



BOGAN SHIRE COUNCIL

Minutes

25 October 2012



**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 25 October 2012 at 9.30am**

PRESENT: Councillors RL Donald, WG Deacon, LH Dutton, HJ Griffiths, JE Hampstead OAM, 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) Mr Mike Ryan and Mrs CJ Ellison.

Declaration of Interest: Nil

310/2012 APOLOGIES: RESOLVED that the apologies for the absence received from Councillor Douglas and Councillor McLaughlin be received and they be granted leave of absence from the meeting. **(Ryan/Neill)**

311/2012 RESOLVED that the Minutes of the Closed and Confidential Meeting of Council held on 27 September 2012, copies of which have been circularised to Councillors be taken as read and confirmed. **(Ryan/Dutton)**

Business Arising from the Minutes – Nil

312/2012 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 27 September 2012, copies of which have been circularised to Councillors be taken as read and confirmed. **(Griffiths/Neill)**

Business Arising from the Minutes

- Lease of Cobb & Co.
- Long Day Care Centre and Pre School.
- Meeting Local Government Elections 29 November 2012.
- Proposed Council Waste Management Facility to be raised at Western Division Conference 2013.
- As requested further information on depreciation and allocation of interest earned spread over funds was advised to Councillors.

313/2012 RESOLVED that Council seek information from similar size towns on the viability and charges for their day care centres, and investigate what funding is available to set up a day care centre. **(Griffiths/Neill)**

COMMITTEE MEETING REPORT

1 MUSEUM

314/2012 RESOLVED that the report be received and noted. **(Dutton/Griffiths)**

MAYORAL MINUTE

1 LOCAL HERITAGE SITES

315/2012 RESOLVED that when the new Visitors Information Centre opens, Council signpost the heritage listed sites with the heritage colour signs (white lettering on brown background), and erect a sign at each with the history of each one recorded. **(Ryan/Dutton)**

At 10.15am the Nyngan High School Delegation to Tongling No 15 Middle School addressed Council.

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

2 NEW PRE SCHOOL

316/2012 RESOLVED that Council recommend to the Traffic Committee Meeting being held 8 November 2012 the following:

1. No entrance off Pangee Street;
2. Only one entrance;
3. Reconsideration of buses and cars - drop off and pick up; and
4. Any other issues to maximise child safety. **(Griffiths/Deacon)**

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

1 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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						<p>Co-ordinating dates between Kevin Humphries and Community Homes Committee. Positive responses received to invitations.</p> <p>Preparation under way for an application to be made for a loan interest subsidy under the local infrastructure renewal scheme for possible construction of self-contained retirement facilities.</p>
2	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.</p> <p>Mens Shed has acquired lease of both allotments at ambulance station.</p>

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						<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> <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.</p> <p>Dept of Lands has requested that Council buy Lots 9 & 10 at market value.</p>

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						<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> <p>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.</p>

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						<p>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.</p> <p>Awaiting Treasury approval for transfer of Lot 9 at no cost.</p>
3	26/11/09	460/2009 223/2010	APC	<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>	GM	<p>Letter sent to Federal Govt asking for confirmation. (Sept 2012)</p> <p>Combined deputation with Cobar Shire Council to meet with Minister Katrina Hodgkinson.</p> <p>Cobar Shire Mayor & GM have agreed to meeting. Meeting request sent to Minister. Follow-up request for meeting sent to Minister.</p>

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	27/09/2012	283/2012		Approach Cobar Shire Council to join in request to Irritek to quote on consultation fees to prepare submission for funding of piping of APC.		Advised Cobar Shire Council of proposed action.
4	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> <p>Report Draft Management Plan October 2012 Council meeting.</p>

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5	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 held 15 October 2012.
6	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	Email sent to John Holland identifying certain properties/leases to be considered to be taken over by Council. Awaiting response.
7	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.

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	27/09/2012	281/2012		Proceed to install the 45 degree angle parking.		45 degree angle parking signs to be installed and line marking carried out – Monday 22 October 2012.
8	28/06/2012 27/09/2012	149/2012 282/2012	Flashman Ave Houses	Houses be sold at public auction, reserve price to be set by the Mayor & GM. Council go ahead with driveways, landscaping and associated site works prior to sale.	Mayor/GM	Contract awarded, work to commence mid November 2012.
9	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.

