



BOGAN SHIRE COUNCIL

Minutes

28th July 2011



**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 28th July 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 Mike Ryan (Acting General Manager), Mr Tim Riley (Manager of Environmental Services), Mr Alister Quarmby (Acting Manager of Engineering Services) and Mrs CJ Ellison.

DECLARATION OF PECUNIARY INTEREST: Nil

The following resolutions arose from decisions made in the Closed and Confidential Section of the Meeting held on 28th July 2011.

214/2011 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. **(Douglas / Griffiths)**

215/2011 RESOLVED that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 24th June 2011, copies of which has been circularised to Councillors be taken as read and confirmed. **(Ryan/Griffiths)**

216/2011 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Douglas/Neill)**

217/2011 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 23rd June 2011, copies of which has been circularised to Councillors be taken as read and confirmed. **(Dutton/Ryan)**

218/2011 RESOLVED that the Minutes of the Extraordinary Meeting of Council held on 24th June 2011, copies of which has been circularised to Councillors be taken as read and confirmed. **(Douglas/Kennedy)**



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COMMITTEE MEETING MINUTES

1 BOGAN BUSH MOBILE

219/2011 RESOLVED that the report be received and noted. **(Hampstead/Neill)**

At 10.00am representatives from the Nyngan Ag Expo (Mr Terry Tremain, Ms Robyn Harris and Mrs Nicole Klante) addressed Council.

At 10.15am Ms Trish Wendland, Manager of Yarrabin addressed Council.

At 11.00am, Mr Jamie and Mrs Lucy McLaren addressed Council.



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REPORTS TO ORDINARY MEETING OF COUNCIL – ACTING GENERAL MANAGER’S REPORT

1 CHECKLIST

Date	Minute No	Matter	Action Required	Responsible Officer	Status
24/03/2011	89/2011	Library	Install suitable electronic doors in conjunction with installation of disabled access.	H & B	<u>UPDATE:</u> Electronic doors to be installed with the disabled access.
23/08/2007 25/02/2010 22/07/2010	500/2007 371/2007 370/2007 20/2010 244/2010	Housing Residential & Aged Care Accommodation Aged Care Facility	Feasibility of developing Council owned land, subdivide, establish further aged care accommodation. Nyngan Community Homes Committee to meet with Council.	Mayor / GM	Manager of Environmental Services to provide a report on suitable land to commence this project. <u>UPDATE:</u> Meetings have been held with the Community homes Committee to advance the project.
25/02/2011	33/2011	LEP	Draft LEP be prepared for purpose of reclassifying public lands.	H & B	<u>UPDATE:</u> Report to July 2011 Council Meeting.

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24/01/2008 26/11/2009 25/02/2011	438/2008 466/2009	Swimming Pool	Report to February Council Meeting- assessment of pool structure / cost to repair existing pool / repairs not feasible cost to construct a new pool.	H & B	Source funds from Federal Govt. <u>UPDATE:</u> Waiting on determination of application.
24/04/2008 16/12/2010	140/2008 421/2010	Main Street	Advertise preliminary street plans & seek community comment.	Eng	<u>UPDATE:</u> Meeting held Monday 25th July 2011.
23/10/2008	447/2008	Residences- Pangee Street	Council to speak to residents.	H & B	<u>UPDATE:</u> Demolition Notices issued.
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	Council write to Health Minister asking to acquire station at no cost to be used for community purposes. <u>UPDATE:</u> 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.



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					UPDATE: Waiting on response from Council representation to the Parliamentary Secretary for Regional Health.
25/11/2010	23/2009	Community Hall Renewal Fund	Council lodge an application with the Community Hall Renewal Fund for a grant to upgrade the Town Hall.	H & B	Waiting on Government decision. UPDATE: No change.
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.	H & B	UPDATE: Further correspondence from Business received advice to be received from Planning Consultant. Verbal report to be provided at the meeting.
26/11/09	460/2009 223/2010	APC	Letters to surrounding Councils advising of EOI to improve water delivery. Contact Fed Govt to ensure \$12m remains.	GM Mayor	Mark Coulton has been contacted to organise a meeting with Ministers Burke & Crean. A meeting held with State Water Office who received a copy of quote from Irritek.



