with the audit team.	<i>Commencement letters</i>
	<i>Scoping work</i>	The audit team meets with council's liaison officers, and other key stakeholders, to gain an understanding of the council and activities relevant to the audit topic. The audit team develops the audit's scope and focus, including the audit objective and potential criteria. The potential audit scope is discussed with council's liaison officers.	<i>Draft audit scope and focus</i>
	<i>Audit plan</i>	The audit team finalises the audit scope and develops the audit plan in consultation with council's liaison officers. In addition to the scope and focus, the audit plan may include: <ul style="list-style-type: none"> <li>• the audit procedures, including how and what information is to be collected to answer the audit criteria</li> <li>• audit fieldwork and approach, including the people and locations the audit team will visit during the audit</li> <li>• audit schedule, including consultation milestones and proposed tabling date. A draft audit plan is provided to the council's liaison officers for feedback before being finalised. Once finalised, the audit plan and audit engagement letter are issued to the General Manager.</li> </ul>	<i>Audit plan and engagement letter</i>
<i>Conduct</i>	<i>Evidence gathering and analysis</i>	Evidence is collected and analysed against the audit criteria. The audit team must ensure they have sufficient and appropriate evidence to answer the audit objective and criteria.	<i>Interviews with relevant council staff</i>
	<i>Preliminary findings</i>	Preliminary findings against the audit criteria are discussed with council's liaison officers. Additional relevant evidence may be requested if needed.	<i>Requests for access to documents and information</i>  <i>Preliminary findings discussed</i>



**Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

<i>Reporting</i>	<i>Draft report</i>	<p>A draft report is prepared and a meeting held with council's liaison officers to discuss their feedback. The purpose of the draft report is to give the council the opportunity to identify errors of fact or interpretation, and to provide additional relevant evidence that addresses the audit criteria. Responses received from the council are carefully considered and amendments made as necessary. During this process the audit team will also discuss with council's liaison officers potential recommendations to be included in the audit report. The General Manager may wish to meet with the Auditor-General to discuss the draft audit report and recommendations before it is finalised.</p>	<p><i>Draft report</i></p> <p><i>Potential recommendations</i></p>
	<i>Final report</i>	<p>The audit's final report is issued by the Auditor-General to the General Manager, Chief Executive, the responsible Minister/s, and the Treasurer, in accordance with the Local Government Act 1993. The audit report includes recommendations to improve accountability and performance. The General Manager is invited to provide a written response to the audit report and its recommendations that will be published with the audit report.</p>	<i>Final statutory report</i>
		<p>The audit report is tabled in NSW Parliament and published on the Audit web site</p>	<i>Tabled report</i>

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**Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017**

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

From: Margot Downing [<mailto:margotdowning@hotmail.com>]

Sent: Sunday, 7 May 2017 8:07 PM

To: Admin

Subject: Attn Graeme Bourke- Engineering dept- RE road sign application

To whom it may concern,

Due to our remote location away from main roads, we would like to obtain some property name signs to attach to the existing council street sign posts. This would help direct trucks and similar to our property, Windella, rather than having to meet them closer to town to pilot them out. Our proposal is for 4 property signs with the word 'Windella' on both sides of the sign to be placed at the following roads- Okeh Road, Girilambone New Bogan Road, Girilambone Larsens Road, Girilambone Gongolgon Road, Girilambone

The signs would be blue with white writing, so as to not be confused for Road names. They would be approximately 30cm x 10cm and made from aluminium, with a tube fixation device which are tightened externally to the pole rather than damaging the pole.

If you have any further questions please don't hesitate to contact myself on 0439 482 107, or Tom Elder on 0428 337 593.

Thank you for your consideration.

Kind regards  
Margot Downing

Precis of Correspondence to the Ordinary Meeting of  
Bogan Shire Council held on 25 May 2017

## **GRANTS AND FUNDING**

### **LG Weekly 15/17 – 21 April 2017**

#### **Applications Open for the Museums and Galleries NSW Gallery Grants Scheme**

Museums and Galleries NSW 2017 Gallery Grants scheme is now open with local Council Galleries eligible to apply.

#### **Create NSW Launches NSW Arts and Cultural Development Program**

Create NSW (formerly Arts NSW) has launched its 2017/18 Arts and Cultural Development Program and invites cultural organisations including NSW Councils to apply for funding.

### **LG Weekly 16/17 – 28 April 2017**

#### **Grants to Reduce Violence Against Women in CALD Communities**

Councils are encouraged to apply for grants of up to \$100,000 for projects that reduce violence against women and children in culturally and linguistically diverse communities.

#### **Social Housing Community Improvement Fund 2017 – Applications Open**

Applications are now open to local Councils and community organisations for the NSW Government's \$8 million Social Housing Community Improvement Fund.



