



BOGAN SHIRE COUNCIL

Minutes

23 July 2015



**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 23 July 2015 at 9.30am**

PRESENT: Councillors RL Donald OAM, JE Hampstead OAM, WG Deacon, JL Douglas, LH Dutton, GRJ Neill and KM Ryan.

Also present were Mr Derek Francis (General Manager), Mr Graeme Bourke (Manager of Engineering Services), Mr Timothy Riley (Manager Development and Environmental Services), Mr Luke Taberner (Manager of Corporate Services) and Mrs Cathy Ellison.

249/2015 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 25 June 2015, copies of which have been circularised to Councillors be taken as read and confirmed. **(Neill/Deacon)**

Business Arising:

Trimming of Shire trees by Essential Energy:

The General Manager has been advised by Essential Energy that an audit of the contractor's work in Nyngan will be conducted. Council has been requested to send photos of the trees and if need be, a representative of Essential Energy will be available to meet with the General Manager or address Council at the next meeting.

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The following resolutions arose from decisions made in the Closed and Confidential Section of the meeting on 23 July 2015:

239/2015 APOLOGIES: RESOLVED that the apologies received from Councillors EM McLaughlin and HJ Griffiths be received and they be granted leave of absence from both meetings. **(Hampstead/Neill)**

240/2015 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 (d) (i) as involving commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. **(Ryan/Douglas)**

241/2015 RESOLVED that the Minutes of the Closed and Confidential Meeting of Council held on 25 June 2015, copies of which have been circularised to Councillors be taken as read and confirmed. **(Hampstead/Deacon)**

242/2015 RESOLVED that Council agree to the request from Julie Wake for the rental of the Coffee Shop premises at 76A Pangee Street and that the General Manager concludes a new 2-year rental agreement with her at a rental of \$120 per week, incl GST. **(Ryan/Douglas)**

243/2015 RESOLVED that:-

1. Dr Heggie be advised that, at this stage:-
 - a. Council does not wish to enter into a new lease agreement with him; and
 - b. Council does not wish to sell him any of the equipment in the Dental Surgery.
2. The Manager of Development and Environmental Services prepares a report for Council on the cost/benefit of co-locating the Dental Surgery with the Medical Centre. **(Hampstead/Ryan) Carried**

244/2015 RESOLVED that Dr Heggie be advised Council has no objection to him improving the façade at his cost, subject to Council's approval of the Development Application. **(Hampstead/Neill) Carried**

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245/2015 RESOLVED that the tenders for gravel haulage services to Council for the period to 30 June 2016 be accepted as submitted to form a panel of contracts, to be selected in Council's best advantage, subject to the plant and operators meeting Council's requirements. **(Douglas/Dutton)**

246/2015 RESOLVED that the tenders for provision of crushing road base services to Council for the period to 30 June 2016, be accepted as submitted to form a panel of contracts, to be selected in Council's best advantage, subject to the plant and operators meeting Council's requirements. **(Douglas/Hampstead)**

247/2015 RESOLVED that the tenders for the hire of plant for the period to 30 June 2016 be accepted as submitted to form a panel of contracts, to be selected in Council's best advantage, subject to the plant and operators meeting Council's requirements. **(Ryan/Douglas)**

248/2015 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(Dutton/Ryan)**

COMMITTEE MEETING MINUTES

1 NYNGAN MUSEUM

250/2015 RESOLVED that the Minutes of the Museum Committee Meeting held on Wednesday 3 June 2015 be received and noted. **(Neill/Douglas)**

Discussion:

VIC – signage.

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REPORT TO THE ORDINARY MEETING OF COUNCIL - MAYORAL MINUTE

1 COBB & CO COACH and WOOL WAGON

Located Teamster's Rest Area

251/2015 RESOLVED that:-

Council hold an official opening of the shed;
Unveil a suitable plaque;
Invite the former Bourke Mayor, Councillor Wally Mitchell AM, to perform the opening; and
Invite Don Burns to attend. **(Hampstead/Douglas)**

2 RAILWAY TURNTABLE

252/2015 RESOLVED that Council make enquiries through Rail Heritage, or elsewhere to source the availability of an old steam engine, and if so, what would be the cost of locating it onto the old Turntable. **(Ryan/Dutton)**

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



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MEETING OF COUNCIL – GENERAL MANAGER’S REPORT

Miss Kayla Volker, Senior Development and Environmental Officer now attended the meeting.

