



BOGAN SHIRE COUNCIL

Minutes

25th August 2011

**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 25th August 2011 at 9.30am**

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

Also present were Mr Mike Ryan (Acting General Manager), Ms Theresa Haley (Manager of Corporate Services), Mr Tim Riley (Manager of Environmental Services), Mrs CJ Ellison and Mrs Debb Wood.

At 9.30am, prior to the Council meeting, representatives from Essential Energy, Mr Pete Halliwell (North West Regional Manager), Mr Mark Daley (Vegetation Manager) and Mr Damien Smith (Nyngan depot) addressed Council.

At 10.00am, Mr Luke McGarry, General Manager, Tritton Mine presented a powerpoint presentation on Tritton Mine.

DECLARATION OF PECUNIARY INTEREST: Nil

247/2011 APOLOGY: RESOLVED that the apology for the absence received from Councillor McLaughlin be granted and she be granted leave from both meetings.

The following resolutions arose from decisions made in the Closed and Confidential Section of the Meeting held on 25th August 2011.

241/2011 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed involves matters concerning particular individuals other than Councillors. **(Hampstead/Griffiths)**

242/2011 RESOLVED that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 28th July 2011, copies of which has been circularised to Councillors be taken as read and confirmed. **(Griffiths/Kennedy)**

243/2011 RESOLVED that the recommendation from the Acting General Manager's Report be adopted. **(Hampstead/Ryan)**

244/2011 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Dutton/Griffiths)**

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245/2011 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed, if discussed, prejudice the maintenance of law. **(Griffiths/Douglas)**

246/2011 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Dutton/Griffiths)**

248/2011 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 28th July 2011, copies of which has been circularised to Councillors be taken as read and confirmed. **(Dutton/Hampstead)**

249/2011 RESOLVED that Council forwarded a letter to Milan Jerkovic (CEO of Straits Resources) expressing concern about the proposed onsite accommodation at Tritton. Council appreciated the presentation made by Luke McGarry and the \$50,000 contribution towards the Long Care Day Centre proposal.

COMMITTEE MEETING MINUTES

1 BOGAN COMMUNITY, TOURISM AND BUSINESS GROUP

250/2011 RESOLVED that the report be received and noted. **(Hampstead/Kennedy)**

251/2011 RESOLVED that Council investigate Nyngan becoming an RV friendly town. **(Douglas/Kennedy)**

2 MUSEUM COMMITTEE MEETING

252/2011 RESOLVED that the report be received and noted. **(Griffiths/Hampstead)**

REPORTS TO ORDINARY MEETING OF COUNCIL – MAYORAL REPORT

1 LOCAL GOVERNMENT ELECTIONS

253/2011 RESOLVED that the report be received and noted. **(Douglas/Neill)**

2 STATE ORGANISATIONS

254/2011 RESOLVED that Council, on behalf of Bogan Shire Council residents' should acknowledge with appreciation the contribution made by both Charlie Armstrong as President of the NSW Farmers Association and David Lister as President of the NSW Lands Protection Board and invite them to lunch at our September meeting for a presentation to be made to both. **(Dutton/Hampstead)**



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

1 CHECKLIST

Date	Minute No	Matter	Action Required	Responsible Officer	Status
24/03/2011	89/2011	Library	Install suitable electronic doors in conjunction with installation of disabled access.	H & B	UPDATE: Electronic doors to be installed with the disabled access. Programmed end of August 2011.
23/08/2007 25/02/2010 22/07/2010	500/2007 371/2007 370/2007 20/2010 244/2010	Housing Residential & Aged Care Accommodation Aged Care Facility	Feasibility of developing Council owned land, subdivide, establish further aged care accommodation. Nyngan Community Homes Committee to meet with Council.	Mayor / GM	Manager of Environmental Services to provide a report on suitable land to commence this project. UPDATE: Meetings have been held with the Community homes Committee to advance the project. Approach Yarrabin if interested in the Management of the Community Homes.