## **POLICY DES005**

# **BOGAN SHIRE MOBILE FOOD AND DRINK VENDING VEHICLES LOCAL APPROVALS POLICY**



Adopted by Council Resolution xxxxx 2017

## Table of Contents

1. PURPOSE.....	3
1.1 Objective.....	3
2. STATEMENT .....	4
2.1 Citation.....	4
2.2 Commencement .....	4
2.3 Local Approvals Policy .....	4
2.4 Application.....	4
2.5 Definitions.....	5
3. EXEMPTIONS FROM APPROVAL.....	5
3.1 Exemptions under the Policy.....	5
4. COUNCIL APPROVAL REQUIREMENTS.....	5
4.1 Section 68 Approvals.....	6
4.2 Approval Conditions.....	6
4.3 Applications for Approval .....	7
4.4 Vehicle Inspections.....	8
4.5 Issuing of approval.....	8
4.6 Locations .....	9
5. OTHER MATTERS RELATING TO APPROVALS .....	10
6. IMPLEMENTATION.....	11
7. REVIEW.....	11

## 1. PURPOSE

The purpose of this Policy is to provide the framework for the operation of Mobile Food Vending Vehicles within the Bogan Shire Local Government Area. The Policy sets out the relevant legislative requirements for safe food handling and preparation practices and establishes vending parameters for applicants.

The purpose of the Policy is to supplement provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, and the *Food Act 2003*.

The Approvals Policy is divided into three parts in accordance with the requirements of the *Local Government Act 1993 (s158)*:

**Section 3** of the Policy specifies any exemptions from this Policy;

**Section 4** of the Policy specifies the criteria which Council must consider when determining whether or not to grant approval for a particular activity; and

**Section 5** of the Policy specifies other matters relating to approvals not dealt with by the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the *Food Act 2003* or the *Food Regulation 2010*.

### 1.1 Objective

The Policy aims to:

- (a) Ensure the Mobile Food Vending Vehicles operate in accordance with the rules and restrictions within lawful parking spaces on Council-owned roads;
- (b) Ensure Mobile Food Vending Vehicles operate in accordance with the approval for off-street trading sites in public places;
- (c) Ensure that food sold through Mobile Food Vending Vehicles is safe and fit for human consumption;
- (d) Provide guidance and assistance for people wanting to operate Mobile Vending Vehicles within the Bogan Shire Local Government Area;
- (e) Ensure the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in vehicles are adequate for food preparation;

- (f) Minimise any potential adverse impacts of Mobile Food Vending Vehicles including public risk, litter and residential amenity; and
- (g) Ensure that trading improves the mix and diversity of takeaway food available, and having regard to existing comparable trading takeaway food and drink premises.

## **2. STATEMENT**

### **2.1 Citation**

This Policy may be cited as "The Policy" or "The Bogan Shire Mobile Food and Drink Vending Vehicles Approvals Policy".

### **2.2 Commencement**

This Policy is to commence when adopted by Council.

### **2.3 Local Approvals Policy**

The policy is a Local Approvals Policy prepared and adopted in accordance with section 158 of the Local Government Act 1993.

### **2.4 Application**

This Policy applies to all mobile food and drink vending vehicles seeking to retail within the Bogan Shire Local Government Area including on Council owned roads and public places.

This policy does not apply to mobile food and drink vending vehicles:

- a) trading in accordance with a development consent on private land
- b) trading on public land in conjunction with a major event
- c) providing catering services to private events
- d) not operating as a food business



## **2.5 Definitions**

- (a) A Mobile Food and Drink Vending Vehicle is any registered vehicle used on land that is either self-driven, or that can be towed down Council-owned roads and that is used in connection with the sale of food.
- (b) Mobile Food and Drink Vending Vehicles that are used for on-site food preparation (e.g. hamburgers and pizzas) and one-step food preparation (e.g. popcorn, fairy floss, coffee, fresh juice) and the sale of any type of food, including pre-packaged food and drink.
- (c) All Mobile Food and Drink Vending Vehicles requires Section 68 approval issued by its 'home' Council prior to operating in any public place.
- (d) The criteria for approval to be used in the assessment of a Mobile Food and Drink Vending Vehicles will include all the relevant provisions contained in the approved standards as set out in Part 2 & 3 of this Policy, the *Food Act 2003*, and the *Food Standards Codes*.

## **3. EXEMPTIONS FROM APPROVAL**

### **3.1 Exemptions under the Policy**

There are no exemptions from the necessity to obtain approval under this Policy for Mobile Food and Drink Vending that is used for the sale of food and drink in public places within the Bogan Shire Local Government Area.

