



BOGAN SHIRE COUNCIL

Minutes

25 July 2013



**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 25 July 2013 at 9.30am**

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 Graeme Bourke (Manager of Engineering Services) Mr Timothy Riley (Manager of Development and Environmental Services) and Mrs Cathy Ellison.

At 10.15am Nyngan Ag Expo representatives, Mr Rob Avard and Ms Robyn Harris now addressed Council.

Also present was Mr Abanob Saad journalist from the Daily Liberal.

Declaration of Interest: Nil.

293/2013 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 27 June 2013, copies of which have been circularised to Councillors be taken as read and confirmed. **(Deacon/Douglas)**

Business arising from the Minutes:

- Overnight Camping at Nyngan Showground.

The following resolutions arose from decisions made in the Closed and Confidential Section of the meeting on 25 July 2013.

282/2013 APOLOGY: RESOLVED that the apology received from Councillor LH Dutton be received and he be granted leave of absence from both meetings. **(Ryan/Griffiths)**

283/2013 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. **(Griffiths/Douglas)**

284/2013 RESOLVED that the General Manager be given a Rating Four in his Performance Review: - More than satisfactory – Performance exceeds requirements. **(Ryan/Hampstead)**

285/2013 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(Hampstead/Deacon)**

286/2013 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. **(Douglas/Deacon)**

287/2013 RESOLVED that the Minutes of the Closed and Confidential Meeting of Council held on 27 June 2013, copies of which have been circularised to Councillors be taken as read and confirmed. **(Griffiths/Ryan)**

288/2013 RESOLVED that:-

1. Particularly over the next six months, Councillors bring any comments regarding the condition of Nyngan's parks and gardens directly to the General Manager's attention as soon as practically possible.
2. The Manager of Development and Environmental Services includes comments in his monthly report to Council on matters relevant to Council's parks and gardens discussed at Garden Club meetings.
3. The Manager of Development and Environmental Services includes comments in his monthly report to Council on any feedback regarding parks and gardens and how any adverse comments / complaints have been attended to.
4. The General Manager provides a further report to Council on the operations of the Parks and Gardens team in October 2013. **(Ryan/Douglas)**

289/2013 RESOLVED that:-

1. Council adopts the motor vehicle policy documents used by Dubbo City Council, as amended, for the following categories of use when granting private use of Council utilities in future:-
 - 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).
2. When granting private use of Council utilities in future the following leaseback fees apply:-
 - a. Limited Leaseback (Within Nyngan – not to be used on leave) – 30% of full leaseback fees.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 25 July 2013 at 9.30am**

- b. Limited Leaseback (Within Shire – not to be used on leave) – 60% of full leaseback fees.
3. The General Manager concludes formal agreements with current incumbents based on the generally understood, existing, conditions reflected in this report. **(Hampstead/Neill)**

290/2013 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(Griffiths/Douglas)**

291/2013 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed and confidential section of the Council meeting because information provided and discussed would if disclosed prejudice the maintenance of law. **(Ryan/Deacon)**

292/2013 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(Griffiths/Douglas)**

COMMITTEE MEETING MINUTES

1 MUSEUM

294/2013 RESOLVED that the Minutes of the Museum Meeting held on Wednesday 5 June 2013 be received. **(Griffiths/Ryan)**

2 AFFORDABLE AGED ACCOMMODATION

295/2013 RESOLVED that:-

1. Council accept the Concept Plans and commence plans of 6 units with the internal roadway coming off Hoskins Street and going around to the right. The first 6 units to be built on the right hand side of that street. (Hoskins / Oxley Street Corner).
2. Charles de Beer be requested to prepare detailed architectural drawings for each of 6 units.
3. Council makes provision for services & construction of roads.
(Hampstead/Griffiths)



Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 25 July 2013 at 9.30am

REPORTS TO ORDINARY MEETING OF COUNCIL – MAYOR’S REPORT

1 EMPTY SHOPS IN MAIN STREET

296/2013 RESOLVED that the idea to improve the appearance of the Main Street be accepted and Council approach the Schools and Tritton Mine for displays to be placed in the empty shops. **(McLaughlin/Deacon)**

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.
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 agrees to an Occupation Agreement to allow Council to commence Renovations pending acquisition. Renovations works underway. Completion date: early Sept 2 2013
	25/05/2013	211/2013		Council acquire by acquisition Lots 9 & 10.		Legal process underway.