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			Try and obtain more Government funding to complete the piping of the APC project.		UPDATE: Regional Development Australia met with BSC and Cobar Shire Council and is assisting with efforts to obtain funding from the Federal Government. Still waiting for approval.
17/12/09	531/2009	Mitchell Highway	Letter to RTA CEO & Minister re condition of Highway between Nyngan and Nevertire. Council not accepting explanation from RTA CEO.	Mayor	UPDATE: Council has secured contract for basic maintenance.
17/12/09	539/2009	Noxious Weed	Approach Minister for Lands to service notice on African Box Thorn weed for Crown lands.	H & B	Referred to Macquarie Valley Weeds for action. UPDATE: Bourke Shire has provided instruction to BSC staff.
	171/2010	Lower Weir User	Council write to user asking for documentation regarding water entitlement & advise Council is further investigating matter.	GM	Letter sent. Documentation received. Refer to State Water. UPDATE: Letter sent to Office of NSW Water.
22/07/2010	236/2010	Tritton Mines	Council write to Tritton Mines asking for photos for the displays in Pangee Street and inquire about the introduction of mine tours.	GM	Mines waiting on photos to be created in high definition. UPDATE: Photographs yet to be received.

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23/09/2010	289/2010	Houses – Flashman Avenue	Organise meeting to discuss designs.	H & B	UPDATE: Tender documents received. Reviewing DA consent for subdivision prior to any further action.
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.
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.		UPDATE: 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.
28/10/2010	331 & 332/2010	Palais Theatre	Investigate making the outdoor area a venue for community use.	H & B	UPDATE: Plan of Management currently being developed.
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, officially unveiled on 11 th November 2011.	Eng	UPDATE: Highway between Coolabah and Brewarrina is to be named the Arthur Hall VC Way.



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22/02/2011	25/2011	Showground	Obtain quote for upgrade of showers & urinals.	H & B	<u>UPDATE:</u> Work to commence after the Ag Expo.
25/02/2011	43/2011	RFS	Letter to BSC Bush Fire Captains meeting recommending BS join the other three Councils to become members of the North West Zone.	Mayor	<u>UPDATE:</u> Letter sent.
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.
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. <u>UPDATE:</u> On Hold – pending result of Management Plan for Palais Theatre.
24/03/2011	83/2011	Youth Worker	Support employment of a part time Youth workers at the NHS.	CDO	



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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.	Eng	UPDATE: Ramp upgrade options to be investigated.
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220/2011 RESOLVED that Council approach Yarrabin Outreach Inc to enquire about an expression of interest in the management of the Community Homes. **(Ryan/Douglas)**

221/2011 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist. **(Hampstead/ Griffiths)**

2 LOWER MACQUARIE WATER UTILITIES ALLIANCE (LMWUA) DEED OF AGREEMENT

222/2011 RESOLVED

1. That Council request the Minister for Local Government to consent to the formation of the LMWUA under a binding fixed term agreement, and
2. Authorise the General Manager and the Mayor to execute the Deed of Agreement once the Minister's consent has been obtained. **(Ryan/Hampstead)**

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

1 BANK RECONCILIATION

223/2011 RESOLVED that the report be received and noted. **(Hampstead/Griffiths)**

2 INVESTMENTS

224/2011 RESOLVED that the report be received and noted. **(Hampstead/Ryan)**

3 SUMMARY OF RATE COLLECTIONS

225/2011 RESOLVED that the report be received and noted. **(Ryan/Griffiths)**

3 LIBRARY REPORT

226/2011 RESOLVED that the Library Report be received and noted. **(Ryan/Douglas)**

227/2011 RESOLVED that the Manager of Environmental Services, before the next meeting, investigate an upgrade to the toilets at the library and Council provide the funding. **(Ryan/Kennedy)**

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

1 BITUMEN SPRAY SEALING CONTRACT

228/2011 **RESOLVED** that Council by resolution accept the panel source tender for the “Supply and Delivery of Spray Sealing” in the order preference as supplied by Regional Procurement.

1st Preference Roads and Traffic Authority

2nd Preference Kerway Asphaltting and Sealing Pty Ltd

3rd Preference Fulton Hogan Pty Ltd

4th Preference State Asphalt Services PTY Ltd

5th Preference SRS

6th Preference Bitupave trading as Boral Pty Ltd. **(Ryan/Neill)**

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

1 DEVELOPMENT APPLICATIONS

229/2011 **RESOLVED** that the report be received and noted. **(Griffiths/Dutton)**

Yarrabin Outreach:-

230/2011 **RESOLVED** that Pangee Lane between Moonagee and Mudal Streets be sealed. For safety issues the area at Moonagee Street Lane be the drop off and pick up for the children. This is to be a safety condition of the DA. **(McLaughlin/Douglas)**