## **4. COUNCIL APPROVAL REQUIREMENTS**

Council must consider the criteria as outlined in this Policy when determining applications for Mobile Food and Drink Vending approvals to operate within the Bogan Shire Local Government Area.

#### 4.1 Section 68 Approvals

- (a) The Policy applies to approvals for an activity as per s 68 F Item 7 of the *Local Government Act 1993*, namely:

*'7. Use a standing vehicle or any article for the purpose of selling any article in a public place'.*

- (b) For the purposes of this Policy a 'standing vehicle' includes any Mobile Food and Drink Vending vehicle that has stopped to make a sale.
- (c) The operation of a Mobile Food and Drink Vending Vehicle, or the selling of any food from a mobile vehicle in a public place within the Bogan Shire Local Government Area without prior approval is an offence under the *Local Government Act 1993*.
- (d) Mobile Food Vending Vehicles will be issued an approval that will contain conditions of operation to be complied with at all times.
- (e) Council will charge an application fee for the s 68 Mobile Food and Drink Vending Vehicle approval as per the *Fees and Charges* within Council's Operational Plan and Budget located on Council's website; [www.bogan.nsw.gov.au](http://www.bogan.nsw.gov.au).
- (f) Approvals shall take effect from the date stated thereon and shall expire 12 months after the date of the approval or any other time as stated on the approval.

#### 4.2 Approval Conditions

The Mobile Food and Drink Vending Vehicle approval conditions are based on the items they serve and can only serve menu items within its approval category.

##### Category 1 – Food Vehicles

- a) **Retail Items:** Food and drinks that do not require a kitchen and are not potentially hazardous with the exception of processes that have a minimal food safety risk such as the frothing of milk, or the serving of frozen dairy are included as a Category 1 Food Vehicle. Foods may be pre-packaged, or served directly from its package/container and do not require heating or cooking.

- b) The vehicle must meet relevant design and layout standards to ensure food safety requirements are met. Examples food types include tea, coffee, drinks, cakes, sweets, frozen yoghurt, pre-packaged ice-cream, soft serve ice-cream or other similar foods.
- c) **Trading conditions:** Each Category 1 Food Vehicle can trade in public places in accordance with this policy. Please refer to section 4.5 “Locations” of this Policy for further details.
- d) **Public Liability Insurance** cover to the value of \$20,000,000.

### **Category 2 – Food Vehicles**

- a) **Retail Items:** There are no restrictions to the menu for Category 2 food vehicle approval and includes the service of any potentially hazardous food. This vehicle can be a mobile kitchen and must have access to an approved fixed premises or commercial kitchen. Examples of the types of food this category can serve include pasta, pizzas, flame-grilled meats, stir fry noodles, grilled skewers, fish and chips, or other similar foods.
- b) **Trading conditions:** Each Category 2 food vehicle can trade in public places. Please refer to section 4.5 “Locations” of this Policy for further details.
- c) **Concept design:** Operators wishing to apply for a Category 2 approval must also submit a concept design of their vehicles including floor layout which must comply with the Food Act 2003.
- d) **Public Liability Insurance** cover to the value of \$20,000,000.

### **4.3 Applications for Approval**

A completed Section 68 Application form with the accompanying fee and supporting documentation (including a completed Operational Plan of Management) must be provided to Council. This application must be approved by Council prior to operating either a Category 1 or 2 Food Vehicle in the Bogan Shire Local Government Area.

#### **4.4 Vehicle Inspections**

All Mobile Food and Drink Vending Vehicle operators must have their vehicle inspected for food safety requirements prior to approval, or from time to time as requested by Council. Random inspections of Mobile Food and Drink Vending Vehicles may be conducted by Council officers during trading locations and times, and any associated fees and charges will be charged to the business in accordance with Council's Schedule of Fees and Charges.

A copy of the Vehicle's Plan of Management (PoM) must be kept within the vehicle at all times and made available to an authorised Council officer on request.

#### **4.5 Issuing of approval**

- (a) Approvals issued by Council will be on a per vehicle basis.
- (b) Any modifications to the vehicle or business including; major changes to the food menu, or food items sold, or changes to the design of the vehicle requires prior approval of Council.
- (c) Any change of address of the commercial kitchen for Category 2 Vehicles, or modification to the approved Plan of Management must be applied for in writing to Council, and be accompanied by the appropriate paperwork. An additional assessment fee may be applicable.
- (d) Approvals are specific to each Mobile Food and Drink Vending vehicle and they are not transferable between vehicles.
- (e) No ownership transfer of Council approval (section 68) is permitted. All applicants will be required to pay the appropriate fee, and lodge all new application paperwork specific to their business prior to any approvals being issued to the new owner.
- (f) Approvals will be issued subject to conditions including, but not limited to, compliance with this Policy.
- (g) Applications for the renewal of approvals must be lodged with Council 3 weeks prior to the expiration of the current approvals.
- (h) If an operator had ceased trading, or does not trade for a period of longer than 6 months, Council will reserve the right to revoke their approval.

