



BOGAN SHIRE COUNCIL

Minutes

13 December 2012

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 13 December 2012 at 8.30am**

PRESENT: Councillors RL Donald, WG Deacon, JL Douglas, HJ Griffiths, JE Hampstead OAM, EM McLaughlin, GR Neill and KM Ryan.

Also present were Mr Derek Francis (General Manager), Mr Tim Riley (Manager of Development and Environmental Services), Mr Graeme Bourke (Acting Manager of Engineering Services) and Mrs CJ Ellison.

402/2012 APOLOGY: RESOLVED that the apology for the absence received from Councillor Dutton be received and he be granted leave of absence from both meetings. **(Neill/Hampstead)**

Declaration of Interest: Nil

403/2012 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 22 November 2012, copies of which have been circularised to Councillors be taken as read and confirmed. **(Griffiths/Douglas)**

Business arising from the Minutes: Nil

The following resolutions arose from decisions made in the Closed and Confidential Section of the meeting on 13 December 2012.

396/2012 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) as commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. **(Ryan/Hampstead)**

397/2012 RESOLVED that Council accept the tender of Rosmech for the Rosmech Merlin street sweeper at a change over price of \$224,078. **(Neill/Ryan)**

398/2012 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(Neill/Deacon)**

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399/2012 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) as commercial position of the person who supplied it. **(Douglas/Griffiths)**

400/2012 RESOLVED that Council:-

1. Provides in principle for the expansion of hangar leases in the area described in the report from the Manager Development and Environmental Services.
2. Considers a further report from the Manager Development and Environmental Services regarding the cost of site preparation and the recovery of this cost from interested lessees.
3. Take the appropriate measures to ensure the air ambulance has access at any time to the Nyngan Airport. **(Douglas/Griffiths)**

401/2012 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(McLaughlin/Hampstead)**

NOTICE OF THE MOTION

That Council consider the renaming of Boundary Street to George Buist Street.

404/2012 RESOLVED that Council:-

1. Advertise it is considering the renaming of Boundary Street to George Buist Drive.
2. Ask for comments and submissions from the community concerning other historical names for consideration when naming or renaming streets and roads in the future. **(McLaughlin/Ryan)**



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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 | 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 and Yarrabin to advance the project. |
| | 24/05/2012 | 126/2012 | Aged Care Facility | Call & arrange a public meeting to access the need for aged care/self contained retirement facilities. Invite other communities; Invite Kevin Humphries; Invite an Independent Chairperson; Involve Nyngan Pensioner Association. | CDO | Arrangements for public meeting proceeding in consultation with Mick Glennie Committee. Awaiting confirmation of date from Kevin Humphries. Invitations sent to Cobar, Warren and Gilgandra Shires to participate. |

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| | 22/11/2012 | 351/2012 | | Set date for public meeting. Invite Cr Rex Wilson (Mayor of Warren) to Chair meeting. | | Co-ordinating dates between Kevin Humphries and Community Homes Committee. Positive responses received to invitations. Preparation under way for an application to be made for a loan interest subsidy under the local infrastructure renewal scheme for possible construction of self-contained retirement facilities. Meeting Wednesday 9 January 2013. |

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| 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 | <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.</p> <p>Council has approached Dept Health to have lot 9 transferred free of charge and offer to purchase lot 10 in its present condition for \$22,500.</p> <p>Department of Health has recommended to Government Asset Management Committee (GAMC) to accept Council's offer.</p> |

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| | | | | | | <p>Matter referred back to the Dept Lands by GAMC for recommendation.</p> <p>Dept of Lands has requested that Council buy Lots 9 & 10 at market value.</p> <p>Letter sent to Minister Humphries requesting assistance to resolve this matter.</p> <p>Response received from Minister Humphries indicating the matter has been taken up with Health & Local Government Ministers.</p> <p>GM followed up with State Property Authority who has advised that the Crown Lands Office</p> |

