



BOGAN SHIRE COUNCIL

Minutes

26 February 2015



**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 February 2015 at 9.30am**

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.

005/2015 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 18 December 2014, copies of which have been circularised to Councillors be taken as read and confirmed. **(Griffiths/Neill)**

Business arising:-

Racecourse Improvements Works – being carried out.

USU – Fit for the Future – no response from the NSW Government.

Telstra concerns – Precis refers.

Councillor Douglas now attended the meeting, the time being 9.45am.

The following resolutions arose from decisions made in the Closed and Confidential Section of the meeting on 26 February 2015.

001/2015 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 section 10A (2) (d) (i) because information that would, if disclosed, prejudice the commercial position of the person who supplied it. **(Ryan/Neill)**

002/2015 RESOLVED that the Minutes of the Closed and Confidential Meeting of Council held on 18 December 2014, copies of which have been circularised to Councillors be taken as read and confirmed. **(Ryan/Neill)**

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003/2015 RESOLVED that:-

1. The report from Energy and Management Services dated 4 February 2015, in regard to the renegotiation of Council's street lighting and contestable sites be noted.
2. Public tenders not be invited for the supply of electricity for Council's street lighting and contestable sites in accordance with Section 55(3)(i) of the Local Government Act, 1993 as it is considered that a satisfactory result would not be achieved by Council due to the extenuating circumstances that are created as a result of short term price fluctuations in the pricing for electricity supply with such price fluctuations resulting in tenderers not being able to be relied on to provide tenders which are fixed for a sufficient period of time to enable the normal tendering process to be completed by Council. **(Ryan/Deacon)**

004/2015 INCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into open Council. **(Neill/Dutton)**

COMMITTEE MEETING MINUTES

1 NYNGAN MUSEUM

006/2015 RESOLVED that the Minutes of the Museum Committee Meeting held on Wednesday 3 December 2014 be received and noted. **(Griffiths/Douglas)**

REPORT TO THE ORDINARY MEETING OF COUNCIL – MAYORAL MINUTE

1 PROJECTS

007/2015 RESOLVED that the report noting priority projects including Fit for the Future Submission, Medical Centre, Retirement Village, Long Stay Day Care, Tip, Information Booth, Anzac Day Centenary, Cobb & Co Coach Shed and SES Shed be received. **(Dutton/Deacon)**

Council acknowledges staff time in preparation for the Fit for the Future Submission.

Retirement Village – consider in next year's budget, new location and reintroduce to the community.

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At 10.15am Mrs Venetta Dutton, Chief Executive Officer of the Nyngan Local Aboriginal Land Council and Mr Tommy Ryan, Representative of the Bogan Aboriginal Corporation addressed Council regarding their submission to fly the Aboriginal Flag at the Council Chambers.

008/2015 RESOLVED that:-

1. A decision on the following two resolutions be deferred to the March Council Meeting so that Councillors are able to consult with the community.
2. Council agrees to fly the Aboriginal Flag outside the Council Chambers according to protocol.
3. Council does not agree with Welcome to Country at the commencement of all Council Meetings. **(Ryan/Douglas)** Unanimous

Mr Ryan and Mrs Dutton were thanked for attending the meeting.

Council adjourned for morning tea at 10.30am and resumed at 11.00am.

Council returned to the Mayoral Report.

2 MEETING WITH SUB BRANCH REGARDING CENTENARY OF ANZAC

The General Manager, Deputy Mayor and Mayor met with the Sub Branch to finalise arrangements for the program for Anzac Day 2015.

009/2015 RESOLVED that the report advising of the meeting with the Sub Branch to finalise arrangements for the program for Anzac Day 2015 be noted. **(Ryan/Griffiths)**

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	Works progressing, design of kennels completed and to be manufactured by BSC. Materials ordered. Manufacturing of framework to commence by late February/March dependent on supplies & Council staff. Commence erection dependent on availability of Council staff i.e. mid-March. Completion date estimated late April 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	Works scheduled for May 2015 – hot weather not suitable for wearing asbestos protective clothing.



