



BOGAN SHIRE COUNCIL

Minutes

22 August 2013



**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers 22 August 2013 at 9.30am**

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

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

Declaration of Interest: Cr Donald

336/2013 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 25 July 2013, copies of which have been circularised to Councillors be taken as read and confirmed. **(Ryan/Griffiths)**

Business arising from the Minutes: Nil

The following resolutions arose from decisions made in the Closed and Confidential Section of the meeting on 22 August 2013.

331/2013 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 provided and discussed involves personnel matters concerning particular individuals other than Councillors. **(Dutton/Griffiths)**

332/2013 APOLOGIES: RESOLVED that the apologies received from Councillors Hampstead OAM and McLaughlin be received and they be granted leave of absence from both meetings. **(Griffiths /Dutton)**

333/2013 RESOLVED that the Minutes of the Closed and Confidential Meeting of Council held on 25 July 2013, copies of which have been circularised to Councillors be taken as read and confirmed. **(Douglas/Neill)**

334/2013 RESOLVED that the Mayor and General Manager negotiate the purchase of a building suitable to house the Cobb & Co Coach. **(Ryan/Griffiths)**

335/2013 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(Griffiths/Deacon)**



**Minutes of the Ordinary Meeting of Bogan Shire Council
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COMMITTEE MEETING MINUTES

1 MUSEUM

337/2013 **RESOLVED** that the Minutes of the Museum Meeting held on Wednesday 17 July 2013 be received and noted. **(Douglas/Neill)**

MAYOR

The Mayor provided an update on the status of the now cancelled Local Government Referendum. Money which has already been provided for the Campaign will be refunded to Councils.

**Minutes of the Ordinary Meeting of Bogan Shire Council
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REPORTS TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	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	Affordable Accommodation for the Aged Community Committee approved concept floor plan layout & concept site plan. Progress now to prepare full architectural plans & specifications etc ready for tender process. Committee Meeting with Charles de Beer 15 August 2013 – verbal report at Council meeting.
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	NSW Health agreed to an Occupation Agreement to allow Council to commence Renovations pending acquisition. Internal Renovations works completed. Expect leasing by early September.

**Minutes of the Ordinary Meeting of Bogan Shire Council
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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
	25/05/2013	211/2013		Council acquire by acquisition Lots 9 & 10.		Legal process underway.
3	26/11/09	460/09	APC	Try and obtain more Government funding to complete the piping of the APC project.	GM	Pending completion of CPE Business Case.
	22/11/2012	352/2012		Assess viability & cost of off river storage as first stage of project.		CPE Associates engaged & have commenced investigation. CPE Workshop 19 August 2013.
4	24/03/2011	83/2011	Cinema	Investigate the recommencement of movies.	CDO	Community Development Officer to look into having the SRC & Bourke Police involved in trying to recommence the movies.
	22/11/2012	353/2011		Investigate mobile cinema service from Bourke Police & Macquarie RiverSmart.		CDO/ Clr Douglas

**Minutes of the Ordinary Meeting of Bogan Shire Council
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5	25/05/2012	116/2012	APC	A formal agreement be sought & entered into with CWB & irrigators covering all aspects of the APC operation.	GM	Draft Agreement to be submitted to September Cobar Water Board Meeting for approval. Discussions with Irrigators currently under way – meeting set for 19 August 2013.
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.	MDES	Applications for lease have been submitted to John Holland (including fenced area next to former BP service station) & 54 – 58 Pangee Street Nyngan. Still waiting for outcome.
7	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.	MDES	Proposed that project coincides with AAA Project to achieve cost savings. Preliminary drawings being prepared for costing and consideration.

**Minutes of the Ordinary Meeting of Bogan Shire Council
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8	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.	MDES	Programmed for construction Oct/Nov 2013. Operational by early 2014.
9	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	Transfer Completed. Once Asbestos Licence received demolition and general clean will proceed.
10	13/12/2012	408/2012	Relocation of items from workshop	Council now only considers relocating the coach & wagon to the platform & invites John Holland to inspect the site at February 2013 Council meeting.	GM/ MDES	Alternative involving relocation of SES being pursued. Awaiting confirmation of SES budget position.
11	23/08/2012	255/2012	Community Based Heritage Study	Take action to have the inaccuracies and listing of properties attended to.	MDES	Final draft completed, listing to be extended to include additional private residences.