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10	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.
11	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.
12	26/07/2012	193/2012	Transfer of Land – Nymagee St 5,7 & 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	Transfer process commenced for 7 & 9 Nymagee St. Now seeking legal advice on disposal option. Owner 5 Nymagee St wishes to retain property at the present time
13	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	Report back to Council December 2012 meeting.

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14	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 expected to arrive in 4 to 6 weeks.
15	23/08/2012	255/2012	Community Based Heritage Study	Take action to have the inaccuracies and listing of properties attended to.	MEvS	Report October 2012 Council Meeting.
16	27/09/2012	274/2012	Swimming Pool	Engage a Structural Engineer to certify existing diving board. Review hours of supervision after Christmas 2012.	EnvS	Report October 2012 Council Meeting.
17	27/09/2012	278/2012	Local Government Elections	Arrange meeting with Minister of LG & DLG to discuss recent elections.	Mayor	In progress.

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18	27/09/2012	289/2012	Heritage Park – Gates, Signal & Walkway	<p>Taking into account community feedback, proceed to establish trees in the area according to plans.</p> <p>Subject to project proceeding, Council considers making application to Geographical names Board to name area “Heritage Park”.</p>	GM/ Eng	\$1000 contribution from the Garden Club and \$800 donation from Senior Citizens to be used towards the purchase and planting of trees as stage 1 of the project.
19	27/09/2012	300/2012	Proposed Council Waste Management Facility	Council concerns about excessive conditions on small rural tips be taken up at Western Division & conveyed to the Minister for Environment.	Mayor/ENvS	To Western Division Conference February 2013.
20	27/09/2012	309/2012	Mitchell Highway	Extend invitation to Peter Dearden RMS to address Council concerning excessive maintenance on Highway.	GM	Awaiting confirmation of date from Peter Dearden.

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317/2012 RESOLVED that Council invite Peter Dearden to address Council concerning the Mitchell Highway as soon as possible. **(Neill/Dutton)**

318/2012 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.
(Griffiths/Deacon)

2 DELEGATION OF AUTHORITY

319/2012 RESOLVED that the revised Delegations to the Mayor, Deputy Mayor and General Manager be adopted with the following amendments.

Mayor:-

- To expend up to \$50,000 in times of emergency in consultation with the General Manager subject to the work being reported to the next succeeding Ordinary Meeting of the Council, provided where possible all Councillors be informed
- To spend up to \$5,000 within the sums voted by Council for the expenditure thereon and in accordance with the resolutions of Council, provided where possible all Councillors be informed.

General Manager:-

- To authorise any work or activity which in his/her opinion is urgent, in consultation with the Mayor where possible, at a cost not exceeding \$50,000 subject to the work being reported to the next succeeding Ordinary Meeting of the Council, provided where possible all Councillors be informed.
- To expend up to \$50,000 in times of emergency, in consultation with the Mayor where possible, subject to the expenditure being reported to the next succeeding Ordinary Meeting of the Council, provided where possible all Councillors be informed.

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3 ORGANISATION STRUCTURE

320/2012 RESOLVED that the organisation structure of Bogan Shire Council be adopted with the additional two adjustments. **(Neill/Griffiths)**

- 1) Change the title of Manager, Environmental Services to Manager, Development and Environmental Services to more clearly describe the areas of responsibility of this position.
- 2) Change the departmental responsibilities for the delivery of activities currently carried out under the Parks and Gardens function.

4 DELIVERY PROGRAM

321/2012 RESOLVED that the Delivery Program be noted with amendments. **(Ryan/Hampstead)**

5 AUSTRALIA DAY 2013

322/2012 RESOLVED that the report be noted and the cut-off age for Junior Sports person of the Year be 18 years. **(Ryan/Hampstead)**

6 APPOINTMENT OF ACTING GENERAL MANAGER

323/2012 RESOLVED that:-

1. The absence on vacation leave by the General Manager during the period of 29 October to 9 November 2012 be noted.
2. The Council appoint Mr Mike Ryan to the position of Acting General Manager during the period 29 October to 9 November 2012 with the delegations of authority of the General Manager. **(Hampstead/Griffiths)**

Other matters:

Follow up village meetings.

