



BOGAN SHIRE COUNCIL

Minutes

22 October 2015

PRESENT: Councillors RL Donald OAM, JE Hampstead OAM, WG Deacon, HJ Griffiths, EM McLaughlin, GRJ Neill and KM Ryan.

Also present were Mr Derek Francis (General Manager), Mr Alister Quarmby (Acting Manager of Engineering Services), Mr Ty Robson (Acting Manager Development and Environmental Services), Mr Luke Taberner (Manager of Corporate Services), Mrs Cathy Ellison.

382/2015 RESOLVED that Council deal with the General Manager's Supplementary Report. (Neill/Deacon)

GENERAL MANAGER'S SUPPLEMENTARY REPORT

FIT FOR THE FUTURE PROCESS

Summary:

- This report is to present information to Councillors on the NSW Government's Fit for the Future process, in particular the IPART assessment of Council's "Fitness".
- Bogan Shire Council was required to prepare a proposal, by 30 June 2015, to the Minister for Local Government explaining how it is "Fit for the Future" and, as a starting point, was instructed to consider the options of either a "Rural Council in Orana JO or merge with Warren".
- Council staff developed a Rural Council Fit for the Future Submission in consultation with nominated Councillors and forwarded the submission to the IPART who had been appointed by the NSW Government to assess submissions.
- IPART has found that Bogan Shire Council meets the "Scale and Capacity" criterion having presented a Rural Council template in accordance with the Independent Local Government Review Panel's recommendations.
- As a result IPART has found Bogan Shire Council "Fit for the Future as a Rural Council".

383/2015 RESOLVED that:-

1. A response to the IPART Assessment be prepared including the following points:-
 - a. Bogan Shire Council rejects the assertion that it is not Fit for the Future unless the NSW Government adopts a Rural Council model, pointing out that all performance ratios have been met under the existing model.
 - b. The Government's attention is drawn to the current and proposed regional initiatives contained in Bogan Shire Council's IPART submission as a way of working collaboratively to provide efficiencies.
 - c. Savings in reduction of Councillors and Council meetings would be negligible for this Shire.
 - d. Savings from reductions in senior staff and others providing "higher level functions" would be outweighed by costs associated with charges from the Joint Organisation, loss of local understanding, personal investment in the community, jobs and families.
2. In conjunction with other OROC Rural Councils, these concerns be raised with the Member for Barwon and the Deputy Premier as a matter of urgency through an urgent meeting with the Deputy Premier and then a meeting with the Minister of Local Government and Premier to strongly advocate the fact that Bogan Shire Council was considered Fit for the Future. Council should be given the chance of a period of time to continue to operate in conjunction with other Rural Councils in the Orana Region sharing resources and lots of expertise. **(Ryan/Deacon)**
Unanimous

Council returned to the Closed and Confidential Section of the Meeting.

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388/2015 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 24 September 2015, copies of which have been circularised to Councillors be taken as read and confirmed with the following amendments: **(Ryan/Neill)**

Foreshadow Motion Resolution 340/2015 was withdrawn.

Election of Mayor and Deputy Mayor Resolutions 332/2015 and 333/2015 were held in open Council.

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the meeting on 22 October 2015.

380/2015 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed section of Council with the public excluded, in accordance with the Local Government Act 1993, Clause 10A (2) (a) because information discussed involves personnel matters concerning individuals (other than Councillors). **(Ryan/McLaughlin)**

381/2015 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(Griffiths/Deacon)**

384/2015 RESOLVED that the Minutes of the Closed and Confidential Meeting of Council held on 24 September 2015, copies of which have been circularised to Councillors be taken as read and confirmed with the following amendment. **(Griffiths/Deacon)**

- **Resolution 336/2015** - Garford Fire Truck Restoration was discussed in Open Council.

