



BOGAN SHIRE COUNCIL

Minutes

28 May 2015

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

PRESENT: Councillors RL Donald, JE Hampstead OAM, WG Deacon, JL Douglas, LH Dutton, HJ Griffiths, EM McLaughlin, 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.

REMEMBRANCE: Mr Jack Burley OAM.

DECLARATION OF INTEREST: Councillor Neill – item 3, Précis of Correspondence, Nyngan Rugby League Football Club.

Mr Timothy Riley joined the meeting at 11.05am.

Mr Phil Standen, Regional Manager Western, Mr Peter Stitt, Asset Manager and Mr Alistair Lunn, Regional Maintenance Delivery Manager of RMS now attended Council.

The General Manager addressed Acknowledgement of Country.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

RMS Discussion:

Sale of Poles & Wires will provide additional funding for roads in the Western Region;

Announcement of funding to Newell Highway;

Announcement of Fixing Country Roads Program to provide funding for regional and local roads of \$42m over four years – Councils to make submissions;

Mitchell and Barrier Highways are major freight transport routes;

From 2011 to 2030 – freight transport is expected to double on these highways;

Maintenance program / routine funding;

Council's routine funding has increased and heavy patching funding will double for 2015/16;

RMS has provided surplus funds of \$800k to Council for additional work this financial year;

Rehabilitation project for Mitchell Highway programmed for the next year and the following 5 years;

RMCC Contracts – 26 western Councils, contracts will rollover to 2017;

Flexible arrangements for BSC to do work outside Shire – as a progressive Council can undertake more work;

Federal Government R2R funding will continue, double for next year;

Council express appreciation to the services Joe Sulicich provides to the Traffic Committee and Bogan Shire Council; and

RMS thanked and commended Bogan Shire Council staff for the work with the RMS and RMCC programs.

Appreciation was extended to RMS for attending the meeting.

Council now proceeded with the Closed and Confidential Section of the meeting.

Council returned to the Ordinary Meeting at 12 noon.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

150/2015 RESOLVED that the Minutes of the Extraordinary Meeting of Council held on 14 May 2015, copies of which have been circularised to Councillors be taken as read and confirmed. **(Neill/Ryan)**

Business Arising:

151/2015 RESOLVED that the Albert Priest Channel Water Usage Charges for 2015/16 reduce from \$37.43 to \$32.06 per ML and the same amount apply for the 2014/15 period. **(Ryan/Dutton)**

152/2015 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 23 April 2015, copies of which have been circularised to Councillors be taken as read and confirmed with the following corrections to Minute 115/2015 and Minute 118/2015. **(Griffiths/Hampstead)**

Minute 115/2015 to read:-

THIRD QUARTER 2014/15 BUDGET REVIEW

115/2015 RESOLVED that Council:

1. Note the report on Actual compared to Budget for the quarter ended 31 March 2015.
2. Adopt the Third Quarter Adjustments to the 2014/15 budget as shown on the Budget Review Statement, showing the following projected year end results.

(McLaughlin/Ryan)

	Operating Cash	Capital
General	\$1,946,786 (cr)	\$3,207,224 (dr)
Water	\$317,500 (cr)	\$696,940 (dr)
Sewer	\$388,270 (cr)	\$186,116 (dr)

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

Minute 118/2015 – to read:-

Contributions to New Water Mains

118/2015 RESOLVED that where a water main extension is required for a new water connection, the owner and / or future owners of affected properties contribute a proportional share of 100% of the construction cost, based on the area of the block, with this information recorded on the relevant properties files. The liability for the owner arises when a DA is approved. **(Ryan/McLaughlin)**

Business Arising:

Minute 119/2015 – Land Acquisition in Bogan Lane. Council was advised that the Diocese of Wilcannia Forbes Catholic Education Office does not wish to proceed with the acquisition of the small section of Bogan Lane adjacent to St Joseph's School.

Council received 2 objections to the acquisition.

