



BOGAN SHIRE COUNCIL

Minutes

23rd September 2010



**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 23rd September 2010 at 9.30am**

PRESENT: Councillors RL Donald, JL Douglas, LH Dutton, HJ Griffiths, JE Hampstead OAM, AM Kennedy, EM McLaughlin, and GRJ Neill.

Also present were Mr Michael Brady (General Manager), Ms Theresa Haley (Manager of Corporate Service) Mr Michael Ryan (Acting Manager of Engineering Services), Mr Kieran Smith (Acting Manager of Environmental Services) and Mrs Cathy Ellison.

282/2010 APOLOGY: RESOLVED that the apology for the absence received from Councillor Ryan be accepted and he be granted leave of absence from both meetings. **(Hampstead/Kennedy)**

Declaration of Pecuniary Interest: Nil.

GENERAL MANAGER' S REPORT

The General Manager took the Chair

1. ELECTION OF MAYOR AND DEPUTY MAYOR

1.0 Introduction

This report outlines the provisions for the election of the Mayor along with the Deputy Mayor prescribed by the Local Government Act and Regulations.

2.0 Legislative Provisions

The regulations under the Local Government Act 1993 make the following provisions for the election of Mayor and Deputy Mayor by Councillors-

2.1 Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer.

2.2 Nomination

- A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
- The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- The nomination is to be delivered or sent to the Returning Officer and the Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

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2.3 Election

- If only one Councillor is nominated, that Councillor is elected.
- If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by *preferential ballot*, by *ordinary ballot* or by *open voting*.
- The election is to be held at the Council meeting at which the Council resolves on the method of voting.

In the Regulations:

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

2.4 Voting Method

(i) Ordinary Ballot or Open voting

These provisions apply if the election proceeds by ordinary ballot or by open voting.

Marking of ballot-papers

- If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot-papers.
- An informal ballot-paper must be rejected at the count.

Count—2 candidates

- If there are only 2 candidates, the candidate with the higher number of votes is elected.
- If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

If there are 3 or more candidates additional steps are require.

(ii) Preferential Ballot

Provisions are available for election by preferential ballot.

(iii) General

Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

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Result

The result of the election (including the name of the candidate elected as Mayor or Deputy Mayor) is:

- to be declared to the Councillors at the Council meeting at which the election is held by the Returning Officer, and
- to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

3.0 Procedure

Nomination forms for the office of Mayor and Deputy Mayor may be handed to the General Manager at any time including immediately prior to the election process.

Elections have been arranged to occur at the beginning of the Council meeting,

and ballot papers have been prepared for distribution at the meeting.

It is recommended that elections proceed by ordinary ballot.

4.0 Recommendations

1. That nominations be called firstly for the office of Mayor and secondly for the office of Deputy Mayor and where necessary elections be conducted by ordinary ballot.
2. That the term of office of the Deputy Mayor coincides with that of the Mayor.

283/2010 RESOLVED

1. That nominations be called firstly for the office of Mayor and secondly for the office of Deputy Mayor and where necessary elections be conducted by ordinary ballot.
2. That the term of office of the Deputy Mayor coincides with that of the Mayor.
(Griffiths/Dutton)

Mayor: The General Manager called for nominations for the office of Mayor. A nomination from Councillor Donald was received.

284/2010 As there were no further nominations, Councillor Donald was declared elected to the office of Mayor for 2010/2011.



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Deputy Mayor: The General Manager called for nominations for the office of Deputy Mayor. A nomination from Councillor Hampstead was received.

285/2010 As there were no further nominations, Councillor Hampstead was declared elected to the office of Deputy Mayor for 2010/2011.

Mayor Donald now took the Chair and moved into the Closed and Confidential Section of the meeting.

286 /2010 **EXCLUSION OF PRESS AND PUBLIC: RESOLVED** that the Committee move into a closed and confidential section of the Council Meeting because if information provided and discussed involves matters concerning particular individuals other than Councillors. **(Griffiths/Douglas)**



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PRESENT: Councillors RL Donald, JL Douglas, LH Dutton, HJ Griffiths, JE Hampstead OAM, AM Kennedy, EM McLaughlin, and GRJ Neill.

Also present were Mr MJ Brady (General Manager), Ms Theresa Haley (Manager of Corporate Services), Mr Michael Ryan (Acting Manager of Engineering Services), Mr Kieran Smith (Acting Manager of Environmental Services) and Mrs CJ Ellison.

Declaration of Pecuniary Interest: Nil

The following resolutions arose from decisions made in the Closed and Confidential Section of the Meeting held on 23rd September 2010.

287/2010 RESOLVED that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 26th August 2010, copies of which had been circularised to Councillors be taken as read and confirmed. **(Hampstead/Neill)**

288/2010 RESOLVED that Council not accede to the request for a review of billing charges and that the review of the discharge factor be undertaken in accordance with the review of water and sewerage charges to be completed by April 2011. **(Hampstead/McLaughlin) Carried**

289/2010 RESOLVED that Council organise a meeting for the following week to discuss designs for the houses. **(Hampstead/Dutton)**

290/2010 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Douglas/Griffiths)**

291/2010 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Douglas/Griffiths)**

292/2010 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 26th August 2010, copies of which has been circularised to Councillors be taken as read and confirmed with an amendment to Minute 270/2010, so as to indicate the painting donated to the Nyngan Health Service was painted by Mrs Lyn Quinton. **(Griffiths/Kennedy)**

Business arising from the Minutes

- Yarrandale Road Contract – an agreement has been reached with the contractors.