385/2015 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed section of Council with the public excluded, in accordance with the Act 1993, Clause 10A (2) (c) because Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. **(Neill/Hampstead)**

386/2015 RESOLVED that the Mayor and General Manager be authorised to negotiate the purchase of Lot 1 DP 827475, in Council's best interest. **(McLaughlin/Neill)**

387/2015 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(Griffiths/Deacon)**



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COMMITTEE MEETING MINUTES

1 OROC BOARD MEETING

389/2015 RESOLVED that the Minutes of the OROC Board Meeting held on Friday 31 July 2015 at Dubbo be received and noted. **(Ryan/Griffiths)**

MAYORAL MINUTE

1 LGNSW ANNUAL CONFERENCE

390/2015 RESOLVED that the LGNSW Annual Conference Report be received and noted. **(Ryan/Neill)**

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

MEETING OF COUNCIL – GENERAL MANAGER’S REPORT

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	25/10/2012	315/2012	Local Heritage Sites	When new VIC commences, signpost heritage sites with heritage colour and erect sign with the history of each location.	GM	VIC accreditation approved. Design of signs underway.
2	13/12/2012 28/03/2013	418/2012 098/2013	Davidson Park Revitalisation Program	Council remove the entire playground, equipment, associated ground cover, fencing & park-bench seating with shelter. Establish paving pathways to the mural.	MDES	Most works completed. Due to lack of staff, majority of remaining works to be reprogrammed to 2 nd quarter 2015/2016.

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3	19/12/2013	532/2013	Rezoning of Rural Land Outside the Nyngan Township	Report on estimated cost be provided to February 2014 Council meeting prior to progressing with the proposal.	MDES	<p>Planning proposal lodged with the NSW Department of Planning and Infrastructure. Gateway Determination: Rezoning to proceed subject to conditions.</p> <p>Consultants underway.</p> <p>Draft Bushfire Assessment completed.</p> <p>Deadline for completion of Planning Proposal is February 2016.</p>
4	27/02/2014	006/2014	Medical Services	Pursue & make enquiries into using the Nyngan Multipurpose Service Centre & waiting rooms to attract an additional Medical Officer with VMO rights.	GM	Discussions with Senior Management of NSW Western LHD ongoing – use of MPS is a possibility.

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5	28/05/2015	156/2015	Teamster Rest Area	Cobb & Co Coach & Wool Wagon location. Invite NHS to make suggestions for internal & external painting that the school could undertake.	MDES	Contact made with NHS. On site meeting held – NHS preparing a design proposal.
	24/09/2015	342/2015		Dump point be relocated to Flood Memorial Car Park.	MDES	Further consultation underway with Council's Senior Water Operator to confirm suitable location and timeframe.
6	22/06/2014	209/2014	Tourist Information Bay	On commencement of project, Council advise owners/apparent owners of existing highway signage that existing signs to be removed & may be replaced by signs on the Information Bays. Council charge an annual fee and an initial fee.	GM / MES	DA approved. Construction commenced.

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7	26/09/2014	362/2014	Nyngan Waste Management & Resource Facility	Cost analysis be presented to Council to compare costs of providing additional staff to man the facility against awarding a contract to an external party.	MDES	<p>Section 96 modification application under assessment to amend the hours of operation as no Sunday trading is currently approved.</p> <p>Expression of Interest to be advertised within the Region to enable cost analysis once Waste Facility Operational Plan is prepared. This will provide the details to understand how the facility will need to be managed during operation and in accordance with licence requirements for either Council staff or contractor.</p> <p>Further report to Council once above matters have been finalised.</p>
8	26/09/2014	363/2014	Fire Safety Audit Program	Further report on progress of compliance with Program.	MDES	Fire Safety Audit Reports (FSARs) to all selected properties completed. Meetings held with several owners/Board of Directors.

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	26/02/2015	033/2015		Legal proceedings including the issuing of Notices and Orders to commence against the owner/occupier of any premises who fails to confirm their agreement to comply with the findings of the FSAR.		Efforts still being made to have owners upgrade building voluntary.
9	26/02/2015	024/2015	Long Day Care	Loan be raised for Council's contribution to the project.	MCS	Will be raised towards the end of 2015/16 financial year.
	24/09/2015	337/2015		Subject to checking the LG Act, Council proceed with constructing the project itself.	MDES	Access culverts to be completed by October 15th 2015 Meetings have been held with a number of the relevant contractors. Development Application to be determined prior to 21 October, after which, site clearing can commence.