The following resolutions arose from decision made in the Closed and Confidential Section of the meeting on 28 May 2015:-

147/2015 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. **(Griffiths/Douglas)**

148/2015 RESOLVED that Council selects RPQ Spray Seal Pty Ltd, SRS Road Services Pty Ltd and Fulton Hogan Pty Ltd, in no ranked order, as panel suppliers for the period 1 July 2015 to 30 June 2016 for the supply of Bitumen Spray Sealing to Bogan Shire Council. **(Hampstead/Neill)**

149/2015 INCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into open Council. **(Hampstead/Griffiths)**

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

COMMITTEE MEETING MINUTES

1 NYNGAN MUSEUM

153/2015 RESOLVED that the Minutes of the Museum Committee Meeting held on Wednesday 1 April 2015 be received and noted. **(Douglas/Deacon)**

2 OROC BOARD MEETING

154/2015 RESOLVED that the Minutes of the OROC Board Meeting held on Friday 1 May 2015 be received and noted. **(Hampstead/Griffiths)**

Business Arising:

Energy and Management Services (EMS) – OROC members accepted Momentum Energy as the preferred Energy Provider for contestable sites and streetlighting for a 3 year period.

Other Matters:

State Upper House Inquiry into Fit for the Future.

Federal Government's announcement of new subsidies to doctors.

155/2015 RESOLVED that Council donate \$1,000 through a reputable relief fund to the Nepal Earthquake Appeal. **(McLaughlin/Ryan)**

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

MEETING OF COUNCIL – GENERAL MANAGER’S REPORT

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	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	Main structure completed to lockup stage. Rural perimeter fence and security chainwire fence erected. Water supply nearing completion. Mulch material and trees planted on western elevation. Commission date late June 2015.
2	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	Removal of asbestos programmed for June 2015 with completion by end of July 2015.
3	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	Pending accreditation of new VIC. Accreditation approved. Design of signs underway.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

4	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.
5	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	Planning proposal lodged with the NSW Department of Planning and Infrastructure. Gateway Determination: Rezoning to proceed subject to conditions.
6	27/02/2014 26/06/2014	006/2014 199/2014	Medical Services	Pursue & make enquiries into using the Nyngan Multipurpose Service Centre & waiting rooms to attract an additional Medical Officer with VMO rights. GM pursue options for obtaining funding for the construction of a new medical centre.	GM	Discussions with Senior Management of NSW Western LHD ongoing – use of MPS is a possibility. Grant application to be made for 2015 round of National Stronger Regions Fund.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

7	22/05/2014	182/2014	Teamster Rest Area	Cobb & Co Coach & Wool Wagon location – confirm quotations and budget allowing progress without delay.	MDES	Cladding and internal linings and roller-doors installed all trimmings completed. Trees planted along railway fence line as screening. Initial ground level filling commenced. Project completion date late June 2015 as awaiting front awning and power supply. Delays due to limited available staff & other projects.
8	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	Information supplied to AGL – awaiting response on sponsorship. Tritton Mines also approached for sponsorship. RMS require a DA, currently being prepared.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

9	23/10/2014	386/2014	Sports Insurance	Council write to all Shire Sporting Clubs' controlling bodies asking to explain what the premiums paid from the local Club are used for.	MCS	Report to April 2015 Council Meeting refers.
	23/04/2015	114/2015		Council write to Minister for Sport and Recreation raising issues & requesting information on how insurance fees paid by sporting clubs are spent.		Action pending.
10	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 July 2015.
11	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.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

	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 Fire Safety Audit Report.		Efforts still being made to have owners upgrade building voluntary.
	23/04/2015	102/2015		Council place an article in the Nyngan Observer advising residents of the Fire Safety Program.		Action pending.
12	27/11/2014	445/2014	O'Reilly Park	Report to March 2015 Council Meeting on the overall budget expenditure for the project.	MDES	Playground operational. Report on project expenditure to be submitted in June 2015. Additional softfall material required throughout in July, once current material has compacted within next few months.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

13	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	Plans for a 43 Place Centre at Lot 111, DP721218 Dandaloo Street are being drawn up. These will be submitted to the Education Dept along with a report by 30 June 2015 in an attempt to gain Stage 2 funding of \$450,000.
14	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 to June meeting subject to submission of Arborist Report.
15	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 awaiting on brick layer to carry out repairs.</p> <p>Report to Council July 2015.</p>

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

16	26/03/2015	077/2015	Traffic Committee Recommendations	<p>Council trim trees & relocate signs in Pangee Street at the Moonagee Street intersection.</p> <p>Council relocate “Give Way” sign & holding line from Nymagee Street into Moonagee Street. Provide a “Children Crossing” Warning sign in Nymagee Street.</p> <p>Council look at ways of decorating the overhead camera structure on the eastern side of town.</p>	ENG	<p>Programmed for May</p> <p>Write to RMS – in progress.</p>
17	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.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

Discussion was now held concerning the Manager Engineering Services Report – item 4 Big Bogan Structure
Location after item 14 of the checklist.