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	26/07/2012	193/2012	Transfer of Land – Nymagee St 5,7 & 9	Council seek EOI to demolish the subject dwelling & associated structures including removal of excessive vegetation.	MDES	Asbestos removal in progress. Contractor contacted for demolition once asbestos removed. Expected completion end of July 2015.
2	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.
3	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 balance of works to be reprogrammed to 2015/2016.



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4	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.</p> <p>Gateway Determination: Rezoning to proceed subject to conditions.</p>
5	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	<p>Discussions with Senior Management of NSW Western LHD ongoing – use of MPS is a possibility.</p> <hr/> <p>Grant application to be made for 2015 round of National Stronger Regions Fund. Grant application underway.</p>
	26/06/2014	199/2014		GM pursue options for obtaining funding for the construction of a new medical centre.		
6	22/05/2014	182/2014	Teamster Rest Area	Cobb & Co Coach & Wool Wagon location – confirm quotations and budget allowing progress without delay.	MDES	<p>Awaiting on power supply installation. Major portion of structure completed.</p> <p>Access doors and minor site works outstanding.</p>



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	28/05/2015	156/2015		Invite NHS to make suggestions for internal & external painting that the school could undertake.	GM	Contact made with NHS. On site meeting to be arranged in coming weeks to discuss proposal.
7	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	DA approved. Construction expected to commence October 2015.
8	23/04/2015	114/2015	Sports Insurance	Council write to Minister for Sport and Recreation raising issues & requesting information on how insurance fees paid by sporting clubs are spent.	MCS	Action pending.



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9	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	Assumptions included in draft budget. Further report to Council August 2015.
10	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.
	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.

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11	26/02/2015	024/2015	Long Day Care	<p>1. Council commit \$250,000 towards the construction of the facility in the 2015/16 Capital Budget.</p> <p>2. The western portion of Lot 111, DP721218, Dandaloo Street be the preferred location.</p> <p>3. A loan be raised for Council's contribution to the project.</p>	MCS	<p>Application for \$450,000 stage 2 funding has been submitted to the Early Childhood section of the NSW Dept of Education. This has been approved by them and passed on to the Federal Office for approval.</p> <p>Council has been advised funding of \$450,000 has been approved.</p>
12	26/02/2015	034/2015	Street Trees	An Arborist Report be obtained and a report to April 2015 Council Meeting.	MDES	Arborist inspected nominated trees and now awaiting Arborist report. Report yet to be received.
13	26/02/2015	042/2015	Chinese Portion – Nyngan Cemetery	<p>Repairs to the burner be carried out in the current year's program.</p> <p>Other upgrading matters be considered in 2015/16 estimates.</p>	MDES	<p>Awning structure erected.</p> <p>Report to Council June 2015.</p>



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	25/062015	224/2015		<p>A Heritage Conservation & Management Report be prepared by a selected Consultant within the allocated budget.</p> <hr/> <p>Send a copy of the MDES report & recommendations from the Heritage Conservation & Management Report to Mr White.</p> <hr/> <p>Send a letter to the Chinese Embassy with a copy of the Heritage Conservation & Management Report.</p>		<p>List of consultants available within the area obtained. Quotes for work to be obtained from at least three (3) consultants to be provided.</p> <hr/> <p>Action pending completion of report.</p> <hr/> <p>Action pending completion of report.</p>
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14	26/03/2015	077/2015	Traffic Committee Recommendations	Council trim trees & relocate signs in Pangee Street at the Moonagee Street intersection.	ENG	Trees completed. Sign relocation in progress.
				Council look at ways of decorating the overhead camera structure on the eastern side of town.		Write to RMS – in progress. Waiting on reply from RMS.
15	23/04/2015	107/2015	Telstra	Write to Telstra Ombudsman expressing concerns on behalf of residents who have issues. Copy of letter to Minister for Communications & Federal Member.	GM	Community being requested to provide details for inclusion in letter. Only one public submission received to date. Notice in local paper again on 8 July 2015.
16	25/06/2015	219/2015	2014/2015 Budget Item Carry Overs	Detailed report on Belaringar Creek Syphon Replacement be provided to July 2015 Council Meeting.	ENG	Awaiting costings – report to be provided to August 2015 meeting.