**Minutes of the Ordinary Meeting of Bogan Shire Council
 held in the Council Chambers on 25 July 2013 at 9.30am**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
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. Cr Douglas to speak to the schools regarding Council's intention to try to recommence the movies. Stress behaviour at 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
held in the Council Chambers on 25 July 2013 at 9.30am**

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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.
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.
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
held in the Council Chambers on 25 July 2013 at 9.30am**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
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	MDES report to Council refers.
10	13/12/2012	408/2012	Relocation of items from workshop	<p>Council write to Risk Management Dept. John Holland advising Council does not accept their response re location of the items.</p> <hr/> <p>Council now only considers relocating the coach & wagon to the platform & invites John Holland to inspect the site at February 2013 Council meeting.</p>	GM/ MDES	<p>Correspondence received from John Holland. Precis refers.</p> <hr/> <p>Alternative involving relocation of SES being pursued.</p>

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 25 July 2013 at 9.30am**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
11	23/08/2012	255/2012	Community Based Heritage Study	Take action to have the inaccuracies and listing of properties attended to.	MDES	MDES report to Council refers.
	22/11/2012	349/2012		Council staff to recommend what community sites are to be listed.		MDES report to Council refers.
12	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	Stage 1 completed. Tree planting planned for August. In progress.
	28/03/2013	091/2013		Security camera covering park be installed this financial year.		Video Surveillance signs ordered.

**Minutes of the Ordinary Meeting of Bogan Shire Council
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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
				Schools be invited to participate in planting trees. Nyngan LALC & Bogan Aboriginal Corp be invited to place a joint plaque in walkway.	Mayor	Advised in Mayor's Column Nyngan Observer 17/4/2013.
13	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.
14	25/10/2012	337/2012	Swimming Pool	Report to Council on other required upgrades.	MDES	Report to Council regarding budget adjustment for Chlorination unit refers.
	22/11/2013	358/2012		Commence tile repair program over four years in the 2013/14 off season.		Commence in August 2013.
	13/12/2012	419/2012		Review hours of supervision after Christmas 2012.		To be included in new contract.

**Minutes of the Ordinary Meeting of Bogan Shire Council
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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
				<p>Filtration plant room & associated structure.</p> <p>Further report to Council at April 2013 meeting for proposed work to change rooms.</p>		<p>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.</p> <p>2. Due to the above commencement on change room proposal 2014/2015 off season to be reconsidered.</p> <p>Tender documents referred to Solicitors for updating.</p>
15	28/03/2013	067/2013	Intersection of Derrybong/Wambiana Streets/Flashman Avenue	Install suitable signage on the road train route in the vicinity of the MGH, subject to confirmation with the RMS.	Eng	To be installed in July.

**Minutes of the Ordinary Meeting of Bogan Shire Council
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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
16	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. P&G Staff inspect fountain daily. Investigations still progressing.
	28/03/2013	068/2013		Purchase & install security cameras ASAP.		Cameras purchased. Signs to be purchased.
17	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>2. Stage 2 be provided within the 2013/2014 estimates.</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>Commence with fencing erected by end July.</p> <p>Water service installation by mid August.</p> <p>Stage 2 to be placed on hold until Lessees are guaranteed.</p> <p>Further review during 2013.</p>

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 25 July 2013 at 9.30am**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
				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.
18	13/12/2012 28/03/2013	418/2012 098/2012	Davidson Park Revitalisation Program	Improve pedestrian access advance to same gate. Council remove the entire playground, equipment, associated ground cover, fencing & park-bench seating with shelter. Establish paving pathways to the mural.	MDES	Programmed for late August.
19	13/12/2012	420/2012	Western NSW Medicare Local	GM to have follow up discussion with CEO.	GM	Meeting with Medicare Local and NSW Health planned for August.
20	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	Discussions in final stages. Council has prepared site plan for vets & provided all relevant information.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 25 July 2013 at 9.30am**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
21	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	Hermidale site works completed. Fencing completed by 31/7/2013. Girilambone fencing contractor organised.
22	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.</p>		Recommendations endorsed by Council.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 25 July 2013 at 9.30am**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
				<p>Western end of fence to be a pool type to allow adequate sight distance from the lane. Staff only in parking area.</p> <p>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>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>		

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 25 July 2013 at 9.30am**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
23	28/03/2013	102/2013	Nyngan Cemetery	Place draft Cemetery Policy on exhibition for 28 days – report to June Council Meeting. Remove all broken bricks & erect suitable base on tree Anglican Section entrance.	MDES	MDES report to Council refers.
24	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	Follow up letter send 9 July 2013. No response.
25	27/06/2013	235/2013	Rail Land	Resolution be sent to the Interim Board of LGNSW & the first Annual Conference to allow the excess of land available on either side of existing tracks to be developed.	MDES	Draft resolution completed.

