



BOGAN SHIRE COUNCIL

Minutes

27th October 2011



**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on Thursday 27th October 2011 at 9.30am**

PRESENT: Councillors RL Donald, JL Douglas, LH Dutton, HJ Griffiths, JE Hampstead OAM, AM Kennedy, 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 Mike Ryan (Acting Manager of Engineering Services) Mrs CJ Ellison and Mrs Debb Wood.

DECLARATION OF PECUNIARY INTEREST: Nil.

The following resolutions arose from decisions made in the Closed and Confidential Section of the Meeting held on 27th October 2011.

315/2011 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed involves matters concerning particular individuals other than Councillors. **(McLaughlin/Douglas)**

316/2011 RESOLVED that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 22nd September 2011, copies of which has been circularised to Councillors be taken as read and confirmed. **(Griffiths/Douglas)**

317/2011 RESOLVED

1. That David Payne Construction be awarded as per the evaluation matrix the single source supplier for Bogan Shire Council for the construction of the two houses as submitted in the tender documentation.

House 1, 3 bedroom \$217,873 ex gst

House 2, 4 bedroom \$296,264 ex gst

2. That a NSW Housing Industry Association (HIA) contract be signed between Bogan Shire Council and David Payne Constructions.
3. That the 3 bedroom house be sold once lockup stage has been reached and the proceeds be placed in reserve to build a further additional house. **(Ryan/Hampstead)**



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318/2011 RESOLVED that copies of the Weir Users' submission for revision of the licences and allocations be circularised to Councillors for review. Council delegates the Mayor, Deputy Mayor, General Manager and Manager of Engineering Services to meet to discuss the submission and agree on Council's position on whether or not to support it. **(Dutton/McLaughlin)**

319/2011 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Griffiths/Kennedy)**

320/2011 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed prejudice the maintenance of law. **(Neill/Douglas)**

321/2011 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Ryan/Dutton)**

322/2011 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 22nd September 2011, copies of which has been circularised to Councillors be taken as read and confirmed with the below inclusion of the resolutions from the Closed and Confidential Section of that meeting and confirmation of the Ordinary Minutes of the 25th August 2011 Council Meeting. **(Ryan/Neill)**

322/2011 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 25th August 2011, copies of which has been circularised to Councillors be taken as read and confirmed.

The following resolutions arose from decisions made in the Closed and Confidential Section of the Meeting held on 22nd September 2011.

282/2011 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed would prejudice the commercial position of the person who supplied it. **(Griffiths/Neill)**

283/2011 RESOLVED that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 25th August 2011, copies of which have been circularised to Councillors be taken as read and confirmed. **(Hampstead/Griffiths)**



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284/2011 RESOLVED that a report be prepared on what would be needed to provide a suitable VIC at the Museum, including the entrance of the Museum, and the provision of disabled access and costing. If an offer to locate the VIC was made to the Museum, Council would require an indication of interest and acceptance from the Museum, keeping in mind the Museum is completely managed by volunteers. Council is to advise the current VIC of any proposed offer to the Museum. **(Ryan/McLaughlin)**

285/2011 RESOLVED that:-

1. Council accept the tender of Ausroad Systems Pty Ltd for a 6 m3 Jetpatcher Maintenance Unit in the amount of \$189,290.
2. Council accept the quote from Tracserv Pty Ltd for an Isuzu FVZ1400 truck in the amount of \$131,477. **(Ryan/Neill)**

286/2011 RESOLVED that as a matter of urgency Council express to Essential Energy its extreme concern at the inconsistencies and variations in some Bogan Shire Council residents' electricity accounts. Council also requests that Essential Energy provide a complete and open explanation as to why the inconsistencies have arisen.

Of concern also to residents is how long this problem has existed and that it is apparent that only those customers who have complained have had their accounts investigated.

