

# **BOGAN SHIRE COUNCIL**

**Business Paper** 

20 August 2015





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#### 13 August 2015

#### **COUNCIL MEETING NOTICE**

The next Ordinary Meeting of Council will be held in the Council Chambers, Nyngan on Thursday 20 August 2015 at 9.30am.

At 10.15am, Michelle Hall will address Council regarding the Girl Guides' Hall.

#### **AGENDA**

- 1. Opening Prayer
- 2. Remembrances
- 3. Apologies
- 4. Declarations of Interest
- 5. Confirmation of the Closed and Confidential Minutes of the Council Meeting held on 23 July 2015
- 6. Mayoral Minute General Manager's Performance Review
- 7. Confirmation of the Minutes of the Council Meeting held on 23 July 2015
- 8. General Manager's Report incorporating reports from:-
  - Manager of Corporate Services
  - Manager of Engineering Services
  - Manager of Development and Environmental Services
- 9. Correspondence
- 10. Grants and Funding

Your attendance at this meeting would be appreciated.

Yours sincerely

#### **Cathy Ellison**

**Executive Assistant** 



### Mayoral Minute to the Ordinary Meeting of Bogan Shire Council held on 20 August 2015

#### REPORT TO THE ORDINARY MEETING OF COUNCIL - MAYORAL MINUTE

#### Councillors

The following report is submitted for consideration:-

#### 1 GENERAL MANAGER'S PERFORMANCE REVIEW

The annual review of the General Manager's performance was carried out by Council's Performance Appraisal Committee comprising the Mayor and Deputy Mayor on 11 August 2015. The General Manager provided a presentation on his efforts over the past twelve months and provided a hard copy document with a comprehensive self-appraisal for reference during the session.

The Committee assessed and rated each of the Performance Measures as set out in Part One and Part Two of the Performance Agreement document. This was followed by a discussion of both parts with the General Manager present.

All Councillors were given the opportunity to provide input to the Committee prior to this meeting.

The review was based on assessment of the managerial objectives and specific responsibilities set out in the General Manager's Contract of Employment.

#### 1.1 Recommendation

That Council rates the General Manager's performance over the last 12 months as either 5 – Outstanding, 4 – More than satisfactory, 3 – Satisfactory, 2 – Some concerns or 1 – Unsatisfactory.

RL Donald Mayor



### **MEETING OF COUNCIL - GENERAL MANAGER'S REPORT**

### **Mayor and Councillors**

The following report is submitted for consideration:-

#### 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	UPDATE: 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.
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.  Advise concerned residents & article be placed in the local paper of the current progress with the rezoning.	MDES	Planning proposal lodged with the NSW Department of Planning and Infrastructure. Gateway Determination: Rezoning to proceed subject to conditions.  UPDATE: Concerned residents contacted by Council.  COMPLETED
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.



	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. Grant application underway.  COMPLETED
6	22/05/2014	182/2014	Teamster Rest Area	Cobb & Co Coach & Wool Wagon location – confirm quotations and budget allowing progress without delay.  Invite NHS to make suggestions for internal & external painting that the school could undertake.	MDES GM	UPDATE: Power supply complete.  COMPLETED  Contact made with NHS. On site meeting held – NHS preparing a design proposal.  COMPLETED
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	23/04/2015	114/2015	Sports Insurance	Council write to Minister for Sport and Recreation raising issues & requesting information on how insurance fees paid by sporting clubs are spent.	MCS	UPDATE:  COMPLETED
9	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.  UPDATE: 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.
10	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.
11	26/02/2015	024/2015	Long Day Care	1. Council commit \$250,000 towards the construction of the facility in the 2015/16 Capital Budget.  2. The western portion of Lot 111, DP721218, Dandaloo Street be the preferred location.	MCS	UPDATE:  COMPLETED  UPDATE:  COMPLETED
				3. A loan be raised for Council's contribution to the project.		UPDATE: Will be raised towards the end of 2015/16 financial year.
12	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.



13	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. Quotes are to be obtained from at least three consultants.
	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.		
				Send a copy of the MDES report & recommendations from the Heritage Conservation & Management Report to Mr White.  Send a letter to the Chinese Embassy with a copy of the Heritage Conservation & Management Report.		Action pending completion of report.  Action pending completion of report.



14	26/03/2015	077/2015	Traffic Committee Recommendations	Council trim trees & relocate signs in Pangee Street at the Moonagee Street intersection.  Council look at ways of decorating the overhead camera structure on the eastern side of town.	ENG	Trees completed. Sign relocation completed.  COMPLETED  Write to RMS – in progress.  Waiting on reply from RMS.
15	23/04/2015	107/2015	Telstra	Write to Telstra Ombudsman expressing concerns on behalf of residents who have issues. Copy of letter to Minister for Communications & Federal Member.	GM	Community being requested to provide details for inclusion in letter. Only one public submission received to date.  Notice in local paper again on 8 July 2015.  COMPLETED
16	25/06/2015	219/2015	2014/2015 Budget Item Carry Overs	Detailed report on Belaringar Creek Syphon Replacement be provided to July 2015 Council Meeting.	ENG	UPDATE: Report Refers.  COMPLETED



17	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	UPDATE: Scheduled for last quarter 2015.
18	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 into the old Turntable.	GM	<u>UPDATE:</u> In Progress.
19	23/07/2015	263/2015	Crushed Waste Rock	Council approach Tritton Mines to offer to purchase the rock.	Eng	UPDATE: In Progress.



#### 1.1 Recommendation

That the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist.

#### 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.

#### 2.1 Introduction

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.

#### 2.2 Background

Regional Development Australia (RDA) - Orana recently wrote to Councils in regard to a request for a letter of support RDA Orana had received from the CMCA for the project and their associated application to the National Stronger Regions Fund to help fund the first stage of the project.



#### 2.3 Discussion

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. Details are provided in attachment 1.

Part of the proposal involves partnering with local Councils and either converting an existing camping ground to an RV Park or establishing an RV Park on land currently not in use.