Work to commence 11th October 2010.



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- Insurance Company (Executive Building) – consignment note to be received. Numerous telephone calls have been made to the company. Letter to be sent.

- Local Health Networks – Submission has been forwarded.

Other Matters

Meeting with Luke McGarry, General Manager of Tritton Mines, Thursday 9th September 2010.

Discussion:

- Employment
- Air services – Brindabella Air Services
- Accommodation
- Yarrandale Road
- Upgrade mine promotion / planting trees in town.

Community Swimming Pool Meeting, Wednesday 22nd September 2010.

Minutes of the Community Swimming Pool Meeting held on Wednesday 22nd September 2010

Present:

Mayor Ray Donald, General Manager Michael Brady, Acting Manager of Environmental Services

Kieran Smith, Councillors Kennedy, Douglas and Griffiths.

Jenny Hargreaves; Doug Smith; Peter Keighran; Di Hughes, Lyn Webster, Loretta Pears. Jenny Griffiths, Debbie Piper, Ros George, Noelene Bandi, Mark Beetson and Neralie Quarmby.

Apology: Jodi O'Neill.

General Discussion:

1. Shade on western side
2. Shade over shallow end of big pool
3. Upgrade seating/ picnic set
4. To keep it a War Memorial Pool
5. Find out of the depth of the deep end
6. Must – have a spring board

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7. Positioning and size of the gym
8. Volleyball – addition
9. Heating of the pool with wet pads

10. Trees to be replaced outside Larkin Oval – eastern side
11. Meeting room be part of the gym
12. Storage for equipment – lockable
13. Function room with a commercial kitchen – location deep end of the big pool
14. Depth of the shallow end – built to standards
15. Change rooms to be upgraded
16. Hot water, showers and roof
17. Look at surface area for solar heating
18. Shallow end of the little pool – drop off area
19. Opening times for the gym
20. Diving blocks
21. Shades between pools
22. Set aside money in budget for each year as part of integrated planning
23. Written commitment from Council to support funding
24. Opening times for Swimming Club House
25. GWAHS – health promotion – received 65 applicants – emphasis on community infrastructure

293/2010 RESOLVED that the report be received. (Griffiths/Kennedy)

Discussion:

- Council to look at other pools, maybe five or six and obtain feedback.
- Proceed with DA.
- Include a diving board and other improvements to the concept plan for the pool based on site inspections of other pool facilities.
- Future budgets to make provision for further significant enhancements to the pool facility.



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COMMITTEE MEETING

NYNGAN COMMUNITY HOMES

Thursday 16th September 2010 10.00am.

Present: Mr John Glennie, Mrs Louise Wass, Mrs Noelle Gibson
Mr Ray Donald and Mr Michael Brady.

The Nyngan Community Homes agreed that Council take over their assets and that a management committee be established to manage the service/assets.

It was agreed that Council undertake a survey to determine interest in the construction of self care accommodation.

The General Manager is to seek advice from Council's Solicitors about the proposal.

It was agreed that no change is to occur to the conditions, financial or otherwise for existing residents in the Cobar Street villas.

The General Manager is to research tax deductibility status for donations towards this project.

There being no further business the meeting closed at 10.50am.

294/2010 RESOLVED that the report be received: **(Dutton/Douglas)**

Plans for a potential site for aged care in Ellen Street were tabled.



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MAYORAL MINUTE

1 AMBULANCE

On Wednesday morning 8th September 2010 a 000 call for the local ambulance to attend a person suffering seizures was not able to be answered as the on call crew were on a non urgent clinical trip to Dubbo. The ambulance from Warren came to attend as other local off duty ambulance crews were not able to respond to the call. (They are not required to be back up when on leave) A similar situation occurred last month when the ambulance from Cobar came to attend a person suffering smoke inhalation. When our local on call ambulance is out of town on a non urgent patient transfer, it is only a matter of time before more serious complications arise for someone already requiring urgent medical attention. I seek Council's support to make further representations to the NSW Ambulance Service to try and find better ways to transport patients to Dubbo and approach GWAHS to try and have a patient transfer vehicle available to undertake these transfers that our emergency ambulance response is not taken out of the town.

1.1 Recommendation

For Council's Consideration.

295/2010 RESOLVED that Council make further representations to the NSW Ambulance Service to find better ways to transport patients to Dubbo and approach GWAHS to have patient transfer vehicles available at all times so that our emergency ambulance response is not taken out of the town. **(Douglas/Kennedy) Unanimously**

296/2010 RESOLVED that Council approach the Government to provide backup ambulance drivers to the 'on call' crew and that they be paid overtime rates. **(McLaughlin/Hampstead)**

Council adjourned for morning tea at 10.30am and resumed at 10.50am.

Other Matters:

- Tongling Delegation
- Bogan Day Out

297/2010 RESOLVED that Council send a congratulatory and thank you letter to St Joseph's School for the excellent arts and craft exhibition organised by the staff of St Joseph's. **(McLaughlin/Douglas)**



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2 MODERISATION LOCAL GOVERNMENT

A Discussion Paper has been sent to all Councillors for information. We will have some discussions on some of the main parts of this during the meeting.