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| | | | | | | <p>will not reconsider their position on the market value of the Lot 9.</p> <p>The Department of Health has advised that they are writing to the Minister administering the Crown Lands Act for consent to the transfer of Lot 9 at no cost.</p> <p>Awaiting Treasury approval for transfer of Lot 9 at no cost.</p> <p>Copy of correspondence received from Kevin Humphries' MP office. Précis December 2012.</p> |

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| 3 | 26/11/09 | 460/2009 223/2010 | APC | Contact Fed Govt to ensure \$12m remains. | GM | Letter sent to Federal Govt asking for confirmation. (Sept 2012) |
| | | | | Try and obtain more Government funding to complete the piping of the APC project. | | Combined deputation with Cobar Shire Council to meet with Minister Katrina Hodgkinson. |
| | 27/09/2012 | 283/2012 | | Approach Cobar Shire Council to join in request to Irritek to quote on consultation fees to prepare submission for funding of piping of APC from RDAF. | | Cobar Shire Mayor & GM have agreed to meeting. Meeting request sent to Minister. Follow-up request for meeting sent to Minister. Advised Cobar Shire Council of proposed action. RDAF funding is not appropriate (Max.\$15m). Other grant opportunities being explored. Proposals to be invited from suitable consultants for preparation of grant submission. |

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| | 22/11/2012 | 352/2012 | | <p>Assess viability & cost of off river storage as first stage of project.</p> <p>Not proceed with application for project under round 4 of RDAF grant.</p> <p>Inform Cobar Shire of these decisions.</p> | Eng | Initial meeting held with Cobar Shire and CPE & Associates on 3/12/12 to discuss options for a funding proposal. |
| 4 | 24/03/2011 | 83/2011 | Cinema | Investigate the recommencement of movies. | CDO | <p>Community Development Officer to look into having the SRC and Bourke Police involved in trying to recommence the movies.</p> <p>Cr Douglas to speak to the schools regarding Council's intention to try to recommence the movies, stress behaviour at the movies.</p> |

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| | 22/11/2012 | 353/2012 | | Investigate mobile cinema service from Bourke Police & Macquarie RiverSmart. | | Draft Management Plan for Palais Theatre now in place. |
| 5 | 25/05/2012 | 116/2012 | APC | A formal agreement be sought & entered into with CWB covering all aspects of the APC operation. | GM | Project meeting with Solicitors held 15 October 2012. Awaiting fee proposal from Solicitors. Meeting to be held with Solicitors, Mike Ryan and GM -Friday 14 December 2012. |
| 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. | Dev & Env Services | Still awaiting response. Mayor following up. Second email sent 3/12/2012 to John Holland identifying certain properties/leases to be considered to be taken over by Council. |

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| 7 | 24/05/2012 | 124/2012 | Parking – Heavy Vehicles outside Outback Motel. | Install “No Parking to Heavy Vehicles” signs on the northern side & from the position of the proposed third blister on the southern side. | Eng | RMS to advise appropriate sign type and wording for that location. |
| | 28/06/2012 | 158/2012 | | | | Council place “No Parking Heavy Vehicles” sign in decided locations. |
| | 23/08/2012 | 241/2012 | | | | |
| | 27/09/2012 | 281/2012 | | | | Proceed to install the 45 degree angle parking. |
| | 22/11/2012 | 354/2012 | | Continue with line marking. Not install blisters. | | 45 degree angle parking signs installed and line marking carried out – Monday 22 October 2012. |
| | | | | | | RMS now offering to fund kerb blisters if completed before January. |
| | | | | | | Line marking to be completed. |

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| 8 | 28/06/2012 | 149/2012 | Flashman Ave Houses | Houses be sold at public auction, reserve price to be set by the Mayor & GM. | Mayor/GM | Completion of driveways, site levelling, fences erected. Turf to be layed upon auction of dwellings. |
| | 27/09/2012 | 282/2012 | | Council go ahead with driveways, landscaping and associated site works prior to sale. | | |
| | 22/11/2012 | 355/2012 | | Delay laying of lawn until occupancy. | | |
| 9 | 28/06/2012 | 150/2012 | Oxley Street Subdivision | <ol style="list-style-type: none"> 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. | Dev & Env Services | <p>Program established for development to proceed.</p> <p>Further report to Council upon Flashman Ave dwellings being sold.</p> |