The CMCA states there is a significant gap in the market for this accommodation and there has been growth in the number of self-contained RV trailers sold in Australia. According to the CMCA, these vehicles usually only require a dump point for grey and black waste, access to potable water and a place to park. The CMCA is currently seeking as many organisations as possible for support as they are presently applying to the National Stronger Regions Fund to establish 100 Free RV Parks across Australia.

Subsequent to this correspondence Council received a letter from the Caravan and Camping Industry Association NSW giving their perspective on the CMCA proposal and request for support – attachment 2.

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.

#### 2.4 Attachments

- 1. An outline of the project proposal supplied by CMCA
- 2. Correspondence received from Caravan and Camping Industry Association NSW

#### 2.5 Recommendation

That Council consider whether to support or, alternatively, not support the CMCA Free Camping Project.



Attachment 1



## **CMCA RV Parks**

**Project Overview** 

March 2015



### **CMCA RV Parks**

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### 1 Project Overview

The Campervan & Motorhome Club of Australia Ltd (CMCA) is undertaking the development of member only recreational vehicle (RV) parks, specifically targeted to self-contained RVs, as defined under the Club's Leave No Trace<sup>©</sup> Scheme. The development of these RV parks will provide a safe, low-cost and environmentally responsible accommodation options for all owners of self-contained RVs including motorhomes, camper vans, caravans, fifth Wheelers, slide ons and camper trailers and the like. This project will deliver a clear and exclusive member benefit that will differentiate CMCA from all other RV clubs in Australia.

CMCA seeks to emulate the NZMCA model by offering unique accommodation benefits to RV travellers and unite the self-contained RV traveller market under one organisation.

#### 1.1 CMCA Goals

Develop an Australia-wide network of member-only CMCA RV parks that deliver an integrated network of world-class RV accommodation facilities to meet the needs of CMCA members with Leave No Trace® certification.

Develop key RV tourism infrastructure that will allow CMCA to partner with state tourism organisations and Tourism Australia to promote Australian RV tourism to intrastate, interstate and international markets.

### 2 Business Objectives

#### 2.1 The Challenge

The number of caravan parks in Australia is declining at an average rate of 13 per year with caravan park accommodation being further reduced by ongoing moves to convert current unpowered sites to fixed accommodation. Further to this, property upgrades combined with increases in rates, insurance, electricity and other charges make it no longer commercially feasible for many of these businesses to offer low-cost camping options. This continues to reduce the availability of accommodation suitable for self-contained within the caravan park network.

The growth in sales of campervans and motorhomes in Australia is being significantly outstripped by the growth in caravans with on-board shower, toilet and fresh water tanks. The BDO Caravan and Campervan Data Report 2014 of RVs suggests a significant majority of RVs sold in 2012 were caravans between 1.6 and 3.0 t, vehicles most likely to have on-board toilet and fresh water tanks and therefore able meet leave no trace certification. While self-containment issues were unique to motorhomes and campervans a decade ago, these issues now cover a wide range of RVs including camper trailers, caravans and 5<sup>th</sup> wheelers.

It is estimated there are at least 150,000 RVs registered in Australia that either meet the criteria of CMCA Leave No Trace® Scheme or have the potential to do so. Self-contained RV tourists are generally environmentally responsible travellers who take pride in the self-sustaining capacity of



their vehicles and their ability to leave nothing behind but tyre tracks. Through a network of CMCA RV parks, self-contained RV travellers will be able to minimise their accommodation costs while maximising the environmental advantages of their vehicles and their ability to engage socially and financially local communities they visit.

The challenge for CMCA is to unite these like-thinking tourists through the provision of a comprehensive network of CMCA RV parks, in partnership with local government, and deliver triple bottom line benefits to local communities.

#### 2.2 The Solution

State governments are changing policies to support the development of basic camping options to meet the needs of self-contained RVs. These policy changes are in turn freeing up local government to explore new opportunities to develop RV tourism. CMCA seeks to partner with local government to either lease existing camping grounds or establish new RV parks on land leased from them. Where suitable property is not available through leasing, CMCA will consider purchasing freehold property. Developing CMCA RV Parks will provide low-cost accommodation for self-contained CMCA member vehicles and a strong incentive for any owner of a self-contained vehicle to join the Club.

CMCA is in a unique position to establish member only RV parks due to:

- Significant funds on hand to lease and develop, or where needed purchase, properties as basic RV parks.
- A large, geographically diverse membership base able to provide advice and support to the property acquisition process.
- A network of State Representatives liaising with State and local government
- A Board committed to developing significant member benefits and through these, growing the membership base.
- The skills, experience and capacity of senior management.

### 3 The Project

#### 3.1 Project goals

- 1. To establish a minimum 100 RV parks by 2019
- 2. To make CMCA RV parks the most environmentally friendly drive tourism accommodation
- 3. To promote the CMCA RV parks as a key club benefit that drives membership growth to over 50,000 vehicles by 2019

#### 3.2 CMCA Project benefits

- 1. CMCA membership growth
- 2. CMCA property portfolio
- 3. CMCA a major RV accommodation supplier
- 4. CMCA an inbound tourism supplier
- 5. Greater recognition and support of CMCA by Federal and State government
- 6. Significantly increased CMCA brand equity



#### 3.3 Local Government Project Benefits

The project will deliver triple bottom line benefits to partner councils facilitating the lease of land to establish a CMCA RV Park including:

- Development of a sustainable, eco-friendly tourist facility, delivering the lowest greenhouse gas emissions of any type of tourist accommodation
- Onsite custodian to ensure RV Park users meet CMCA Leave No Trace® standards, along with any lease or other Council requirements.
- No management costs or Council staff tied up in overseeing compliance, bookings or collecting fees
- 4. No maintenance costs or costs for upgrades and improvements
- 5. Access to CMCA volunteers for events and community projects
- 6. Direct return to ratepayers through rates and lease payments
- 7. Indirect return to ratepayers through purchases from local businesses by CMCA members using the RV Park
- 8. Direct benefits to local businesses through increased tourism spend
- 9. No competition policy or compliance issues with caravan park operators
- Privately operated, members only, non-commercial camping ground for self-contained RVs with any self-contained RV owner able to join the club by phone or Internet.
- 11. A tourist facility linked into a national tourist accommodation network and supported by national and international promotion through marketing activities of CMCA and its partners.

