



BOGAN SHIRE COUNCIL

Minutes

27th September 2012



**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 27th September 2012 at 9.30am**

PRESENT: Councillors RL Donald, WG Deacon, JL Douglas, LH Dutton, HJ Griffiths, EM McLaughlin, GRJ Neill and KM Ryan.

Also present were Mr Derek Francis (General Manager), Ms Theresa Haley (Manager of Corporate Services), Mr Tim Riley (Manager of Environmental Services), Mr Graeme Bourke (Acting Manager of Engineering Services) and Mrs CJ Ellison.

Father Graeme McLeod commenced the meeting with the prayer.

Congratulations were extended to all Councillors for being elected to Council, resulting from the recent Local Government Elections.

Mayor Donald opened the meeting.

264/2012 APOLOGY: RESOLVED that the apology for the absence received from Councillor Hampstead OAM be received and he be granted leave of absence from both meetings. **(Griffiths/Neill)**

The General Manager now took the Chair.

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

1. ELECTION OF MAYOR AND DEPUTY MAYOR

265/2012 RESOLVED:-

1. That nominations be called firstly for the office of Mayor and secondly for the office of Deputy Mayor.
2. That the term of office of the Deputy Mayor coincides with that of the Mayor.
(Dutton/Griffiths)

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

266/2012 As there were no further nominations, Councillor Donald was declared elected to the office of Mayor for 2012/13. **(Griffiths/Dutton)**



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

267/2012 As there were no further nominations, Councillor Hampstead OAM was declared elected to the office of Deputy Mayor for 2012/13. **(Griffiths/Dutton)**

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

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Council returned to the Ordinary Meeting.

The following resolutions arose from decisions made in the Closed and Confidential Section of the meeting held on 27th September 2012.

268/2012 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that the Committee move into a closed and confidential section of the meeting because information discussed, in accordance with the Local Government Act 1993, Section 10A (2) (d) would if disclosed prejudice the commercial position of the person who supplied it. **(Dutton/McLaughlin)**

269/2012 RESOLVED that the Minutes of the Closed and Confidential Meeting of Council held on 23rd August 2012, copies of which has been circularised to Councillors be taken as read and confirmed. **(Ryan/Griffiths)**

270/2012 RESOLVED that Fulton Hogan Pty Ltd becomes Council's preferred bitumen sealing contractor under the current panel source tender for the "Supply and Delivery of Spray sealing". **(Ryan/Douglas)**

271/2012 RESOLVED that Council consider the purchase of a new water tanker at the 2013/2014 estimates meeting. **(Douglas/Ryan)**

272/2012 RESOLVED that Council accept the tender of Westrac for a Caterpillar 242B3 skid steer loader for the amount of \$88,565.18.
(Ryan/Neill)

273/2012 RESOLVED that Council deal with the Manager of Environmental Services' Supplementary Report. **(McLaughlin/Deacon)**

274/2012 RESOLVED:-

1. That a current insurance cover certificate relating to the operation of the diving board be provided to Council by the Pool Manager prior to operational commencement of the diving board.
2. The additional costs for the supervision of the diving board be provided and be reflected within the budget adjustment, to the estimated value of \$9060 and be progressively paid to the Pool Manager.
3. That the additional insurance premium of \$1400 be reimbursed at the first available progress payment period to the Pool Manager.
4. That Council staff engage a Structural Engineer or similar qualified person to certify the existing diving board platform/structure and this be presented to Council at its October meeting.

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5. That Council review after Christmas the supervision hours for the diving board as stated in the report. **(Douglas/Neill)**

275/2012 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(McLaughlin/Neill)**

276/2012 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 23rd August 2012, copies of which have been circularised to Councillors be taken as read and confirmed. **(Griffiths/Neill)**

Business arising from the Minutes:

- Community Based Heritage Study for Bogan Shire – The Manager of Environmental Services to follow up on inaccuracies and listings of properties and report back to Council.
- FAGS – noted Federal Minister inquiry into the matter.

277/2012 RESOLVED that Council sent a congratulatory and thank you letter to the Bogan Day Out Committee for hosting the day. **(Griffiths/Deacon)**

278/2012 RESOLVED that the Mayor, Cr Ryan and General Managers of Bogan and Warren Shires arrange to meet with the Minister of Local Government and Ross Woodward from the Department of Local Government to discuss the recent Elections. **(McLaughlin/Dutton)**

Discussion:

Goals for the new Council:-

- More aged and pensioner care
- Children's long day care
- Road works
- Employment opportunities within the Shire area for school leavers.