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Rezoning of Rural Land Outside the Nyngan Township: Advise the concerned residents, and an article be placed in the local paper of the current progress with the rezoning.

Miss Volker now left the meeting.

Long Day Care Centre: The Bogan Bush Mobile Director, Mrs Nichole Jenkins and the Manager of Corporate Services, Mr Luke Taberner were commended on their efforts in acquiring the grant.

Plaque – Helicopter:

253/2015 RESOLVED that Council proceed to purchase a stand and plaque for the Sea King Helicopter Shark 02 involved in the Nyngan 1990 Flood evacuation, with an estimated cost of \$400 - \$500. **(Hampstead/Dutton)**

254/2015 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.
(NeillDutton)



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**REPORTS TO ORDINARY MEETING OF COUNCIL – MANAGER OF
CORPORATE SERVICES**

1 BANK RECONCILIATION

255/2015 RESOLVED that the Bank Reconciliation Report as at 30 June 2015 be received and noted. **(Ryan/Dutton)**

2 INVESTMENTS JUNE 2015

256/2015 RESOLVED that the Investments Report for the month of June 2015 be received and noted. **(Neill/Douglas)**

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

257/2015 RESOLVED that the Rates Collections Report as at 30 June 2015 be received and noted. **(Ryan/Neill)**

4 WASTE MANAGEMENT CHARGES

Domestic Waste Management Charges and Recycling Charges:-

258/2015 RESOLVED that Council, in accordance with Section 535, and pursuant to the provisions of Section 496, 502, and 504, of the Local Government Act 1993, hereby makes the following Domestic Waste and Recycling Charges upon each parcel of rateable land and land exempt from rating, for which the service is available, for the financial year 1 July 2015 to 30 June 2016, as set out below:-
(Deacon/Neill)

<i>Service Charge Type</i>	<i>Charge 2015/16</i>
<i>Domestic Waste Management Collection Charge</i>	\$190.00
<i>Domestic Waste Management Additional Collection Charge</i>	\$99.00
<i>Domestic Kerb Side Recycling Charge</i>	\$107.00

Waste Management Charges – Other:-

259/2015 RESOLVED that Council, in accordance with Section 535, and pursuant to the provisions of Section 501 and 502, of the Local Government Act 1993, hereby makes the following Waste Charges upon each parcel of rateable land, and land exempt from rating, for which the service is available, with the exception of land categorised as farmland, for the financial year 1 July 2015 to 30 June 2016, as set out below:- **(Deacon/Neill)**

<i>Service Charge Type</i>	<i>Charge 2015/16</i>
<i>Business Waste Management - Collection Charge</i>	\$190
<i>Waste Management - Depot Charges Nyngan</i>	\$276
<i>Waste Management - Depot Charges Business</i>	\$276

5 FUNDING FOR LONG DAY CARE FACILITY

Summary

Successful Application for Grant Funding amounting to \$450,000 plus GST to construct a 43 place Long Day Care Centre in Nyngan.

Total cost of the project is estimated to be \$785,000 with \$450,000 to be funded by way of a loan.

To be constructed on Council land at the Southern end of Dandaloo Street.

Construction drawings finalised by 30 September 2015.

Tender expected to be awarded by 30 October 2015.

Once operating the Service will provide significant social and economic benefits to the Community.

260/2015 **RESOLVED** that Council accept the terms and conditions of the agreement with the Department of Social Services for Funding of \$450,000 (plus GST), towards the construction of a Long Day Care Facility at Nyngan. **(Dutton/Douglas)**

6 LIBRARY REPORT

261/2015 **RESOLVED** that the Library Report for the period 1 April 2015 until 30 June 2015 be received and noted. **(Ryan/Deacon)**



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

1 OPERATIONAL REPORT

262/2015 RESOLVED that the Operational Report for the reporting period from the 15 June 2015 to 10 July 2015 be received and noted. **(Ryan/Neill)**

Other Matters:

263/2015 RESOLVED that Council approach the Manager of Tritton Mines to offer to purchase crushed waste rock **(Ryan/Dutton)**

Miss Volker returned to the meeting.