#### 3.4 Project Deliverables

- RV parks of a quality and style that are acceptable to the majority of CMCA members wanting basic camping options.
- 2. A set of strategies to guide camping ground acquisition and development processes that maximise user benefits and minimise cost and risk issues.
- 3. A comprehensive, Australia-wide network of RV parks that provides CMCA members accommodation options at most frequented locations.
- 4. Leases on of either public or private land, or where leasehold options are not available purchase freehold land, on which to establish RV parks.
- An integrated and consistent RV accommodation product that can be marketed internationally, particularly to members of RV clubs elsewhere in the world.
- 6. A cost efficient online booking, payment to support access and use of CMCA RV parks.
- Active and consistent promotion of the CMCA camping ground network across a range of media, to attract new members and retain existing members.
- 8. Ongoing management and maintenance of RV parks.
- 9. Training and scheduling of camping ground caretakers, where required.
- 10. Management and maintenance of payment and booking system.
- 11. Ongoing liaison with councils and other stakeholders to support established RV parks.

#### 3.5 Property Acquisition

Property acquisition will be guided by a Property Acquisition Strategy document that will outline the key set of strategies to underpin property acquisition activities. These strategies will help determine



preferred location, size and type of properties along with timeframes and growth requirements on a State by State basis. This strategy document should be finalised in early 2015.

Property acquisition will take place either through working with local real estate agents to identify appropriate land available for lease or purchase or liaison with councils. Where possible, CMCA will seek to lease property on long-term commercial leases and where suitable leasehold property is not available, purchase freehold property.

CMCA will initially seek to access its RV Friendly Town™ network and negotiate to lease the existing camping ground where these meet the required property attributes. This will guarantee these towns long-term RV Friendly status while relieving councils of the costs of management and maintenance.

#### 3.5.1 Required/preferred property attributes

When identifying land for acquisition the following attributes will be considered:

#### a) Required (essential) attributes

- 1. In a safe and sustainable location
- 2. Provides ease of access for all vehicles including large motorhomes and fifth Wheelers
- 3. Access to potable water
- 4. Acceptably flat land of approximately 10,000m² (approx. 40-60 vehicles)
- 5. Likely to receive all necessary consents and approvals
- 6. Adjacent to or within easy access of major roads or highways
- 7. Able to install a dump point at or within 200 m of the location
- 8. Fits with the long-term objective of an integrated national RV accommodation network

#### b) Preferred (non-essential) attributes:

- 1. Away from residential neighbourhoods
- 2. Provide a tranquil and scenic setting
- 3. Adequate fencing
- 4. Reticulated sewerage
- 5. Water and electricity
- 6. Reasonable proximity to tourist and recreational attractions
- 7. Within reasonable walking distance of retail outlets

### 4 Risk Management

A full risk management plan with associated risk register will be developed for the project. Identified key areas of risk are:

- Financial Risk failure to meet funding, budgeting and financial reporting targets.
- Operational Risk failure to meet implementation targets, identify appropriate properties for acquisition and develop these properties into usable and acceptable RV parks.
- Strategic Risk inability to support targeted strategic outcomes for the project including RV park usage and membership growth
- Hazard Risk failure to identify and mitigate hazards during the development of RV parks



### 5 Costs/revenue

- Average establishment cost per RV park (including property purchase where required) = \$45,000
- Average RV park size = 50 vehicles
- Average RV park occupancy = 50%
- Average accommodation charge per person, per night = \$3.00
- Revenue per site = \$50,000
- Management/lease/maintenance cost per RV park = \$42,000

These costings anticipate an average monthly operational cost \$3,500 per site. These costs would include lease payments, rubbish removal, mowing and general maintenance, electricity and management. It is envisaged staff costs for management and administration will be allocated to overall operational costs. CMCA will aim to generate a small surplus from operating RV parks with this used for any further acquisition activity.

### 6 Implementation

#### 6.1 Stage I - Trial sites

To initiate this process, the Board will approve the acquisition and development of four trial sites along the east coast, covering Queensland (2), New South Wales (1) and Victoria (1). Developing the sites will allow CMCA to gain better understanding of the various issues involved in setting up member-only RV parks before officially launching a camping ground policy and strategy to members and the public. Learnings from these sites should help formulate acquisition, development and operational templates compatible with the legislative environments of each State. It will also help to finalise the draft CMCA property acquisition policy and develop an acquisition strategy to guide ongoing activities.

It is anticipated that Stage 1 will be completed by June 2015.

#### 6.2 Stage 2 - Annual Acquisition & Development Plan

In tandem with the development of the initial BETA sites, a plan for the ongoing rollout of CMCA RV parks will be developed with implementation to commence on or around May 2015, following completed development of the BETA site and full analysis and documentation of this process.

There will be an initial plan for the third quarter of the 2014/2015 financial year plus a full plan for 2015/2016. This planning process will include an acquisition strategy aimed at focusing CMCA resources on targeting areas of highest demand and/or locations with the greatest potential to drive membership growth. This strategic approach to property acquisition will provide clear guidelines to CMCA State Representatives undertaking initial assessment of proposed properties and avoid any ad hoc acquisitions that do not support an integrated RV accommodation network.



#### Attachment 2



1st July 2015

Mr Derek Francis General Manager Bogan Shire Council PO Box 221 NYNGAN NSW 2825



By email also: admin@bogan.nsw.gov.au

Dear Mr Francis

Proposal by Campervan & Motorhome Club of Australia Ltd (CMCA) for the development of member only RV parks

We write to you regarding an Expression of Interest proposal you might have received recently from the Campervan & Motorhome Club of Australia Ltd (CMCA) to undertake the development of member only recreational vehicle (RV) parks, specifically targeted to self-contained RVs. We note this letter has also been sent to Council via email.

Their proposal states CMCA is inviting expressions of interest from any New South Wales (NSW) council interested in establishing a CMCA RV Park in its region, either by converting an existing camping ground to an RV Park or by establishing an RV Park on land currently not in use.

