



BOGAN SHIRE COUNCIL

Minutes

26 March 2015



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

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

Also present were Mr Derek Francis (General Manager), Mr Graeme Bourke (Manager of Engineering Services), Mr Luke Taberner (Manager of Corporate Services) and Mrs Cathy Ellison.

At 10.00am, Mr Kevin Humphries, Member for Barwon now attended the meeting.

Discussion included:-

Restart NSW Program – Nyngan/Cobar Water storage;

Rebuild NSW Program - next level from Restart NSW Program;

Local Government Fit for the Future - what is operational and what is strategic;

Far West Academy of Sport – ongoing funding from Government required;

Daylight Savings – winding back two months, retain four core months;

Container Deposit Scheme – to be implemented;

Native Vegetation Act – announced today;

RMS Office – to become Service NSW;

Court House closure – on hold – under review;

Aerodrome – weather forecast cessation – copy of letter to Minister;

Royalties from Mines – Resources for Regions Grants / Medical Centre;

Regional Roads Program – Cockies Road;

RFS; and

Drought Assistance.

Mr Humphries was thanked for attending the meeting and Council adjourned for morning tea at 10.40am and resumed at 11.00am.

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Council now discussed Minute 008/2015 – Council Meeting 26 February 2015.

FLYING OF THE ABORIGINAL FLAG AT THE COUNCIL CHAMBERS

061/2015 RESOLVED that Council establish a procedure for a Welcome or Acknowledgement to Country to be carried out by Council when there is visitor from outside the Shire attending a Council Meeting. **(Ryan/Douglas)**

062/2015 RESOLVED that Council agrees to fly the Aboriginal Flag outside the Council Chambers according to protocol. **(Ryan/Douglas) Unanimous**

Council now returned to the Closed and Confidential Section of the meeting.

063/2015 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 26 February 2015, copies of which have been circularised to Councillors be taken as read and confirmed with the following corrections:-

SECOND QUARTER 2014/15 BUDGET REVIEW- Minute 023/2015 item 1 to read:-

Note the report on Actual compared to Budget for the quarter ended 31 December 2014, showing a credit balance of \$13,000.

RAW WATER DEMAND MANAGEMENT SYSTEM – Minute 028/2015 item 2 to read:-

Council budgeted \$70,000 for the replacement of town water mains and with Council not proceeding with the budget item to install another pipeline from the river to provide raw water for Larkin Oval and the Swimming Pool, this would now leave a credit of \$188,000 in the water fund. **(Neill/Griffiths)**

Business arising:-

Flying of the Aboriginal Flag at the Council Chambers.

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

049/2015 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed section of Council with the public excluded, in accordance with the Local Government Act, 1993, Section 10A(2)(g) because information, if disclosed, prejudice advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. **(Ryan/Douglas)**

050/2015 RESOLVED that the Minutes of the Closed and Confidential Meeting of Council held on 26 February 2015, copies of which have been circularised to Councillors be taken as read and confirmed. **(Griffiths/Deacon)**

051/2015 RESOLVED that Council takes no further action in this matter. The matter has been referred to the Police for investigation. As Mr Riley is not an employee of Council, no Bogan Shire Council Code of Conduct issue is involved. Over many years, Council has had no complaints of Mr Riley other than this complaint. **(Hampstead/McLaughlin)**

052/2015 RESOLVED that the report to advise Council of correspondence received from Council's Solicitors in regards to costs be noted. **(Ryan/Neill)**

053/2015 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed section of Council with the public excluded, in accordance with the Local Government Act, 1993, section 10A (2) (a) because information provided and discussed involves personnel matters concerning particular individuals other than Councillors. **(Ryan/Douglas)**

054/2015 RESOLVED that Council review the rent charged on the properties listed and where there are no leases or contracts in place, these be established. **(Hampstead/Dutton)**

055/2015 INCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into open Council. **(Douglas/McLaughlin)**

056/2015 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed section of Council with the public excluded, in accordance with the Local Government Act, 1993, Section 10A(2)(c) because information

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provided that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
(Griffiths/Douglas)

057/2015 RESOLVED that Council support Site 1 as the preferred option for the Nyngan Cobar Water Storage Project. **(Ryan/Deacon)**

058/2015 RESOLVED that Council deal with the late item or correspondence, being the purchase of 76 Pangee Street, Nyngan. **(Douglas/Dutton)**