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					AGM has held discussions with Yarrabin. Verbal report to be provided at the meeting.
25/02/2011	33/2011	LEP	Draft LEP be prepared for purpose of reclassifying public lands.	H & B	<u>UPDATE:</u> Draft LEP sent to the Minister.
24/01/2008 26/11/2009 25/02/2011	438/2008 466/2009	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	Source funds from Federal Govt. <u>UPDATE:</u> Waiting on determination of application.
24/04/2008 16/12/2010	140/2008 421/2010	Main Street	Advertise preliminary street plans & seek community comment.	Eng	<u>UPDATE:</u> Meeting held Monday 25th July 2011.
23/10/2008	447/2008	Residences- Pangee Street	Council to speak to residents.	H & B	<u>UPDATE:</u> Demolition Notices issued.
25/02/2011 24/03/2011 28/04/2011	09/2009 467/2009 164/2010 384/2010 80/2011 114/2011	Ambulance Station	Council express interest in acquiring the former ambulance station premises.	Mayor	Council write to Health Minister asking to acquire station at no cost to be used for community purposes.



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					<p><u>UPDATE:</u> Mens Shed has acquired lease of both allotments at ambulance station.</p> <p>Letter sent to NSW Ambulance requesting lots 9 & 10 be transferred to Council free of charge. Council has received Environmental Assessment.</p> <p><u>UPDATE:</u> Waiting on response from Council representation to the Parliamentary Secretary for Regional Health.</p>
25/11/2010	23/2009	Community Hall Renewal Fund	Council lodge an application with the Community Hall Renewal Fund for a grant to upgrade the Town Hall.	H & B	<p>Waiting on Government decision.</p> <p><u>UPDATE:</u> No change.</p>
26/02/2009 24/09/2009 16/12/2010	41/2009 398/2009 395/2010	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	<p><u>UPDATE:</u> DA to be refused. Notice of Intent to be issued 29th August 2011.</p>



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26/11/09	460/2009 223/2010	APC	<p>Letters to surrounding Councils advising of EOI to improve water delivery.</p> <p>Contact Fed Govt to ensure \$12m remains.</p> <p>Try and obtain more Government funding to complete the piping of the APC project.</p>	<p>GM</p> <p>Mayor</p>	<p>Mark Coulton has been contacted to organise a meeting with Ministers Burke & Crean.</p> <p>A meeting held with State Water Office who received a copy of quote from Irritek.</p> <p><u>UPDATE:</u> Regional Development Australia met with BSC and Cobar Shire Council and is assisting with efforts to obtain funding from the Federal Government. Still waiting for approval. Discussions held with State Water & Minister Crean's office. Verbal advice at Council Meeting.</p>
17/12/09	531/2009	Mitchell Highway	Letter to RTA CEO & Minister re condition of Highway between Nyngan and Nevertire. Council not accepting explanation from RTA CEO.	Mayor	<p><u>UPDATE:</u> A 2kms section near Mullengudery to be reconstructed in approximately two weeks by the RTA.</p>



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17/12/09	539/2009	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. <u>UPDATE:</u> Bourke Shire has provided instruction to BSC staff.
	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. Refer to State Water. <u>UPDATE:</u> Letter sent to Office of NSW Water. Unsatisfactory response received. Further letter to be 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	Mines waiting on photos to be created in high definition. <u>UPDATE:</u> <u>Photographs yet to be received.</u>
23/09/2010	289/2010	Houses – Flashman Avenue	Organise meeting to discuss designs.	H & B	<u>UPDATE:</u> Tendering process to be commenced.



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23/09/2010	295 & 296/2010 383/2010	Ambulance Services	Make further representations to the NSW Ambulance regarding patient transfers & unavailability of ambulances.	Mayor	Letter sent to the Operational Manager with same concerns.
25/02/2011	55/2011		Approach the Government to provide backup ambulance services so as to have a ambulance on call at all times and to be paid overtime rates.		<u>UPDATE:</u> Waiting on response from Council representation to the Parliamentary Secretary for Regional Health.
28/04/2011	127/2011		Letter to the Coroner concerning the recent incident on the Mitchell Highway.		Response to Council's letter to Coroner – Precis June 2011.
28/10/2010	331 & 332/2010	Palais Theatre	Investigate making the outdoor area a venue for community use.	H & B	<u>UPDATE:</u> Plan of Management currently being developed.
25/11/2010	381/2010	Arthur Hall VC Highway	Wall memorial to be relocated, citation suitably inscribed beside the wall memorial, signs on the edge of the highway, officially unveiled on 11 th November 2011.	Eng	<u>UPDATE:</u> Highway between Coolabah and Brewarrina is to be named the Arthur Hall VC Way.
22/02/2011	25/2011	Showground	Obtain quote for upgrade of showers & urinals.	H & B	<u>UPDATE:</u> Work to commence after the Ag Expo. Waiting response from contractor. Work to commence early September 2011.