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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.	ENG	Pending accreditation of new VIC. Accreditation will be sought in time for 2015 'holiday season'.
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	Paving subject to budget, to be considered in 3 rd Quarter. Remainder of works completed. Balance of proposed works to be completed within current financial year and allocated budget. Delays due to limited available staff.
5	28/02/2013	043/2013	Waste Management – Village Waste Depot Operations	Program of Works for Hermidale & Girilambone be commenced immediately.	MDES	Girilambone: Completed with exception of asbestos disposal program. Issues with WorkCover requirements final clean-up, specialised equipment required. Efforts to resolve are still progressing. Suitable equipment located, waiting on contractor.

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6	26/06/2013	258/2013	<p>Traffic Committee Recommendations</p> <p>Pre School Parking</p>	<p>RMS to re-examine the intersection design including:</p> <ul style="list-style-type: none"> Installing blister on the western side of Moonagee St for "Give Way" sign. 	ENG	<p>Engineering preparing design options and estimates for consideration during 2014/2015.</p> <p>Proposal and Estimate sent to RMS.</p> <p>Modifying design with RMS.</p> <p>Trial conducted on site. RMS to discuss complete re-design of intersection at March Traffic Committee meeting.</p>
7	23/04/2013	124/2013	Flood Insurance	<p>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.</p>	ENG	<p>Insurance Council has requested flood study information.</p> <p>Insurance Council advised that Council has adopted the Nyngan Flood Study.</p>

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	23/10/2014	385/4014		Council request the Insurance Council of Australia to advise all insurance companies that Nyngan is not a flood prone town, is protected by a levee bank as demonstrated in BSC Flood Study.		Insurance Council requested additional information which has now been provided to them.
8	27/11/2014	438/2014	Showground Arena Irrigation	Showground arena watering system be upgraded in conjunction with the completion of the cemetery raw water system at an estimated total cost of \$26,000.	ENG	Council has been advised work can be completed by end of January 2015. Installation programmed for week ending 20/02/15.
9	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 was to proceed subject to variations outlined in the Gateway Determination conditions.

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10	27/02/2014	006/2014	Medical Services	Pursue & make enquiries into using the Nyngan Multipurpose Service Centre & waiting rooms to attract an additional Medical Officer with VMO rights.	GM	Discussions with Senior Management of NSW Western LHD ongoing – use of MPS is a possibility.
	26/06/2014	199/2014		GM pursue options for obtaining funding for the construction of a new medical centre.		Grant application to be made for 2015 round of National Stronger Regions Fund.
11	27/03/2014	066/2014	Heritage Park	Order & plant a grove of trees surrounding the sandstone blocks & plant Lone Pine tree.	MDES	<p>Works completed with exception of plaques (have been ordered) and Lone Pine to be planted 25 April 2015 during ceremony.</p> <p>Plaques supports manufactured by Council completed, and selected sandstone monument stone delivered. Program on schedule for 25 April 2015.</p>

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12	22/05/2014	182/2014	Teamster Rest Area	Cobb & Co Coach & Bullock Wagon location – confirm quotations and budget allowing progress without delay.	MDES	DA approved. Surveyor peg-out completed and frame & truss material ready for delivery. Project completion date February 2015, depending on staff and contractors. Footing poured. Frame & roof trusses delivered to depot, awaiting available staff for erection of frame works mid-March. Expected completion date April 2015.
13	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. Eastern bay scheduled for construction March 2015.
14	28/08/2014	302/2014	Nyngan Child Care	Council proceed with the application for funding a study into the viability of providing a childcare service in Nyngan.	MCS	Application submitted.



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15	28/08/2014	308/2014	Oval Place	Construct a length of 270 metres of road from Terangion Street to Larsen's Depot.	ENG	Programmed for March 2015.
16	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.	MSC	Report to March 2015 Council Meeting.
17	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	Investigations under way.
18	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. Report to Council – February 2015 on progress.