- (i) Failure to adhere to any condition of approval and/or legislative requirement may result in modification, suspension or revocation of the approval, in addition to prosecution or the issue of fines.

#### **4.6 Locations**

A Mobile Food and Drink Vending Vehicle (s68) approval entitles operators to trade in the following locations:

##### **a) On and Off Street vending**

- All approved Mobile Food and Drink Vending Vehicles are permitted to operate on Council-owned roads and public places within existing lawful car parking spaces, subject to the exclusions noted within this Policy. The operation of a Mobile Food and Drink Vending Vehicle must also comply with the local car parking restrictions of that parking space. Vehicles must not park on the footpath or on driveways.
- A maximum of two (2) Mobile Food and Drink Vending Vehicles are permitted to trade on the same lawful car parking space at different times within the same 24 hour period.
- Mobile Food and Drink Vending Vehicles must arrive fully equipped at all trading locations and are not permitted to receive any deliveries.

##### **b) Excluded Locations**

- Mobile Food and Drink Vending Vehicles are not permitted to trade on any land without prior consent from the landowner. This includes Road Reserves managed by Roads and Maritime Services and Bogan Shire Council, Council Managed Parks and Reserves as well as those sporting organisations/clubs (or equivalent) operating from time to time within these Reserve/s.
- Mobile Food and Drink Vending Vehicles are not permitted to trade within accessways / driveways into parks, reserves or private property.
- Mobile Food and Drink Vending Vehicles are not permitted to trade within 100 metres of existing food retail businesses during the normal operating hours of these business or as otherwise detailed within the conditions of approval.
- All areas outside of the Bogan Shire Local Government Area are excluded from any approval issued by Bogan Shire Council.

## 5. OTHER MATTERS RELATING TO APPROVALS

In addition to the Food Safety Standard 3.2.2, 3.2.3, and AS4674, along with any conditions of approval, the general requirements for the design, fit-out, and operation of the mobile food and drinking vehicle includes the following considerations:

- Each vehicle must provide hand washing facilities, adequate food storage and refrigeration facilities along with waste disposal area/s that are easy to clean and sanitize.
- Separation between the driving, food storage and handling / serving sections of the vehicle must be implemented.
- All vehicles must be kept clean and in good working order for the life of the approved use.
- Tables, chairs or any other forms of seating are not permitted at any time for customers.
- Suitable waste receptacles with close fitting lids are to be provided in the vehicle when not in use and immediately outside the vehicle when trading. Waste must not be disposed of in a public garbage bin and must be removed from each trading site which is also to be maintained in a clean and tidy state.
- No approval under this policy is granted for the display of any sign or signage structure not directly attached to the vehicle.
- All vehicles must be provided with adequate supply of potable water including hot water that is easily cleaned and maintained. This includes a separate sink with spout mixer provided for hand washing only.
- Under no circumstances are liquid wastes to be disposed of from the vehicle onto the ground.
- Operations must be undertaken and comply with the Protection of the Environment Operations Act 1997 including pollution, offensive noise, illegal waste disposal and odour.
- Probe-type thermometers must be accurately used to monitor all potentially hazardous foods at all times.
- All appliances must be kept in good working order with cold food kept at a temperature of 5°C or less and hot food at a temperature of 60°C or greater.
- The vehicle shall be fitted with an exhaust or ventilation system that discharges vertically and is regularly maintained.
- No lighting shall be operated that will have an impact on traffic or residential areas. Under no circumstances are flashing lights or signage permitted to be erected.

- Should food preparation or storage used in conjunction with the Mobile Food and Drink Vehicle be undertaken in a separate premises within the Bogan Shire Local Government Area, a Development Approval must also be obtained from Bogan Shire Council. This separate premises must also comply with the Food Act, Food Standards Code and AS4674.
- Food labelling requirements must be met and implemented at all times including food name, business details, batch ID, allergen/s, warning information and date marking. More information on labelling requirements can be obtained from the NSW Food Authority.
- Compliance with the NSW Food Act 2003 is mandatory and failure to comply may result in penalty infringement notices being issued or possible prosecution

## **6. IMPLEMENTATION**

The Development & Environmental Services Division of Council will administer the Policy.

## **7. REVIEW**

This policy will be reviewed by Council every 3 years.

**Authority**

Council Resolution No. XXXX

**Policy Owner / Further Assistance**

Manager – Development and Environmental Services

**Related Information**

Nil

**Review Date**

XXXX 2020

**Revision History**

Date	Description of Change	Sections Affected