**Minutes of the Ordinary Meeting of Bogan Shire Council
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12	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.	Eng	Pending accreditation of new VIC.
13	22/11/2013	358/2012	Swimming Pool	Commence tile repair program over four years in the 2013/14 off season.	MDES	Shallow end of floor tiles to be replaced during late August 2013 during general pool cleaning program.
	13/12/2012	419/2012		Filtration plant room & associated structure.		1. Program delayed until non-friable asbestos training & licence completed to WorkCover requirements. Asbestos removal to the filtration plant room likely in Feb./March 2014.

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
14	22/11/2012	368/2012	Centenary Fountain	Investigate various options available to improve the fountain, including placing mesh over the water & a surveillance camera, with costings.	MDES	New pump ordered in June through local supplier. Alternative supplier being sought. P&G Staff inspect fountain daily. Investigations still progressing.
	28/03/2013	068/2013		Purchase & install security cameras ASAP.		Cameras purchased. Signs to be erected.
15	28/02/2013	044/2013	Airport Hangars	<p>1. Stage 1 to be commenced without delay and an amount of \$39,700 be provided in the second budget review to meet these costs.</p> <p>4. A new licence document be developed for any future licence agreements for a 25 year period with a 5 year extension.</p>	MDES	<p>Fencing completed in late July. Water service completed early August. Relocation of Dr Heggie Hangar proposed by late August. Gravel access roadway, taxiway construction program after relocation of Dr Heggie Hangar.</p> <p>Further review during 2013.</p>

**Minutes of the Ordinary Meeting of Bogan Shire Council
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				7. The Nyngan Airport Management Plan be amended to reflect these changes and requirements of this report.		Further discussion with CASA and Engineering Dept staff required with amended document referred to Council.
16	13/12/2012 28/03/2013	418/2012 098/2012	Davidson Park Revitalisation Program	Improve pedestrian access advance to same gate.	MDES	Programmed for late August to be completed by early November.
	25/07/2013	310/2013		Council remove the entire playground, equipment, associated ground cover, fencing & park-bench seating with shelter. Establish paving pathways to the mural.		Removal of old playground area programmed when staff available during August.
				New playground area to be located on the south eastern side of the existing toilet blocks structure.		Site works for new playground programmed for Sept/Oct based on staff availability.

**Minutes of the Ordinary Meeting of Bogan Shire Council
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17	13/12/2012	420/2012	Western NSW Medicare Local	GM to have followed up discussion with CEO.	GM	Meeting with Medicare Local and NSW Health – 20 August 2013.
18	3/04/2013	18/2013	Western Rivers Veterinary Group	Council authorises GM to co-operate with Vets to establish the facility in Lawler Street.	GM	Awaiting outcome of business decision from vets.
	25/07/2013	298/013		General Manager negotiates an interest free loan, should vets wish to purchase land.		
19	28/02/2013	043/2013	Waste Management – Village Waste Depot Operations	<p>1. Program of Works for Hermidale & Girilambone be commenced immediately.</p> <p>Coolabah works be programmed for early 2013/14.</p> <p>2. Costs incurred for Hermidale & Girilambone be provided in the second budget review.</p>	MDES	<p>Hermidale site works completed including fencing early August. Signage still outstanding</p> <p>Girilambone fencing contractor organised – waiting only for adjoining property owner comments on fencing proposal.</p> <p>Coolabah works not yet commenced.</p>

**Minutes of the Ordinary Meeting of Bogan Shire Council
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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
20	26/06/2013	258/2013	Traffic Committee Recommendations – Pre School Parking	<p>Relocating the bus parking to the southern side of the lane.</p> <p>RMS to re-examine the intersection design.</p> <p>Fence Pre-School boundary between lane and parking area and around the corner to the staff vehicle entrance. Western end of fence to be a pool type to allow adequate sight distance from the lane.</p> <p>Staff only in parking area. Blister on the western side of Moonagee St for “Give Way” sign to be considered.</p> <p>Relocate the 40km school zone sign to the northern side of the lane.</p>		<p>Recommendations endorsed by Council.</p> <p>Estimates to relocate school zone signs to next Traffic Committee Meeting September 2013 for RMS approval.</p>