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| 10 | 28/06/2012 | 161/2012 | Lawlor Street Subdivision | Advertise the sale of the industrial blocks subdivision. Mayor & GM to determine the price per square metre. | Mayor/GM | Awaiting advice on appropriate selling price. Investigating cost of installing services. Selling price established, to be advertised in the new year. |
| 11 | 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. | Dev & Env Services | Programmed in 2012/13 works program. |
| 12 | 26/07/2012 | 193/2012 | Transfer of Land – Nymagee St 5,7 & 9 | Make an offer to accept land at nil cost. Should the offer be accepted, Council seek EOI to demolish the subject dwelling & associated structures including removal of excessive vegetation. | Dev & Env Services | Transfer completed for 7 & 9 Nymagee St. Owner 5 Nymagee St has agreed to transfer property to Council at nil cost, matter referred to Council solicitor. |

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| 13 | 26/07/2012 | 205/2012 | Relocation of items from workshop | Investigate locating Cobb & Co Coach, bullock wagon and jail onto the platform at Railway Station. | GM/Dev & Env Services | <p>Second email sent seeking written confirmation of proposal.</p> <p>Verbal response was not positive due to restrictive area of platform.</p> <p>Verbal report at December 2012 Council Meeting.</p> |
| 14 | 23/08/2012 22/11/2012 | 255/2012 349/2012 | Community Based Heritage Study | <p>Take action to have the inaccuracies and listing of properties attended to.</p> <p>Council write to all private property owners advising their property has been listed in the heritage study & that they should advise Council if they wish to remain listed. If they do not respond, the property is removed from the list. Council staff to recommend what community sites are to be listed.</p> | Dev & Env Services | Report March 2013 Council Meeting. |

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| 15 | 27/09/2012 | 278/2012 | Local Government Elections | Arrange meeting with Minister of LG & DLG to discuss recent elections. | Mayor | Minister announced Inquiry. Defer meeting until panel is formed. |
| 16 | 27/09/2012 | 289/2012 | Heritage Park – Gates, Signal & Walkway | Taking into account community feedback, proceed to establish trees in the area according to plans. Subject to project proceeding, Council considers making application to Geographical names Board to name area “Heritage Park”. | GM/ Eng | \$1000 contribution from Garden Club & \$800 donation from Senior Citizens to be used towards the purchase and planting of trees as stage 1 of the project. David Moir providing detailed design for location of path and trees. Detailed plan has been provided. Work to commence January 2013. |

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| 17 | 27/09/2012 | 300/2012 | Proposed Council Waste Management Facility | Council concerns about excessive conditions on small rural tips be taken up at Western Division & conveyed to the Minister for Environment. | Mayor/Dev & Env Services | To Western Division Conference February 2013. |
| 18 | 27/09/2012 | 309/2012 | Mitchell Highway | Extend invitation to Peter Dearden RMS to address Council concerning excessive maintenance on Highway. | GM | Meeting confirmed for 20 December 2012. |
| 19 | 25/10/2012 | 313/2012 | Long Day Care Centre | Seek information from other similar size towns on the viability & charges. Investigate what funding is available to set up a centre. | GM | In progress. |
| 20 | 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 launch of new VIC. |

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| 21 | 25/10/2012 | 337/2012 | Swimming Pool | Carry out work in current season – erection of shade sail; remove unsafe umbrellas; and provision for bench seating. Report to Council on other required upgrades. Commence tile repair program over four years in the 2013/14 off season. | Dev & Env Services | Report December 2012 Council meeting. |
| | 22/11/2012 | 358/2012 | | Review hours of supervision after Christmas 2012. | | Bench seating ordered & should be install before Christmas 2012. |
| | | | | Council approves the construction of shade sails & seating. | | Shade Sails ordered with posts to be installed possibly before Christmas 2012 awaiting confirmation. Sails to be completed by mid/late January 2013. |
| 22 | 25/10/2012 | 341/2012 | Local Land Services | Submission to Dept of Primary Industries with concerns about the Services delivering the services provided by the LHPA, CMA and DPI. | Mayor | In preparation. Mayor is a member of the Local Land Services Reference Panel. |