Discussion:

- Rate pegging removal
- Develop additional revenue mechanisms
- Alternative system for funding the three emergency services



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REPORTS TO ORDINARY MEETING OF COUNCIL - GENERAL MANAGER'S REPORT

1. CHECKLIST

Date	Minute No	Matter	Action Required	Responsible Officer	Status
22/02/2007	65/07 480/08 199/2010 221/2010	Library	Investigate installing suitable electronic doors to library.	H & B	Application for RCLIP grant submitted 29 th July 2010.
23/08/2007	500/07 371/07 370/07	Housing Residential & Aged Care Accommodation	Feasibility of developing Council owned land, subdivide, establish further aged care accommodation.	Mayor / GM	Manager of Environmental Services to provide a report on suitable land to commence this project.
25/02/2010	20/2010	Aged Care Facility	Investigate the possibility of a facility on the vacant County Energy land opposite the MG Hostel.	Mayor	GM met with Nyngan Community Homes and they will write to Council on the matter. To be progressed. Land north of the hospital to be investigated. GM to attend meeting on 30/6/2010.
22/07/2010	244/2010		Nyngan Community Homes committee to meet with Council.	GM	Letter Précis July 2010. Meeting to be held Thursday 16 th September 2010. Minutes of Meeting in September 2010 Business Paper.



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13/12/2007	543/07	LEP	Draft LEP be prepared for purpose of reclassifying public lands.	H & B	S54 application has been completed and forwarded to Dept of Planning. Approach by the Dept of Planning in September 2010 to complete LEP by June 2011.
24/01/2008 26/11/2009	438/08 466/09	Swimming Pool	Report to February Council Meeting- assessment of pool structure / cost to repair existing pool / repairs not feasible cost to construct a new pool.	H & B	<p>Second application for new Aquatic & Fitness Centre under Regional and Local Community Program Strategic Project not successful.</p> <p>GM met with Minister Albanese & Parliamentary Secretary.</p> <p>Council needs to have project ready for next round of Jobs Fund. Maximum grant \$2M.</p> <p>Recommend project be staged. Surveyor's plans completed.</p> <p>Draft construction plans completed end of Nov 2009. Completed plans next Council meeting.</p> <p>Look at outside lighting.</p> <p>New application for grant submitted.</p>



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					<p>Letter to ask to reconsider application essential for small community, approach community to assist in paying off loan, approach local contractors.</p> <p>To have community meeting, source funds State and Federal.</p> <p>Community meeting organised for Wednesday 22nd September 2010.</p>
34/04/2008	106/08	Treated Sewerage Effluent Project	Call tenders	Eng	<p>Contract amendments completed. Bore hole drilling for groundwater quality monitoring completed. Contractor engaged for power line construction.</p> <p>Draft Site Suitability Plan and Site Management Plan submitted to DECCW. Licence variation approved.</p> <p>Menzies Irrigation is currently installing irrigation system. Agreement signed.</p>
24/04/2008	140/08	Main Street	Advertise preliminary street plans & seek community comment.	H & B	<p>Meeting held with landscape architect to further develop the brief. Includes Nymagee & Pangee Sts and Truck Stop Mitchell Highway. Waiting on updated plans. Contact with Consultant last week.</p>



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					Blister design received, waiting on street design to proceed. Plans have just arrived. Funds budgeted for 2010/2011. Location of blisters to be nominated. Planting early October 2010.
28/08/2008	309/08	Phillip Dutton Rest Area	Council approach Hermidale Gymkhana Committee, RTA & Traffic Committee to have a rest area sign posted along the highway on both sides.	Mayor	Letter sent. Discussed at 12 th August 2010 Traffic Committee meeting. RTA will design & install signage. RTA has signed listed. Rest Area cannot be named after a person.
	432/08	Lease of Railway Land on Highway	Investigate if the old shell fuel depot area can be transferred to BSC, or otherwise leased.	Mayor	Letter sent and acknowledged. To be followed up. GM in contact with ARTC. Follow up with the local member Kevin Humphries & ARTC. ARTC advised sites need to be inspected, will advise Council of outcome after inspections.
	435/08	Raw Water	Investigate expanding raw water to ovals, parks, gardens & cemetery.	Eng / H&B	Progressively checking on various existing infrastructure. Raw water line from showground to cemetery has been installed. Waiting for contractor to complete connection to cemetery irrigation systems. Funds budgeted 2010/2011 to install pump & irrigation pipe from river to Terangion Street to service showground & cemetery.



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23/10/2008	447/08	Residences- Pangee Street	Council to speak to residents.	H & B	Fine issued significant improvement in condition of yard. Further inspections are planned. Court Order to clean up. Matter referred to ARTC for action. Contact with new residences & advised will clean up. Check on condition of yard.
22/01/2009	9/09 467/09	Ambulance Station	Council express interest in acquiring the former ambulance station premises.	Mayor	Continuing investigating and testing on contamination. Still waiting on reports to be sent to Council. Council to obtain copy of rules when released. National Guidelines to be applied to building, proceed further to insist retain building. Letter sent to NSW Ambulance Service advising Council wishes to retain building for community use. To contact Kevin Humphries Office, report next meeting on the \$ value of the property from a buyer's perspective. Health Dept has advised letter in progress with options to obtain building.