The General Manager to be commended for conducting the follow up meetings with the villages from the Annual Village Tour.

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

1 BANK RECONCILIATION

324/2012 RESOLVED that the bank reconciliation report be received and noted.
(Ryan/Griffiths)

2 INVESTMENTS

325/2012 RESOLVED that the investments report be received and noted.
(Ryan/Neill)

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

326/2012 That the report be received and noted. (Griffiths/Dutton)

4 OUTSTANDING ANNUAL RATES & CHARGES DEBT ANALYSIS

327/2012 RESOLVED that:-

- (1) The Manager Corporate Services as Public Officer prepares a certificate under Section 713 [3] for the Local Government Act 1993 based on the assessment information provided in Appendix B.
- (2) The Manager Corporate Services takes reasonable steps, as provided by section 715 [1] (c) & (d) to ascertain the identity of any person who has an interest in the land listed in this certificate and takes reasonable steps to notify each such person of the Council's intention to sell the land listed.
- (3) Council proceed with the sale of land listed in the certificate prepared under recommendation (1) subject to the provision of Section 715 (2) of the Local Government Act 1993.
- (4) The General Manager, in accordance with the provisions of Section 715 of the Local Government Act 1993:-
 - a) Advertises Council's intention to sell the land listed in the Gazette and Nyngan Observer.
 - b) Sets a date for the sale of land listed in the certificate.

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- (5) That following the sale of land a further report is presented to Council making recommendations for any outstanding issues.
- (6) The General Manager be authorised to purchase all of those blocks in appendix B in Canonba and Bobadah regardless of the purchase price, and any other land in Girilambone and Hermidale that cannot be built on. A reserve price be placed on any other blocks that the General Manager considers necessary. **(Ryan/Dutton)**

328/2012 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into the Closed and Confidential Section of the meeting because information provided and discussed prejudice the maintenance of law. **(Neill/Griffiths)**

Sergeant Tony Wood and Rural Crime Investigator Cath Quarmby now addressed Council.

329/2012 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Neill/Dutton)**

330/2012 RESOLVED that Council advertise a public meeting will be held at 12 noon on 22 November 2012 at the Council meeting to present to the public Council's audited Financial Reports and Auditor's Report in accordance with section 418 (3) of the Local Government Act 1993. **(Deacon/Griffiths)**

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

1 OPERATIONAL REPORT

331/2012 RESOLVED that the Operational Report be received and noted and prior to maintenance grading isolated pot holes be filled. **(Neill/Dutton)**

2 STREET TREE REMOVAL

The Manager of Engineering Services' Supplementary Report was dealt in conjunction with this item – Removal of three Kurrajong trees at 73 Warren Street.

332/2012 RESOLVED that Council removed the dead or dying trees from the four locations listed below:-

1. Corner of Mudal and Cannobar Street;
2. Corner of Hoskins and Pangee Street;
3. Monagee Street Park; and
4. 26 Flashman Avenue.

333/2012 RESOLVED that Council retain the trees which have been assessed as safe at:

1. 13 Cathundril Street - trees be lopped.
2. Uniting Church in Cobar Street.
3. 23 Oxley Street.
4. 73 Warren Street.

324/2012 RESOLVED that Council retain the two tall lemon scented gums on the nature strip in front of the Anglican Church until replacement shade trees are a suitable height.

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Council adjourned for lunch 12.35pm and returned at 1.30pm.

3 PANGEE STREET REDEVELOPMENT

335/2012 RESOLVED that:-

1. The final draft site plan for stage 1 be advertised and placed on public exhibition for a period of 14 days.
2. The Mayor, Deputy Mayor, General Manager and Acting Manager of Engineering Services consider any community feedback to assess whether modifications need to be made to the plan and subject to this assessment, Council adopts the final draft plan for the Nyngan Town Centre Redevelopment. **(Hampstead/Neill)**

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

Council was advised of the recent Rangers' activities and Food Premises Inspections.