**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 25 July 2013 at 9.30am**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
				<p>Approach John Holland to acquire the identified land.</p> <p>Copy of correspondence to local member.</p>		

297/2013 RESOLVED that Council write to the relevant authority with concerns about there being no doctor in town during the absence of Dr Chan and Dr Brown. **(Hampstead/Griffiths)**

298/2013 RESOLVED that the General Manager negotiates an interest free loan with the Western Rivers Veterinary Group should they wish to purchase the land in Lawler Street. **(Ryan/Griffiths)**

299/2013 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist. **(Douglas/Neill)**

2 COUNCILLOR AND MAYORAL FEES

300/2013 RESOLVED that:-

Council adopts the fees payable to Councillors, Deputy Mayor and Mayor of Bogan Shire Council, effective from 1 July 2013, as determined by the Tribunal, with the Mayor and Deputy Mayor increased by the same percentage as Councillors. (75.7%) **(Ryan/Neill)**

	Councillor Fee	Mayor Fee	Total Fee
Councillors	\$7,930	-	\$7,930
Deputy Mayor	\$7,930	\$3,463	\$11,393
Mayor	\$7,930	\$13,850	\$21,780

3 WRITE OFF OF OUTSTANDING DEBTORS

301/2013 RESOLVED that debts of \$27,347.55 be written off and debtor account numbers 40.01, 54.01, 57.01, 60.01, 89.01, 90.01, 91.01 and 92.01 be marked as written off in Council’s financial records. **(Ryan/Deacon)**

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

1 BANK RECONCILIATION

302/2013 RESOLVED that the bank reconciliation report be received and noted.
(Douglas/Deacon)

2 INVESTMENTS

303/2013 RESOLVED that the Investments Report be received and noted.
(Neill/Griffiths)

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

304/2013 RESOLVED that the rates collections report be received and noted.
(Ryan/Hampstead)

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

1 OPERATIONAL REPORT

305/2013 RESOLVED that the Operational Report be received and noted.
(Hampstead/Deacon)

2 TRAFFIC COMMITTEE MEETING RECOMMENDATIONS

306/2013 RESOLVED That Council approve the recommendations of the Traffic Committee. (Hampstead/Ryan)

1. That 45 degree angle nose in parking and a 40 km/hr speed zone be introduced in Pangee Street between Terangion and Dandaloo Streets, and investigate the possibility of prohibiting semi-trailers in the area.
2. That the request of the RFS to erect direction signs not be approved.

2 PANGEE STREET REDEVELOPMENT

307/2013 RESOLVED that Council adopt option 3 with the exclusion of the tree vault at the corner of Pangee and Terangion Streets. (Ryan/Deacon)

At 12.15pm Superintendent Greg Moore attended the meeting and Council moved into the Closed and Confidential section of the meeting.

Council adjourned for lunch at 12.40pm and resumed at 2.45pm.

During the lunch break Council inspected the old Ambulance Station, the Ag Office, Davidson Park and the property adjoining the Caltex Service Station.

3 DRINKING WATER QUALITY POLICY

308/2013 RESOLVED that Council adopt the Bogan Shire Council Drinking Water Policy. **(Griffiths/Neill)**

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

1 DEVELOPMENT APPLICATIONS

309 2013 RESOLVED that the Development Applications report be received and noted. **(Hampstead/McLaughlin)**

2. DAVIDSON PARK REVITALISATION PROGRAM

310/2013 RESOLVED that the Davidson Park new playground area to be located on the south eastern side of the existing toilet block structure. **(Griffiths/McLaughlin)**

3 ASBESTOS TRAINING REQUIREMENTS

311/2013 RESOLVED that:-

1. Training for selected staff be undertaken and Licence Application be made as soon as practical for Council to removal non-friable asbestos sheeting.
2. Transfer of \$10,000 from capital to training budgets be done at the first budget review. **(Ryan/Neill)**

4 CAPITAL BUDGET ADJUSTMENT – NYNGAN POOL AUTOMATIC DOSING SYSTEM

312/2013 RESOLVED that an additional \$12,500 be allocated to the capital budget at the first budget review for the purpose of purchase and installation of an automatic dosing system for the Nyngan Pool. **(Douglas/Hampstead)**

5 OPERATIONAL REPORT – PARKS & GARDENS

313/2013 RESOLVED that the Operation Report Parks and Gardens be received and noted. (Ryan/Deacon)