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						<p>Construction Certificate Application to be determined once comment has been received from Mechanical Engineer on the buildings heating and air-conditioning system.</p> <p>Once assessed, construction works are able to commence with an approximate start date of 2 November.</p>
10	26/02/2015	034/2015	Street Trees	An Arborist Report be obtained and a report to April 2015 Council meeting.	MDES	Consultant to provide report by 19 October 2015. Further report to Council's November 2015 meeting once received.
11	26/02/2015	042/2015	Chinese Portion – Nyngan Cemetery	Repairs to the burner be carried out in the current year's program.	MDES	List of consultants available within the area obtained.
	25/06/2015	224/2015		Other upgrading matters be considered in 2015/16 estimates.		Two quotes received to undertake work, third is still outstanding.

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				<p>A Heritage Conservation & Management Report be prepared by a selected Consultant within the allocated budget.</p> <p>Send a copy of the MDES report & recommendations from the Heritage Conservation & Management Report to Mr White.</p> <p>Send a letter to the Chinese Embassy with a copy of the Heritage Conservation & Management Report.</p>		<p>Action pending completion of report.</p> <p>Action pending completion of report.</p>
12	23/07/2015	243/2015	Dental Surgery	Report be prepared for Council on the cost/benefit of co-locating the Dental Surgery with the Medical Centre.	MDES	Scheduled for last quarter 2015.

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13	23/07/2015	252/2015	Railway Turntable	Make enquiries through Rail Heritage, or elsewhere, to source the availability of an old steam engine, & if so, what would be the cost of locating it onto the old Turntable.	MES	No suitable engines have been located to date.
14	23/07/2015	263/2015	Crushed Waste Rock	Council approach Tritton Mines to offer to purchase the rock.	MES	Tritton have not yet set a price. Council staff to inspect material.
15	23/07/2015	269/2015	O'Reilly Park Toilet Facility Upgrade	Upgrades to toilet facility, an access way, ramp and handrail.	MDES	Works scheduled to commence in December 2015.
16	20/08/2015	297/2015	Removal of shed – proposed Medical Centre, Pangee Street.	Call for Expressions of Interest for the purchase & removal of shed.	MDES	Placed on hold. Program of works amended. Two quotations received each offering variable scope of works. Quotations to be reviewed further and a contractor selected thereafter.

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17	24/09/2015	377/2015	Baby Change Tables	Baby Change Tables be made available in O'Reilly Park & Davidson Park.	MDES	Quotes to be obtained and installation to be scheduled, subject to costings.
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391/2015 RESOLVED that a further report detailing options and costings to re locate the dump point be presented to Council. **(Ryan/Griffiths)**

Long Day Care Centre:-

Defer naming of Centre until next meeting.

Monthly Project Status Reports to be provided to Council.

392/2015 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist.
(Hampstead/McLaughlin)

2 PECUNIARY INTEREST RETURNS

Summary:

Tabling of the Pecuniary Interest Register is a requirement under Section 450A of the Local Government Act.

393/2015 RESOLVED that the Pecuniary Interest Register be received and noted.
(Hampstead/Neill)

3 DECEMBER / JANUARY RECESS

Summary:

- *The purpose of this report is for Council to consider the option of going into recess during December / January.*
- *Council has in the recent past not held an Ordinary Monthly Meeting in January.*
- *It is common for Councils to go into recess over the holiday season.*

394/2015 RESOLVED that:-

1. Council goes into recess from 18 December 2015 until 31 January 2016 and consequently does not have an Ordinary Meeting during January 2016.

