



BOGAN SHIRE COUNCIL

Minutes

20 August 2015



**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 20 August 2015 at 9.30am**

PRESENT: Councillors RL Donald OAM, JE Hampstead OAM, JL Douglas, HJ Griffiths, EM McLaughlin and GRJ Neill.

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), Mrs Cathy Ellison and Miss Paula Riley.

295/2015 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 23 July 2015, copies of which have been circularised to Councillors be taken as read and confirmed with the following amendments. **(Douglas/Neill)**

- Attendance - Councillor HJ Griffiths was not present at the meeting.
- Funding for Long Day Care Facility – Summary to read:

Total cost of the project is estimated to be \$785,000 with \$450,000 to be funded by the Federal Government and the remainder to be funded by way of a loan.

- Minute 281/2015 to read:

RESOLVED that in the event of Council being notified by a Funeral Director of an anticipated large funeral, Council seek the co-operation of the local Police to control traffic.

At 10.15am Ms Michelle Hall, District Manager of Girl Guides addressed the meeting.

Discussion:

Proposed use of the Girl Guides Hall and seeking Council support.

Council adjourned for morning tea at 10.30am and resumed at 10.50am.

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Business arising: - Nil

The following resolutions arose from decisions made in the Closed and Confidential Section of the meeting on 20 August 2015:-

285/2015 APOLOGIES: RESOLVED that the apologies received from Councillors WG Deacon, LH Dutton and KM Ryan be received and they be granted leave of absence from both meetings. **(Griffiths/Hampstead)**

286/2015 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, 10A (2) (a) because information discussed involves personnel matters concerning individuals (other than Councillors). **(Griffiths/Douglas)**

287/2015 RESOLVED that Council rates the General Manager's performance over the last twelve months as a four plus which is "*more than satisfactory with his performance exceeding the requirements at all times*", and that Council agreed to fund, next calendar year, a Post Graduate Certificate in Legal Studies to the value of \$8,320 for the General Manager. **(Hampstead/McLaughlin)**

288/2015 RESOLVED that the Minutes of the Closed and Confidential Meeting of Council held on 23 July 2015, copies of which have been circularised to Councillors be taken as read and confirmed. **(Douglas/Neill)**

289/2015 RESOLVED that Council inform Dr Heggie that Council will not sell equipment to him, but will provide a letter so that he can assure any prospective purchaser that Council will negotiate a new lease for the building and equipment for five years for a full time dental practitioner. **(Hampstead/Griffiths) Carried**

290/2015 RESOLVED that the Manager Development and Environmental Services prepares a report for the September 2015 Council Meeting on the estimated cost of construction of the Long Day Care Centre. **(Douglas/Griffiths) Carried**

291/2015 RESOLVED that Council write to the State Government Justice Department giving examples of the inadequate legislation in dealing with juvenile offenders. **(McLaughlin/Griffiths)**

292/2015 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(McLaughlin/Griffiths)**

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293/2015 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed section of Council with the public excluded, in accordance with the Local Government Act, 1993, Clause 10A (d) (i) as involving commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. **(Griffiths/Hampstead)**

294/2015 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(Griffiths/Neill)**

Other matters

- Court House Closure

Meeting with Mark Harris from Dubbo Court House – Council has been advised that for a trial of six months, the Court House will only be open for Court Days or by appointment.

296/2015 RESOLVED that Council write to Troy Grant MP, Member for Dubbo expressing concerns why he has authorised these closures as some of the affected areas are within his electorate. **(Hampstead/Neill)**

- Inquiry into Local Government

Meeting in Cobar – 17 August 2015, attended by the General Manager and Deputy Mayor.



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MEETING OF COUNCIL – GENERAL MANAGER’S REPORT

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	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	Asbestos removed. Demolition of remaining timber frames currently proceeding.
2	25/10/2012	315/2012	Local Heritage Sites	When new VIC commences, signpost heritage sites with heritage colour and erect sign with the history of each location.	GM	VIC accreditation approved. Design of signs underway.
3	13/12/2012 28/03/2013	418/2012 098/2013	Davidson Park Revitalisation Program	Council remove the entire playground, equipment, associated ground cover, fencing & park-bench seating with shelter. Establish paving pathways to the mural.	MDES	Most works completed. Due to lack of staff, balance of works to be reprogrammed in 2015/2016.