Council then adjourned for lunch at 12.30pm and resumed at 1.45pm.

Councillor Douglas now left the meeting.

156/2015 RESOLVED that Council invite the Nyngan High School to look at the Teamster’s Rest Area shed and make suggestions for internal and external painting that the school could undertake.
(Ryan/McLaughlin)

157/2015 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.
(Hampstead/Deacon)

2 VILLAGE TOUR 2015

158/2015 RESOLVED that the report be received and noted and that those items marked as completed be removed from the checklist, and that the General Manager be commended for the report. **(Hampstead/Ryan)**

3 ADMINISTRATION OF 2016 LOCAL GOVERNMENT ELECTIONS, COUNCIL POLLS AND REFERENDA

159/2015 RESOLVED that Council sign the Contract for Administration of all Elections Council Polls and Constitutional Referenda (Section 296(3) Local Government Act 1993 between Bogan Shire Council and the Electoral Commissioner for the Local Government Elections 2016. **(Ryan/Neill)**

4 FIT FOR THE FUTURE PROCESS

160/2015 RESOLVED that Council endorses in principle the strategies and objectives detailed in the Fit for the Future Process for subsequent adoption at the Council meeting on 25 June 2015. **(Ryan/Dutton)**

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

Council acknowledged the work involved in the process and commends the General Manager and Manager of Corporate Services.

REPORTS TO ORDINARY MEETING OF COUNCIL – MANAGER OF CORPORATE SERVICES

1 BANK RECONCILIATION

161/2015 RESOLVED that the Bank Reconciliation Report be received and noted.
(Neill/Griffiths)

2 INVESTMENTS APRIL 2015

162/2015 RESOLVED that the Investments Report be received and noted.
(Hampstead/Deacon)

163/2015 RESOLVED that when Council calls for Banking Tenders, only those Banks with branches in the town be invited to tender. **(Hampstead/Deacon)**

3. SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

164/2015 RESOLVED that the Rates Collections Report be received and noted.
(Ryan/Griffiths)

4 LIBRARY REPORT

165/2015 RESOLVED that the Library Report be received and noted.
(Ryan/Neill)

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

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

1 OPERATIONAL REPORT

166/2015 RESOLVED that the Operational Report for the reporting period from 13 April 2015 to 15 May 2015 be received and noted. **(Hampstead/Dutton)**

167/2015 RESOLVED that it be noted, the RMS congratulated Council's Manager of Engineering Services and staff involved with the RMCC maintenance and construction projects on completing their works program early and to a high standard. **(Hampstead/Dutton)**

2 ACCESS TO LOT 7 DP 751304 OKEH ROAD

168/2015 RESOLVED that if Lot 7 DP751304 on the Okeh Road is purchased, the road be transferred to Council, with the purchaser to pay transfer costs and clearing of the road. **(Hampstead/Neill)**

3 CLOSURE OF PAYNES ROAD

169/2015 RESOLVED that Council not accede to the request to the closure of Paynes Road. **(Hampstead/Griffiths)**

4 BIG BOGAN STRUCTURE LOCATION

170/2015 RESOLVED that Council go ahead erecting a Big Bogan Structure. **(Ryan/McLaughlin) Unanimous**

It was **MOVED** that the Big Bogan Structure be located in the Teamster's Rest Area. **(Dutton/Neill)**

An **AMENDMENT** was **MOVED** that the Big Bogan Structure be located in Davidson Park. **(Ryan/McLaughlin)**

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

171/2015 RESOLVED that the Big Bogan Structure be located in the Teamster's Rest Area. **(Dutton/Neill)**

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

Councillors McLaughlin and Griffiths wished their dissent be recorded.

5 REMOVAL OF LARKIN OVAL CRICKET PITCH

172/2015 RESOLVED that Council:-

1. Removes the existing concrete pitch at Larkin Oval.
2. Contributes half the costs of up to the purchase price of \$1,800 towards the purchase of a turf wicket cover for Number Three Oval. **(Ryan/Hampstead)**

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

1 DEVELOPMENT APPLICATIONS

173/2015 RESOLVED that the Development Applications Report be received and noted. **(Neill/McLaughlin)**

2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM

174/2015 RESOLVED that the Operational Report – Parks and Gardens Team be received and noted. **(Hampstead/Griffiths)**

3 OPERATIONAL REPORT - WEEDS

175/2015 RESOLVED that the Operational Report – Noxious Weeds Officer be received and noted. **(Deacon/McLaughlin)**