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	164/2010				Council write to Health Minister asking to acquire station at no cost to be used for community purposes. Reply received.
	23/09	Community Hall Renewal Fund	Council lodge an application with the Community Hall Renewal Fund for a grant to upgrade the Town Hall.	H & B	Application in progress, quotes obtained to refurbish floorboards, upgrade kitchen, air-conditioning, reconstruct toilets. Asbestos removed by contractor. Application to be lodged by end of week.
26/02/2009 24/09/2009	41/09 398/09	Businesses in Residential Areas	Advise all residents of the need to adhere to Legislation and Regulations relating to the conduct of businesses in residential areas.	H & B	Meetings held with two residents 15th April 2009. Progress report to Council June 2009. Electricity and sewer issues. Meeting held 16 th September 2009 with owners. Alternate site suggested. Council to put proposal to owners. Council progress the alternate site & retain ownership. Council depot not considered satisfactory, looking at land near airport. Draft sewage plans received this week.



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26/03/2009	99/09	Waste Depot	Make representations to the Minister to expedite acquiring more land for a new tip cell from Livestock Pest & Health Authority.	H & B	<p>Waiting for reply from Dept of Lands to receive instructions. Meeting with RW Corkery regarding design and construction of new waste facility. In progress. Ask for quote for waste.</p> <p>No cells available on existing site.</p> <p>Waste has been pushed back, estimating another 6 months life in existing cells.</p>
25/08/2009	430/09 59/2010	Drug & Alcohol Policy (Fit for Work Policy)	Report to October 2009 Council Meeting.	GM	<p>Report to October 2009 Council meeting with recommendation. Meeting 16th March 2010.</p> <p>Draft Policy to LGSA, USU, Consultative Committee, made available to Public and employees. Letter from USU received. Advice to be received from the LGSA.</p> <p>Met with outdoor staff.</p> <p>Meeting to be held 29th September 2010.</p>



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	339/09	Campervan & Motor Home Rally	Apply for the tender to hold the 2012 Rally in Nyngan	CPO	Application to be completed by 30 th September 2009. General Manager of Campervan & Motor Home Assn to visit 30 th October 2009. Council has a representative at the rally in Port Macquarie. General Manager to attend the rally.
24/09/2009	391/09 196/2010	Caloundra RSL – Helicopter	Council offer no objection to the proposal, providing a replacement helicopter is simultaneously, & one used during the flood evacuation. Ask for community comment in Council Column.	Mayor	Endorse mounting the helicopter on a pole as per specifications. Helicopter to be painted camouflage. To contact Caloundra re current position. Helicopter in process of being repaired, photos to be forwarded.
	437/09 506/09	Mick Glennie Hostel Pathway	Install two disabled pedestrian crossings and improve lighting. Approach GWAHS & Country Energy for assistance with costs & lighting.	Eng	Traffic hump in Derrybong Street & signs be aware of elderly. To be referred to the next traffic Committee meeting. Lighting completed. Speed humps approved by Traffic Committee at 13 th May 2010 Meeting. Council to install.



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22/10/09 25/03/2010	79/2010	House Numbering Oatley Street	House numbers in Oatley to be implemented.	H & B	Details specific to each premises be forwarded to residents & owners in Oatley Street. Letters to Government agencies & other stakeholders indicating the proposed street address changes. Waiting on response from Australia Post. Response received. Letters now to residents. 28 days for objections. Letters delivered Friday 13 th August 2010.
26/11/09 22/07/2010	458/09 232/2010	Flashing Lights	Letters to Kevin Humphries & RTA regarding installing flashing lights at schools.	GM	Letters sent. RTA response received. Letter sent to RTA asking if Council can install & pay for lights. Reply Precis February Council Meeting. Council write another letter of safety concern. RTA has advised that a decision on approving Councils to pay for the installation for flashing lights in about one month's time. Consult with the Traffic Committee. Advised by the Traffic Committee 12 th August 2010 of its support to install the amber flashing light, subject to legal endorsement. Letter in September 2010 Precis.



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26/11/09	460/09 223/2010	APC	Letters to surrounding Councils advising of EOI to improve water delivery. Contact Fed Govt to ensure \$12m remains. Try and obtain more Government funding to complete the piping of the APC project.	GM Mayor	Cobar Water Board informed that Council has included \$60,000 in its 2010/2011 Draft Management Plan for channel maintenance. Take whatever action necessary, be it a trip to Canberra. Letter in Precis August 2010.
17/12/09	531/09	Mitchell Highway	Letter to RTA CEO & Minister re condition of Highway between Nyngan and Nevertire. Council not accepting explanation from RTA CEO.	Mayor	Letters sent to RTA CEO & John Cobb MP re condition of Highway. Contacted RTA Monday 13 th September 2010 re pot holes in road.
17/12/09	539/09	Noxious Weed	Approach Minister for Lands to service notice on African Box Thorn weed for Crown lands.	H & B	Referred to Macquarie Valley Weeds for action.
17/12/09		Doctor Surgery	Doctor to confirm in writing that the design is satisfactory, clauses to included in the lease.	GM	Council proceed to sign lease, doctor to sign a sub-lease. Verbal report at June Council Meeting. New lease has been received, lessor agreed to Council's negotiations.
25/02/2010	19/2010	Doctor at Hospital	Letters to Minister & CEO of GWAHS re no VMO in Dr Chan's absence.	Mayor	Letters sent. Reply in May 2010 Precis.
25/03/2010	67/2010	Rural hospitals	Letters to Ministers seeking assurances new Federal proposals will not carry any threat to rural hospitals.	Mayor	Letters have been sent. Letter in May 2010 Precis.