We are the peak industry body in NSW representing the interests of caravan and holiday parks, as well as manufacturers and retailers of caravans, RVs, motorhomes and camping equipment, land lease communities and manufacturers of relocatable homes.

Our Association wants to make some points in relation to the CMCA proposal to further inform any considerations by your Council.

It is important that a full range of services and experiences be available in the caravan and camping sector, so that it can continue to appeal to a broad and growing market. We celebrate the growth of the RV industry and its increasing popularity, especially amongst the retiree market. It is a terrific way for people to experience the best of NSW and Australia

#### The Growth of Commercial Camping

The caravan and camping industry continues to be one of the fastest growing domestic tourism sectors in Australia and NSW is Australia's favourite State for caravanning and camping, with a 35.3% share of visitor nights and a 33% share of visitors. Caravanning and camping also accommodates 26% of the visitor holiday nights in regional NSW making it a vitally important part of the tourism infrastructure. Each year our Association invests hundreds of thousands of dollars, in its own campaigns and in partnership with Destination NSW, to further enhance this growth.

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Commercial caravan parks are an important part of regional tourism infrastructure across NSW. Most offer a wide range of overnight accommodation options and facilities, including powered and unpowered sites, dump points and other services that are needed by the self-drive touring market.

#### Existing Supply

CCIA member parks have almost 50,000 short term and camp sites available in parks every night of the year. So outside of peak holiday season, which is when the retiree market tends to travel, there is adequate supply to meet demand for the sites that self-contained RV travellers want. As such, we strongly advocate that there is no market failure by the commercial sector that requires local government intervention by way of subsidies or preferential treatment to meet the needs of one particular segment of the market.

Caravan parks are an important part of their local economies - employing local people, paying local rates, and buying goods and services locally. A BDO¹ study, commissioned by our national association, Caravan Industry Association of Australia (formerly Caravan, RV & Accommodation Industry of Australia Ltd (CRVA)) demonstrated that for every \$100 spent in a caravan park, \$138 in economic benefit flows on to the local economy.

As such, we envision that creating a business environment that allows local caravan park operators and other small businesses to flourish would be a high priority for local councils. Creating opportunities for unfair competition in regional areas can have serious consequences for the revenue of local businesses and the local people who rely on them for employment and spending in the local community.

#### Subsidisation is not a sustainable business model

As CMCA points out in its background paper, commercial caravan parks operating in compliance with all required regulations, and without any subsidies, need to offer unpowered sites to RV travellers at around \$30 per night in order to cover costs and make a return on capital. Therefore the \$10 per night or less that CMCA states its members require can only ever be provided if someone is subsidising the actual costs of delivering these services.

People are always looking for the best deal on any product or service these days – and competition encourages a dynamic commercial market. But this needs to be fair competition and not a situation where particular operators are being given special deals that reduce their operating costs unfairly and make it impossible for other businesses to compete on a level playing field.

We believe an expectation of \$10 per night or less for unpowered sites is unsustainable and unreasonable without subsidies from someone to offset the true costs of delivering services and operating a commercial business in accordance with required regulations.

If CMCA wishes to establish its own parks and subsidise the cost of sites for their members that is a business decision for them. However, they will face the same cost of doing business as all other businesses and we would hope that they would not be extended individual special deals or opportunities on more favourable terms than available to the wider industry.

<sup>&</sup>lt;sup>1</sup> BDO, Economic Benefit Report – Commercial Caravan Holiday Park to a Local Community, October 2012



Many caravan and holiday parks in NSW operate on commercial lease arrangements with their local council and we expect that any new entrants will operate on the same basis. If a preferential lease rate was to be extended to CMCA, this same lease rate should be extended to other Council lessees.

#### **Consider Options**

If, after investigation of the existing supply of overnight unpowered sites offered by commercial parks within your area, a determination is made that there is a need for more supply, Council could consider a number of options:

- Exploration of opportunities for existing operators to expand their businesses and add further capacity to meet the needs of a growing market.
- 2. If Council identifies a suitable site for the development of a new business opportunity, this opportunity should be put to the wider market for consideration. Transparency must be upheld and all parties, including any existing local caravan or holiday park operator, should be allowed access to negotiate any new commercial opportunities put to market. If there is an opportunity identified to lease an existing site on public lands, then this opportunity should also be made available to all interested parties.

As mentioned above, many commercial caravan park operations are on land which is leased from councils, so we would envision that lease terms on any new facilities would align to current market conditions and rents charged to existing commercial operators.

3. If there is new freehold land identified by Council, and zoned appropriately, we expect it would be offered to the wider market at its full commercial value, and any new park established must comply with all relevant planning and operational regulations, which are designed specifically to ensure the preservation of the environment, regulate local business operations and protect the safety of visitors.

Our Association is not against competition, but we do seek a level playing field and we believe the principle of competitive neutrality should always be applied.

We trust that you will give genuine consideration to these issues in your evaluation of the Expression of Interest proposal from CMCA.

Local caravan parks have been encouraged to discuss this issue and raise any concerns directly with Council as well.

Should you require more information, have any questions or wish to discuss the matter further please contact me.

Thank you for your time and assistance.

Yours sincerely,

Lyndel Gray

**Chief Executive Officer** 



#### 2 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.

#### 3.1 Introduction

The purpose of this report is to advise Council of arrangements for the 2015 Tour de OROC.

### 3.2 Background

The Tour de OROC is an OROC Mayors charity bike ride event to raise funds for the Macquarie Homestay. The Dubbo Base Hospital Accommodation Project Inc. (Macquarie Homestay) is a not for profit organisation established for one purpose to build a patient and family accommodation facility for those who need to use the services of Dubbo Hospital.

The last event, which took place in 2013, raised \$176,000 and followed a route through all OROC Local Government areas, starting and finishing in Dubbo.

#### 3.3 Discussion

This year's event takes place between 5 and 10 October 2015 and follows a route starting at Wellington through Dubbo, Narromine, Warren, Nyngan, Cobar, Bourke, Brewarrina, Walgett, Coonamble, Coonabarabran and Gilgandra – finishing in Dubbo.