059/2015 RESOLVED that the Mayor and General Manager sign the purchase contract with clause 9.5.3 deleted. **(Hampstead/Neill)**

060/2015 INCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into open Council. **(Ryan/Deacon)**

COMMITTEE MEETING MINUTES

1 NYNGAN MUSEUM

064/2015 RESOLVED that the Minutes of the Museum Committee Meeting held on Wednesday 4 February 2015 be received and noted. **(Griffiths/Ryan)**

2 OROC BOARD MEETING

065/2015 RESOLVED that the Minutes of the OROC Board Meeting held at Dubbo City Council on Friday 20 February 2015 be received and noted, with business arising from the GMAC meeting held on 6 February 2015, item 3.7, NSW Attorney General, Nyngan to be included - that the OROC Board notes the potential closures to Court Houses and retraction of court services to the communities of Cobar, Warren Bourke, Narromine and Gilgandra. **(Ryan/McLaughlin)**

3 STRAITS TRITTON MINES

066/2015 RESOLVED that the Minutes of the Straits Tritton Mines Community Consultative Committee Meeting held on Tuesday 3 March 2015 be received and noted. **(Griffiths/McLaughlin)**



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Other matters:

Village Tour – Thursday 16 April 2015

Budget Workshop – Wednesday 22 April 2015

Road Tour – Wednesday 6 May 2015

Council adjourned for lunch 12.30pm / returned at 1.40pm

MEETING OF COUNCIL – GENERAL MANAGER’S REPORT

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	28/06/2012	179/2012	Dog Pound	Construction of the new dog pound in the location closer to the main road in the airport complex.	MDES	Manufactured framework on-site and completed. Fencing contractor engaged to commence by March meeting date. Expected to be operational in May 2015.
2	26/07/2012	193/2012	Transfer of Land – Nymagee St 5,7 & 9	Council seek EOI to demolish the subject dwelling & associated structures including removal of excessive vegetation.	MDES	Removal of asbestos may not occur in May or June due to work current load. Anticipate carryover of funds for August 2015 asbestos removal.
3	25/10/2012	315/2012	Local Heritage Sites	When new VIC commences, signpost heritage sites with heritage colour and erect sign with the history of each location.	ENG	Pending accreditation of new VIC. Accreditation currently being sought.

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4	13/12/2012 28/03/2013	418/2012 098/2013	Davidson Park Revitalisation Program	Council remove the entire playground, equipment, associated ground cover, fencing & park-bench seating with shelter. Establish paving pathways to the mural.	MDES	All other works completed. Balance of proposed works (remove pavers and level out ground, install irrigation along mural wall) to be completed within current financial year and allocated budget. Delays due to limited available staff and other projects.
5	28/02/2013	043/2013	Waste Management – Village Waste Depot Operations	Program of Works for Hermidale & Girilambone be commenced immediately.	MDES	Girilambone: Completed with exception of asbestos disposal program. Issues with WorkCover requirements final clean-up, specialised equipment required. Suitable equipment located, waiting on contractor.
6	26/06/2013	258/2013	Traffic Committee Recommendations Pre School Parking	RMS to re-examine the intersection design including: <ul style="list-style-type: none"> Installing blister on the western side of Moonagee St for “Give Way” sign. 	ENG	Engineering preparing design options and estimates for consideration during 2014/2015. Proposal and Estimate sent to RMS.

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						<p>Modifying design with RMS.</p> <p>Trial conducted on site. RMS to discuss complete re-design of intersection at March Traffic Committee meeting.</p> <p>RMS to fund blister "Give Way" sign on western side of Moonagee Street.</p>
7	23/04/2013	124/2013	Flood Insurance	<p>Council seek clarification from the Insurance Council of Aus. re: the availability of discounts or other provision on insurance pricing for towns protected against floods and whether flood insurance is mandatory.</p>	ENG	<p>Insurance Council has requested flood study information.</p> <p>Insurance Council advised that Council has adopted the Nyngan Flood Study.</p>
	23/10/2014	385/4014		<p>Council request the Insurance Council of Australia to advise all insurance companies that Nyngan is not a flood prone town, is protected by a levee bank as demonstrated in BSC Flood Study.</p>		<p>Insurance Council requested additional information which has now been provided to them.</p> <p>Awaiting confirmation from Insurance Council that all companies have been advised accordingly.</p>