**Minutes of the Ordinary Meeting of Bogan Shire Council
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				<p>Signed consent from the Pre-School that the children are always escorted into the building by staff or parents.</p> <p>Keep the proposed refuge island and make a no left turn for road trains from Pangee St into Moonagee St.</p> <p>Consider making lane one way at a later time if required.</p>		
21	28/03/2013	102/2013	Nyngan Cemetery	Remove all broken bricks & erect suitable base on tree Anglican Section entrance.	MDES	

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 22 August 2013 at 9.30am**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
22	23/04/2013	124/2013	Insurance	Council seek clarification from the Insurance Council of Aus re the availability of discounts or other provision on insurance pricing for towns protected against floods and whether flood insurance is mandatory.	GM	Insurance Council has requested flood study information. Response in progress.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 22 August 2013 at 9.30am**

An invitation be extended to Jenny Griffiths, Nyngan Hospital to address Council on medical needs and health problems in our town.

Council adjourned for morning tea at 10.30am.

At 11.00am, members of Nyngan Combined Pensioners & Superannuants Association of NSW and Nyngan Garden Club along with children from Nyngan High School, Nyngan Public School and St Joseph's Primary School joined Bogan Shire Councillors and staff to formally plant the new trees lining the main pathway at Heritage Park.

At 11.30am Councillors inspected Council's new sewer jet cleaner and inspection camera.

Council resumed at 11.45am.

Minutes of the Affordable Aged Accommodation Meeting held on 15 August 2013

338/2013 RESOLVED to adopt the following recommendations of the Affordable Aged Accommodation Meeting held on 15 August 2013:-

- There be 6 mixed units – 3 different designs and roof tops;
- DA be lodged first week September;
- Progress tender document;
- Show interested persons concept plan;
- Council can commence services – stage 1, sewer main along Oxley Street;
- Issue media release;
- Display plans in old bakery; and
- Call for Expression of Interest. **(Ryan/Douglas)**

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 22 August 2013 at 9.30am**

It was **MOVED** that the rental for the Ambulance Station residence be set at \$130.00 per week. **(Douglas/Ryan)**

An **AMENDMENT** was **MOVED** that the rental for the Ambulance Station residence be set at \$200.00 per week. **(Dutton/Neill)**

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

339/2013 **RESOLVED** that the rental for the Ambulance Station residence be set at \$200.00 per week. **(Dutton/Neill)**

340/2013 **RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist. **(Griffiths/Neill)**

2 REGIONAL CODE OF CONDUCT PANEL

341/2013 **RESOLVED** that the persons listed below in Schedule 2, be appointed as members to Bogan Shire Council Panel of Conduct Reviewers and/or act as sole reviewers. **(Dutton/Griffiths)**

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 22 August 2013 at 9.30am**

Schedule 2

First	Last	Company	Hourly Rate preliminary	Hourly Rate investigative	Business Status
Chris	Gallagher	Chris Gallagher (Bateau Bay)	\$150 (ex)	\$200 (ex)	Sole Trader
Lee	Downes	Investigation Associates Australia (Liverpool)	\$175	\$200	Company
Peter	Mulhall				
Mark	Pigram	TQC Solutions (Westmead)	\$200 (inc)	\$240 (ex)	Not supplied
Andrew	Fletcher	Andrew Fletcher Consulting (Bathurst)	\$200 (ex)	\$200 (ex)	Sole Trader
Norman	Mann	Norman Mann (Bathurst)	\$222 (inc)	\$222 (inc)	Sole Trader
Monica	Kelly	Prevention Partners	\$230 (ex)	\$230 (ex)	Sole Trader
Kathy	Thane	Train Reaction Pty Ltd (Balmain)	\$240 (ex)	\$250 (ex)	Company
Greg	Wright	Wright Associates (Picton)	\$240 (ex)	\$240 (ex)	Company
Kath	Roach	Sinc Solutions (Glebe)	\$280 (ex)	\$260 (ex)	Company
Kelvin	Kenney	O'Connor Marsden & Associates (Sydney CBD)	\$285 (ex)	\$285 (ex)	Company
Paul	Crennan	Crennan Legal (Bathurst)	\$350 (ex)	\$350 (ex)	Company