Council has reservations as to the accuracy of the Essential Energy metering system and requests Essential Energy fully account to residents how the charges have been arrived at. **(Dutton/Neill)**

287/2011 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Douglas/Griffiths)**

288/2011 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed prejudice the maintenance of law. **(Douglas/Hampstead)**

289/2011 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Griffiths/Dutton)**



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Business arising from the Minutes:

Essential Energy:

323/2011 RESOLVED that the Mayor approach Essential Energy on the following issues:-

- Comment of the Meeting held at Hermidale;
- Review all accounts;
- Publish in the media the situation with the accounts; and
- Concern about the restructuring of the areas. **(Ryan/Dutton)**

COMMITTEE MEETING MINUTES

1 MUSEUM COMMITTEE MEETING

324/2011 RESOLVED that the report be received and noted. **(Hampstead/Kennedy)**

REPORT TO ORDINARY MEETING OF COUNCIL – MAYORAL

1 COUNCIL ELECTIONS

325/2011 RESOLVED that Council reluctantly engage the New South Wales Electoral Commission to run Bogan Shire's Local Elections in 2012 and request that:-

1. a local Returning Officer be appointed to Nyngan; and
2. an estimate of the cost associated with the running of the elections be provided.
(Douglas/Ryan)



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2. DESTINATION 2036

326/2011 RESOLVED that Council respond to the Consultant's Report with support of the Vision Statement and list of priority actions, including Governance, Structure, Functions, Finance, Capacity and other ideas as listed on page 92 of the Consultant's Report.
(Ryan/Kennedy)

Other Matters:

327/2011 RESOLVED that the December Council Meeting be held on the 15th December 2011, prior to the annual Christmas Party to be held at the RSL Club from 1.00pm to 3.30pm.
(Douglas/Griffiths)



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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	24/03/2011	89/2011	Library	Install suitable electronic doors in conjunction with installation of disabled access.	MEnS	Electronic doors installed with the disabled ramp access to be completed by late October/November 2011.
2	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 to advance the project.
		244/2010	Aged Care Facility	Nyngan Community Homes Committee to meet with Council.		Yarrabin has indicated interest in the Management of the Community Homes.



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						<u>UPDATE:</u> Mayor & General Manager to meet with Community Homes Committee & Yarrabin.
3	25/02/2011	33/2011	LEP	Draft LEP be prepared for purpose of reclassifying public lands.	MEnS	<u>UPDATE:</u> Received flood gate letter. Draft LEP has been sent to the Dept Planning. Final Draft LEP to be returned from Dept Planning December 2011.
4	22/09/2011	292/2011	Swimming Pool	Reapply for funding to install sleeve section only. Approach other funding sources to secure loans funds.	MEnS	<u>UPDATE:</u> Second application to be made for round two of funding. Application date yet to be confirmed.
5	24/04/2008 16/12/2010	140/2008 421/2010	Main Street	Advertise preliminary street plans & seek community comment.	MES	Base plans of main street being prepared.
6	23/10/2008	447/2008	Residences- Pangee Street	Council to speak to residents.	MEnS	<u>UPDATE:</u> ARTC to be advised to undertake demolition work ASAP.



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7	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. Letter sent to NSW Ambulance requesting lots 9 & 10 be transferred to Council free of charge. Council has received Environmental Assessment.</p> <p><u>UPDATE:</u> Council approach Dept Health to have lot 9 transferred free of charge and offer to purchase lot 10 in its present condition for \$22,500.</p>
8	26/02/2009 24/09/2009 16/12/2010	41/2009 398/2009 395/2010	Businesses in Residential Areas	Advise all residents of the need to adhere to Legislation and Regulations relating to the conduct of businesses in residential areas.	MEnS	<p><u>UPDATE:</u> Council to advise owners to submit new DA by COB Tuesday 1st November 2011.</p>



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9	26/11/09	460/2009 223/2010	APC	<p>Letters to surrounding Councils advising of EOI to improve water delivery.</p> <p>Contact Fed Govt to ensure \$12m remains.</p> <p>Try and obtain more Government funding to complete the piping of the APC project.</p>	GM Mayor	<p>Mark Coulton has been contacted to organise a meeting with Ministers Burke & Crean.</p> <p>A meeting held with State Water Office who received a copy of quote from Irritek.</p> <p><u>UPDATE:</u> Combined deputation with Cobar Shire Council to meet with Minister Katrina Hodgkinson. Cobar Shire Mayor & GM have agreed to meeting. Meeting request sent to Minister.</p>
10		171/2010	Lower Weir User	<p>Council write to user asking for documentation regarding water entitlement & advise Council is further investigating matter.</p>	GM	<p>Letter sent. Documentation received. Refer to State Water.</p> <p><u>UPDATE:</u> Letter sent to Office of NSW Water. Unsatisfactory response received. Further letter to be sent by Flashman & Chalker.</p>