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19	27/11/2014	445/2014	O'Reilly Park	Report to March 2015 Council Meeting on the overall budget expenditure for the project.	MDES	Progressing. Playground fence completed prior to Christmas 2014. Area vandalised again. Existing softfall material being removed. Opening date late March 2015.
20	18/12/2014	473/2014	Racecourse Improvement Works	Carry out: 1. Improvements to track; 2. Painting grandstand & install lighting. Subject to a contribution from Showground Users to carry out these works & any shortfalls to be funded from savings identified in the second budget review.	ENG	Programmed for February and March 2015.
21	18/12/2014	474/2014	Construction & Sealing of Local Roads	The proposed construction & sealing on the Dandaloo Road be extended to a length of 1.4km, with additional funds taken from savings on other construction & sealing projects in 2014/15.	ENG	Construction in progress.

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010/2015 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 ADMINISTRATION OF 2016 LOCAL GOVERNMENT ELECTIONS,
COUNCIL POLLS AND REFERENDA**

011/2015 RESOLVED that:-

1. Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) (“the Act”) an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, a Council Poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council Polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
(Ryan/Hampstead)

3 SALE OF LAND – LAWLOR STREET

012/2015 RESOLVED that Council sells Lot 103 DP738316 Lawlor Street at \$12.50 per square metre. **(Ryan/Deacon)**

4 DECEMBER / JANUARY RECESS – DELEGATED DECISIONS

013/2015 RESOLVED that the December / January Recess – Delegated Decisions Report be received and noted. **(Ryan/Griffiths)**

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5 FIT FOR THE FUTURE

014/2015 RESOLVED that:-

1. Council endorse the draft Fit for the Future Submission and acknowledge with appreciation the work carried out by the General Manager, Manager Corporate Services and other staff involved, realising the extra work load may delay other issues being attended to.
2. Council appoints Councillors Ryan, Deacon and Douglas as a Sub-Committee to consider the assumptions and recommendations contained in the draft Fit for the Future Submission. **((Neill/Hampstead))**

6 2015/16 RURAL FIRE SERVICE BIDS AND ESTIMATES

015/2015 RESOLVED that:

1. The 2015/16 Rural Fire Fighting Fund Estimates presented by the NSW Rural Fire Service totalling \$1,067,594 be accepted based on the information provided by the RFS.
2. The General Manager's certificate be prefaced with the following qualification "based on the information provided by the RFS". **(Ryan/Dutton)**

7 CLEAN UP AUSTRALIA DAY 2014

016/2015 RESOLVED that Council not participate in the Clean Up Australia Day 2015 Program. **(Ryan/Deacon)**

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

1 BANK RECONCILIATION

017/2015 RESOLVED that the Bank Reconciliation report as at 31 January 2015 be received and noted. **(Griffiths/Neill)**

2 INVESTMENTS DECEMBER 2014

018/2015 RESOLVED that the Investments Report for December 2014 be received and noted. **(Ryan/Deacon)**

3 INVESTMENTS JANUARY 2015

019/2015 RESOLVED that the Investments Report for January 2015 be received and noted. **(Douglas/Ryan)**

4 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

020/2015 RESOLVED that the rates collections report as at January 2015 be received and noted. **(Neill/Deacon)**

5 FINANCIAL ASSISTANCE TO THE GIRL GUIDES ASSOCIATION

021/2015 RESOLVED that:-

1. Council not provide financial relief of \$540 to the Girl Guides Association for payment of the non-residential fixed sewer charge.
2. Council made a donation of \$500 to the Girl Guides Association.
(Ryan/Griffiths)

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6 FUNDING FOR NORTH WESTERN LIBRARY CO-OPERATIVE

022/2015 RESOLVED that:-

1. The information on Funding for North Western Library Co-Operative Report be received and noted.
2. The 2015/2016 per Council contribution to North Western Library Co-operative be increased by the rate-pegging limit of 2.4% as set by IPART equating to an increase of \$1,155 Ex GST on the 2014/2015 contribution.
3. The 2015/2016 per Council contribution to North Western Library Co-operative is further increased by \$2,500 Ex GST to fund an additional 9 hours per week for the Casual Technical Services Library Officer. **(Ryan/Douglas)**

7 SECOND QUARTER 2014/15 BUDGET REVIEW

023/2015 RESOLVED that Council:-

1. Note the report on Actual compared to Budget for the quarter ended 31 December 2015.
2. Adopt the Second Quarter Adjustments to the 2014/15 budget with an additional \$22,000 to be transferred from working capital to balance the budget.
(Ryan/Hampstead)

The Manager of Corporate Services was complimented on the report.