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22/4/2010	109/2010	Thomas Mitchell Plaque	Erect plaque in front of Nyngan Newsagency	H & B	Indication portable plaque be located in the VIC. Plaque in process of being designed. Council to view draft plaque August 2010.
22/4/2010	120/2010	Road Closures	Develop fold down signs for temporary road closures to be placed at strategic locations.	Eng	Four variable road closed signs erected. Four additional signs erected.
27/05/2010 22/07/2010	146/2010 231/2010	State Highway between Coolabah & Brewarrina	Support having the State Highway between Coolabah & Brewarrina renamed Arthur Hall VC Highway. Letter to Geographical Names Board outlining reason for the renaming of the highway.	Mayor Mayor	Letters of support for the renaming of the highway sent to Roads Minister, Local member and RTA Parkes. Letter sent. Reply in September 2010 Precis. Approach the RTA for them to agree to putting signs up on either side of Coolabah. Family abut sign posting the highway through Coolabah .
27/05/2010	167/2010	NSW Rural Doctors Network	Council ask NSW Rural Doctors Network what they are expecting as a financial contribution from Council.	GM	Letter sent. No reply to date.
27/05/2010	171/2010	Lower Weir User	Council write to user asking for documentation regarding water entitlement & advise Council is further investigating matter.	GM	Letter sent. Documentation received.
24/06/2010	181/2010	Recycling	Council ask JR Richards & Sons for a quote to establish kerb side recyclable pick up in Nyngan.	H & B	Advised by JR Richards & Sons proposal to be available prior to August 2010 Council meeting.



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					Report at September 2010 Council Meeting.
24/06/2010	182/2010	Railway Gates	Erect 2 gates at Museum & 2 gates at Heritage walkway.	Eng	Work in progress. Determination to be made at September Council Meeting 2010. Recommend refer to Garden Club.
22/07/2010	229/2010	SES	Approach SES in Dubbo seeking funds for improvements to the local SES building.	Mayor	Letter sent.
22/07/2010		Cheques	Have the word 'Nyngan' on Council's cheques.	GM	Approach has been made to Westpac, Dubbo, advised to send another letter with the request. Letter sent.
22/07/2010	236/2010	Tritton Mines	Council write to Tritton Mines asking for photos for the displays in Pangee Street and inquire about the introduction of mine tours.	GM	Spoke to mines, photos to be forwarded to Council.
22/07/2010	238/2010	Toilets	Obtain quotes for major upgrades of the toilets in Davidson and Rotary Parks	H & B	Some quotes received, still waiting on one quote. Will be available for the Council meeting. Council agreed to proceed with the project.
26/08/2010	257/2010	Air Services	Council approach the mines & together approach Brindabella Air Services to consider delivering an air service into Nyngan.	Mayor	Meeting held with the mines and Dubbo City Development Corp to discuss the air services into Nyngan on 9 th September 2010.
26/08/2010	268/2010	Booramugga Road Opening	Advertise the proposal to close the section of Borramugga Rd through the mine site at Girilambone.	Eng	Report to October 2010 Council Meeting.



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Mr Smith left the meeting.

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

298/2010 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.
(Griffiths/McLaughlin)

299 /2010 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that the Committee move into a closed and confidential section of the Council Meeting because if information provided and discussed involves advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. **(Douglas/Kennedy)**

Council moved into the Closed and Confidential Section of the meeting.

Council returned to open Council.

300/2010 RESOLVED that a report with the costing, installation and any other associated costs of flashing lights be presented to Council. **(McLaughlin/Dutton) Unanimously**

At 11.30am Mrs Dionne Carter now addressed Council

Discussion:

- Bogan Day Out

301/2010 RESOLVED that Council endorse the payment of the insurance coverage for the Bogan Day Out event. **(Hampstead/Douglas)**

Mrs Carter was thanked for attending the meeting and left at 11.45am.



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Mr Peter Halliwell Regional General Manager, Ms Helen Rhodes Manager Community Relations, Mr Damien Smith and Mr Derek Knight from Country Energy now attended and addressed Council.

Discussion:

- Country Energy

Accounts / price rise
Solar costing under review
Customer support

All the representatives were thanked for attending the meeting.

Council adjourned for lunch at 12.30pm and resumed at 1.40pm.

Mr Smith returned to the meeting.

2 RECYCLING

2.1 Introduction

The purpose of the report is to provide feedback to Council on the provision of a kerb side recycling service.

2.2 Background

Councillors will recall that a J R Richards and Sons representative spoke to Councillors at a recent meeting and from that Council sought an indication as to the cost of providing such a service.

2.3 Issues

Council has received from JR Richards and Sons the following advice:-

- Minimum term - 5 years
- Supply of new 240 mgb to each household
- Refurbished collection vehicle
- Approximate number of collections per fortnight = 780

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- Transport and processing costs is included in the collection price
- Price per service \$5.84 + GST.

Council before making a determination on the proposed service will need to consult with the community and as a minimum:-

1. Exhibit the proposal to the community for a period of not less than 28 days; and
2. Conduct a survey of residents to establish their views on the proposal.

At the conclusion of the public consultation process Council will be in a position to make a determination of the proposal feedback that has been received from the community.