6 COMMUNITY BASED HERITAGE STUDY FOR BOGAN SHIRE

314/2013 RESOLVED that:-

1. Council adopts the recommended listed inventory as comprehensive but not complete record of Heritage in the Bogan Shire:-
 - a) Chinese Burner – Nyngan Cemetery
 - b) Footbridge – Nyngan Railway Station
 - c) Palais Theatre – 28 Tabratong St Nyngan
 - d) Town Hall – 69 Cobar St Nyngan
 - e) Old Nyngan Council Chambers – 71 Cobar St Nyngan
 - f) Centre of NSW Monument
 - g) Coolabah Well
 - h) Coolabah Church & Cemetery
 - i) War Memorials at Nyngan, Hermidale and Girilambone.
 - j) Canonbar, including the Cemetery and Cobb & Co stop.
2. Council forward the Listing to the Heritage Office.
3. A Conservation Management Plan be developed for each individual property. (Neill/Deacon)

7 BOGAN SHIRE CEMETERIES POLICY

315/2013 RESOLVED that the Bogan Shire Council Cemeteries Policy 2013 as amended be adopted. (Ryan/McLaughlin)

316/2013 RESOLVED that Council endeavour to improve certain adverse situations at the Caltex Service Station and write to the EPA asking to investigate the odours and noise coming from the Service Station. (McLaughlin/Hampstead)

PRECIS OF CORRESPONDENCE

1 KEVIN HUMPHRIES MP

317/2013 RESOLVED that the correspondence received from Kevin Humphries MP regarding the container deposit legislation be received and noted. **(Ryan/Hampstead)**

2 DIVISION OF LOCAL GOVERNMENT

318/2013 RESOLVED that Circular 13-30 Local Government Amendment (Early Intervention) Act 2013 be received and noted. **(Ryan/Neill)**

3 DIVISION OF LOCAL GOVERNMENT

319/2013 RESOLVED that Circular 13-28 Amendments to Section 296 of the Local Government Act 1993 relating to the conduct of Elections be received and noted. **(Griffiths/Hampstead)**

4 NYNGAN MUSEUM

320/2013 RESOLVED that Council write to Glad Eldridge and advise the town clock is beyond economic repair. **(Hampstead/Griffiths)**

321/2013 RESOLVED that Council write to Rail Authority asking if there are any 'NYNGAN' signs that could be available to the Museum. **(McLaughlin/Neill)**

5 THE COBAR WATER BOARD

322/2013 RESOLVED that the correspondence received from the Cobar Water Board advising Council of the increased Raw Water Charges in 2013/2014 for Minor Consumers be received and noted. **(Griffiths/Neill)**

6 JOHN HOLLAND RAIL PTY LTD

323/2013 RESOLVED that the correspondence received from John Holland Rail Pty Ltd be received and noted. **(Griffiths/Neill)**

7 LEGISLATIVE ASSEMBLY

324/2013 **RESOLVED** that the correspondence received from the Legislative Assembly regarding the Inquiry into the Management and Disposal of Waste on private land be received. **(Hampstead/Ryan)**

8 LOCAL GOVERNMENT NSW

325/2013 **RESOLVED** that the correspondence received from the Local Government NSW Interim Board providing Council with an update on the Local Government Referendum "YES" campaign be received and noted. **(McLaughlin/Hampstead)**

9 MURRAY DARLING ASSOCIATION INC.

326/2013 **RESOLVED** that Council continues membership with the Murray Darling Association Inc for \$761.20. **(Ryan/McLaughlin)**

10 MURRAY SHIRE COUNCIL

327/2013 **RESOLVED** that Council support the Murray Shire Council in their application seeking an exemption under the Act regarding Section 10 of the Retail Trading Act 2008 – Boxing Day Trading to allow opening on this day and make representations to have the legislation changed to enable Boxing Day trading in all NSW communities, not just some. **(Ryan/McLaughlin)**

11 AUSTRALIAN RED CROSS

328/2013 **RESOLVED** that the correspondence received from the Nyngan Community Hub concerning a visual art project be received. **(McLaughlin/Ryan)**

12 GOVERNMENT WEEKLY CIRCULARS

329/2013 **RESOLVED** that the Local Government Weekly Circulars be noted. **(McLaughlin/Ryan)**



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

- Western Regional Transport Plan

330/2013 RESOLVED that the General Manager and Engineer respond to the NSW Long Term Transport Master Plan. **(Douglas/Ryan)**

Councillor Douglas left the meeting at 3.45pm.

There being no further business the meeting closed at 3.55pm.

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

.....
GENERAL MANAGER

.....
MAYOR