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Mrs Nichole Jenkins, Director of Bogan Bush Mobile now attended the meeting, the time being 12.30pm.

8 LONG DAY CARE OPTIONS

024/2015 RESOLVED that:-

1. Council commit \$250,000 towards the construction of a Long Day Care Facility in Nyngan in the 2015/16 Capital Budget.
2. The western portion of Lot 111 DP721218, Dandaloo Street be the preferred location.
3. A loan be raised for Council's contribution to the project. **(Ryan/Douglas)**

9 LIBRARY REPORT

025/2015 RESOLVED that the Library Report (1 October 2014 to 31 December 2014) be received and noted. **(Hampstead/Griffiths)**

10 BOGAN BUSH MOBILE REPORT TERM 4

026/2015 RESOLVED that the Bogan Bush Mobile Report for Term 4, 2014 be received and noted. **(Hampstead/Griffiths)**

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

1 OPERATIONAL REPORT

027/2015 RESOLVED that the Operational Report for the reporting period from 8 December 2014 to 6 February 2015 be received and noted. **(Griffiths/Dutton)**

2 RAW WATER DEMAND MANAGEMENT SYSTEM

028/2015 RESOLVED that:-

1. Council remove the Raw Water Demand Management Project from the 2014/15 Water Fund budget.
2. Council budget \$70,000 for the replacement of town water mains.
3. A report be prepared for the Estimates for the installation of a raw water stand pipe and infrastructure. **(Ryan/Hampstead)**

3 WEST BOGAN ROAD GRAZING PERMIT

029/2015 RESOLVED that Council has no concerns with the issuing of a grazing permit over the travelling stock route either side of the northern end of the West Bogan Road. **(Ryan/Dutton)**

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

1 DEVELOPMENT APPLICATIONS

030/2015 RESOLVED that the Development Applications Report be received and noted. **(Griffiths/Neill)**

2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM

031/2015 RESOLVED that the Operation Report – Parks and Garden Team be received and noted. **(Ryan/Douglas)**

3 OPERATIONAL REPORT – NOXIOUS WEEDS OFFICER

032/2015 RESOLVED that the Operational Report – Noxious Weeds Officer be received and noted. **(Douglas/Griffiths)**

4 FIRE SAFETY AUDIT – PROGRESS REPORT

033/2015 RESOLVED that:-

1. The report be received and noted.
2. Legal Proceedings including the issuing of Notices of Intent, Orders and the issuing of Penalty Infringement Notices 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.
3. Should any such action result in a Court Elect Proceeding a further report is to be prepared for Council's consideration. **(Ryan/McLaughlin)**

5 STREET TREES - PRUNING PROGRAM AT VARIOUS LOCATIONS

034/2015 RESOLVED that:-

1. The report be received and noted.
2. An Arborist Report be obtained on the trees located at:-
 - Palais Theatre, Cobar Street view;
 - Foodworks / adjoining premises, Cobar Street;
 - Corner Dandaloo and Pangee Streets;
 - 8b Dandaloo Street;

and be referred to Council for consideration at its April Meeting. **(McLaughlin/Neill)**

6 PLANNING PROPOSAL – REZONING RAILWAY LAND TO ENTERPRISE CORRIDOR

035/2015 RESOLVED that:-

1. The report be received and noted.
2. Council adopts the Planning Proposal (without amendment) to rezone the subject site from Zone SP2 Railway Infrastructure Facilities to Zone B6 Enterprise Corridor.
3. Council accepts that no public hearing is required in accordance with the regulations / Gateway Determination.
4. Council agrees to forward the Planning Proposal to the Parliamentary Counsel (under delegated authority) to seek a legal opinion on the making of the amendment to the Local Environmental Plan.
5. Council delegates authority to the General Manager to accept the Parliamentary opinion and to make the amendment to the Local Environmental Plan in accordance with the exhibited Planning Proposal and Parliamentary Counsel / Department of Planning & Environment requirements.
6. Council advise the Department that the Plan has been made and request for the Plan to be notified on the NSW Government Legislation website. The Plan comes into force the day it is published on the NSW Government Legislation website. **(Deacon/Griffiths)**