**Minutes of the Ordinary Meeting of Bogan Shire Council
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3 APPOINTMENT OF ACTING GENERAL MANAGER

342/2013 RESOLVED that:-

1. The absence on vacation leave by the General Manager during the period of 23 September to 4 October 2013 be noted.
2. Council appoint Mr. Mike Ryan to the position of Acting General Manager during the period 23 September to 4 October 2013 with the delegations of authority of the General Manager. **(Dutton/Douglas)**

4 MOTOR VEHICLE POLICY DOCUMENTS

343/2013 RESOLVED that Council adopts the motor vehicle policy documents for the following categories of use when granting private use of Council utilities:-

- a. Commuter Use (To and from work – not to be used on leave)
- b. Limited Leaseback (Within Nyngan – not to be used on leave)
- c. Limited Leaseback (Within Shire – not to be used on leave). **(Ryan/Deacon)**

GENERAL MANAGER'S SUPPLEMENTARY REPORT

5. INTEREST ON OVERDUE WATER AND SEWER ACCOUNT

344/2013 RESOLVED that Council does not approve the application for writing off accrued interest on the water and sewer account for Nyngan Public School. **(Ryan/Douglas)**

345/2013 RESOLVED that Council donate \$25.00 to the Nyngan Public School for their garden program. **(Ryan/Douglas)**

Council adjourned for lunch at 12.30pm and resumed at 1.30pm.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 22 August 2013 at 9.30am**

**REPORTS TO ORDINARY MEETING OF COUNCIL - CORPORATE SERVICES
DEPARTMENT**

1 BANK RECONCILIATION

346/2013 RESOLVED that the Bank Reconciliation Report be received and noted.
(Griffiths/Neill)

2 INVESTMENTS

347/2013 RESOLVED that the Investments Report be received and noted.
(Deacon/Dutton)

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

348/2013 RESOLVED that the Rates Collections Report be received and noted.
(Dutton/Ryan)

Cr Donald declared an interest and left the meeting.

349/2013 RESOLVED that due to the absence of the Deputy Mayor, Cr Dutton was elected to the Chair. (Griffiths/Ryan)

Cr Dutton now took the Chair

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 22 August 2013 at 9.30am**

4 FINANCIAL ASSISTANCE TO COMMUNITY SERVICE ORGANISATIONS

350/2013 RESOLVED that Council:-

1. Not provide any financial assistance to the Nyngan 1st Scout Group.
2. Notify the Nyngan 1st Scout Group that no legal action will be taken to recover rates and charges owing until the property is sold.
3. Provide financial assistance to The Nyngan Masonic Lodge to the value of \$963.40, which represents the general rate levied.
4. Provide financial assistance to Nyngan Girl Guides to the value of \$1,501 which represents the general rates levied and the water access charge.
5. Provide financial assistance to the Nyngan Uniting Church to the value of \$355, which represents the reduction of the water access charge to a CSO category.
6. Provide financial assistance to Hermidale CWA to the value of \$133, which represents the general rate levied.
7. Reduce all water access charges to a CSO category to all Churches operating in the Nyngan community. **(Ryan/Deacon)**

Cr Donald returned to the meeting and took the Chair.

5 LIBRARY REPORT

351/2013 RESOLVED that the Library report be received and noted.
(Neill/Griffiths)

352/2013 RESOLVED that Council convey to the Librarian appreciation for her efforts to obtain the Library Grant. **(Douglas/Dutton)**

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 22 August 2013 at 9.30am**

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

1 OPERATIONAL REPORT

353/2013 RESOLVED that the Operational Report be received and noted.
(Dutton/Neill)

2 PANGEE STREET REDEVELOPMENT

354/2013 RESOLVED that no semi trailers be allowed in Pangee Street between Dandaloo and Tabratong Streets. (Ryan/Neill)

Nose to kerb parking to commence Monday 9 September 2013.