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4	19/12/2013	532/2013	Rezoning of Rural Land Outside the Nyngan Township	Report on estimated cost be provided to February 2014 Council meeting prior to progressing with the proposal.	MDES	Planning proposal lodged with the NSW Department of Planning and Infrastructure. Gateway Determination: Rezoning to proceed subject to conditions.
5	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.
6	28/05/2015	156/2015	Teamster Rest Area	Cobb & Co Coach & Wool Wagon location. Invite NHS to make suggestions for internal & external painting that the school could undertake.	MDES	Contact made with NHS. On site meeting held – NHS preparing a design proposal.



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7	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	DA approved. Construction expected to commence October 2015.
8	26/09/2014	362/2014	Nyngan Waste Management & Resource Facility	Cost analysis be presented to Council to compare costs of providing additional staff to man the facility against awarding a contract to an external party.	MDES	Assumptions included in draft budget. Further report to Council September 2015 - Section 96 modification application to be submitted to amend the hours of operation as no Sunday trading is currently approved.



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9	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.
	26/02/2015	033/2015		Legal proceedings including the issuing of Notices and Orders to commence against the owner/occupier of any premises who fails to confirm their agreement to comply with the findings of the FSAR.		Efforts still being made to have owners upgrade building voluntary.
10	26/02/2015	024/2015	Long Day Care	Loan be raised for Council's contribution to the project.	MCS	Will be raised towards the end of 2015/16 financial year.
11	26/02/2015	034/2015	Street Trees	An Arborist Report be obtained and a report to April 2015 Council Meeting.	MDES	Arborist inspected nominated trees and now awaiting Arborist report. Report yet to be received.

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12	26/02/2015	042/2015	Chinese Portion – Nyngan Cemetery	Repairs to the burner be carried out in the current year's program.	MDES	List of consultants available within the area obtained.
	25/062015	224/2015		Other upgrading matters be considered in 2015/16 estimates. A Heritage Conservation & Management Report be prepared by a selected Consultant within the allocated budget.		Quotes are to be obtained from at least three consultants.
				Send a copy of the MDES report & recommendations from the Heritage Conservation & Management Report to Mr White.		Action pending completion of report.
				Send a letter to the Chinese Embassy with a copy of the Heritage Conservation & Management Report.		Action pending completion of report.



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13	26/03/2015	077/2015	Traffic Committee Recommendations	Council look at ways of decorating the overhead camera structure on the eastern side of town.	ENG	Write to RMS – in progress. Waiting on reply from RMS.
14	23/07/2015	243/2015	Dental Surgery	Report be prepared for Council on the cost/benefit of co-locating the Dental Surgery with the Medical Centre.	MDES	Scheduled for last quarter 2015.
15	23/07/2015	252/2015	Railway Turntable	Make enquiries through Rail Heritage, or elsewhere, to source the availability of an old steam engine, & if so, what would be the cost of locating it onto the old Turntable.	GM	In Progress.
16	23/07/2015	263/2015	Crushed Waste Rock	Council approach Tritton Mines to offer to purchase the rock.	Eng	In Progress.

Medical Centre Site

297/2015 RESOLVED that Council call for Expressions of Interest for the purchase and removal of the shed located at the proposed Medical Centre site. **(Hampstead/Griffiths)**

298/2015 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 FREE CAMPING PROJECT

Summary:

- *The purpose of this report is to advise Council of a project of the Campervan and Motorhome Club of Australia (CMCA) to develop 'member only' Recreational Vehicle (RV) Parks.*
- *The Campervan and Motorhome Club of Australia (CMCA) has initiated a project to establish an Australia wide network of member only Recreational Vehicle (RV) Parks to provide low-cost, no fills accommodation for self-contained RV tourists, including Motorhomes, Caravans and 5th Wheelers and Camper Trailers.*
- *This matter was considered by the OROC Board on 31 July 2015 when it was resolved that each member Council should determine their own position on the Free Camping RV Project proposal.*

299/2015 RESOLVED that Council write to CMCA advising Council is not interested in sponsoring another Caravan Park in town. The reason being there are two existing Caravan Parks, one of which is for sale and may be suitable for their needs. **(Hampstead/Neill)**

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1 TOUR DE OROC – 2015

Summary:

- *The purpose of this report is to advise Council of arrangements for the 2015 Tour de OROC.*
- *The Tour de OROC is an OROC Mayors charity bike ride event to raise funds for the Macquarie Homestay.*
- *Council has been asked to nominate a rider, that each Mayor ride from their LGA boundary and to organise a fund raising event as the tour passes through.*