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2. Pursuant to and subject to the limitations of Section 377 of the Local Government Act, Council grants authority to the Mayor, Deputy Mayor and General Manager with Councillors to be contacted if practical, to make decisions on behalf of Council during this recess period.
3. Any such decisions are to be reported to the Council at its first meeting in 2016.
4. The December 2015 Council Meeting be held on Thursday 17 December 2015.
(Ryan/ McLaughlin)

4 DELIVERY PROGRAM

Summary:

- *This report is to provide information regarding progress with respect to the principal activities detailed in Council's adopted Delivery Program.*
- *The General Manager is required under the provisions of Section 404(5) of the Local Government Act to provide Council with regular reports regarding progress with respect to the principal activities detailed in Council's Delivery Program.*
- *Council previously resolved that these reports be provided in October and April.*
- *Managers responsible for each of the activities listed under the Strategies and Outcomes have indicated the current status of the activity.*

395/2015 RESOLVED that the Delivery Program Report be received and noted.
(Griffiths/Neill)

GENERAL MANAGER'S SUPPLEMENTARY REPORT

5 FIT FOR THE FUTURE PROCESS

This item was dealt with earlier in the meeting.

REPORTS TO ORDINARY MEETING OF COUNCIL – MANAGER OF CORPORATE SERVICES

1 BANK RECONCILIATION

396/2015 RESOLVED that the Bank Reconciliation Report as at 30 September 2015 be received and noted. (Ryan/McLaughlin)

2 INVESTMENTS SEPTEMBER 2015

397/2015 RESOLVED that the Investments Report for the month of September 2015 be received and noted. (Deacon/Griffiths)

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

398/2015 RESOLVED that the Rates Collections Report as at 30 September 2015 be received and noted. (Ryan/Neill)

4 REVISION OF PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY – AP002

Summary

- *The purpose of this report is to review policy AP002 Payment of Expenses and Provision of Facilities to the Mayor and Councillors.*
- *This Policy determines what expenses will be met by Council on behalf of Councillors when on Council business.*
- *The preparation and review of this Policy on an annual basis, is a mandatory requirement under section 252 of the Local Government Act.*
- *The Policy has operated effectively over the past few years and therefore there seems no reason to change it.*

399/2015 RESOLVED that Council adopt the current Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy AP002 for a further 12 months. (Neill/Deacon)

5 REVISION OF COUNCIL'S INVESTMENT POLICY – FIN002

Summary:

- *The purpose of this report is to review Policy FIN002 Investment Policy.*
- *Investment Policy is one of the most important Policies that Council has.*
- *It has a major effect on how Council invests ratepayers' money from a viewpoint of both risk and return.*
- *A requirement of the Policy is that it be reviewed at least once per year.*
- *Given that the economic environment is very similar to one year ago, the policy be re-adopted without change for a further 12 months.*

400/2015 RESOLVED that Council adopt the current Investment Policy FIN002 for a further 12 months. **(Hampstead/Griffiths)**

6 FIRST QUARTER 2015/16 BUDGET REVIEW

Summary:

- *Clause 203 (1) of the Local Government (General) Regulation 2005 requires that Council complete a budget review within 2 months of the end of each quarter.*
- *Net unfavourable adjustments total \$194,000. Council budgeted for a surplus in General Fund of \$178,000, leaving a deficit of \$16,000.*
- *Council is holding large cash balances at the moment due to Financial Assistance Grants and the Grant for the Long Day-Care Facility being paid in advance.*
- *Council's projected financial position at 30/6/16 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.*

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401/2015 RESOLVED that Council:-

1. Note the report on Actual compared to Budget for the quarter ended 30 September 2015.
2. Adopt the adjustments to the 2015/16 budget as shown in the Budget Review Statement. **(Ryan/McLaughlin)**

Council complimented the staff involved in preparation of the Budget Review.