Tour organisers have asked that:-

- Councils nominate a rider (or riders) to ride from LGA boundary to LGA boundary to carry the baton. They must own a road bike and be able to keep a pace of 26km/h for their section.
- Each Mayor ride from their town limits to create publicity.
- Organise a fundraising event in each town as the tour passes through.

During the last Tour, Council sponsored and organised a bbq lunch in the park.

#### 3.4 Recommendation

- 1. That 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. That Council approach service clubs / sporting clubs to provide a morning tea / bbq lunch open to all residents which Council will sponsor.
- 3. That Council makes provision at the first budget review for the associated cost.

Derek Francis General Manager



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

### **Mayor and Councillors**

The following reports are submitted for consideration:-

#### 1 BANK RECONCILIATION

#### 1.1 Introduction

The purpose of this report is to present the reconciliation of Council's cash book, bank statements and ledger bank account as at 31 July 2015.

#### 1.2 Background

The presentation of the reconciliation of Council's cash book, bank statements and ledger bank accounts is not a requirement of any Act, however historically it has been provided for the information of Councillors. Some large end of financial year accounts still outstanding will explain the large balance being held in the Operating Account.

Bank Reconciliation for July 2015	
Council General Fund	
Bank Statement Balance	\$ 538,756.85cr
Add Deposits not yet receipted	\$ 15,231.33cr
Less Unpresented Payments	\$ 23,145.31dr
Balance as per Council	\$ 530,842.87cr
Represented by the following in Council Ledgers	
Account	
19001.8000.8000	\$ 530,842.87cr
Difference	\$ 0.00

#### 1.3 Recommendation

That the Bank Reconciliation Report as at 31 July 2015 be received and noted.



#### 2 INVESTMENTS JULY 2015

#### 2.1 Introduction

The purpose of this report to is to outline the performance of Council's investment portfolio for the month of July 2015.

#### 2.2 Background

In accordance with Clause 212 of the Local Government (General) Regulation 2005 a report must be presented to the Council setting out details of all the money that the Council has invested under section 625 of the Act.

#### 2.3 Discussion

The Investment Report for July 2015 is shown below. At the 31<sup>st</sup> July 2015 Council had \$9.4 million invested. There has been an increase to Council's investments since the June 2015 report of \$935,000. This was primarily due to the receipt of Grants early in July for Bogan Bush Mobile \$62,000, Financial Assistance Grants of \$1,662,000 and Block Grant of \$224,000. All of these amount have been received earlier than in previous years.

All money has been invested in accordance with Council's investment policy.

Consideration of this report means that Council is complying with the Local Government (General) Regulation 2005.



#### **Investment Movements for July 2015**

It is hereby certified that these investments have been made in accordance with the Local Government Act 1993 and the Regulations thereto.

Bogar							
2030							
REF	Source	Maturity	Days	% rate	Interest	Bal 30/06/2015	Bal 31/07/2015
4493	CBA	11-Feb-16	365	3.250%	32,500	1,000,000.00	1,000,000.00
6784	NAB	06-Nov-15	180	2.900%	7,309	500,000.00	500,000.00
5189	NAB	08-Nov-15	180	2.900%	14,619	1,000,000.00	1,000,000.00
3204	NAB	11-Sep-15	180	3.130%	15,778	1,000,000.00	1,000,000.00
1203	NAB	17-Sep-15	180	3.150%	15,879	1,000,000.00	1,000,000.00
7202	NAB	17-Oct-15	180	2.950%	11,832	800,000.00	800,000.00
802	Westpac - Maxi direct	n/a	n/a	Variable		3,219,172.83	4,154,249.87
	Balance securities held					8,519,172.83	9,454,249.87
	Balance Ledger 1901	0.8200.820		8,519,172.83	9,454,249.87		
	Summary by institution						
	СВА					1,000,000.00	1,000,000.00
	NAB					4,300,000.00	4,300,000.00
	Westpac					3,219,172.83	4,154,249.87
						8,519,172.83	9,454,249.87

#### 2.4 Recommendation

That the Investments Report for July 2015 be received and noted.



#### 3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

#### 3.1 Introduction

The purpose of this report is to provide a comparison of rate collections as at 31 July 2015, with the same period last year.

#### 3.2 Discussion

This report is provided for the information of Councillors.

Rate Collections	2015-2016	2014-2015	
Arrears Prior to 01/07/2015	306,455	386,771	
First Instalment Outstanding as at 31/07/2015	1,045,060	1,015,092	
Second Instalment Outstanding as at 31/07/2015	1,108,190	1,051,071	
Third Instalment Outstanding as at 31/07/2015	1,109,073	1,058,472	
Fourth Instalment Outstanding as at 31/07/2015	1,109,610	1,061,103	
Total Arrears	306,455	386,771	
Total Outstanding	4,678,389	4,572,509	
Monthly Transactions			
Amount Levied & B/Fwd	4,953,689	4,746,914	
Add: Adjustments	3,323	3,753	
Less: Payments to end of March	-203,910	-110,524	
Less: Rebates	-77,714	-70,596	
Add: Postponed	3,001	2962	
Gross Total Balance	4,678,389	4,572,509	
Arrears of total amount levied %	6%	8%	

Total arrears have decreased from \$386,000 at the 31July 2014 to \$306,000 as at 31 July this year.

Each instalment amounts to approximately \$1,238,000 (Total Rates, Waste, Water & Sewer Access Charges)

Council has collected at this date \$93,000 more than at the same time last year.

#### 3.3 Recommendation

That the Rates Collections Report as at 31 July 2015 be received and noted.



#### 4 AUDIT OF 2014/15 FINANCIAL ACCOUNTS

#### 4.1 Purpose

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.

#### 4.2 Background

Council is required to produce and have audited a set of Statutory Accounts each financial year. The 2014/15 financial year closed on 30 June 2015 and audited statutory accounts must be lodged with the Department of Local Government by 30 October 2014.

#### 4.3 Discussion

The auditors have suggested audit dates of 28 to 30 September, providing that certain information is sent in advance.