300/2015 RESOLVED that:-

1. Council publicise the event and call for residents who are interested in representing Bogan Shire as riders to submit their names to the General Manager.
2. Council approach service clubs / sporting clubs to provide a morning tea / bbq lunch open to all residents which Council will sponsor.
3. Council makes provision at the first budget review for the associated cost.
(Douglas/Neill)

REPORTS TO ORDINARY MEETING OF COUNCIL – MANAGER OF CORPORATE SERVICES

1 BANK RECONCILIATION

301/2015 RESOLVED that the Bank Reconciliation Report as at 31 July 2015 be received and noted. (Douglas/ Griffiths)

2 INVESTMENTS JULY 2015

302/2015 RESOLVED that the Investments Report for July 2015 be received and noted. (McLaughlin/Hampstead)

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

303/2015 RESOLVED that the Rates Collections Report as at 31 July 2015 be received and noted. (Neill/Douglas)

4 AUDIT OF 2014/15 FINANCIAL ACCOUNTS

Summary:

The purpose of this report is to inform Council of the timing of the Audit of the Statutory Accounts for the 2014/15 financial year.

304/2015 RESOLVED that the proposed audit dates of 30 September 2015 and 1 October 2015 be noted. (McLaughlin/Neill)

5 FINANCIAL ASSISTANCE TO COMMUNITY SERVICE ORGANISATIONS

Summary:

- *The purpose of this report is to advise Council of requests for financial assistance in relation to rates and charges levied on Community Service Organisations.*
- *Under Section 356 of The Act Council can legally provide financial assistance to Community Organisations if their activities can be linked to outcomes specified in the Operational Plan.*
- *To date Council has received three letters requesting financial assistance to meet the cost of rates and charges payable.*

305/2015 RESOLVED that Council provide financial assistance to Hermidale CWA to the value of \$150, which represents the general rate levied on the Hermidale CWA Building. **(McLaughlin/Hampstead)**

306/2015 RESOLVED that Council provide financial assistance to The Nyngan Lodge Oxley to the value of \$1,006, which represents the general rate levied on the Nyngan Lodge Building. **(McLaughlin/Neill)**

307/2015 RESOLVED that Council provide financial assistance to the Nyngan Girl Guides Association to the value of \$1308 which represents the general rate and services levied on the Girl Guides Hall. **(Hampstead/McLaughlin)**



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Other matters

Westpac Banking Corporation has notified Council of its closure of the in store agency. In the interim Council has make arrangements with the Commonwealth Savings Bank. Council will now proceed to call Banking Tenders.

308/2015 RESOLVED that Council write to the Federal and State Governments, Local Member, Minister for Agriculture, Barnaby Joyce requesting that it be mandatory for all cider, apple juice, cider additives,"express juice" etc, imported from China into Australia be clearly labelled with the country / state of origin. The reason being to protect our own Australian industry and to be aware of the exact amount of all components specifically stated, rather than a generalised amount. **(McLaughlin/Neill)**

Council adjourned for lunch at 12.30pm and resumed at 1.40pm.

Councillor McLaughlin now left the meeting.

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

1 OPERATIONAL REPORT

309/2015 **RESOLVED** that the Operational Report, Civil Works, Community Facilities, and Roads for the reporting period from the 15 July 2015 to 7 August 2015 be received and noted. **(Griffiths/Neill)**

2 ALBERT PRIEST CHANNEL – BELARINGAR CREEK SYPHON REFURBISHMENT

Summary:

- *The Belaringar Creek Syphon on the Albert Priest Channel is the original concrete pipeline that now requires refurbishment.*
- *A budget amount of \$155,000 was allocated in 2014/15 and now with three options for construction considered, a revised estimate of up to \$416,270 is required.*
- *Council would need to fund the shortfall of around \$275,946 in the 2015/16 capital budget.*

310/2015 **RESOLVED** that the Albert Priest Channel – Belaringar Creek Syphon Refurbishment Report be received and noted. **(Hampstead/Neill)**

Mr Ty Robson, Senior Building Surveyor now attended the meeting.