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11	22/07/2010	236/2010	Tritton Mines	Council write to Tritton Mines asking for photos for the displays in the Museum.	GM	Mines waiting on photos to be created in high definition. <u>UPDATE:</u> Photographs yet to be received. Followed up with GM of Tritton Mines October 2011.
	22/09/2011	292/2011		Letter to be sent to the Mine seeking their interest in commencing /conducting tourism tours of the mine.		Mayor & GM met with GM Tritton Mines, not in a position to conduct tourism tour, but can look at educational tours.
12	23/09/2010	289/2010	Houses – Flashman Avenue	Organise meeting to discuss designs.	MEnS	<u>UPDATE:</u> Tenders awarded to David Payne Construction.
13	23/09/2010	295 & 296/2010 383/2010	Ambulance Services	Make further representations to the NSW Ambulance regarding patient transfers & unavailability of ambulances.	Mayor	Letter sent to the Operational Manager with same concerns.



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	25/02/2011	55/2011		Approach the Government to provide backup ambulance services so as to have a ambulance on call at all times and to be paid overtime rates.		Waiting on response from Council representation to the Parliamentary Secretary for Regional Health.
	28/04/2011	127/2011		Letter to the Coroner concerning the recent incident on the Mitchell Highway.		Response to Council's letter to Coroner – Precis June 2011. Ongoing. <u>UPDATE:</u> Mayor & GM met with CEO of Western NSW LHD October 2011 to discuss.
14	28/10/2010	331 & 332/2010	Palais Theatre	Investigate making the outdoor area a venue for community use.	MEnS	Plan of Management currently being developed. Meeting with WSPS, NHS & BSC to be called ASAP,
15	25/11/2010	381/2010	Arthur Hall VC Highway	Wall memorial to be relocated, citation suitably inscribed beside the wall memorial, signs on the edge of the highway.	MEnS	<u>UPDATE:</u> Highway between Coolabah and Brewarrina to be opened on Thursday 8th December 2011.



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16	22/02/2011	25/2011	Showground	Obtain quote for upgrade of showers & urinals.	MEnS	<u>UPDATE:</u> Works in progress, to be completed within the financial year.
17	25/02/2011		Clean Up Australia Day	Postponed to a later date.	CDO	<u>UPDATE:</u> To be raised at the Western Division Meeting in October 2011. Verbal report to October Council meeting. To remain in March.
18	24/03/2011	83/2011	Cinema	Investigate the recommencement of movies.	CDO	Community Development Officer to look into having the SRC and Bourke Police involved in trying to recommence the movies. Cr Douglas to speak to the schools regarding Council's intention to try to recommence the movies, stress behaviour at the movies. On Hold – pending result of Management Plan for Palais Theatre.



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19	24/03/2011	83/2011	Youth Worker	Support employment of a part time Youth Worker at the NHS.	CDO	CDO to contact NHS. Interagency meeting held – Youth Worker discussed.
20	23/06/2011	199/2011	Skate Park	Obtain a quote for placing a skin on the square ramp in O'Reilly Park; Investigate laying concrete strips in Lions Park; Investigate extending the ramp in O'Reilly Park.	MES	<u>UPDATE:</u> Ramp upgrade options to be investigated & incorporated into proposals for next year's budget.
21	22/09/2011	284/2011	Museum	Report to provide suitable VIC at Museum including entrance & disabled access to the Museum.	MEnS/GM	<u>UPDATE:</u> GM & CDO met with Coordinator & Committee of Museum to discuss options for VIC. MEnS inspected premises – verbal progress report to be delivered at October Council Meeting.
22	22/09/2011	290/2011	Highway	Letter to RTA re safety concerns of the cleared vegetation being left in the table drains.	MES	<u>UPDATE:</u> Verbal update at October 2011 Council meeting.
23	22/09/2011	291/2011	Calming Devices	Report to the Traffic meeting for devices to be installed near Mick Glennie Hostel.	MES	<u>UPDATE:</u> Report to next Traffic Committee meeting, 10th Nov 2011.