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| 23 | 22/11/2012 | 354/2012 | Intersection of Derrybong/Wambiana Streets/Flashman Avenue | Request RMS to go ahead with their proposal. | Eng | Survey plans sent to RMS for design considerations. |
| 24 | 22/11/2012 | 356/2012 | Council residence – Tottenham Road. | Seek a valuation of the residence. | Dev & Env | Expecting valuation before Christmas 2012 |
| 25 | 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. | Dev & Env | 3/12/2012 Fountain inspected. Minor leakage on western side. Mesh not required, daily inspection by P&G to remove litter for better appearance. Note Eng December Report. Costings of surveillance cameras being considered in many areas under Dev & Env. |

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| 26 | 22/11/2012 | 370/2012 | Skate Park | Subject to availability of grant funding Council proceed with a shade sail over the Skate Park. | Dev & Env | Grant finding application completed and forwarded. |
| 27 | 22/11/2012 | 377/2012 | Oval Place | Temporary solution lay crusher dust at the western end, & refer sealing of same to next year's estimates. | Eng | Existing road has had a crusher dust re-sheet and is in good condition after recent showers. |

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405/2012 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist. **(Hampstead/Neill)**

406/2012 RESOLVED that Council makes an application for a loan interest subsidy under the local infrastructure renewal scheme for proposed construction of self contained retirement facilities. **(Hampstead/Griffiths)**

407/2012 RESOLVED that Council advertise Lot 7, Tottenham Road and 41a Flashman Avenue (3 Br) for sale by auction. Proceeds from the sale be placed in restricted reserve for future housing projects. **(Ryan/Deacon)**

408/2012 RESOLVED that:-

1. Council write to the Risk Management Department of John Holland Rail advising Council does not accept their response concerning the relocation of the Cobb & Co coach, bullock wagon and the jail to the Railway Platform.
2. Council now only considers relocating the coach and wagon to the platform and invites John Holland to inspect the site at the February 2013 Council meeting. **(Ryan/Neill)**

2 DECEMBER / JANUARY RECESS

409/2012 RESOLVED that pursuant to and subject to the limitations of Section 377 of the Local Government Act, grant authority to the Mayor, Deputy Mayor and General Manager, with Councillors to be contacted if practical, to make decisions on behalf of Council during the Christmas/ New Year recess being 21st December 2012 to 31st January 2013. Any such decisions are to be reported to the Council at its first meeting in 2013. **(Ryan/Douglas)**

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

1 BANK RECONCILIATION

410/2012 RESOLVED that the bank reconciliation report be received and noted.
(Griffiths/Douglas)

2 INVESTMENTS

411/2012 RESOLVED that the investments report be received and noted.
(Griffiths/Deacon)

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

412/2012 RESOLVED that the rates collections report be received and noted.
(Neill/Douglas)

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

1 OPERATIONAL REPORT

413/2012 RESOLVED that the Operational Report be received and noted.
(Douglas/Deacon)

At 10.10am Mrs Angie White addressed Council concerning a sister city relationship with a Local Government area in New Zealand.

414/2012 RESOLVED that Council:-

1. Via the General Manager and Mrs White contact the Local Government area in NZ with a proposal to commence a sister city relationship.
2. Support but not fund the exchange of children in the program.
3. Appoints Cr Douglas, to represent Council at any meetings in connection with the program, with an update to be provided at the February 2013 Council meeting. **(McLaughlin/Douglas) Carried unanimously**

Mrs White was thanked for attending the meeting, and Council returned to the Acting Manager of Engineering Services' Report.