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At 10.20am Mrs Sharyn Martin, Mrs Merrill Peterson and Mrs Donna Pumpa addressed Council regarding the recently established CanAssist Committee – a committee to fund raise to provide financial assistance to cancer patients in need.

279/2012 RESOLVED that Council contribute \$5000 to the CanAssist Committee.
(Ryan/Griffiths)

- Melbourne Cup Tour – Council expressed a thank you to Mrs Donna Pumpa for the successful tour.

Council adjourned for morning tea at 10.40am.

After morning tea, Councillors inspected the swimming pool, particularly the new starting blocks and diving board.

Council resumed at 11.25am.

280/2012 RESOLVED that appreciation be extended to the staff who have been involved in the work at the swimming pool. **(Neill/Griffiths)**

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

2 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
1	23/08/2007 25/02/2010 22/07/2010	500/2007 371/2007 370/2007 20/2010	Housing Residential & Aged Care Accommodation	Feasibility of developing Council owned land, subdivide, establish further aged care accommodation.	Mayor / GM	Meetings have been held with the Community Homes Committee and Yarrabin to advance the project.
	24/05/2012	126/2012	Aged Care Facility	Call & arrange a public meeting to assess the need for aged care/self contained retirement facilities. Invite other communities; Invite Kevin Humphries; Invite an Independent Chairperson; Involve Nyngan Pensioner Association.	CDO	Arrangements for public meeting proceeding in consultation with Mick Glennie Committee. Awaiting confirmation of date from Kevin Humphries. Invitations sent to Cobar, Warren and Gilgandra Shires to participate.

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
						Co-ordinating dates between Kevin Humphries and Community Homes Committee. Positive responses received to invitations.
2	23/10/2008	447/2008	Residences-Pangee Street	Council to speak to residents.	MEvS	Confirmed final authority issued for demolition & contractor appointed. Anticipated demolition prior to October meeting.
3	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	<p>Council write to Health Minister asking to acquire station at no cost to be used for community purposes. Mens Shed has acquired lease of both allotments at ambulance station.</p> <p>Council has approached Dept Health to have lot 9 transferred free of charge and offer to purchase lot 10 in its present condition for \$22,500.</p>

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
						<p>Department of Health has recommended to Government Asset Management Committee (GAMC) to accept Council's offer.</p> <p>Matter referred back to the Dept Lands by GAMC for recommendation. Dept of Lands has requested that Council buy Lots 9 & 10 at market value.</p> <p>Letter sent to Minister Humphries requesting assistance to resolve this matter.</p> <p>Response received from Minister Humphries indicating the matter has been taken up with Health & Local Government Ministers.</p>

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						GM followed up with State Property Authority who has advised that the Crown Lands Office will not reconsider their position on the market value of the Lot 9. The Department of Health has advised that they are writing to the Minister administering the Crown Lands Act for consent to the transfer of Lot 9 at no cost.
4	26/11/09	460/2009 223/2010	APC	Contact Fed Govt to ensure \$12m remains. Try and obtain more Government funding to complete the piping of the APC project.	GM	Letter sent to Federal Govt asking for confirmation. (Sept 2012) Combined deputation with Cobar Shire Council to meet with Minister Katrina Hodgkinson.

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
						<p>Cobar Shire Mayor & GM have agreed to meeting. Meeting request sent to Minister.</p> <p>Follow-up request for meeting sent to Minister.</p> <p>Follow up discussions proposed with Cobar Shire /Water Board, including an approach for RDAF funding.</p>
5	24/03/2011	83/2011	Cinema	Investigate the recommencement of movies.	CDO	<p>Community Development Officer to look into having the SRC and Bourke Police involved in trying to recommence the movies.</p> <p>Cr Douglas to speak to the schools regarding Council's intention to try to recommence the movies, stress behaviour at the movies.</p>

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						On Hold – pending result of Management Plan for Palais Theatre. Draft Management Plan to be presented October 2012 meeting.
6	24/11/2011	376/2011	Bogan Bush Mobile	Explore suitable options for relocation. Prepare a report with an estimate of costs and recommended funding sources for preferred options.	MCS/MEvS	Verbal report at Council Meeting August 2012. GM met with Bush Mobile representatives to discuss.
7	25/05/2012	116/2012	APC	A formal agreement be sought & entered into with CWB covering all aspects of the APC operation.	GM	In progress. Project meeting with Solicitors planned for early October 2012.
8	24/05/2012	123/2012	Vacant Block – Cnr Nymagee /Mitchell Streets	Asked John Holland to meet with Council ASAP to work towards some agreement concerning the block.	MEvS	Meeting with John Holland representatives held 11 September 2012. MEvS & GM to hold further discussions on terms of community lease with John Holland.