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328/2011 RESOLVED that Council requests the State Rail Authority to undertake the demolition works of the residences in Pangee Street as a matter of urgency. **(Ryan/Neill)**

329/2011 RESOLVED that Council approach the Department of Health with a view to having Lot 9 of the old Ambulance Station transferred to Council at no cost and offer to purchase Lot 10 in its current condition, for the price of \$22,500. **(Ryan/Hampstead)**

330/2011 RESOLVED that Council advise the owners of the business in the residential area that the expiry date for the new Development Application to be submitted to Council is close of business Tuesday 2nd November 2011. **(McLaughlin/Douglas)** Unanimous

331/2011 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist. **(Ryan/Griffiths)**

2 PUBLIC INTEREST DISCLOSURES

332/2011 RESOLVED that Council adopts the draft Public Interest Disclosures – Internal Reporting Policy. **(Douglas/Neill)**

3 PECUNIARY INTEREST RETURNS

333/2011 RESOLVED that the information be received and noted. **(McLaughlin/Neill)**

4 FIT FOR WORK POLICY

334/2011 RESOLVED that paragraph 12.4 of the Fit for Work Policy be amended by the insertion of the words “An authorised collector will take urine tests. Testing will be carried out in private and the individual may request the presence of a witness”. **(Hampstead/Ryan)** Unanimous

5 COMPANION ANIMALS

335/2011 RESOLVED

1. That the General Manager seeks public comment on issues relating to care and management of companion animals (dogs and cats) in Bogan Shire.
2. That the General Manager with the Manager Environmental Services prepares a draft Companion Animal Policy and related report for Council, incorporating public feedback received and recommendations for public education and enforcement activities. **(Dutton/Griffiths)**

6 NYNGAN SHOW DAY

336/2011 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 14 May 2012. **(Ryan/Dutton)**

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

1 BANK RECONCILIATION

337/2011 RESOLVED that the report be received and noted. **(Douglas/Griffiths)**

2 INVESTMENTS

338/2011 RESOLVED that the report be received and noted. **(Douglas/Neill)**

3 SUMMARY OF RATE COLLECTIONS

339/2011 RESOLVED that the report be received and noted. (Neill/Dutton)

4 ANNUAL FINANCIAL REPORTS

340/2011 RESOLVED that the Financial Reports and Auditor's Report for the period 1 July 2010 to 30 June 2011 be received and noted and be presented to a public meeting at midday on 24th November 2011. (Ryan/Douglas)

5 BUDGET REVIEW SEPTEMBER 2011

341/2011 RESOLVED that the Budget Review for the period ended 30 September 2011 be received and adopted. (Ryan/Neill)

6 MANAGEMENT PLAN QUARTERLY REVIEW SEPTEMBER 2011

342/2011 RESOLVED that the report be received and noted. (Ryan/McLaughlin)

7 ANNUAL REPORT 2010/2011

343/2011 RESOLVED that the report be received and noted. (Dutton/Griffiths)

8 LIBRARY REPORT

344/2011 RESOLVED that the Library report be received and noted. (Kennedy/Douglas)

9 BANK SIGNATURES FOR COUNCIL INVESTMENTS ACCOUNT

345/2011 RESOLVED that the recommended changes to the Investment Banking Signatures be endorsed. (Douglas/Kennedy)

10 BOGAN SHIRE COUNCIL DRAFT POLICY – AP002

Payment of Expenses and Provisions of Facilities to the Mayor and Councillors

346/2011 RESOLVED

1. That Council approves the Draft Policy AP002 - Payment of Expenses and Provisions of Facilities to the Mayor and Councillors for public exhibition.
2. That Council gives public notice of the intention to adopt this policy in accordance with the provisions of the Local Government Act 1993. **(Ryan/McLaughlin)**