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8	27/11/2014	438/2014	Showground Arena Irrigation	Showground arena watering system be upgraded in conjunction with the completion of the cemetery raw water system at an estimated total cost of \$26,000.	ENG	<p>Council has been advised work can be completed by end of January 2015.</p> <p>Installation programmed for week ending 20/02/15.</p> <p>Arena water system completed. Cemetery to be connected 16/3/2015.</p>
9	19/12/2013	532/2013	Rezoning of Rural Land Outside the Nyngan Township	Report on estimated cost be provided to February 2014 Council meeting prior to progressing with the proposal.	MDES	<p>Planning proposal lodged with the NSW Department of Planning and Infrastructure.</p> <p>Gateway Determination was to proceed subject to variations outlined in the Gateway Determination conditions.</p>
10	27/02/2014	006/2014	Medical Services	Pursue & make enquiries into using the Nyngan Multipurpose Service Centre & waiting rooms to attract an additional Medical Officer with VMO rights.	GM	Discussions with Senior Management of NSW Western LHD ongoing – use of MPS is a possibility.
	26/06/2014	199/2014		GM pursue options for obtaining funding for the construction of a new medical centre.		Grant application to be made for 2015 round of National Stronger Regions Fund.

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11	27/03/2014	066/2014	Heritage Park	Order & plant a grove of trees surrounding the sandstone blocks & plant Lone Pine tree.	MDES	Works completed with exception of plaque installation and Lone Pine to be planted 25 April 2015 during ceremony.
12	22/05/2014	182/2014	Teamster Rest Area	Cobb & Co Coach & Bullock Wagon location – confirm quotations and budget allowing progress without delay.	MDES	Construction currently underway. Project completion date April 2015.
13	22/06/2014	209/2014	Tourist Information Bay	On commencement of project, Council advise owners/apparent owners of existing highway signage that existing signs to be removed & may be replaced by signs on the Information Bays. Council charge an annual fee and an initial fee.	GM	Information supplied to AGL – awaiting response on sponsorship. Tritton Mines also approached for sponsorship. Eastern bay scheduled for construction April 2015.
14	28/08/2014	308/2014	Oval Place	Construct a length of 270 metres of road from Terangion Street to Larsen's Depot.	ENG	Programmed for March 2015. Programmed to start before 31/3/2015.

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15	23/10/2014	386/2014	Sports Insurance	Council write to all Shire Sporting Clubs' controlling bodies asking to explain what the premiums paid from the local Club are used for.	MSC	Report to March 2015 Council Meeting.
16	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. Full report to Council July 2015.
17	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 Fire Safety Audit Report.		Efforts still being made to have owners upgrade building voluntary.

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18	27/11/2014	445/2014	O'Reilly Park	Report to March 2015 Council Meeting on the overall budget expenditure for the project.	MDES	Report to Council April 2015.
19	18/12/2014	473/2014	Racecourse Improvement Works	Carry out: <ol style="list-style-type: none"> 1. Improvements to track; 2. Painting grandstand & install lighting. Subject to a contribution from Showground Users to carry out these works & any shortfalls to be funded from savings identified in the second budget review.	ENG	Programmed for February and March 2015. Loam work on track completed. Grandstand work commenced.
20	18/12/2014	474/2014	Construction & Sealing of Local Roads	The proposed construction & sealing on the Dandaloo Road be extended to a length of 1.4km, with additional funds taken from savings on other construction & sealing projects in 2014/15.	ENG	Construction in progress.

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21	26/02/2015	024/2015	Long Day Care	<p>1. Council commit \$250,000 towards the construction of the facility in the 2015/16 Capital Budget.</p> <p>2. The western portion of Lot 111, DP721218, Dandaloo Street be the preferred location.</p> <p>3. A loan be raised for Council's contribution to the project.</p>	MCS	In progress.
22	26/02/2015	034/2015	Street Trees	An Arborist Report be obtained and a report to April 2015 Council Meeting.	MDES	In progress (awaiting response from Arborist).
23	26/02/2015	042/2015	Chinese Portion – Nyngan Cemetery	Repairs to the burner be carried out in the current year's program. Other upgrading matters be considered in 2015/16 estimates.	ENG	Contract brick layer to carry out repairs.