402/2015 RESOLVED that a report be presented to Council on the requirement for Councillors and Officer Liability Insurance, giving examples from other Councils that have made use of the cover. **(Ryan/Deacon)**

7 LIBRARY REPORT

Summary:

- *This report is to provide Council and Councillors with information both statistical and informative in regards to the library's function.*
- *Bogan Shire Library provides many services to our community and the community is keen to use the Library for their various needs.*

403/2015 RESOLVED that the Library Report be received and noted.
(Griffiths/Hampstead)

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

1 OPERATIONAL REPORT

404/2015 RESOLVED that the Operational Report, Civil Works, Community Facilities and Roads for the reporting period, 14 September 2015 to 9 October 2015 be received and noted. **(Ryan/McLaughlin)**

2 ADDITIONAL ROADWORKS 2015/16

Summary:

- *The purpose of this report is for Council to consider the allocation of additional funds towards the local Shire road works in the 2015/16 financial year.*
- *Council resolved at the September 2015 meeting to use half (\$326,000) of the 2014/15 surplus funds for road works in the 2015/16 financial year, with the remainder of funds held in reserve.*
- *Dandaloo Road, Colane Road, Mulla Road, Pangee Road, and Coffills Lane have had sections constructed and sealed over the last couple of years.*
- *Sealed sections of Colane and Canonba Roads also require rehabilitation.*

405/2015 RESOLVED that:-

1. 1km of Pangee Road be constructed at a cost of \$140,000.
2. 2 kms of Colane and Canonba Roads be stabilised at a cost of \$160,000.
(Hampstead/Ryan)

3 MAINTENANCE GRADING OF LOGANS ROAD

Summary:

- *The purpose of this report is to advise Council of the current condition and use of Logans Road.*
- *The full length of the road has not been graded for approximately ten years as it is closed off by locked gates.*
- *Should the gates be removed to allow access to the public and for road maintenance.*

406/2015 RESOLVED that Council, in consultation with affected property owners, develops and communicates a policy in regard to gates on public roads so as to comply with the provision of the Roads Act. **(Neill/Griffiths)**

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

1 DEVELOPMENT APPLICATIONS

407/2015 RESOLVED that the Development Applications Report since September's 2015 Council Meeting be received and noted. **(Griffiths/Ryan)**

2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM

408/2015 RESOLVED that the Operational Report – Parks and Gardens be received and noted and a letter be sent to the Local Land Services enquiring whether or not the use of roundup is still appropriate, or whether it causes harm to the environment. **(McLaughlin/Ryan)**

3 OPERATIONAL REPORT - WEEDS

409/2015 RESOLVED that the Operational Report – Weeds be received and noted. **(Ryan/Neill)**

4 SECTION 149 PLANNING CERTIFICATE APPLICATION FEES

Summary

- *Clarification from Council is sought on the charges applying to the lodgement of Section 149 Planning Certificate Applications.*
- *It is recommended that Council maintain and apply the fee for a 149 Planning Certificate Application on a per lot basis and issue individual certificates for the allotments to which the planning certificate application relates.*
- *It is recommended that Council update the Operational Plan and Budget 2015/2016 on page 108 to include reference that fee is to apply “per lot” for a Section 149 Certificate.*

410/2015 RESOLVED that:-

1. The report be received and noted.
2. Council maintain and apply the fee for a 149 Planning Certificate Application on a per lot basis and issue individual certificates for the allotments to which the Planning Certificate application relates.
3. Council update the Operational Plan and Budget 2015/2016 on page 108 to include reference that fee is to apply “per lot” for a Section 149 Certificate.
(Ryan/Neill)

5 PROPOSED LOCATIONS OF THE TEAMSTERS REST SIGN AND SHADE STRUCTURE WITHIN TEAMSTERS REST

Summary

- *The purpose of this report is for Council to approve appropriate positions for the Teamsters Rest Sign and Shade Structure within Teamsters Rest, the reallocation of budget relating to the Shade Structure and the request of further funding for new tables and bench seating.*
- *It is confirmed that the most appropriate location for the Teamsters Rest Sign is immediately adjacent the eastern elevation of the Cobb and Co Building in accordance with Figure 1.*
- *It is confirmed that the most appropriate location of the Shade Structure is between the Cobb and Co. Building and the Big Bogan, towards the front of Teamsters Rest Area in accordance with Figure 1.*
- *Capital Item Budget reallocations between Flood Memorial Carpark and Teamsters Rest for the construction of a new Shade Structure totalling \$6,100.*
- *The construction of a new Shade Structure be consistent with that of the Cobb and Co Building – hardwood posts and framing, zincalume corrugated roof sheeting.*