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
9	24/05/2012 28/06/2012 23/08/2012	124/2012 158/2012 241/2012	Parking – Heavy Vehicles outside Outback Motel.	Install “No Parking to Heavy Vehicles” signs on the northern side & from the position of the proposed third blister on the southern side.	Eng	RMS to advise appropriate sign type and wording for that location. Council place “No Parking Heavy Vehicles” sign in decided locations. RMS will not approve installation of above signs. Have now agreed to allow 45 degree angle parking.
10	24/05/2012	143/2012	Railway Signal Post.	Erect in an appropriate manner & location near the heritage railway crossing.	Eng	Site to be selected in consultation with Museum Committee. Advice obtained from David Moir (Landscape Architect). Report to Sept 2012 Council Meeting.
11	28/06/2012	149/2012	Flashman Ave Houses	Houses be sold at public auction, reserve price to be set by the Mayor & GM.	Mayor/GM	Valuations completed.

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
						Quotation received for driveways, landscaping and associated site works.
12	28/06/2012	150/2012	Oxley Street Subdivision	1. Land bound by Derrybong, Oxley & Dandaloo Streets be subdivided. 2. The resulting four 20mm x 45mm blocks be sold for current market value. 3. Council approve the development of 4 x 2 br villas (stage 2) at a cost of \$550,000.	ENvS	Program established for development to proceed. Further report to Council upon Flashman Ave dwellings being sold.
13	28/06/2012	161/2012	Lawlor Street Subdivision	Advertise the sale of the industrial blocks subdivision. Mayor & GM to determine the price per square metre.	Mayor/GM	Awaiting advice on appropriate selling price. Investigating cost of installing services.
14	28/06/2012	179/2012	Dog Pound	Construction of the new dog pound in the location closer to the main road in the airport complex.	MEvS	Programmed in 2012/13 works program.

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
15	28/06/2012	181/2012	Swimming Pool	1. Council agree in principle to the upgrade of the pool, including relining.	MEvS	Report from Structural Engineer to October meeting.
16	26/07/2012	193/2012	Transfer of Land – Nymagee St 3,7 & 9	Make an offer to accept land at nil cost. Should the offer be accepted, Council seek EOI to demolish the subject dwelling & associated structures including removal of excessive vegetation.	ENvS	Letter to owner outlining Council decision. Owner advised Council will be seeking legal advice. Owner of other property 9 Nymagee St, now seeking legal advice on disposal option.
17	26/07/2012	205/2012	Relocation of items from workshop	Investigate locating Cobb & Co Coach, bullock wagon and jail onto the platform at Railway Station.	GM MEvS	Discussions with Museum Co – ordinator. Issues with locating old jail, Cobb & Co coach & bullock wagon on eastern end of platform. Verbal report to September 2012 meeting.
18	26/07/2012	212/2012	Signs as Remote Supervision	Install new signage at Showground.	MCS/WHS	WHS obtaining quotes for signage in accordance with Council's Resolution. Signs ordered.

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281/2012 RESOLVED that Council proceed to install the 45 degree angle parking in front of the Outback Motel now that RMS has approved this type of parking for that location. **(McLaughlin/Douglas)**

282/2012 RESOLVED that Council go ahead with the driveways, landscaping and associated site works at the new houses in Flashman Avenue prior to sale. **(Ryan/Deacon)**

283/2012 RESOLVED that Council approach Cobar Shire Council to join with Bogan Shire Council in a request to Irritek to quote on consultation fees in preparing a submission for Regional Development Australia funding for piping of the APC. **(Ryan/Dutton)**

284/2012 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist. **(Griffiths/Douglas)**

3 REGULAR MEETING DATES AND TIMES

285/2012 RESOLVED that the regular meeting dates and times remain the same. **(Ryan/Dutton)**

4 NYNGAN PRE-SCHOOL BUILDING

The Status Quo remains as per Resolution from the last meeting.