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2 PUBLIC EXHIBITION AND SUBMISSIONS FOR THE DRAFT BOGAN LOCAL ENVIRONMENTAL PLAN 2011

231/2011 RESOLVED that

The Draft LEP be sent to the Minister for Planning and Infrastructure subject to the following amendments:

- A. Amend the Land Use Table by moving 'Forestry' to being a land use that is permissible without consent in the RU1 Zone.
- B. Insertion of the following properties into Schedule 4, Part 1 or Part 2 outlined in the recommendations of the Reclassification of Public Land – Report to Bogan Shire Council dated June 2011:
 - a. 70 Bogan Street, Nyngan (Lot 1, DP 364734).
 - b. Nyngan Racecourse (Lot 74 DP 755305, Lots 1 and 2 Section 32 DP 758803).
 - c. Nyngan Showground (Lots 1,2,3 Section 17 DP 758803).
- C. Insertion of the following property into Schedule 4 Part 3 outlined in the recommendations of the Reclassification of Public Land – Report to Bogan Shire Council dated June 2011:
 - a. River Street – Vacant Land (Lot 4 Section 2 DP 758802).
- D. Rezone Lot 4 Section 2 DP 758802 from R1 General Residential to RE1 Public Recreation in accordance with the recommendations of the Reclassification of Public Land – Report to Bogan Shire Council dated June 2011.
- E. All government agencies and members of the public that made submissions to the Draft LEP and public hearing process be advised of Council's decision.

It is recommended the aforementioned be adopted with the following amendment;
- F. Insertion of properties outlined in point B in to schedule 4, Part 1.
- G. In reference to point D it is recommended to leave zoning unchanged. As Council does not have any existing plans for the development of this area the need to rezone is unnecessary at this point in time. The classification of the land as "community" will prevent development in line with current recommendations and submissions.
(Ryan/Neill)

3. ENVIRONMENTAL SERVICES DEPARTMENT

232/2011 RESOLVED that the report be received and noted. **(Dutton/Neill)**

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PRECIS OF CORRESPONDENCE

1 NYNGAN LOCAL ABORIGINAL LAND COUNCIL

233/2011 RESOLVED that Council

- Fly the Aboriginal Flag for the week of NAIDOC;
- Hold the opening ceremony Monday 19th September 2011 at the Shire Chambers and have a Council representative or the Mayor address the ceremony;
- Hold the closing ceremony, Friday, 23rd September, 2011;
- Closed the intersection of Cobar and Tabratong Streets to traffic during the opening and closing ceremonies;
- Provide the speaker system and chairs for the ceremonies;
- Attend Wednesday 21st September 2001 at Larkin Oval;
- Deliver, pick up and provide tables, chairs, speaker system, and the stage on wheels, Wednesday 21st September 2011;
- Advise the Nyngan Local Aboriginal Land Council that the Town Hall is being used for the Bogan Bush Mobile sessions on the Wednesday; and
- Waive all fees and charges. **(Ryan/McLaughlin) Unanimous**

2 MERILEEN McRAE AND MYRTLE SMITH

234/2011 RESOLVED that the tree be retained. **(Ryan/Hampstead)**

Cr Griffiths wished her dissent be recorded.

3 ELECTORAL COMMISSION NSW

235/2011 RESOLVED that the information be received. **(Ryan/Douglas)**

4 THE HON SIMON CREAN MP MINISTER FOR LOCAL GOVERNMENT

236/2011 RESOLVED that the report be received and noted. **(Ryan/McLaughlin)**

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5 GOVERNMENT WEEKLY CIRCULARS

237/2011 RESOLVED that the Local Government Weekly Circulars be noted.
(Kennedy/Neill)

Other Items

SES

238/2011 RESOLVED that Council recommend the person currently serving in the position of Controller be retained. (Hampstead/Neill)

Nyngan Rugby League Football Club

239/2011 RESOLVED that Council contribute \$300 towards the sponsorship for the NSW Country Fijians to participate in the Battle of Bati. (McLaughlin/Ryan)

240/2011 RESOLVED that Council invite the General Manager of Essential Energy, Mr Pete Halliwell to address the August 2011 Council meeting and express Council's concern with the lopping of the tress in town. (Ryan/Douglas)

There being no further business the meeting closed at 12.40pm.

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

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ACTING GENERAL MANAGER

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MAYOR