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067/2015 RESOLVED that Council proceed with the establishment of a Medical Centre at 76 Pangee Street, Nyngan, with any funds required from Council being funded from a loan. **(Ryan/Deacon)**

068/2015 RESOLVED that any General Practitioner practising at the Medical Centre be accredited at the Hospital, with minimum surgery hours to be negotiated. **(Hampstead/McLaughlin)**

Council advise the two current General Practitioners of Council's intention.

069/2015 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist. **(Dutton/Neill)**

2 FIT FOR THE FUTURE PROCESS – RURAL COUNCIL

070/2015 RESOLVED that based on advice from the Office of Local Government that "a statutory Rural Council Model creating a different type of Council was not appropriate and a specific model is no longer being pursued" which implies that Bogan Shire Council's local democratic processes, independence and employment levels can be maintained:-

1. Council staff, in consultation with nominated Councillors, proceed to prepare a draft Fit for the Future submission based on the Rural Council Proposal (Template 3) for consideration by Council.
2. Council's submission should highlight Bogan Shire Council's proven track record of responsible financial management and good service delivery as well as demonstrating how Fit for the Future ratio performance will be addressed over time. **(Ryan/Neill)**

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3 SECTION 355 COMMITTEE – COLLERREINA HALL

071/2015 RESOLVED that Council adopts the Delegation of Authority for the Collierreina Hall Section 355 Management Committee, effective from 30 March 2015.
(Ryan/Deacon)

Other Matters:

Mr Graeme McGuinness has retired after 40 years to service to Council.

Recruitment – Department of Development and Environmental Services.

**REPORTS TO ORDINARY MEETING OF COUNCIL – MANAGER OF
CORPORATE SERVICES**

1 BANK RECONCILIATION

072/2015 RESOLVED that the Bank Reconciliation Report be received and noted.
(Ryan/Neill)

2 INVESTMENTS FEBRUARY 2015

073/2015 RESOLVED that the Investments Report be received and noted.
(Neill/Hampstead)

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

074/2015 RESOLVED that the Rates Collections Report be received and noted.
(Griffiths/Neill)

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**4 METHODS OF COLLECTION OF UNRECOVERABLE RATES IN ADDITION
TO A SECTION 713 SALE**

075/2015 RESOLVED that:-

1. The report be received and noted.
2. Council approves all other methods of recovery in addition to the sale of land for unpaid rates. **(Ryan/Douglas)**

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

1 OPERATIONAL REPORT

076/2015 RESOLVED that the Operational Report – Civil Works, Community Facilities and Roads for the period 9 February 2015 to 13 March 2015 be received and noted. **(Neill/Griffiths)**

2 TRAFFIC COMMITTEE MEETING RECOMMENDATIONS

077/2015 RESOLVED that:-

1. The report be received and noted.
2. Council request RMS to provide funding to install bollards and “No Stopping” signs either side of Cannonbar Street to provide an area with no parked vehicles for improved sight distance and safer crossing of the street for young children.
3. Council request RMS to provide funding for a concrete blister on the western side of Moonagee Street for a “Give Way” sign and an advanced warning “Give Way” sign.
4. Council trim trees and relocate signs in Pangee Street at the Moonagee Street intersection to improve sight distance to the east for highway traffic.

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5. Council relocate the “Give Way” sign and holding line from Nymagee Street into Moonagee Street giving highway traffic the right of way at this intersection for a trial period of six months. Provide a “Children Crossing” warning sign in Nymagee Street to warn highway traffic of pedestrians.
6. Council look at ways of decorating the overhead camera structure on the eastern side of town. **(Douglas/Neill)**

3 FOOTY FACILITIES GRANT

078/2015 That Council commits \$50,000 in the 2015/2016 budget for the improvements of the Larkin Oval dressing rooms. **(Ryan/Hampstead)**

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

1 DEVELOPMENT APPLICATIONS

079/2015 **RESOLVED** that the Development Applications Report be received and noted. **(Douglas/Neill)**

2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM

080/2015 **RESOLVED** that the Operational Report – Parks and Garden Team be received and noted and appreciation extended to the team for the completion of the O’Reilly Park play area before the commencement of the school holidays. **(Ryan/ Deacon)**

3 OPERATIONAL REPORT – NOXIOUS WEEDS OFFICER

081/2015 **RESOLVED** that the Operational Report – Noxious Weeds Officer be received and noted. **(Dutton/Douglas)**