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25/02/2011	43/2011	RFS	Letter to BSC Bush Fire Captains meeting recommending BS join the other three Councils to become members of the North West Zone.	Mayor	<u>UPDATE:</u> Letter sent.
25/02/2011		Clean Up Australia Day	Postponed to a later date.	CDO	<u>UPDATE:</u> To be raised at the Western Division Meeting in October 2011.
24/03/2011	83/2011	Cinema	Investigate the recommencement of movies.	CDO	Community Development Officer to look into having the SRC and Bourke Police involved in trying to recommence the movies. Cr Douglas to speak to the schools regarding Council's intention to try to recommence the movies, stress behaviour at the movies. <u>UPDATE:</u> On Hold – pending result of Management Plan for Palais Theatre.



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24/03/2011	83/2011	Youth Worker	Support employment of a part time Youth workers at the NHS.	CDO	
23/06/2011	199/2011	Skate Park	Obtain a quote for placing a skin on the square ramp in O'Reilly Park; Investigate laying concrete strips in Lions Park; Investigate extending the ramp in O'Reilly Park.	Eng	<u>UPDATE:</u> Ramp upgrade options to be investigated.
28/07/2011	227/2011	Library	Investigate an upgrade to the toilets & costing.	H & B	<u>UPDATE:</u> Inspection undertaken, estimates being developed, report to September 2011 Council meeting.

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255/2011 RESOLVED that Council meet with representatives from the Nyngan Swimming Club, Councillor Douglas and Councillor Griffiths to inspect the proposed shade structure for the Swimming Pool. **(Dutton/Griffiths)**

At 12 noon Sergeant Tony Wood attended the meeting and Council moved into the Closed and Confidential Section of the meeting.

At 12.20pm Council returned to open Council.

256/2011 RESOLVED that the Mayor make an approach to the Police Minister requesting him, as a matter of urgency, to implement an incentive scheme to the western area. **(Ryan/Hampstead)**

257/2011 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist. **(Griffiths/Douglas)**

Recycling

258/2011 RESOLVED that each rate payer be given a \$20.00 refund off their next rate installment. **(Ryan/Griffiths)**

Councillor Ryan now left the meeting.

The meeting adjourned for lunch at 12.35pm and resumed at 1.45pm.

Council returned to the Acting General's Manager's Report.

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2 NYNGAN RUGBY UNION CLUB PREMISES LICENCE

259/2011 RESOLVED that Council:-

- 1 Renew the licence with the Nyngan Rugby Union Club for the use of an area at Larkin Oval being part of Reserve D520022.
- 2 Charge Nyngan Rugby Union Club a nominal rental of \$10 per year for a 20 year licence period.
- 3 Authorise the General Manager and the Mayor to negotiate with the Club on other clauses in the licence.
- 4 Submit the amended licence to the Minister for Lands for approval.

(Dutton/Neill)

**3 REQUEST FOR COUNCIL ASSISTANCE FOR REPLACEMENT STOCK
GRID**

260/2011 RESOLVED that Council replace the ramp for Mr Machin and any further ramp problems be looked at on a case by case basis. **(Dutton/Griffiths)**

4 PURCHASE OF ADDITIONAL PLANT ITEMS

261/2011 RESOLVED that the Plant Purchase schedule for 2011/2012 be amended to include a larger Jetpatcher type truck, small tipper truck and 2 utility support vehicles and these amendments be shown in the quarterly budget review. **(Hampstead/Neill)**

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5 LONG DAY CARE CENTRE

262/2011 RESOLVED that

- 1 Council approves the use of the Dandaloo Street Pre School building for a Long Day Care Centre.
- 2 A management team be created consisting of the Mayor, General Manager, Mine Manager, General Manager and Chairperson of Yarrabin for the purpose of establishing the Long Day Care Centre.
- 3 Council makes the Pre School site available at nil rental and that Yarrabin be responsible for the ongoing maintenance and running costs of the Centre.
(Kennedy/Douglas)

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

1 BANK RECONCILIATION

263/2011 RESOLVED That the report be received and noted. (Douglas / Kennedy)