1 DEVELOPMENT APPLICATIONS

336/2012 RESOLVED that the report be received and noted. **(Griffiths/Dutton)**

2 NYNGAN & DISTRICT MEMORIAL SWIMMING POOL

337/2012 RESOLVED that:-

- the erection of addition shade-sails (6m x 6m) of varying coloured-shades; one to the north-eastern corner of the pool and also two along the western elevation;
- the removal of the unsafe, ineffective/unusable shade umbrellas; and
- the provision of back-to-back bench seating to the immediate area between the small and large pool under the sun protection of the 2011 shade structure be carried out during this current season.

AND

That the following items with costings be reported to the December Council Meeting:-

- upgrading of the existing change-rooms including new shower-heads, taps, floor and wall tiling, seating etc;
- provide a pitched colourbond roof over the change rooms and the remaining roof area;
- tree planting program to the western and eastern common boundaries fence-lines;
- clean and prepare all concrete pathways & concourse for painting in non-slip terra-cotta coloured paint with the vertical concourse face to be paint white to both pools;
- revamp the turnstiles so that patronage numbers can be more accurately measured; and
- installation of solar panels to the change room/kiosk roof area.

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AND

- That a progressive repair program over four years be commenced in the 2013/14 off season to the tiled floor commencing at the shadow end. **(Ryan/Hampstead)**

3 DRAFT PALAIS THEATRE PLAN OF MANAGEMENT

338/2012 RESOLVED that the Draft Palais Theatre Plan of Management be adopted with the amendment for third party use negotiations be held with Angie White and Bogan Shire Council. **(Neill/Deacon)**

4 COMMUNITY BASED HERITAGE STUDY FOR BOGAN SHIRE

This item was deferred to November Council Meeting 2012.

PRECIS OF CORRESPONDENCE

1 GOVERNMENT WEEKLY CIRCULARS

339/2012 RESOLVED that the Local Government Weekly Circulars be noted. **(Hampstead/Neill)**

2 NYNGAN AMATEUR SWIMMING CLUB

340/2012 RESOLVED that Council nominate Councillors Hampstead, Griffiths and Douglas to officially open the starting blocks at the Swimming Pool on Sunday 28 October 2012. **(Hampstead/Dutton)**

3 THE HON KATRINA HODGKINSON MP, Minister for Primary Industries

341/2012 RESOLVED that at the appropriate time Council make a submission raising the following concerns to the Department of Primary Industries concerning the Local Land Services:-

- Retaining local office and input;
- Preserving employment;
- Limiting any access to rate increases; and
- Retaining front line services. **(Dutton/Neill)**

4 DIVISION OF LOCAL GOVERNMENT

342/2012 RESOLVED that the tabled *Disclosures by Councillors and Designated Persons Returns* be received and noted. **(Ryan/Griffiths)**

5 DIVISION OF LOCAL GOVERNMENT

343/2012 RESOLVED that the information concerning the Local Government Acts Taskforce Workshop be received and that Council be represented at the workshop in Dubbo on 27 November 2012. **(Hampstead/Deacon)**

Other Matters

Extend an invitation to Angie White to the November Council meeting to address Council regarding a sister city relationship with NZ.

344/2012 RESOLVED that the December 2012 Council meeting be held on Thursday 13 December 2012 with the Christmas Party to follow at the RSL Civic Club. **(Griffiths/Neill)**

345/2012 RESOLVED that Council not conduct a January 2013 Council meeting. **(Ryan/Hampstead)**



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It was **MOVED** that Council close the office and library from Monday 24 December 2012 until Tuesday 2 January 2013, with the three days between Christmas and the New Year be granted to staff and that Monday 24 December 2012 be taken as annual leave. **(Ryan/Griffiths)**

An **AMENDMENT** was made that Council close the office and library from Monday 24 December 2012 until Tuesday 2 January 2013, with four days granted to staff. **(Hampstead/Dutton)**

The **AMENDMENT** was **PUT** to Council and **CARRIED**.

346/2012 **RESOLVED** Council close the office and library from Monday 24 December 2012 until Tuesday 2 January 2013, with four days granted to staff. **(Hampstead/Dutton)**

There being no further business the meeting closed at 2.50pm.

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

.....
GENERAL MANAGER

.....
MAYOR