2 DRINKING WATER QUALITY MANAGEMENT SYSTEM

264/2015 RESOLVED that the Drinking Water Quality Management System Report be received and noted. **(Hampstead/Dutton)**

Discussion:

Ag Expo.



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

1 DEVELOPMENT APPLICATIONS

265/2015 RESOLVED that the Development Application Report since June’s Council Meeting be received and noted. **(Hampstead/Dutton)**

2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM

266/2015 RESOLVED that the Operational Report, since June’s Council Meeting – Parks and Gardens Team be received and noted. **(Ryan/Neill)**

3 OPERATIONAL REPORT – WEEDS

267/2015 RESOLVED that the Operational Report, since June’s Council Meeting – Noxious Weeds Officer be received and noted. **(Ryan/Douglas)**

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4 2014/2015 BUDGET ITEM CARRY OVERS

Summary

- *A number of projects which remain unfinished from the 2014/2015 budget are sought to be carried forward in the 2015/2016 budget, primarily relating to Parks and Gardens capital projects.*
- *Total required budget carry overs to 2015/2016 equates to an overall total balance of \$80,689.*
- *Approval is also sought to amend tasks within the Flood Memorial Car Park project as a result of onsite investigations altering budget requirements and permit flexibility in reallocation of excess funds within the Parks and Gardens Projects.*

268/2015 RESOLVED that:

1. The 2014/15 Budget Item Carry Overs Report be received and noted.
2. The capital items listed in Table 1 totalling \$74,189 be approved for carry over to the 2015/16 Budget including modification to the Flood Memorial Car Park Capital Project to allow for the installation of undercover seating.
3. Surplus funds of \$6,500 within Table 2 be carried over and allocated to the Chinese Burner and Vanges Park to finalise these capital projects. **(Ryan/Neill)**

5 O'REILLY PARK TOILET FACILITY UPGRADE

Summary

- *Consideration of upgrade works to the existing toilet facility within O'Reilly Park in order to provide dignified and equitable access and opportunity for people with a disability.*
- *Overview of upgrade works detailed with a cost of approximately \$25,000 estimated, including upgrades to the toilet facility, an access way, ramp, and handrail.*
- *Council would need to fund the upgrade works in the 2015/16 capital budget.*

269/2015 RESOLVED that:

1. The O'Reilly Park Toilet Facility Upgrade Report be received and noted.
2. Funding of \$25,000 be included in the 2015/16 Capital Budget. **(Ryan/Douglas)**

**6 LAND USE CONDITIONS: VACANT LAND, CORNER TERANGION AND
CANNONBAR STREETS, NYNGAN**

Summary

- *To provide Council with the land use conditions applicable to the parcel of land near the tennis courts and water tower on the corner of Terangion and Cannonbar Streets.*
- *The land is legally identified as Lot 7040 DP 1020916 and forms part of O'Reilly Park.*
- *The land is zoned RE1 Public Recreation under the Bogan Local Environmental Plan 2011.*

270/2015 RESOLVED that the Land Use Conditions – Vacant Land, Corner Terangion and Cannonbar Streets, Nyngan Report be received and noted.
(Hampstead/Neill)

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7 DISPOSAL OF LAND TO WESTERN RIVERS VETERINARY GROUP

(TM Gole and TR Smith) - Lot 1 Lawlor Street, Nyngan

Summary

- *To obtain Council approval for the disposal of Lot 1 Lawlor Street (Lot 1 DP 1177431) to Western Rivers Veterinary Group (TM Gole and TR Smith).*
- *The contract of sale has been prepared and exchanged (reference to Checklist Item 10 from Council Minutes, 27 March 2014) however, the transfer of the land is now required to be finalised with a formal resolution of Council to dispose of the land.*

271/2015 RESOLVED that:-

1. The Disposal of Land to Western Rivers Veterinary Group Report be received and noted.
2. Council dispose of Lot 1 DP 1177431 to Western Rivers Veterinary Group (TM Gole and TR Smith) and that the Mayor and General Manager be granted authority to sign on behalf of Council, enabling finalisation of the transfer of land. **(Ryan/Neill)**

