



BOGAN SHIRE COUNCIL

Minutes

26 May 2016

**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am**

PRESENT: Councillors RL Donald OAM, WG Deacon, HJ Griffiths, RJ Neill and KM Ryan.

Also present were Mr Derek Francis (General Manager), Mr Graeme Bourke (Manager of Engineering Services), Mr Ty Robson (Acting Manager of Development and Environmental Services) and Mrs Cathy Ellison.

DECLARATION OF INTEREST: Nil

164/2016 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 28 April 2016, copies of which have been circularised to Councillors be taken as read and confirmed. **(Griffiths/Ryan)**

Business arising from the Minutes:

Nyngan Waste and Resource Facility - Opening hours.

165/2016 RESOLVED that Council trial the following opening hours:-

Monday, Thursday and Friday – 9.00am to 12 noon and 2.00pm to 4.30pm

Saturday and Sunday – 7.30am to 12 noon and 1.00pm to 4.30pm. **(Neill/Griffiths)**

166/2016 RESOLVED that the Minutes of the Extraordinary Meeting (Estimates) held on 12 May 2016, copies of which have been circularised to Councillors be taken as read and confirmed with the following amendments:-

Minute 151/2016 – delete – purchase of one utility vehicle – parks and gardens Team - \$32,000, add – retain one ute listed for trade-in in the best interests of Council.

Minute 149/2016 - to read – RESOLVED that if funds become available Council seal 1 km of Coffils Land and or Mulla Road.

Minute 141 – to read – RESOLVED that if Council does not receive Fixing Country Road or a Repair Grant funding for the Hermidale/Nymagee Road, budget funds be re-allocated to the construction of 1km of Cockies Road. **(Ryan/Deacon)**

**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am**

Business arising from the Minutes:

Aerodrome:-

167/2016 RESOLVED that Council disconnect the public telephone at the Nyngan Aerodrome. **(Ryan/Griffiths)**

Council adjourned for morning tea at 10.35am to attend the Biggest Morning Tea at the Library and resumed the meeting at 11.05am.

Othe matters:

Tongling Delegation – students have now been interviewed – preparation to commence for the visit.

Scandium Mine meeting attended by the Mayor, General Manager and Councillor Neill. Representatives of the mine to attend a future Council Meeting.

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting on 26 May 2016.

153/2016 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 particulars (other than Councillors). **(Neill/Griffiths)**

154/2016 APOLOGIES: RESOLVED that the apologies received from Councillors JE Hampstead OAM, JL Douglas and EM McLaughlin, be received and they be granted leave of absence from both meetings. **(Deacon/Griffiths)**

155/2016 RESOLVED that the Minutes of the Closed and Confidential Extraordinary Meeting of Council held on 28 April 2016, copies of which have been circularised to Councillors be taken as read and confirmed. **(Deacon/Griffiths)**

Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am

156/2016 **RESOLVED** that Council delegate authority to the General Manager to consider the recommendations in his report and to act accordingly to determine an organisational structure until the next determination required under Section 333 of the Local Government Act. **(Griffiths/Neill)**

157/2016 **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 (c) because information that would, if disclosed confer a commercial advantage on a person with whom the Council is conducting (or purposes to conduct) business. **(Neill/Griffiths)**

158/2016 **RESOLVED** that Council agree to sell Lot 2/DP1177431 with the Mayor and General Manager being authorised to negotiate the sale price in the best interests of Council. **(Ryan/Deacon)**

159/2016 **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 (d) (i) as involving commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. **(Neill/Griffiths)**

160/2016 **RESOLVED** that:-

1 Council accepts the tender of Liberty Oil Australia Pty Ltd Trading as Liberty Oil Rural (NM Owen).

2 A provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2019. **(Neill/Griffiths)**

161/2016 **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 (d) (i) as involving commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. **(Neill/Griffiths)**

162/2016 **RESOLVED** that the Future Rezoning Report be received and noted. **(Ryan/Neill)**

163/2016 **INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into Open Council. **(Neill/Deacon)**



**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am**

**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am**

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

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	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.
2	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 completing priorities and need to incorporate Medical Centre planning, majority of remaining works to be reprogrammed. Remaining works to be completed in conjunction with Landscaping of Medical Centre.
3	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	Deadline for completion of Planning Proposal is August 2016.

Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am

						Following meeting with Council's Flood Engineer contractor in February 2016 on the flooding issues, Planning Proposal is required to be modified and a further report to Council required.
4	24/09/2015	342/2015	Teamster Rest Area	Invite NHS to make suggestions for internal & external painting that the school could undertake.	MDES	Contact made with NHS. Currently not in a position to undertake painting – hope to be able to do so in 3 to 4 months' time.
				Dump point be relocated to Flood Memorial Car Park.	MDES	Further report detailing options and costings to re-locate the dump point will be presented to Council.
5	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 / ENG	Construction Completed. Information Map design underway. Draft with sign-writer for advice.