2.4 Assessment

2.4.1 Strategic Implications

The proposal has the capacity to substantiately reduce our dependance on landfill.

2.4.2 Statutory & Policy

The strategy is in keeping with Council's stated goal on page 34 of the Management Plan.

2.4.3 Consultation

Nil.

2.4.4 Financial Implications

Nil, as a charge will be levied on the residents.

2.4.5 Technical Assessment

Nil.

2.4.6 Graphs & Charts

Nil

2.5 Conclusion

Nil



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2.6 Recommendation

1. That the proposal be advertised and placed on public exhibition for a period of not less than 28 days; and
2. That a comprehensive survey on the proposal be conducted.

302/2010 RESOLVED that

1. The proposal be advertised and placed on public exhibition for a period of not less than 28 days; and
2. A comprehensive survey on the proposal be conducted. **(Dutton/Griffiths)**

Council to contact Cobar Shire Council regarding their recycling service.



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REPORTS TO ORDINARY MEETING OF COUNCIL - MANAGER OF CORPORATE SERVICES' REPORT

1 BANK RECONCILIATION

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 31st August 2010.

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 but has historically been provided for the information of Councillors.

Bank Reconciliation for August 2010	
Council General Fund	
Bank Statement Balance	\$697,499.17
Less payments not presented at bank	(\$21,388.51)
Balance as per Council	\$676,110.66
Represented by the following in Council Ledgers	
Account	
19001.8000.8000	\$676,110.66
Difference	\$0.00

1.3 Issues

1.4 Assessment

1.4.1 Strategic Implications

Nil

1.4.2 Statutory & Policy

In accordance with Council investment policy \$550k was on 1st September 2010 transferred from Council General Fund to Investments, \$300k to St George @ 6% and \$250k to Council Maxi Direct on call for Yarrandale Road Costs.



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1.4.3 Consultation

Nil

1.4.4 Financial Implications

Nil

1.4.5 Technical Assessment

Nil

1.4.6 Graphs & Charts

Nil

1.5 Conclusion

Nil

1.6 Recommendation

That the report be received and noted.

303/2010 RESOLVED that the report be received and noted. (McLaughlin/Neill)

2 INVESTMENTS

2.1 Introduction

The purpose of this report to is to outline the performance of Council's investment portfolio for June 2010.

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 Issues

The Investment report for August 2010 is attached. At the end of August, Council had \$5.276 million invested which is some \$2k up from the previous month.



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Investment Movements for August 2010

Source	B/Fwd from	Interest	Matured	Renewal	New	Rate	Maturity	Days	Balance @
	6/30/2010	Earned		Funds	Funds	%	Date		7/31/2010
Bankwest			-		500,000.00	5.70	29/09/2010	90.00	500,000.00
Westpac - Max-i Direct	472,377.91	1,968.76			(218,136.95)	3.55	On call	N/A	256,209.72
Commonwealth Bank	0.00		-			4.60	0/01/1900	212	0.00
IMB Society	176,682.86					6.09	4/11/2010	180	176,682.86
IMB Society	823,317.14					6.09	4/11/2010	91	823,317.14
St George Bank	950,000.00	-	(250,000.00)		0.00	6.20	On call	N/A	700,000.00
NAB	820,000.00					5.95	14/12/2010	180	820,000.00
Bankwest	500,000.00					5.30	3/08/2010	33	500,000.00
Suncorp-Metway	1,000,000.00			0.00		6.40	11/10/2010	181	1,000,000.00
Westpac	500,000.00				0.00	5.80	12/12/2010	180	500,000.00
	5,242,377.91	1,968.76	(250,000.00)	-	282,813.84				5,276,209.72

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



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<i>SUMMARY</i>	
Bankwest	1,000,000.00
Commonwealth Bank	0.00
IMB Society	1,000,000.00
NAB	820,000.00
St George Bank	700,000.00
Suncorp-Metway	1,000,000.00
Westpac	500,000.00
Westpac - Max-i Direct	256,209.72

<i>RECONCILIATION WITH GENERAL LEDGER</i>	
Balance per above	5,276,209.72
Less Max-i Direct account included with Cashbook reconciliation	(256,209.72)
	<i>5,020,000.00</i>
General ledger a/c no. 19010.8200.8200 + 19001.8000.8000	5,020,000.00
	<i>0.00</i>



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2.4 Assessment

2.4.1 Strategic Implications

Nil

2.4.2 Statutory & Policy

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

2.4.3 Consultation

Nil

2.4.4 Financial Implications

Nil

2.4.5 Technical Assessment

Nil

2.4.6 Graphs & Charts

Nil

2.5 Conclusion

Nil

2.6 Recommendation

That the report be received and noted.

304/2010 RESOLVED that the report be received and noted. (McLaughlin/Neill)

3 SUMMARY OF RATE COLLECTIONS

3.1 Introduction

The purpose of this report is to provide a comparison of rate collections as at August 2010, with the same period last year.

3.2 Background

Nil.

3.3 Issues

Historically Bogan Shire staff has provided this report for the information of Councillors.