8 O'REILLY PARK PROJECT EXPENDITURE

Summary

- *The expenditure for O'Reilly Park totals \$50,700.*
- *The capital project is close to completion with additional soft fall material required once the existing material has compacted. This requires additional funds of \$10,000 to complete and should be considered at the next budget review.*

272/2015 RESOLVED that:

1. The O'Reilly Park Project Expenditure Report be received and noted.
2. Council consider \$10,000 for installation of additional soft fall material within the playground of O'Reilly Park at the next budget review meeting which may include surplus funds from completed projects within the Parks and Gardens Capital Budget. **(Hampstead/Douglas)**

Miss Volker now left the meeting.



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PRECIS OF CORRESPONDENCE

1 HEALTH WESTERN NSW LOCAL HEALTH DISTRICT

273/2015 RESOLVED that the copies of correspondence received from Health Western NSW Local Health Department and the Hon Sarah Wilson Parliamentary Secretary for Regional and Rural Health and Western NSW, on behalf of the Minister for Health in reply to Council's letter regarding the supply of blankets to Nyngan dialysis patients at the Dubbo Hospital be received. **(Ryan/Neill)**

2 KEITH WHITE – NYNGAN HISTORICAL SOCIETY

274/2015 RESOLVED that correspondence received from Mr White concerning the housing of the 1924 Garford Fire Engine be received, and he be informed that the construction of a new Fire Station is still in the future. Council will approach Fire and Rescue to clarify ownership of the current building. **(Hampstead/Neill)**

3 LOCAL GOVERNMENT NSW

275/2015 RESOLVED that Council pay the LGNSW Membership Subscription for 2015/16. **(Ryan/Deacon)**

4 HEART FOUNDATION

276/2015 RESOLVED that Council support the Annual Heart Foundation Big Heart Doorknock Appeal and list their information of Council's web site. **(Douglas/Neill)**

5 RIVERSMART

277/2015 RESOLVED that Council note the email received from the CEO of RiverSmart Australia and Macquarie River Trails advising of the Window on the Wetlands (WOW) Centre in Warren. **(Ryan/Dutton)**



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6 WESTERN NSW PRIMARY HEALTH NETWORK

278/2015 RESOLVED that the information received from the Western NSW Primary Health Network (PHN) advising of the roles and responsibilities of the PHNs in the delivery of primary healthcare across Australia be noted. **(Hampstead/Neill)**

7 LEGISLATIVE COUNCIL

Standing Committee on Social Issues

279/2015 RESOLVED that correspondence received from the Legislative Council, Standing Committee on Social Issues regarding the Inquiry into Service Co-ordination in Communities with High Social Needs be noted. **(Ryan/Dutton)**

8 LOCAL GOVERNMENT NSW

280/2015 RESOLVED that the Mayor and General Manager, or their delegate attend the Local Government NSW Annual Conference 2015, being held at Rosehill Gardens Racecourse, 11-13 October 2015. **(Ryan/Neill)**

9 NSW POLICE FORCE

Council is advised that vehicles' travelling on the incorrect side of the roadway is illegal under the Roads Transport Legislation.

281/2015 RESOLVED that in the event of Council being notified by a Funeral Director of an anticipated large funeral, Council seek the co-operation of the local Police to control traffic. **(Hampstead/Neill) Unanimous**

10 THE HON WARREN TRUSS MP

Minister for Infrastructure and Regional Development

282/2015 RESOLVED that the correspondence received from the Minister outlining the levels of funding and programs available to Local Government to deliver the infrastructure and services required for our communities be received. **(Ryan/Deacon)**



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11 DARLING RIVER LOCAL AREA COMMAND

283/2015 RESOLVED that the Darling River LAC Community Safety Precinct Committee be advised that Council would prefer their meetings be held on a separate day to Council meetings days. **(Hampstead/Neill)**

12 WEEKLY CIRCULARS

284/2015 RESOLVED that the Local Government Weekly Circulars 24/15 to 27/15 be noted. **(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.

.....
GENERAL MANAGER

.....
MAYOR