Council staff plan to have a full set of statutory accounts completed by 14 September so that they can be adopted and referred to audit at Council's Ordinary Meeting scheduled for 24 September 2015. This is a tight timeline but we believe this is achievable.

#### 4.4 Recommendation

That the proposed audit dates be noted.



#### 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.

#### 5.1 Introduction

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.

#### 5.2 Background

Council levies rates according to the Local Government Act 1993 (The Act) and its Operational Plan.

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.

The 2015/2016 rates were levied with these ratepayers included and if Council agrees to financial assistance then corresponding savings must be found in other parts of the budget. Council has budgeted \$5000 in 2015/16 for these type of donations. As of now no money has been committed.

#### 5.3 Discussion

To date Council has received three letters requesting financial assistance to meet the cost of rates and charges payable.



Organisation	Levied 2014/15	Fin assistance 2014/15	Levied 2015/16	Fin Assist Recommended	Justification
Hermidale CWA Branch	\$935	\$140 (rate component)	\$1,059	\$150 (rate component)	Sect 1.3 of the Operational Plan
Nyngan Lodge Oxley	\$1,851	\$984 (rate component)	\$2,008	\$1,006 (rate component)	Sect 1.3 of the Operational Plan
Girl Guides Association	\$1,686	\$1,686	1,308	\$699 (rate component)	Sect 1.4 of the Operational Plan

#### Hermidale Branch CWA

#### **No Amount Specified**

Small community organisation based in Hermidale who have received financial assistance in past years. Recommend we assist with the general rate of \$150.

#### Local Lodge Oxley — Amount Requested

\$1,002

This is a non-profit organisation who has requested that as per last financial year Council give them financial assistance of \$984 to pay for their general rate.

#### • Girl Guides Association – Amount requested

\$842

This group is a small organisation who is relaunching in February 2016 and has limited fundraising ability. It is recommended that Council waive the rates portion of the levy. The Guides will still need to pay for waste charges of \$466, Community Water access of \$143, water usage, and sewerage which will be \$540 plus a usage component which will be charged on their water usage bill.

Additionally this group has requested a separate donation of \$5,000 for their programming and the redevelopment of the Girl Guide Hall. As part of their submission they have also asked to address Council at this meeting. This request has not been budgeted for.

The request letters from the Hermidale CWA and the Nyngan Lodge Oxley have not been included in this business paper but are available to Councillors should they wish to view them. Due to their additional request of \$5,000, the letter from the Girl Guides Association has been included in the Precis of Correspondence at the end of this Business Paper.



#### 5.4 Recommendation

#### That Council:

- 1. Provide financial assistance to Hermidale CWA to the value of \$150, which represents the general rate levied on the Hermidale CWA Building.
- 2. 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.
- 3. Provide financial assistance to the Nyngan Girl Guides Association to the value of \$699 which represents the general rate levied on the Girl Guides Hall.

**Luke Taberner** 

**Manager of Corporate Services** 



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

### **Mayor and Councillors**

I submit the following report for consideration:-

#### 1 OPERATIONAL REPORT

#### 1.1 Civil Works

Work undertaken between the reporting period from the 15 July 2015 to 7 August 2015 consisted of the following:-

- Maintenance at the water supply depot in Bogan Street including the installation of a new roller door;
- Rendered the façade of the Nyngan Dental Clinic in Pangee Street after the removal of the front awning;
- Re-laid paving that was disturbed at the front entrance of the Nyngan Dental Clinic in Pangee Street;
- Painting and maintenance at the Nyngan Showground;
- Continuing work on the Cobb & Co display shed at Teamsters Rest in Pangee
   Street including trenching for the installation of power to the site;
- Removal and disposal of asbestos sheeting from railway houses at the western end of Nymagee Street;
- Maintenance at Heritage Park; and
- Installing gutter bridges in town streets under Council's Pedestrian Access Mobility Plan funding.

### 1.2 Community Facilities

Work undertaken by Council's Community Facilities during this reporting period consisted of the following:-

- Preparation of the ovals and sporting fields;
- Preparation of the showground facilities for Nyngan Agricultural Expo;
- Cleaning up after the Nyngan Agricultural Expo;
- Cleaning and sweeping of the Nyngan CBD;
- Preparing for private functions;
- Cleaning and maintenance of town streets and nature strips; and
- Cleaning of town streets gutters and culverts.



### 1.3 Roads

The work undertaken during this reporting period by Works Crews consisted of the following:-

No.	Name	Comments
MR 228	Hermidale/Nymagee Road	Construction continuing
MR 228	Hermidale/Nymagee Road	Maintenance grade completed
MR 424	Monkey Bridge Road	Maintenance grade continuing
14	Gilgai Road	Maintenance grade completed
7	Warrah Road	Causeway repairs completed
76	Cox's Road	Scour repairs continuing
HW7	Mitchell Highway	Shoulder rehabilitation completed
HW8	Barrier Highway	Trimming trees completed
52	Healy's Road	Maintenance grade completed
22	Moonagee Road	Maintenance grade continuing
82	Pepper Lane	Maintenance grade completed
	Weir Lane East	Maintenance grade completed
53	Sarona Downs Road	Maintenance grade completed
73	Kallara Road	Maintenance grade completed
58	Cooney's Road	Maintenance grade completed

Due to the continued wet weather over the last reporting period limited work has occurred on some of our rural roads within the network. When the rural works crews have been unable to work on the roads they have completed the following tasks,

- Tree trimming of trees along town streets and rural roads, and
- Delineation and signage maintenance on rural roads.



Council's Jet-Patcher during this reporting period has carried out routine maintenance on the following roads:-

- Gilgai Road;
- Yarrandale Road;
- Colane Road;
- Nyngan town streets;
- Mitchell Highway; and
- Barrier Highway.

The works program for the remainder of August and beginning of September includes but is not limited to the following:-

- Maintenance grading and re-sheeting of the following roads, Colane, Kallara, Laroo, Whiterock, Mulla and Hermidale Nymagee;
- Completing the construction of 2km of Hermidale Nymagee Road;
- Continuing drain clearing on sections of the Mitchell Highways west of Nyngan;
   and
- Re-sealing several sections of the Tottenham Road.