PRECIS OF CORRESPONDENCE

1 THANK YOU LETTERS

036/2015 RESOLVED that the *Thank You* letters received from Nyngan Public School, Barry and Linda Fragar and the Nyngan Local Aboriginal Land Council be received and the appropriate staff advised of the letters. **(Ryan/Deacon)**

2 MARK COULTON MP

037/2015 RESOLVED that the correspondence received from Mark Coultton MP in reply to Council's correspondence regarding Telstra be received and noted. **(McLaughlin/Griffiths)**

3 THE HON MELINDA PAVEY MLC

038/2015 RESOLVED that the correspondence received from the Hon Melinda Pavey MLC in reply to Council's correspondence to the Minister for Health regarding renal services at the Nyngan Health Service be received and noted. **(Deacon/Griffiths)**

4 KEVIN HUMPHRIES MP

039/2015 RESOLVED that the correspondence received from Kevin Humphries MP concerning dialysis services at Nyngan be received. **(Deacon/Griffiths)**

5 NSW RURAL DOCTORS NETWORK

040/2015 RESOLVED that Council as in the past not participates in the 2015 Bush Bursary / Country Women's Association Scholarship Scheme. **(Ryan/Hampstead)**

6 UNITED SERVICES UNION

041/2015 RESOLVED that the correspondence received from the United Services Union advising the Union has commissioned a report by Professor Brian Dollery and Joseph Drew entitled "Up to the Job? An Analysis of the NSW Government's Fit for the Future Local Government Reform Policy Package" be noted. **(Ryan/Dutton)**

7 KEITH WHITE

042/2015 RESOLVED that:-

1. The request for repairs to the burner in the Chinese Portion of the Nyngan Cemetery be carried out in the current year's program.
2. The other matters for upgrading be considered in the 2015/16 Estimates.
(Douglas/Ryan)

8 VETERANS' SUPPORT CENTRE

043/2015 RESOLVED that the correspondence received from the Veterans' Support Centre, asking Council to raise funds for Veterans' Welfare by selling Collage Posters of some Cenotaphs in Australia be noted. **(Ryan/Deacon)**

9 WEEKLY CIRCULARS

044/2015 RESOLVED that the Local Government Weekly Circulars be noted.
(Ryan/Griffiths)

045/2015 RESOLVED that Council consider late items. **(Ryan/Deacon)**

046/2015 RESOLVED that Council is happy to continue sponsorship of the Nyngan Ag Expo in the form of free use of the showground facilities and other Council resources such as tables and chairs. **(Ryan/Neill)**

047/2015 RESOLVED that Council donate \$250 to the Nyngan Rotary Club in appreciation of their support at the Australia Day function. **(Hampstead/Ryan)**

048/2015 RESOLVED that the Australia Day 2016 voting arrangements be considered, including:--

- community members being able to vote;
- Nominees' consent to nomination; and
- Categories for Awards. **(Ryan/Griffiths)**



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Other matters:

Dubbo City Regional Airport Masterplan – suggest more secure parking.

NSW State Elections Priorities – for information.

Extend an invitation to RMS Regional Manager, Western, Mr Phil Standen to attend a Council Meeting.

Dates:

Wednesday 18 March 2015 – Public Meeting – Fit for the Future

6.00pm Bowlers Bar, RSL Civic Club.

Thursday 16 April 2015 - Councillors Budget Meeting – 9.30am

Thursday 14 May 2015 - Extraordinary Meeting (Estimates) — 9.30am.

There being no further business the meeting closed at 3.00pm.

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