3.4 Assessment

August

	2010/2011	2009/2010	2008/2009
Arrears as at 31 st July	328,715.76	460,020.62	379,727.16
Plus Levy	3,633,381.31	3,286,226.10	3,144,069.71
Transfers from Postponed	6,645.52	10,470.01	16,737.10
Gross Levy	3,968,742.59	3,756,716.73	3,540,533.97
Less Pensioner Concession (State)	-42,141.63	-42,959.11	-43,113.24
Pensioner Concession (Council)	-34,479.51	-35,151.48	-35,278.54
Transfers to Postponed	-3,331.07	-3,347.62	-929.54
Abandoned	-14,228.71	-10,509.63	-16,737.10
Levy Rebate	-13,134.20	-9,668.34	-18,697.68
Net Total Levy for Year	3,861,427.47	3,655,080.55	3,425,777.87
Less Payments to the 31st August	-1,101,414.77	-862,592.00	-804,616.78
Plus Refunds	0.00	0.00	911.05
Net Total Balance	2,760,012.70	2,792,488.55	2,622,072.14
Plus Postponed	34,025.05	29,735.14	33,641.29
Gross Total Balance	2,794,037.75	2,822,223.69	655,713.43
Collection % of Total Receivable	28.52%	23.60%	23.49%
Arrears % of Total Receivable	8.51%	12.59%	11.08%

3.4.1 Strategic Implications

Nil

3.4.2 Statutory & Policy

Nil

3.4.3 Consultation

Nil



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3.4.4 Financial Implications

Nil

3.4.5 Technical Assessment

Nil

3.4.6 Graphs & Charts

Nil

3.5 Conclusion

Nil

3.6 Recommendation

That the report be received and noted.

305/2010 RESOLVED that the report be received and noted. (McLaughlin/Neill)

4 REFERRAL OF 2009/2010 FINANCIAL REPORTS FOR AUDIT

4.1 Introduction

The purpose of this report is to seek approval to refer Council's draft Financial Reports for audit.

4.2 Background

Section 413 (1) of the *Local Government Act 1993* requires Council's draft Financial Reports be referred for audit.

4.3 Issues

The 2009/2010 financial statements are due to be audited by Council's auditors in October 2010. Council has an obligation under section 413 (1) to as soon as practicable after year end prepare the required financial reports which must be "referred to audit".

4.4 Assessment

4.4.1 Strategic Implications

Nil

4.4.2 Statutory & Policy

Consideration of this report means that Council is complying with the *Local Government Act 1993*.

4.4.3 Consultation

Nil



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4.4.4 Financial Implications

Nil

4.4.5 Technical Assessment

Nil

4.4.6 Graphs & Charts

Nil

4.5 Conclusion

A resolution by Council to refer its financial reports for audit will facilitate completion of the audit.

4.6 Recommendation

That the financial reports be referred for audit.

306/2010 That the financial reports be referred for audit. (McLaughlin/Douglas)

5 BUDGET REVIEW JUNE 2010

The Manager of Corporate Services will present a verbal update of the 2009/10 budget review position at Council Meeting.

The Manager advised the budget review is ongoing and will be finalised for review with the 2009/2010 financials by the auditors in October 2010.



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REPORTS TO ORDINARY MEETING OF COUNCIL – ACTING MANAGER OF ENVIRONMENTAL SERVICES REPORT

1 DEVELOPMENT APPLICATIONS

1.1 Introduction

The following Development Applications and Complying Development Certificates have been approved since the last Council meeting:-

DA CERT NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE
2010/024	CW Gillespie & DF Dally	Jubilee Street NYNGAN 2825	Satellite/Antenna/ Tower	\$30000
2010/026	NSW Aboriginal Housing Office	27 Flashman Ave NYNGAN 2825	Pergola	\$7070
2010/027	GJ Teale	193 Pangee Street NYNGAN 2825	Pergola	\$9320
2010/025	JD & AM Taylor	Oatley Street NYNGAN 2825	Dwelling & Shed	\$420000

1.2 Background

Nil

1.3 Issues

Nil

1.4 Assessment

1.4.1 Strategic Implications

Nil

1.4.2 Statutory & Policy

Nil

1.4.3 Consultation

Nil



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1.4.4 Financial Implications

Nil

1.4.5 Technical Assessment

Nil

1.4.6 Graphs & Charts

Nil

1.5 Conclusion

Nil

1.6 Recommendation

That the report be received and noted.

307/2010 RESOLVED that the report be received and noted. **(Dutton/Douglas)**

2 A1 TREE SERVICE (NSW) PTY LTD

2.1 Introduction

A1 Tree Service (NSW) Pty Ltd – Dubbo were asked to inspect several areas around Nyngan regarding suspect trees. They have since provided a comprehensive report with photos and a recommendation.

2.2 Background

Council has received a number of requests relating to various dangerous trees throughout the town. It was considered prudent to seek the advice of an experienced Arborist.

2.3 Issues

Advice received from the Arborist indicates the trees represent a risk to our community.

2.4 Assessment

2.4.1 Strategic Implications

Nil

2.4.2 Statutory & Policy

Tree Preservation Policy



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2.4.3 Consultation

A1 Tree Service was asked to provide an assessment of these trees.

2.4.4 Financial Implications

Cost of removal will be approximately \$5000/day.
Estimated time to remove trees is 2.5 days.

2.4.5 Technical Assessment

Report from A1 Tree Service (attached)

2.4.6 Graphs & Charts

Nil

2.5 Conclusion

The trees referred to in the Arborist's report have in the past have been poorly lopped and pruned in the past. Unless Council implements correct planting and pruning procedures as per industry standards, the same issues will reoccur into the future.