**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am**

6	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.
7	26/02/2015	024/2015	Bogan Shire Early Learning Centre	Loan be raised for Council's contribution to the project.	MC&CS	Will be raised towards the end of 2015/16 financial year.
8	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.	MDES	Three quotes received and preferred consultant to be selected based on budget and inclusions within quotation.

**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am**

	25/06/2015	224/2015		<p>A Heritage Conservation & Management Report be prepared by a selected Consultant within the allocated budget.</p> <hr/> <p>Send a copy of the MDES report & recommendations from the Heritage Conservation & Management Report to Mr White.</p> <hr/> <p>Send a letter to the Chinese Embassy with a copy of the Heritage Conservation & Management Report.</p>		<p>All quotes exceed budget allocation. Grant funding sought from Heritage Office for Emergency Works to the State Heritage Item.</p> <hr/> <p>Action pending completion of report.</p> <hr/> <p>Action pending completion of report.</p>
9	23/07/2015	269/2015	O'Reilly Park Toilet Facility Upgrade	Upgrades to toilet facility, an access way, ramp and handrail.	MDES	Works underway.
10	24/09/2015	377/2015	Baby Change Tables	Baby Change Tables be made available in O'Reilly Park & Davidson Park.	MDES	<p>Works scheduled in conjunction with above.</p> <p>Baby Change Stations have been delivered.</p>

Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am

						<p>Davidson Park install to be completed in conjunction with facility upgrade – First Quarter 2016/17.</p> <p>O'Reilly Park install to be completed in conjunction with facility upgrade – currently underway.</p>
11	26/11/2015	436/2015	Showground	Duck Creek be required to advise Council by end of March 2016 on what crowd control measure they plan to have in place for stage access at the annual race meeting.	ENG	<p>Duck Creek advised.</p> <p>No response received to date.</p>
12	26/11/2015	440/2015	Show Day	Joint approach from Nyngan Combined Schools & Council be made to the Dept of Education for schools to have a full day holiday.	GM	Discussions held with schools and Local Member, awaiting feedback prior to sending another letter.

Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am

13	26/11/2015	457/2015	Sports Insurance	Council write to Minister for Sport & Minister for Health concerning inadequate reply to Council's enquiry on what local sports insurance fees are spent on.	MCCS	Letters sent. Ongoing.
14	26/11/2015	454/2015	Tree Risk Assessment – Town Streets	<p>33 trees (excluding any figs) be progressively removed over the next 2 to 3 years and replanted with appropriate mature species, subject to the necessary budget being approved each year.</p> <p>Fig trees be selectively pruned / shaped, with bracing systems installed and stumps grinded, as appropriate by a qualified AQF Level 2 Arborist, subject to the necessary budget being approved each year.</p>	MDES	Ongoing as budget permits.

**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am**

				<p>Council has a qualified Arborist attend in 24 months to reassess those trees which have been retained.</p> <p>Manager Development & Environmental Services prepares a street tree planting program, including a diagram of the assessed trees within the next 12 months, ensuring that appropriate mature replacement tree species are included within the future program for Council's consideration.</p>		
15	17/12/2015	500/2015	Aged Care Accommodation Retirement Village	Contact John Holland Rail & Dept Planning & Environment regarding zoning & usage of land:- between RSL & Hoskins Street Railway Crossing; & between State Rail Offices & Alamo Motel.	MDES	Other site options in Pangee Street/ Nymagee Street being considered. Application submitted to JHR for option to purchase land and brief has been prepared to Transport for NSW by JHR. Presently awaiting advice from JHR.

**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am**

	25/02/2016	008/2016	Aged Care Accommodation Retirement Village	Council investigate cost & practically of rezoning the area from the former RSL Bowling Green to Hoskins Street to allow aged care units for a rental scheme to be constructed onsite.	MDES	<p>Planning proposal and application would need to be prepared and submitted to Department for gateway determination if land is still sought by Council.</p> <p>JHR have noted the need for the former Caltex site to have further environmental assessments and contamination clearance undertaken prior to lease extinguishment. This would also be one requirement for the rezoning.</p> <p>Costs are dependent on the number of specialist studies required to be prepared following issue of the gateway determination by the Department.</p>
--	------------	----------	---	--	-------------	--

Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am

	24/03/2016	056/2016	Aged Care Accommodation Retirement Village	Council do some financial modelling on the cost implications to Council & the community for an aged care unit development.	MC&CS	Not yet done.
16	25/02/2016	021/2016	Library	Investigate the possibility of a Mobile Library.	MC&CS	Not yet done.
17	25/02/2016	022/2016	Bogan Bush Mobile	Delegation is planned to meet with Minister.	GM	Awaiting notification from Mark Coulton regarding suitable date.
18	24/03/2016	058/2016	Dob in a Druggie Campaign	Make available at a number of locations in town, boxes that people can anonymously leave information, about: - suspected drug dealers & information about any dogs.	GM	To be done in liaison with Darling River Command Campaign.
19	24/03/2016	078/2016	Bicentennial Wall & Ceramic Mural	Be reinstated.	MDES	On-site meeting held with Insurance Representative. Council to determine extent of damage to tiles and advise Insurance Company.

Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am

20	28/04/2016	107/2016	Village Tour	Entrance Signs into villages be pursued in conjunction with the villages' communities. Costing to be part funded from village allocation & part funded by Council.	ENG	Not yet started.
21	28/04/2016	132/2016	Nyngan Golf Club	Council investigate further the proposal about relocating the free camping area & waste dump to their carpark & as it is Crown Land, where camping is permitted.	MDES	The land which comprises the Golf Club Car Park is Crown Land and Council is the confirmed trustee. The land is zoned RE1 Public Recreation under the Bogan LEP 2011 and a 'camping ground' is not permitted in this zone. Crown Lands also do not support illegal camping or caravanning on Crown Land and all Crown Land used for tourist purposes must be approved with owners consent provided.

**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am**

22	28/04/2016	133/2016	Rotary Park, River & Weir	<p>Draw up a program with a report to Council on suggested upgrades to Rotary Park, River & Weir.</p> <hr/> <p>Investigate the entrance sign into Rotary Park.</p>	MDES	<p>Program of works not yet completed.</p> <hr/> <p>Photo for Council's information.</p>
----	------------	----------	--------------------------------------	--	-------------	--

Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am

168/2016 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist. **(Neill/Ryan)**

2 COMPOSITION OF INTERVIEW PANELS

Summary:

- *The purpose of this report is to confirm Council’s policy in regards to the composition of interview panels for recruitment, excluding the General Manager’s position.*

169/2016 RESOLVED that no substantial changes be made to the current policy regarding the composition of interview panels and that Council’s policy be:

“The interview panel must consist of a minimum of three and a maximum of four members. Representation on the panel should consist of an HR representative, a Manager or Supervisor with expertise in the area of operation and another member (internal or external) considered to offer expertise in the selection process”. **(Deacon/Neill)**

Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am

**REPORT TO THE ORDINARY MEETING OF COUNCIL – CORPORATE &
COMMUNITY SERVICES**

1 BANK RECONCILIATION

Summary:-

- *The report is to present the reconciliation of Council's Cash Book, Bank Statements and Ledger Bank Account as at 30 April 2016.*

170/2016 RESOLVED that the Bank Reconciliation Report as at 30 April 2016 be received and noted. **(Ryan/Griffiths)**

2 INVESTMENTS – APRIL 2016

Summary:-

- *The report to is to outline the performance of Council's Investment Portfolio for the month of April 2016.*
- *At the 30 April 2016 Council had \$8.2 million invested. There has been a decrease to Council's investments since the March 2016 report due to the Early Learning Centre, Medical Centre and R2R and RMCC invoices being paid and income not yet received.*

171/2016 RESOLVED that the Investments Report April 2016 be received and noted. **(Ryan/Neill)**

Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary:-

- *The report is to provide a comparison of rate collections as at 30 April 2016, with the same period last year.*
- *Total arrears have decreased from \$314,748 at the 30 April 2015 to \$303,816 as at 30 April this year.*

172/2016 RESOLVED that the Rates and Annual Charges Collection Report as at 30 April 2016 be received and noted. **(Neill/Deacon)**

4 FINANCIAL ASSISTANCE TO THE BOBADAH HALL COMMITTEE

Summary:-

- *The report is to discuss financial assistance to the Bobadah Hall Committee to help them pay for the Waste Depot Levy that is being levied on all rateable land in Bogan Shire other than Farmland.*

173/2016 RESOLVED that Council provide financial relief of \$276 to the Bobadah Hall for payment of the Waste Depot Charge. **(Ryan/Neill)**

REPORT TO ORDINARY MEETING OF COUNCIL – MANAGER ENGINEERING SERVICES

1 OPERATIONAL REPORT

174/2016 RESOLVED that the Operational Report, including Civil Works, Community Facilities, and Roads for the period 18 April 2016 to 13 May 2016 be received and noted. **(Neill/Griffiths)**

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

1 DEVELOPMENT APPLICATIONS

175/2016 RESOLVED that the Development Applications Report since Council's April 2016 Meeting be received and noted. (Neill/Deacon)