3 NYNGAN COBAR WATER SECURITY PROJECT

Summary:

- *A Nyngan Cobar Water Security Project Steering Committee Meeting was held on 29 July.*
- *The water modelling report and weirpool management plan require some additional work by the consultants before completion.*
- *Public Works have designed a 700ML storage for Site 1 which is the maximum size expected for the available budget.*
- *Public Works has offered to investigate and design future additional storage on Site 6, to the North East of Site 1.*

311/2015 RESOLVED that:-

1. The Nyngan Cobar Water Security Project Report be received and noted.
2. The NSW Public Works be requested to incorporate the design of additional storage and infrastructure on Site 6 into the current design.
(Hampstead/Griffiths)

4 2015/16 ROAD WORKS PROGRAM

Summary

- *The purpose of this report is to advise Council of the proposed road works program and budget for the 2015/16 financial year.*
- *Council has adopted a road works budget at the June 2015 Council Meeting which included routine maintenance activities, re-sheeting, resealing, and new sealed construction projects.*
- *Council has received advice that the Roads to Recovery Program has been increased significantly for the 2015/16 and 2016/17 financial years.*
- *This increase in Roads to Recovery funding brings the total expenditure on roads in 2015/16 to \$ 5,827,556 which is split up into individual funds.*

312/2015 RESOLVED that the 2015/16 Road Works Program Report be received and noted. **(Hampstead/Douglas)**

Other matters

RMS will be conducting an education program involving the Hoskins Street level crossing stop sign.



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

1 DEVELOPMENT APPLICATIONS

313/2015 RESOLVED that the Development Applications Report since July's Council Meeting 2015 be received and noted. **(Hampstead/Griffiths)**

2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM

314/2015 RESOLVED that the Operational Report since July's Council Meeting - Parks and Gardens Team be received and noted. **(Neill/Douglas)**

3 OPERATIONAL REPORT – NOXIOUS WEEDS

315/2015 RESOLVED that the Operational Report since July's Council Meeting – Noxious Weeds Officer be received and noted. **(Griffiths/Douglas)**

4 PROPOSED LOCATIONS OF THE 'BIG BOGAN' STRUCTURE, SHEARING SHED SEATING AND RELOCATION OF THE WASTE DROP-OFF POINT FROM TEAMSTER'S REST AREA

Summary

- *The purpose of this report is for Council to approve an appropriate position for the Big Bogan Structure within Teamsters Rest, appropriate location for the new shearing shed seating and confirm if the existing waste drop off point within Teamsters Rest is to be relocated.*
- *The most appropriate location for the Big Bogan Structure within Teamsters Rest is adjacent to the existing picnic table and shelter, orientated in a west-south western direction as per Figure 1 of this report.*
- *The appropriate location for the waste drop off point is within Flood Memorial Car Park as per Figure 2 of this report.*
- *Figure 3 confirms that location proposed for the new Shearing Shed seating.*

316/2015 RESOLVED that:-

1. The report be received and noted.
2. Council approve of the location for the 'Big Bogan' Structure within Teamsters Rest Area in accordance with the report.
3. Council approve the location of the new Shearing Shed seating in accordance with the report. **(Hampstead/Douglas)**

Miss Kayla Volker, Senior Development and Environmental Officer now at meeting.

Council now moved into the Closed and Confidential Section of the meeting.

Council returned to Open Council.

5 BIODIVERSITY OFFSET PACKAGE PROPOSED BY TRITTON RESOURCES

Summary

- A proposal is presented by Tritton Resources Pty Ltd to establish a 'biodiversity fund' with Council in order to offset native vegetation removal associated with the proposed Avoca Tank Mine and Murrawombie Mine Extension projects.
- The proposal is submitted following recommendations made by the Office of Environment and Heritage that a biodiversity offset package should be developed for both projects.
- It is requested that Council confirm its intentions to proceed to establish a Biodiversity Fund and to authorise the General Manager to seek legal advice and consult with the Department of Planning and Environment prior to furthering negotiations with the Applicant.

317/2015 RESOLVED that:-

1. The report be received and noted and the General Manager make the necessary enquires.
2. It be noted that the General Manager is seeking legal advice and consulting with the NSW Department of Planning and Environment to establish a 'biodiversity fund' to offset native vegetation removal for the Avoca Tank and Murrawombie Mine Extension Projects.
3. Council authorise the General Manager to undertake further negotiations with the applicant to establish a biodiversity fund and to also seek confirmation from the applicant's consultant of other site specific locations within the Shire which may be suitable for future biodiversity or rehabilitation projects that achieve the outcomes of the OEH Biodiversity Offset Principles for NSW.
4. A further report be presented to Council once legal advice, consultation and site selections have occurred to develop the biodiversity fund agreement between Council and Tritton Resources. **(Hampstead/Douglas)**

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Councillor Hampstead OAM foreshadowed the following motion for consideration at the next meeting.

That Council take no action in relation to the Biodiversity offset package proposed by Tritton Resources, however Council has no desire to delay the progress of the development.