2 INVESTMENTS

264/2011 RESOLVED that the report be received and noted. (Douglas/Griffiths)

3 SUMMARY OF RATE COLLECTIONS

265/2011 RESOLVED that the report be received and noted. (Douglas/Neill)

4 COUNCILLORS AND MAYORAL FEES

266/2011 RESOLVED that the fee structure for the total remuneration for the Mayor, Deputy Mayor and Councillors to apply from 1st July 2011 be the minimum of 4% increase. (Hampstead/Dutton)



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5 INTERGRATED PLANNING AND REPORTING

267/2011 RESOLVED that the report be received and noted. **(Dutton/Neill)**

6 BUDGET REVIEW JUNE 2011

268/2011 RESOLVED that the Budget Review for the period ended 30 June 2011 be received and adopted. **(Neill/Douglas)**

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

1 DEVELOPMENT APPLICATIONS

269/2011 RESOLVED that the report be received and noted. (Douglas/Griffiths)

2 WASTE MANAGEMENT FACILITY – CROWN LAND ACQUISITION

270/2011 RESOLVED that

1. Council acquire by compulsory acquisition the whole of the land contained in Lot 107 DP 822472 and lot 7301 DP1161404 known as Nyngan Waste Management Facility Colane Road Nyngan NSW 2825 as shown in attached plan (Plan of Acquisition of Lot 107 in D.P.822472 and part T.S.R 995).
2. The Acquisition Land be acquired pursuant to Section 187 of the Local Government Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991 for the public purpose of waste disposal.
3. Council further determine the values of the Acquisition Land as provide by the Valuation Services Department, Land and Property Management provided that the value includes all interests including those of the Crown, Native Title and Leaseholds (if any) (hereafter called the Land Acquisition Value).
4. The Acquisition Land Value be paid upon completion of the acquisition, of the Acquisition Land, to Land and Property Management Authority on behalf of the Crown in full and final payment of all those interests including the rights of the Crown pursuant to Section 104 of the Native Title Act 1994 (NSW) and Section 54 (2) of the Land Acquisition (Just Terms Compensation) Act 1991.
5. The survey plans of the acquisition of Lot 107 DP822472 and part Lot 7301 DP1161404, be signed under the Common Seal of the Council.
6. The Acquisition Land be acquired as operational land pursuant to the provisions of Section 31 of the Local Government Act 1993 for the purpose of expanding the Nyngan Waste Management Facility.
7. Council acquire land from the Department of Land and Property Management Authority and obtain permission from the Minister of Local Government to acquire the land pursuant to Section 187 of the Local Government Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991 for the public purpose of waste disposal. (Neill/Dutton)

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PRECIS OF CORRESPONDENCE

1 UNITED SERVICES UNION

271/2011 RESOLVED that Friday 30th September 2011 be granted the Annual Picnic Day and the use of the showground facilities be free of charge. **(Hampstead/Neill)**

2 BARNARDOS

272/2011 RESOLVED that a letter be sent to Barnardos advising that Council is not prepared to rejoin Outback Arts, but a reserve is available for applications to be made to fund any arts project within Bogan Shire. **(Hampstead/Griffiths)**

3 ELECTORAL COMMISSION NSW

273/2011 RESOLVED that the report be received and noted. **(Douglas/Kennedy)**

4 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

274/2011 RESOLVED that Council supports a motion to call on the Federal Government to:

- Recognise the successful delivery of the Roads to Recovery Program by Local Government since 2000;
- Continue the Roads to Recovery Program on a permanent basis to assist Local Government meet its responsibilities of providing access for its communities;
- Continue the Roads to Recovery Program with the current administrative arrangement; and
- Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually. **(Dutton/Hampstead)**

5 GOVERNMENT WEEKLY CIRCULARS

275/2011 RESOLVED that the Local Government Weekly Circulars be noted. **(Douglas/Griffiths)**



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DELEGATE’S REPORT

1. LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING

276/2011 RESOLVED that the report be received and noted. **(Hampstead/Dutton)**

Yarrandale Road

277/2011 RESOLVED that a plaque be unveiled adjacent to the plaque commemorating the opening of the Tritton Mine, acknowledging the construction of the section of the Yarrandale Road between Girilambone and Tritton Mine. **(Neill/Griffiths)**

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.

.....
ACTING GENERAL MANAGER

.....
MAYOR