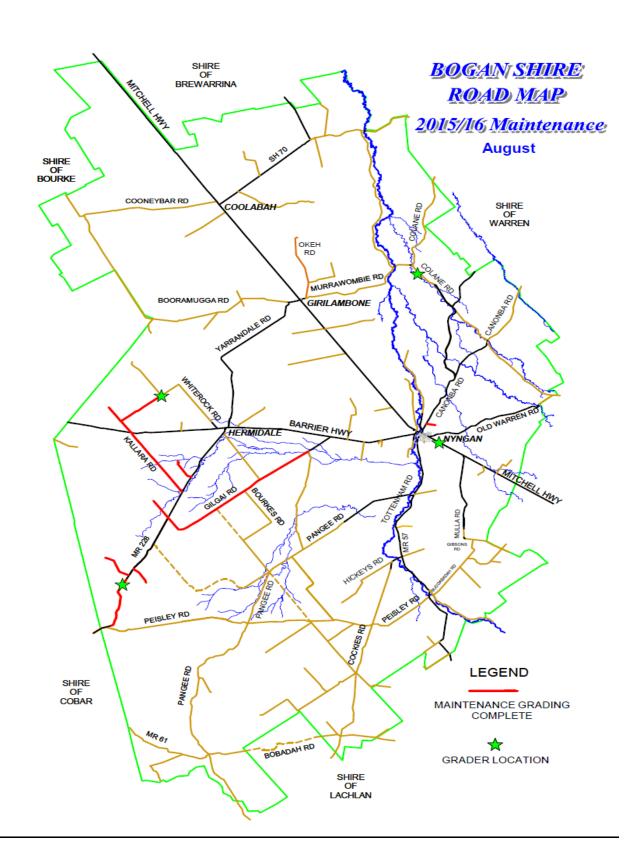
#### 1.4 Attachment

Roads Maintenance Map

### 1.5 Recommendation

That the Operational Report for the reporting period from the 15 July 2015 to 7 August 2015 be received and noted.







# 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.

#### 2.1 Introduction

The purpose of this report is to inform Council on the current options for the refurbishment of the Belaringar Creek Syphon on the Albert Priest Channel.

# 2.2 Background

The Belaringar Creek Syphon is a 93 metre long, 900mm diameter concrete pipe passing under the creek with concrete headwalls at either end. Durring previous studies of water losses along the channel, it was identified that the pipeline was leaking significant amounts of water. Several repairs have been made over the last ten years to leaking joints in the concrete pipe and these were only in areas that were visible above the water.

The refurbishment of the Belaringar Creek Syphon had a budget amount of \$155,000 for the 2014/15 financial year. After looking into the available construction options, it became apparent that further preliminary studies were required before construction could commence.



### 2.3 Discussion

To assist Council with determining the most economical method for refurbishing the syphon, consultant GM Water Pty. Ltd. was engaged to provide:-

- A preferred option with a corresponding budget estimate for the construction phase;
- A clear and accurate Request for Quotation document; and
- Technical support during the tender phase.

After a long process of site investigations involving Council staff, GM Water, and NGH Environmental, followed by a geotechnical investigation, three options have been presented for comparison.

- 1. Replace the existing pipe with a new HDPE (poly) pipe installed by drag line and partially buried.
- 2. Replace the existing pipe with new HDPE (poly) pipe installed by trenchless method.
- Refurbishment of the existing pipe with an internal lining system.

# Option 1: Replace the existing pipe with a new HDPE (poly) pipe installed by drag line and partially buried.

The existing concrete pipe would be replaced with a HDPE pipeline sunk to the base of the creek in a similar location to the existing concrete pipe. The new pipe would be connected to the existing upstream and downstream headwalls.

In this option a shallow trench would be scooped across the base of the creek bed and a continuously welded polyethylene pipe would be floated across the creek and then submerged using evenly spaced buoyancy anchors.



# Option 2: Replace the existing pipe with new HDPE (poly) pipe installed by trenchless method.

The existing concrete pipe would be replaced with either 1 or 2 HDPE pipelines installed by boring under the creek in a location offset from the existing concrete pipe. The new pipe(s) would be connected to the existing upstream and downstream headwalls.

### Option 3: Refurbishment of the existing pipe with an internal lining system.

The existing concrete pipe would be refurbished by relining it using a water tight structural liner.

In this option the main components include:-

- Constructing a temporary earthen dam to enable the pipeline to be dewatered;
- Exposure of intermediate pits (including excavation if required);
- CCTV investigation of pipe to ensure that it is suitable for lining; and
- Insertion of liner.

The options comparison indicates that on the balance of environmental, operational, and construction issues, that all options are ranked equally.

Reasonable budget pricing has been developed for options 2 and 3 based on advice from reputable HDD and lining contractors while the estimate for option 1 has been built up from first principles by a certified quantity surveyor.

The following table is a summary of the options and estimated costing provided by the consultants.

Description		Option 1		Option 2		Option 3	
Direct Costs- Design Phase	\$	28,361	\$	31,321	\$	27,104	
Direct Costs- Construction Phase	\$	264,730	\$	292,354	\$	252,990	
Corporate Overheads	\$	37,855	\$	41,805	\$	36,176	
Risk / Contingency	\$	100,000	\$	100,000	\$	100,000	
Totals	\$	430,946	\$	465,480	\$	416,270	



In calculating the Indirect Costs for the construction options, the following process was applied:-

- Design costs were applied at 11% percent of the sum of the construction works components cost. This percentage has been benchmarked using historical water industry projects.
- At design stage, Project Management and Engineering Services and Approvals have been applied to Design Costs at rates of 8.3%, 2.8% & 1% respectively.
- At construction stage, the following percentages have been applied:-
  - Project Management 8.3%
  - Engineering Services 2.8%
  - O&M Manuals, WAE Drawings, Testing & Commissioning 2.0%
  - Work, Health and Safety 2.0%
- Cost centre and corporate overheads have been applied to the management components of the design and construction phase costs in accordance with other projects of similar nature.
- Risk/contingency values have been included at \$100,000 per option.
- The percentages used above are considered reasonable when compared with historical cost data for similar types of projects.