Council arrange a meeting with Yarrabin – to discuss having long day care at the new Pre School in Pangee Street.

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5 COMMITTEE / ORGANISATION DELEGATES REPRESENTATIVES

286/2012 RESOLVED that Council confirm the appointments of delegates to the below Committees in accordance with the provisions of Section 355 of the Local Government Act, 1993. **(Dutton/Griffiths)**

Section 355 Committees:-

- Bogan Bush Mobile Committee – Cr Griffiths, alternate Cr Douglas.
- Collierreina Hall Committee – Cr Hampstead, alternate Cr Dutton.
- Friends of the Cemetery Group Committee – Cr Donald.
- Hermidale Sports Ground Committee – Cr Dutton, alternate Cr Neill.
- Nyngan Garden Club Committee – Cr Deacon, alternate Cr Ryan.
- Nyngan Museum Management Committee – Cr Griffiths, alternate Cr Ryan.

Other Committees:-

- Bush Fire Management Committee – Cr Neill and Mr Tim Riley as General Manager's delegate.
- Central West Catchment Management Authority – Cr Dutton, alternate Cr Donald.
- Community Action Group (Interagency) – Cr Griffiths and General Manager or delegate.
- Liquor Accord – Cr Hampstead, alternate Cr Ryan.
- Local Emergency Management Officer / Committee Chairperson – General Manager or delegate.
- North West Library Association – Cr McLaughlin and Mrs Maria Kinsey.

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- NSW Police Community Safety Precinct Committee – Cr Hampstead and the General Manager.
- Orana Regional Organisation of Councils – Mayor and General Manager.
- Rugby Union Club Management Committee – Cr Deacon, alternate Cr Griffiths.
- Rural Fire Service SLA Committee – Crs Donald, Neill, and Dutton and General Manager or Mr Tim Riley as General Manager’s delegate.
- Showground Users – Cr Donald and General Manager.
- Traffic Committee – Cr Ryan, alternate Cr Neill, General Manager and Manager Engineering Services.
- Youth Committee – Cr Douglas, alternate Cr Griffiths.
- Western Joint Regional Planning Panel – Crs Hampstead and Ryan.
- Bogan Tourism & Business Group – Cr Griffiths and Mrs Donna Pumpa as General Manager’s Delegate.

Standing Committees:-

287/2012 RESOLVED that the Standing Committees of Finance and Works, and Planning, Development and General Purpose be the whole Council on both Committees. **(Ryan/McLaughlin)**

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6 REQUEST FOR DONATION

It was **MOVED** that Council not grant any further donation. **(Ryan/Dutton)**

An **AMENDMENT** was **MOVED** that Council grant another \$500.
(Douglas/Griffiths)

The **AMENDMENT** was **PUT** and **LOST**.

288/2012 **RESOLVED** that Council not grant any further donation.
(Ryan/Dutton)

Cr McLaughlin to provide suggestions on prizes for next Arts and Crafts exhibition.

7 REVIEW OF FUNDING EMERGENCY SERVICES IN NSW

It was **MOVED** that a single levy be placed on all properties not a valuation levy.
(Dutton/Griffiths)

The **MOTION** was **PUT** to Council and **LOST**.

It was agreed that Council not make a submission on funding options for Emergency Services.

Council adjourned for lunch at 12.30pm and resumed at 1.50pm.

During the lunch break Councillors inspected the Railway Station / Museum for relocation of the Cobb & Co Coach, Bullock Wagon and Jail.

Manager of Environmental Services to report back to Council.

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8 HERITAGE PARK – GATES, SIGNAL AND WALKWAY

289/2012 RESOLVED

1. That the General Manager consults with community members on the concepts presented by David Moir and Associates.
2. That, taking into account community feedback, Council proceeds to establish trees in the area according to plans provided by David Moir and Associates.
3. That Council considers funding for the remaining phases of the project at the first budget review.
4. That, subject to the project proceeding, Council considers making an application to the Geographical Names Board to name the area "Heritage Park". **(Douglas/Neill)**

9 NYNGAN SHOW DAY

290/2012 RESOLVED that Council apply to the Minister for Finance and Services for the declaration, under the Public Holidays Act 2010, of a local public holiday for the Bogan Shire Council Local Government area from 12 noon on Monday 29th April 2013. **(Dutton/Deacon)**