3 40 KM/HR HIGH PEDESTRIAN ACTIVITY AREA (HPAA)

355/2013 RESOLVED that:-

1. Council apply to Roads and Maritime Services for funding to create a 40 km / hr High Pedestrian Activity Area in Pangee Street between Terangion and Dandaloo Streets.
2. Subject to funding from Roads and Maritime Services, a 40 km / hr speed zone precinct be introduced in the Streets bounded by Pangee Street, Cobar Street, Terangion Street, and Dandaloo Street. (Ryan/Dutton)

4 PROPERTY ACCESS HOSKINS STREET

356/2013 RESOLVED that the Engineer further consult with Mr Knight to ascertain the length of time in which he hopes to commence construction, in order to be considered in next year's budget. (Dutton/Douglas)

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

1 DEVELOPMENT APPLICATIONS

357/2013 RESOLVED that Development Applications Report be received and noted. (Ryan/Neill)

2 OPERATIONAL REPORT – PARKS & GARDENS

358/2013 RESOLVED that report be received and noted. (Deacon/Neill)

PRECIS OF CORRESPONDENCE

359/2013 RESOLVED that Council recognises Friday 4 October 2013 as Union Picnic Day under Clause 19B of the Local Government (State) Award. (Ryan/Dutton)

2 THE WEED SOCIETY OF NSW

360/2013 RESOLVED that Council acknowledges Peter Giles' nomination for the 2013 Buerckner & Stephenson Local Government Weed Professional Award for outstanding contribution to the on ground control of weeds in NSW. (Deacon/Neill)

3 DEPARTMENT OF PRIMARY INDUSTRIES

361/2013 RESOLVED that the reply from the Minister of Primary Industries office concerning the electronic tagging of sheep and goats be noted. (Neill/Deacon)

4 NYNGAN LEGACY

362/2013 RESOLVED that Council donate \$100 towards Legacy. (Ryan/Neill)

5 AUSTRALIAN HUMAN RIGHTS COMMISSION

363/2013 RESOLVED that Council support the national anti-racism campaign, *Racism It Stops with Me*. (Ryan/Douglas)

6 UNITED SERVICES UNION

364/2013 **RESOLVED** that Council contribute \$100.00 sponsorship towards the White Ribbon Campaign, as requested by the United Services Union white Ribbon Campaign. **(Ryan/Deacon)**

7 NYNGAN LOCAL ABORIGINAL LAND COUNCIL

365/2013 **RESOLVED** that Council accede to the request by the Nyngan Local Aboriginal Land to hold the opening ceremony and morning tea of NAIDOC Week at the Chambers on Monday 2 September 2013 and use of Larkin Oval on Wednesday 4 September 2013 to hold the community day. **(Dutton/Douglas)**

8 DAWN HOPWOOD

366/2013 **RESOLVED** that the correspondence received from Dawn Hopwood be received and Dawn be thanked for her suggestions, which have been noted for future development in the main street. **(Griffiths/Dutton)**

9 TRANSPORT NSW

367/2013 **RESOLVED** that Council endorse the response to OROC regarding the introduction of a Grain Harvest Management Scheme. **(Neill/Griffiths)**

10 CAROL ANN BALLARD

368/2013 **RESOLVED** that appreciation be extended to Miss Ballard for her correspondence concerning Colane Road, and also to those people who sent in emails and attended the meeting at Colane. **(Dutton/Griffiths)**

11 GOVERNMENT WEEKLY CIRCULARS

369/2013 **RESOLVED** that the Local Government Weekly Circulars be noted. **(Griffiths/Neill)**



**Minutes of the Ordinary Meeting of Bogan Shire Council
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Other matters

Council received the Lower Macquarie Water Alliance recognised with Local Government Award

Bogan Shire Council as a member of the Lower Macquarie Water Utilities Alliance (LMWUA) has been recognised in the National Local Government Awards by winning the “Regional Collaborations in Small Councils” Award.

The LMWUA was formed in July 2008, as a collaboration of Councils in the Lower Macquarie River Valley. The Councils, Dubbo City, Bogan, Bourke, Brewarrina, Cobar, Dubbo, Narromine, Warren, and Wellington Shires formed an alliance as a means of cooperatively developing resource sharing opportunities to reduce costs while implementing best practice water and sewer management for their communities.

There being no further business the meeting closed at 3.10pm.

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