2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM

176/2016 RESOLVED that the Operational Report – Parks and Garden Team be received and noted. (Ryan/Neill)

3 OPERATIONAL REPORT - WEEDS

177/2016 RESOLVED that the Operational Report – Weeds be received and noted. (Ryan/Neill)

4 DRAFT CENTRAL WEST AND ORANA REGIONAL PLAN

Summary:-

- *NSW Government has released a Draft Plan for the Central West and Orana Region which is described as the first ever Consolidated Strategic Plan for all 20 Local Government areas.*
- *The Draft Plan consists of 4 goals and aims to protect the environment, grow and diversify the economy, create thriving liveable centres and deliver greater housing choice.*
- *The Draft Plan is currently on exhibition until 4 July 2016.*

178/2016 RESOLVED that the Draft Central West and Orana Regional Plan Report be received and noted. (Neill/Deacon)

5 NSW CONTAINER DEPOSIT SCHEME

Summary:-

- *NSW Government is introducing a refund container deposit scheme (CDS) commencing from July 2017.*
- *Under the CDS scheme, anyone who returns an empty eligible beverage container to an approved NSW collection depot or reverse vending machine will be eligible for a 10-cent refund.*

179/2016 RESOLVED that:-

- 1 The NSW Container Deposit Scheme Report be received and noted.
- 2 Council investigate the establishment and operation of a CDS collection depot as more information is announced and the cost implications of this.
(Ryan/Deacon)

180/2016 RESOLVED that Council discuss the Acting Manager Development and Environmental Services' Supplementary Report. **(Neill/Deacon)**

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

6 BOGAN SHIRE MEDICAL CENTRE MECHANICAL SERVICES TENDER

Summary:-

- *In accordance with section 55 of the Local Government Act 1993, Council must invite tenders before entering into a contract involving an estimated expenditure or receipt of an amount greater than \$150,000.*
- *It is estimated that the Medical Centre's mechanical services contract will be greater than \$150,000.*
- *The Local Government (General) Regulation 2005 requires Council to resolve as to whether tenders are to be by open tendering or selective tendering.*

181/2016 RESOLVED that Council uses the selective tendering method in accordance with the Local Government Act and Regulations for the Bogan Shire Medical Centre Mechanical Services Contract. **(Ryan/Neill)**

PRECIS OF CORRESPONDENCE

1 THE HON. BARNABY JOYCE MP – DEPUTY PRIME MINISTER

182/2016 RESOLVED that the information received from the Deputy Prime Minister, The Hon. Barnaby Joyce MP concerning the use of a National Livestock Identification System (NLIS) to reduce goat poaching be received and noted. (Griffiths/Neill)

2 LOCAL GOVERNMENT NSW

The requested contribution from Council to Bathurst Regional Council's legal assistance of \$436.16.

183/2016 RESOLVED that Council not contribute to the Bathurst Regional Council's legal assistance. (Ryan/Deacon)

3 MINISTER FOR LOCAL GOVERNMENT

184/2016 RESOLVED that the NSW Government's responses to the findings and recommendations of the Inquiry into Local Government in NSW by the General Purpose Standing Committee No. 6 be received and noted. (Griffiths/Neill)

185/2016 RESOLVED that Council send a letter to the Premier and other State Cabinet Members pointing out that whilst 'unfit' amalgamated Councils have received State Government funding under Fit for the Future, Councils such as ours, who were found Fit for the Future would benefit from funding as well to help secure future viability. (Griffiths/Neill)

4 WEEKLY CIRCULARS

186/2016 RESOLVED that the Local Government Weekly Circulars be noted. (Ryan/Deacon)

GRANTS AND FUNDING

187/2016 RESOLVED that the Grants and Funding Report be noted. (Ryan/Deacon)



Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
on 26 May 2016 at 9.30am

188/2016 RESOLVED that Council discuss the late item of business.
(Griffiths/Ryan)

Councillor Neill declared a non-pecuniary interest in this item as President of the Nyngan Rugby League Football Club.

NYNGAN RUGBY LEAGUE FOOTBALL CLUB - request for Council to replace items stolen, microphone and receivers.

It was **MOVED** that the General Manager consider the request and act in the best interests of the Council. **(Griffiths/Ryan)**

Councillor Neill left the meeting and was not present to discussion of this item.

Discussion

Councillor Neill returned to the room.

The **MOTION** was **PUT** to Council and **CARRIED**.

189/2016 RESOLVED that the General Manager consider the request and act in the best interests of the Council. **(Griffiths/Ryan)**

Other Matters:

Local Government Aboriginal Network Conference information be noted.

There being no further business the meeting closed at 12.25pm.

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

.....

.....

GENERAL MANAGER

MAYOR