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PRECIS OF CORRESPONDENCE

1 TRADE & INVESTMENT

082/2015 RESOLVED that the correspondence received from the Office of the NSW Cross-Border Commissioner advising of the NSW Cross-Border Commissioner Business Plan 2015-18 be received. **(Ryan/McLaughlin)**

2 FIRE & RESCUE NSW

083/2015 RESOLVED that the correspondence received from Fire & Rescue NSW advising that the Minister for Police & Emergency Services recently approved the 2014/15 estimated expenditure for Fire & Rescue NSW (FRNSW) be received. **(Ryan/Griffiths)**

3 THE HON BOB BALDWIN MP

084/2015 RESOLVED that correspondence received from the Parliamentary Secretary in reply to Council's letter concerning the cessation of the Bureau of Meteorology's Aerodrome Forecast (TAF) for the Nyngan Airport be received. **(Ryan/Dutton)**

4 EARTH HOUR – LIGHTS OUT

085/2015 RESOLVED that Council not participate in Earth Hour's Lights Out on Saturday 28 March 2015 and a letter be written advising of such. **(Hampstead/Dutton)**

5 MELBOURNE CUP TOUR

086/2015 RESOLVED that the Media Release from the Victoria Racing Club inviting towns and cities across Australia and New Zealand the chance to host the 2015 Emirates Melbourne Cup be received. **(Hampstead/Ryan)**

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Councillor Ryan declared an interest and left the room.

6 KEVIN RYAN

087/2015 RESOLVED that Council grant Councillor Ryan the use of a Town Hall room, with a lease including internet access to be negotiated.
(Hampstead/Douglas)

Councillor Ryan returned to the room.

7 ROB STOKES MP, MINISTER FOR THE ENVIRONMENT

088/2015 RESOLVED that the report received from the Minister for the Environment regarding a NSW Container Deposit Scheme (CDS) be received.
(Hampstead/Griffiths)

8 THE HON BRAD HAZZARD MP, ATTORNEY GENERAL, MINISTER FOR JUSTICE

089/2015 RESOLVED that the correspondence forwarded to Clr McAnally, OROC from the Minister for Justice about court services in rural NSW be received.
(Ryan/Douglas)

9 MINISTER FOR TRANSPORT

090/2015 RESOLVED that the correspondence forwarded to Council concerning the Government's response to the NSW Legislative Council's Standing Committee on State Development entitled Regional Aviation Services be received.
(Dutton/Deacon)

10 GRAEME BOURKE

091/2015 RESOLVED that Council support in principle and include \$8,000 in the budget for the proposal by Mr Bourke for the construction of a "Big Bogan" steel figure as a tourist attraction for Nyngan. **(Ryan/Dutton)**

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11 WESTERN NSW LOCAL HEALTH DISTRICT

092/2015 RESOLVED that Council prepare a costing to run raw water to the Western NSW Local Health facility for consideration in next year's Estimates and the figures be provided to the facility. **(Griffiths/Neill)**

12 OROC

093/2015 RESOLVED that the correspondence forwarded to the OROC Chair from the Minister for Local Government regarding the issue of cost shifting in the OROC be received. **(Griffiths/Dutton)**

13 NYNGAN RSL EASTER CHALLENGE COMMITTEE

094/2015 RESOLVED that Council advises the Nyngan RSL Easter Challenge Committee that the individuals involved in the event at the Showground over the 2015 Easter Challenge, 2 to 5 April 2015 are not covered by Council's Public Liability Insurance. **(Ryan/Hampstead)**

14 WEEKLY CIRCULARS

095/2015 RESOLVED that the Local Government Weekly Circulars be noted. **(Griffiths/Ryan)**

GRANTS AND FUNDING

LG Weekly 07/15 – 20 February 2015

Grants of up to \$25,000 available for Shade Projects

Applications for the Cancer Institute NSW Evidence to Practice Shade Provision Grants are now open.

096/2015 RESOLVED that Council investigate through the Cancer Institute NSW Evidence to Practice Shade Provision Grants the eligibility of a shade at the Davidson Park play area. **(Douglas/Neill)**



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Other matters:

Toilets in O'Reilly Park, near Swimming Pool – tiles.

Land near residence in Warren Street be investigated – unsafe condition.

Lolly Shop – request for footpath marking.

There being no further business the meeting closed at 3.15pm.

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

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GENERAL MANAGER

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MAYOR