4 PROGRESS REPORT – VARIOUS DEVELOPMENT APPLICATIONS

176/2015 RESOLVED that the Progress Report – Various Development Applications be received and noted. **(Griffiths/Neill)**

5 DA 2015/011 & CC 2015/006 – ACCESS RAMP – 94 PANGEE STREET

177/2015 RESOLVED that the report be received and noted and the location of the access ramp on Council's road reserve within Pangee Street be approved by Council. **(Hampstead/Neill)**

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

PRECIS OF CORRESPONDENCE

1 THANK YOU LETTERS

178/2015 RESOLVED that the *thank you* letters received from John Hoare, Yvonne and Collin Pardy and the Nyngan Easter Rugby League Challenge be received and noted. **(Ryan/Deacon)**

2 KEITH WHITE

179/2015 RESOLVED that Mr White be informed Council has a responsibility for the care of the burner, as well as allocation of budget funds and that the structure erected over the burner is perfectly adequate. Further, Council does not accept his comments that Council's action in any way caused desecration of the headstones. **(Hampstead/McLaughlin)**

3 NYNGAN RUGBY LEAGUE FOOTBALL CLUB

180/2015 RESOLVED that Council support the request by the Nyngan Rugby League Football Club to park their bus for players and supporters at the heavy vehicle inspection shed at the show ground. The bus would be removed on inspection days. **(Ryan/Deacon)**

4 COOLABAH COMMUNITY

181/2015 RESOLVED that Council advise Mr Stuart MacAlpine that it has concerns about the proposed location, as well as the ongoing protection and preservation of the jail. **(Dutton/Ryan)**

5 THE UNIVERSITY OF SYDNEY – SCHOOL OF RURAL HEALTH

182/2015 RESOLVED that the correspondence received from the University of Sydney – Rural Health requesting a donation for the study of adolescent health be noted. **(Ryan/Dutton)**

6 TOYOTA TOUR de OROC 2015

183/2015 RESOLVED that Council participate in the Toyota Tour de OROC 2015 and be a Logo Sponsor \$250. **(Ryan/Griffiths)**

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

7 NYNGAN NAIDOC COMMITTEE

184/2015 RESOLVED that Council agree to Nyngan Naidoc Committee request to waive fees for the use of the facilities and equipment and advise the Committee to ensure suitable planning, health and safety measures be taken at Rotary Park. **(Hampstead/Neill)**

8 DRUG FREE AMBASSADORS AUSTRALIA

185/2015 RESOLVED that Council obtain more books detailing the current increase of illicit drug usage in country areas from Drug Free Ambassadors Australia and distribute the books to the schools. **(Ryan/Deacon)**

9 THE GREENS – JAN BARHAM MLC

186/2015 RESOLVED that Council support the motion from Jan Barham MLC calling on Government to review library funding and place the petition of same at the Library. **(Ryan/Dutton)**

10 ESSENTIAL ENERGY

187/2015 RESOLVED that Council continue to monitor the situation of the AER (Australian Energy Regulator) Determination 2014-19, of no funding for 2,750 jobs across the NSW Electricity Distribution Network. **(Deacon/Neill)**

11 WEEKLY CIRCULARS

188/2015 RESOLVED that the Local Government Weekly Circulars be noted. **(Griffiths/Neill)**

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 28 May 2015 at 11.00am**

Other matters:

Council has received a *thank you* letter from the Nyngan Show Society.

189/2015 RESOLVED that Council deal with the later item from the Traffic Committee Meeting 27 May 2015.

“To write to the NSW Police to ask why the long-standing local tradition of allowing two lanes of vehicles in a funeral procession has recently been stopped without community consultation, whether this custom can continue into the future and, if not, why not”. **(Ryan/Neill)**

190/2015 RESOLVED that Council write to the NSW Police to ask why the long-standing local tradition of allowing two lanes of vehicles in a funeral procession has recently been stopped without community consultation, whether this custom can continue into the future and, if not, why not. **(Hampstead/Neill)**

191/2015 RESOLVED that Council write an urgent letter to the Health Minister, with a copy to Scott McLachlan, Chief Executive, Western NSW Local Health District concerning the disturbing information Council has received that dialysis patients from Nyngan have to supply their own blanket when undergoing dialysis at the Dubbo Base Hospital. **(Hampstead/Dutton)**

There being no further business the meeting closed at 3.40pm.

These Minutes were confirmed by resolution at a meeting held on 25 June 2015 and were signed as a true record.

.....
GENERAL MANAGER

.....
MAYOR