Manager of Development and Environmental Services Supplementary Report

6 NYNGAN AMATEUR SWIMMING CLUB – LICENCE AGREEMENT

Summary:

The purpose of this report is for Council to seek consideration for the granting of a Licence Agreement to the Nyngan Amateur Swimming Club, for a room located at the Nyngan & District Memorial Swimming Pool.

The Nyngan Amateur Swimming Club has operated very effectively at the Nyngan District Swimming Pool at Nyngan for many years

318/2015 RESOLVED that:-

1. The report be received and noted.
2. The following fees and period of Licence Agreement be approved:-
 - a) Licence Fee each month of \$1.00.
 - b) Electricity cost for the period of 1st September – 30th April be waived.
 - c) Term of the Licence Agreement of 3 years. (1st September – 30th April)
(Griffiths/Neill)

Mr Robson and Miss Volker now left the room.



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PRECIS OF CORRESPONDENCE

1 DAILY LIBERAL

319/2015 RESOLVED that the correspondence received from the Daily Liberal in response to Council's letter of concerns with the Nyngan Observer be received and noted. (Douglas/Hampstead)

2 NYNGAN INNOVATIONS

3 GILES ENGINEERING

4 ST MARK'S ANGLICAN CHURCH NYNGAN

320/2015 RESOLVED that Council call for Expressions of Interest from individuals or companies who wish to produce or promote merchandise in relation to the Big Bogan, advising what merchandise, and if applicable, the cost to Council of purchasing this merchandise for sale. (Neill/Douglas)

321/2015 RESOLVED that Council advise Nyngan Innovations, Giles Engineering and St Marks's Anglican Church, Nyngan that it intends to call for Expressions of Interest from individuals or companies who wish to produce or promote merchandise in relation to the Big Bogan. (Neill/Douglas)

4 ST MARK'S ANGLICAN CHURCH NYNGAN

5 FIFI SALON

322/2015 RESOLVED that Council advise St Mark's Anglican Church, Nyngan and Fifi Salon that Council is considering the location of the Big Bogan structure and also the whole design of the Teamster's Rest Area.

6 TRANSPORT ROADS & MARITIME SERVICES

323/2015 RESOLVED that Councillor Neill be Council's representative on the Technical Sub Committee of the Regional Consultative Committee Transport Roads & Maritime Services, together with the Manager of Engineering Services.

7 MICHELLE HALL

Girl Guides Nyngan is relaunching in February 2016 with a new community building initiative.

324/2015 RESOLVED that \$1,000 from Council's Community Arts and Culture Fund be given as an initial payment to promote the cultural arts of the Girl Guides and Community Programs, subject to providing a statement of costings. **(Hampstead/Griffiths)**

8 COUNTRYWIDE AUSTRAL PTY LTD

325/2015 RESOLVED that the copy of the email received from Jim Squires, Support Programs Facilitator for the SES Volunteers official Journal "The Volunteer", asking Council to become a sponsor is noted. **(Hampstead/Neill)**

9 GRANTS COMMISSION

326/2015 RESOLVED that the NSW Local Government Grants Commission meeting with Council on Tuesday 22 September 2015 be advertised. **(Neill/Griffiths)**

10 WEEKLY CIRCULARS

327/2015 RESOLVED that the Local Government Weekly Circulars be noted. **(Hampstead/Neill)**

Funding for Long Day Care Learning Programs

The NSW Government has announced a \$20 million fund for long day care services to offer preschool programs.

328/2015 RESOLVED that Council investigate funding for Long Day Care Learning Programs. **(Hampstead/Neill)**



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329/2015 RESOLVED that Council discuss the late items of correspondence. (Hampstead/Neill)

330/2015 RESOLVED that the Local Government & Shires Association of NSW Election of Board of Directors – Election Notice be noted. (Hampstead/Douglas)

LOCAL GOVERNMENT NSW – Financial Assistance Grants to Local Government

331/2015 RESOLVED that Council:-

1. Acknowledges the importance of Federal Funding through the Financial Assistance Grants Program for the continued delivery of Council’s services and infrastructure;
2. Acknowledges that the Council will receive \$3,463,167 in 2015-16; and
3. Will ensure that this Federal Funding, and other funding provided by the Federal Government under relevant Grant Programs, is appropriately identified as Commonwealth Grant Funding in Council’s publications, including Annual Reports. (Douglas/Griffiths)

There being no further business the meeting closed at 3.05pm.

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

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GENERAL MANAGER

.....
MAYOR