2.6 Recommendation

1. That the two large trees in Hoskins Street be removed and the stumps grinded;
2. That the trees in O'Reilly Park referred to in the Arborist's report be removed and the areas be replanted with more suitable species;
3. That the trees in Terangion Street referred to in the Arborist's report be crowned thin and dead wood removed; and
4. That the trees in front of the library be removed as soon as possible.

308/2010 RESOLVED that the two large trees in Hoskins Street be removed and the stumps grinded. (McLaughlin/Douglas)

It was **MOVED** that the trees not be removed. (McLaughlin/Hampstead)

It was **PUT** to Council and **LOST**.

309/2010 RESOLVED that the trees in O'Reilly Park referred to in the Arborist's report be removed and the areas be replanted with more suitable species, and that four suitable trees be planted on the western side and that the old trees remain until such time as the new trees provide shade. (Douglas/Neill) **Carried**



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310/2010 RESOLVED that four suitable trees be planted on both sides of the park.
(McLaughlin/Douglas)

311/2010 RESOLVED that the trees in Terangion Street referred to in the Arborist's report be crowned thin and dead wood removed. (McLaughlin/Douglas)

312/2010 RESOLVED that the trees in front of the library be removed as soon as possible.
(Dutton/Kennedy)

Discussion:

Council to provide an explanation to the community for the removal of the trees – notice in Council's column.

Involve the Garden Club with the replacement of the trees.

313/2010 RESOLVED that Council approach the mines and ask if they would be prepared to assist in contributing to the cost of the replacement trees and have the schools involved in planting the trees. (Douglas/Kennedy)



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PRECIS OF CORRESPONDENCE

1 NSW POLICE FORCE

Attached is a copy of correspondence received from the NSW Police Force Darling River Local Area Command Bourke, acknowledging Council's letter concerning the lack of Police at the Nyngan Police Station and response from Bourke Police in relation to two incidents. Council is advised that measures have been taken to address these issues.

1.1 Recommendation: That the report be received and noted.

314/2010 RESOLVED that the report be received and noted. **(Hampstead/McLaughlin)**

2 MINISTER FOR ROADS

Attached is a copy of correspondence received from the Minister for Roads, David Borger MP in reply to Council's letter about the naming of Main Road 70, Coolabah and Brewarrina after Victoria Cross recipient Mr Arthur Hall. Council is advised that the highway cannot be named after Mr Hall and to contact the RTA to discuss the possibility of an alternative commemorative proposal.

2.1 Recommendation: That the report be received and noted.

315/2010 RESOLVED that the report be received and noted with a further response to follow to the Minister. **(Kennedy/Dutton)**

3 NYNGAN EASTER CHALLENGE EVENT COMMITTEE 2010

Attached is a copy of correspondence received from the 2010 Nyngan Easter Challenge Committee thanking Council for their assistance and support of the 2010 Nyngan Easter Rugby League Challenge.

3.1 Recommendation: That the report be received and noted.

316/2010 RESOLVED that the report be received and noted. **(McLaughlin/Neill)**

317/2010 RESOLVED that the showground be investigated as a venue for a playing area for the Junior Rugby League Easter Challenge Carnival. **(McLaughlin/Neill)**



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4 NSW GOVERNMENT INDUSTRIAL RELATIONS DEPARTMENT

Attached is a copy of correspondence received from the NSW Government Industrial Relations Department requesting that by resolution of Council, Council apply in writing the desired 2011 local public holiday applicable to our Local Government area.

4.1 Recommendation: That Council request a half day public holiday for the Nyngan Show be gazetted from noon Monday 23rd May 2011 for the Bogan Shire area.

318/2010 RESOLVED that Council request that a half day public holiday for the Nyngan Show be gazetted from noon Monday 23rd May 2011 for the Bogan Shire area. **(Neill/Kennedy)**

5 NARRABRI SHIRE COUNCIL

Attached is a copy of correspondence received from the Mayor of Narrabri Shire Council advising of a meeting concerning black soil and flood plain areas of the North West.

Mayor's Comment: The Mayor was unable to attend the meeting and will provide a verbal report at the meeting.

5.1 Recommendation: That the report be received and noted.

319/2010 RESOLVED that the report be received and noted. **(Dutton/McLaughlin)**

6 SCHOOL SAFETY LIGHTS

Attached is a copy of correspondence forwarded to Council, from Council's Solicitor John Hennessey concerning installing flashing lights at the school crossings in Nyngan. Council is advised to lobby the RTA for the installation of signage and lights.

6.1 Recommendation: That the report be received and noted.

This item has been dealt with earlier in the meeting.



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7 GOVERNMENT WEEKLY CIRCULARS

Weekly Circulars 32/10 to 35/10 are tabled for Council’s information. Copies of the Circulars Indices and Summary of Items have been dispatched to Councillors.

7.1 Recommendation:

That the Local Government Weekly Circulars be noted.

320/2010 RESOLVED that the Local Government Weekly Circulars be noted.
(Kennedy/Douglas)

Other matters:

321/2010 RESOLVED that Council support the Rural Fire Services’ project of the fitting of an 186,000lt water tank at the Nyngan airport to support water bombing operations during the fire season. **(Dutton/Neill)**

There being no further business the meeting closed at 2.30pm.

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

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GENERAL MANAGER

.....

MAYOR

NOTES

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