ACTING MANAGER OF ENGINEERING SERVICES REPORT

1 ROAD FUNDING

347/2011 RESOLVED that the report be received and noted. **(Ryan/Hampstead)**

MANAGER OF ENVIRONMENTAL SERVICES REPORT

1 DEVELOPMENT APPLICATIONS

348/2011 RESOLVED that the report be received and noted. **(Neill/Douglas)**

2 REFUNDS ASSOCIATED WITH DEVELOPMENT FEES

349/2011 RESOLVED that Council adopts the refunds set out below with immediate effect. All refunds to be at the discretion of the General Manager of Delegate.
(Ryan/Hampstead)

Development Application Fees

- Where the application is withdrawn after it is lodged but prior to processing of the application having commenced by the assessing officer – 80% of fees may be refunded by Council.

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- Where the application is withdrawn after the assessment has commenced – 50% of fees may be refunded by Council.
- Where the application is withdrawn after assessment has been completed but the determination and final processing have not been done – 20% of the fees may be refunded by Council.
- Where the application is surrendered after determination – No fees are refunded.
- Where the application is refused - 100% fees are refunded.

Construction Certificate Fees

- If Council issued your Construction Certificate 100% fees are refunded.
- If your Construction Certificate was issued by a Private Certifier you must discuss any refund of fees with your certifier.

Other Council Fees

- Inspection Fees – Part 4 Certificate – Fees will be refunded.
- Inspection Fees – Sewerage/Stormwater – Fees will be refunded.
- Notification Fee – If the notification has been done prior to withdrawal of the application, the fee is not refunded, otherwise the fee may be refunded.

Other Development application fees

- Long Service Levy and Long Service Levy Agency Commission – Council will refund these fees if they have not been forwarded to the Building and Construction Industry Long Service Payments Corporation, otherwise customers must contact the Corporation to arrange any refund.
- Planning New South Wales Plan First Levy and Planning New South Wales Administration Fee – Council will refund these fees if they have not been forwarded to the Department of Planning, otherwise customers must contact the Department to arrange any refund.
- Owner Builder's Licence – Customers must contact the Department of Fair Trading to arrange any refund.
- Home Warranty Insurance - Customers must contact the Insurance provider to arrange any refund.



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3 WASTE – COMPLETION OF THE RECYCLING COLLECTION TRIAL PERIOD

350/2011 RESOLVED that the report be received and noted. **(Kennedy/Dutton)**

4 WASTE MANAGEMENT PROGRAM – MGB REPLACEMENT PROGRAM

351/2011 RESOLVED:-

1. That the report be received and noted.
2. That community consultation be undertaken and a further report be presented to Council at its December meeting with adjusted costings based on the outcome from the community consultation. **(Douglas/McLaughlin)**

5 NYNGAN PRESCHOOL CHANGE TO LONG DAY CARE OPERATION

352/2011 RESOLVED

1. That the report be received and noted.
2. A further report be submitted to the next Council meeting including detailed drawings and costing. **(Douglas/Kennedy)**

6 NYNGAN LIBRARY – PROPOSED RENOVATIONS

353/2011 RESOLVED

1. That the report be received and noted.
2. That a grant application be made in due course based on the information provided in this report.
3. That an additional door not be provided. **(Hampstead / Ryan)**

Cr McLaughlin wished her dissent regarding the provision of an additional door be recorded.



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7 ESSENTIAL SERVICES PROGRAM

354/2011 RESOLVED that the report be received and noted. **(Ryan/Neill)**

PRECIS OF CORRESPONDENCE

1 GOVERNMENT WEEKLY CIRCULARS

Weekly Circulars 36/11 to 40/11 are tabled for Council’s information. Copies of the Circulars Indices and Summary of Items have been dispatched to Councillors.

355/2011 RESOLVED that the Local Government Weekly Circulars be noted.
(Hampstead/Griffiths)

There being no further business the meeting closed at 2.30pm.

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

.....
GENERAL MANAGER

.....
MAYOR