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

1 BANK RECONCILIATION

291/2012 RESOLVED that the bank reconciliation report be received and noted.
(Douglas/Neill)

2 INVESTMENTS

292/2012 RESOLVED that the investments reports be received and noted.
(Neill/Griffiths)

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

293/2012 RESOLVED that the rates collections report be received and noted.
(Ryan/McLaughlin)

4 BOGAN SHIRE COUNCIL POLICY - FIN002 Debt Recovery Policy

294/2012 RESOLVED that the draft Bogan Shire Council Policy FIN002 – Debt
Recovery Policy be adopted. (Douglas/Griffiths)

**5 UNAUDITED SUMMARY OF COUNCIL'S INCOME AND EXPENDITUE –
2011/2012**

295/2012 RESOLVED that the unaudited summary of Council's income and
expenditure results for the 2011/12 financial year be noted. (Neill/Douglas)

Requests were made for further information on depreciation of \$80,100 and
allocation of interest earned spread over the funds.

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6 REFERRAL OF 2011-2012 FINANCIAL REPORTS FOR AUDIT

296/2012 RESOLVED that the Draft Financial Reports for 2011/12 be referred for audit. **(Douglas/Neill)**

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

297/2012 RESOLVED that the Operational Report, including Civil Works, Parks and Gardens and Roads be received and noted. **(Ryan/McLaughlin)**

298/2012 RESOLVED that a map showing where the graders are located and works completed in relation to the annual works program be included in the Acting Manager of Engineering Services' Report. **(Dutton/Griffiths)**

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

1 REPORT WASTE –RECYCLING COLLECTION DATA

299/23012 RESOLVED that the report be received and noted. **(Neill/Griffiths)**

2 PROPOSED COUNCIL WASTE MANAGEMENT FACILITY

300/2012 RESOLVED that the report be received and noted and Council concerns about excessive conditions placed on small rural tips be taken up at the Western Division Conference and also conveyed to the Minister for the Environment. **(Ryan/Neill)**

Mr Riley now left the meeting, the time being 2.30pm.

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PRECIS OF CORRESPONDENCE

1 NYNGAN PONY CLUB

301/2012 RESOLVED that the report be received and noted and the appropriate staff be thanked for their work. **(Ryan/McLaughlin)**

2 OFFICE OF COMMUNITIES SPORT & RECREATION

302/2012 RESOLVED that the report be received and noted.
(McLaughlin/Douglas)

3 ORANA REGIONAL ORGANISATION OF COUNCILS (OROC)

303/2012 RESOLVED that interested Councillors attend a session.
(McLaughlin/Ryan)

4 PREMIER & CABINET DIVISION OF LOCAL GOVERNMENT

304/2012 RESOLVED that the report be received and noted.
(McLaughlin/Griffiths)

5 NYNGAN COURTHOUSE FURNITURE

305/2012 RESOLVED that the General Manager make representation to the Attorney General and the Director General to have the bookcase returned to the Nyngan Courthouse. **(McLaughlin/Deacon) Unanimous**

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6 NATIONAL NATIVE TITLE TRIBUNAL

306/2012 RESOLVED that the General Manager notifies the National Native Title Tribunal that Council wishes to become a party in the matters. **(Ryan/Douglas)**

7 GOVERNMENT WEEKLY CIRCULARS

307/2012 RESOLVED that the Local Government Weekly Circulars be noted. **(Ryan/Neill)**

8 FUNDRAISING REQUEST

308/2012 RESOLVED that the report be noted and MonDial be advised that Council is not in favour of this type of fund raising. **(Ryan/McLaughlin)**

Cr McLaughlin now left the meeting, the time being 2.45pm.

GRANTS AND FUNDING

LG Weekly 34/12 – 24th August 2012

Fish Habitat Action Grants now Open

Council investigate further into this grant.

LG Weekly 37/12 – 14th September 2012

Age – Friendly Community Grants and Workshop

The Community Project Officer is looking at exercise equipment for the Better Health Club.



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Other matters:

309/2012 RESOLVED that an invitation be extended to Mr Peter Dearden of RMS to address Council concerning the maintenance issues on the Mitchell Highway between Nyngan to Nevertire. **(Neill/Dutton)**

There being no further business the meeting closed at 3.00pm.

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

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GENERAL MANAGER

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MAYOR