2 CROWN ROAD OFF COCKIES ROAD

415/2012 RESOLVED that Council not agree to the request of Mrs Kathleen Watson for Council to clear timber along 4.8km of the crown road reserve running east from Cockies Road along the southern Shire boundary. **(Douglas/Neill)**

3 CENTENARY FOUNTAIN

416/2012 RESOLVED that the minor repairs be carried out to the fountain under the current maintenance budget. **(Hampstead/Ryan)**

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

1 DEVELOPMENT APPLICATIONS

417/2012 RESOLVED that the report be received and it be noted that purchase of the above ground pool, installation and all associated works was at the General Manager's own expense. **(Ryan/Douglas)**

2 DAVIDSON PARK REVILISATION PROGRAM

418/2012 RESOLVED that:-

The following works to be undertaken immediately:-

- i) make secure the existing vehicle access gate located on the eastern common boundary, to restrict unauthorised vehicle entry;
- ii) improve pedestrian access adjacent to abovementioned gate with removal of minor defective fencing and shrubs and provision of hard compacted gravel pathway; and
- iii) restricting Council vehicles for non-essential access into Davidson Park;

AND

the following be costed and presented to Council at its February meeting for consideration.

- iv) removal of the existing vandalised playground equipment, ground cover material and associated fencing;
- v) undertake to repair existing vandalised playground equipment to be relocated to another public park playground area;
- vi) removal of the metal framed awning located attached to the besser block wall on the northern railway/Davidson Park boundary fenceline;
- vii) relocation of the existing picnic table and shelter within Davidson Park to fully reveal the 1990 Nyngan Community Flood mural; and

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- viii) provide better access for visitors to the 1990 Nyngan Community flood mural by reusing the existing paving bricks to continue the existing pathway from the CWA access pathway. **(Ryan/Neill)**

3 NYNGAN & DISTRICT MEMORIAL SWIMMING POOL

419/2012 RESOLVED:-

1. That the progressive works program to the filtration plant room and associated structures be undertaken as programmed.
2. That a further report be presented to Council at its April meeting for proposed works to the change rooms.
3. That provision be made at the second budget review for 2012/13 to include the items listed for this financial year in this report. **(Griffiths/Neill)**

At 10.45am Mr Ben Callaghan, Community Liaison Officer for Western NSW Medicare Local addressed Council concerning their organisation.

420/2012 RESOLVED the General Manager has follow-up discussions with the CEO of Medicare Local Western NSW. **(Griffiths/Deacon)**

Cr Neill declared an interest in the following item and left the meeting.

4 NYNGAN AIRPORT – PROPOSED DEVELOPMENT OF HANGAR LEASE AREA

This item was dealt with in the Closed and Confidential section of the meeting

Cr Neill returned to the meeting.

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PRECIS OF CORRESPONDENCE

1 GOVERNMENT WEEKLY CIRCULARS

421/2012 RESOLVED that the Local Government Weekly Circulars be noted.
(Hampstead/Deacon)

2 GIRILAMBONE PUBLIC SCHOOL

422/2012 RESOLVED that the thank you letter from the Girilambone Public School be noted. (Ryan/Griffiths)

3 IPART

423/2012 RESOLVED that the copy of an email received from IPART regarding the variation of general income for 2013/14 (Rate Peg) be noted.
(Griffiths/Deacon)

4 OFFICE OF KEVIN HUMPHRIES MP

This item was dealt with in the checklist.

5 SCOTT RORKE

424/2012 RESOLVED that Council supports in principle the efforts of Scott Rorke regarding the introduction of a coach service Sydney to Adelaide via Broken Hill.
(Douglas/McLaughlin)



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GRANTS AND FUNDING

Arts and Disability Project Funding

Applications are now open for NSW 2013 Arts and Disability Project Funding supporting arts projects for people with a disability – to be forwarded to Yarrabin Outreach.

425/2012 RESOLVED that Council provide \$500 sponsorship to the Nyngan Swimming Club for their annual carnival. **(Neill/Deacon)**

Manager of Development and Environmental Services to advertise the following:-

Permission is required from Council to place murals on Council owned facilities and a Development Application is required to place murals on privately owned properties.

There being no further business the meeting closed at 12.50pm.

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