411/2015 RESOLVED that:-

1. The report be received and noted.
2. Council approve of the location for the Teamsters Rest Sign and Shade Structure in accordance with Figure 1.
3. Council approve the reallocation of Capital Item funds of \$6,100 to construct the new Shade Structure.
4. Council approve the form of construction proposed for the new Shade Structure.
5. Council provide funding of five thousand dollars (\$5,000) for the purchase of two sets of table and bench seating. **(Neill/McLaughlin)**

PRECIS OF CORRESPONDENCE

1 LOCAL GOVERNMENT GRANTS COMMISSION

412/2015 RESOLVED that the correspondence received from the Local Government Grants Commission thanking Council for the co-operation, assistance and hospitality extended during the recent visit be received. (Ryan/Deacon)

2 CEPU – COMMUNICATIONS ELECTRICAL PLUMBING UNION

413/2015 RESOLVED that the correspondence received from CEPU raising concerns regarding the recent announcement by Essential Energy to axe 1,400 regional jobs across NSW be noted and action be taken where possible, to retain the current employment at the Nyngan depot. (Deacon/Neill)

3 NEW WEEDS ACTION PROGRAM 2015-16

414/2015 RESOLVED that Bogan Shire Council sends a letter of concern to the Minister for Environment regarding the drastic reduction in funding. (Ryan/Neill)

4 THE RETURNED SERVICES LEAGUE OF AUSTRALIA – NYNGAN

415/2015 RESOLVED that Council invite the Ambassador of Belgium or his representative as the Official Guest for the 2016 Anzac Day. (McLaughlin/Deacon)

5 MAYORS FOR PEACE

416/2015 RESOLVED that the correspondence received from the Mayor of Fremantle regarding the Mayors for Peace be noted. (Hampstead/Griffiths)

6 COMBINED SPORTS GROUND – HERMIDALE VILLAGE

417/2015 RESOLVED that Council approve the projects for the Combined Sports Ground, Hermidale Village as listed in the correspondence. (Ryan/Neill)

7 WEEKLY CIRCULARS

418/2015 RESOLVED that the Local Government Weekly Circulars 37/15 to 40/15 be noted. (Ryan/Neill)

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419/2015 RESOLVED that Council discuss late items of correspondence.
(Ryan/Griffiths)

Correspondence received from the Western District Supported Employment Service concerning the Liberty Swing was tabled.

420/2015 RESOLVED that Council advise Western District Supported Employment Service that their letter dated 29 July 2015 was received on 20 October 2015 and read out at the 22 October 2015 Council Meeting, and that Council retains its initial decision to locate the Liberty Swing in O'Reilly Park, with work to start in December 2015. **(Hampstead/Griffiths)**

421/2015 RESOLVED that Council donate \$100.00 to the Nyngan High School Annual Presentation Night. **(Ryan/Neill)**

Swimming Club Licence

422/2015 RESOLVED that Council enter into a Licence Agreement with the Swimming Club at the prescribed statutory minimum amount of \$468 for the use of the Store Room until the end of the current swimming season.
(Hampstead/Deacon)

423/2015 RESOLVED that Council donate \$500 to the Nyngan Swimming Club.
(Hampstead/Deacon)

GRANTS AND FUNDING

LG Weekly 39/15 – 02 October 2015 - Grants for Volunteer Initiated Museum

424/2015 RESOLVED that Council makes enquires regarding the Museums and Galleries of NSW Grants of between \$2,500 and \$7,500 available for volunteer initiated museums. **(Ryan/Deacon)**

There being no further business the meeting closed at 12.45pm.

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