Option 3, re-lining the existing pipe is the most economical of the three options and would be the quickest to complete. However, after damming off the creek, pumping out the water, and inspecting the pipe with CCTV, it may be determined that the existing structure is unsuitable for lining. It would then be necessary to change to a similar method as option 1 and install a new HDPE pipe.

Of the original \$155,000 budget, \$32,096 has been spent to date on consultants and investigations. Based on the estimates for the options above, it is expected that Council will need to allocate an additional \$261,270 to \$275,946, depending on the option, in the 2015/16 budget to fund the syphon refurbishment.

The consultant is expected to have the final report completed by the end of August. Council will then be requested to consider additional funding at the first budget review in September.

### 2.1 Recommendation

That the Albert Priest Channel – Belaringar Creel Syphon Refurbishment Report be received and noted.



#### 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.

#### 3.1 Introduction

The purpose of this report is to update Council on the progress of the Nyngan Cobar Water Security Project.

### 3.2 Background

A Nyngan Cobar Water Security Project Steering Committee Meeting was held in the Council Chambers on 29 June 2015 and the Minutes are attached to this report.

### 3.3 Discussion

The following key issues were discussed at the meeting:-

#### Modelling

- The Preliminary Report, received 14 June 2015, and was being reviewed by NSW Office of Water.
- Initial results suggest the off-river storage should be quite large as new modelling of the Macquarie River indicates allocations well below 100% during some drought years.
- NOW Licencing has been asked for scenarios to model that minimise the impact on downstream users while maximising pumping to the new Storage.

Since the meeting, NOW has reviewed the modelling report and it will require additional information to comply with the brief. The consultant is meeting with NOW on 18 August 2015 to discuss the additional requirements.



### **Weirpool Management Plan**

• The Position Paper was received 26 June 2015. The Olive Perchlet was the focus of the report. It relies on vegetation along the banks, so water levels need to stay within a certain range to maintain the vegetation.

Since the meeting, the consultant has been asked to provide additional information for the modeller on managing the weir water levels during drought conditions.

#### **Site Selection**

- Site 1 is now the selected site and can cater for a 1,300 ML Storage, without habitat trees being removed from the central area. However, working around the tree is inefficient and doesn't seem to have much environmental benefit.
- All agreed the trees should be removed and any fauna relocated.

### **Forward Program**

- A 700ML storage appears to be the maximum size that can be built for the \$10m budget. Yet, preliminary modelling suggests the storage should be much larger.
- Councils will seek additional funds to enlarge the storage. Public Works will determine the maximum storage that can be built on Site 1.

Since the meeting, Public Works has provided an updated design with the proposed 700ML storage with an additional future 770ML adjacent storage. As site 1 only has the capacity for a maximum 1470ML, Public Works has asked if Council would like them to investigate and design future additional storage on Site 6, to the North East of Site 1.

### **Community Consultation**

 Now that the site has been selected, Council will issue a press release and erect the Infrastructure NSW sign.

It was proposed at the meeting to arrange a presentation of the Water Modelling Report and the Weirpool Management Plan in mid-August but, as both reports require additional work by the consultants, the presentations are expected to be delayed until the end of September 2015.

#### 3.4 Recommendation

- 1. That the Nyngan Cobar Water Security Project Report be received and noted.
- 2. That NSW Public Works be requested to incorporate the design of addittional storage and infrastructure on Site 6 into the current design.



# Nyngan Cobar Water Security Project Meeting minutes – 29<sup>th</sup> June 2015

**Time & Date:** 10:00 am – 11:45 am

**Venue:** Bogan Council Chambers, Nyngan

**Present:** Bogan Shire Council

Ray Donald, OAM - Mayor Jim Hampstead - Deputy Mayor

Derek Francis – General Manager

Graeme Bourke - Manager, Engineering Services

Trevor Waterhouse - Water Supply Operations

Kayla Volker - Senior Development and Environment Officer.

#### Cobar Shire Council and Cobar Water Board

Lilliane Brady, OAM – Mayor, Cobar Shire Council and Cobar Water Board Member:

Gary Woodman - General Manager, Cobar Shire Council & Water Board Secretary

Wayne Mills – Cobar Services Manager, Cobar Shire Council and Technical Services Officer, Cobar Water Board

#### **NSW Office of Water**

Stephen Palmer – A/Director, Urban Water Warwick Brown – Principal Urban Water Manager, Albury

#### **NSW Public Works**

David Watson - Senior Project Manager, Dubbo

#### 1. Welcome and apologies

Nil

### 2. Previous Minutes

Accepted.

#### 3. Progress to date

**i.** Funding arrangements – no issues, payments are being processed quickly.



### ii. Modelling

- Preliminary Report, received 14<sup>th</sup> June 2015, is being reviewed by NSW Office of Water.
- Initial results suggest the off-river storage should be quite large as opposed to a 2005 Report. The reason is new modelling of the Macquarie R allocation indicates allocations well below 100% during some drought years. 1980/81 appears to be the worst year.
- NOW Licencing has been asked for scenarios to model that minimise the impact on downstream users while maximising pumping to the new Storage.

Action: NOW provide comments on Modelling Report

Action: BSC arrange for Modellers to present findings in 4 to 6 weeks time

Action: NOW advise water licencing scenarios for Modelling of the new Storage

pumps.

### iii. Weirpool Management Plan

• The Position Paper (the first part of the consultancy) was received last Friday 26<sup>th</sup> June. The Olive Perchlet was the focus of the Report. It relies on vegetation along the banks, so water levels need to stay within a certain range to maintain the vegetation.

Action: NOW comment on Wierpool Mgt Plan – Position Paper

Action: NOW/BSC get Drought Mgt scenarios from Cardno for the Modeller.

Action: BSC arrange presentation by Cardno in 4 to 6 weeks time.

#### iv. Site Selection

- Site 1 is now the selected site. Sites 2 & 5 are no longer being considered.
- Site 1 can cater for a 1,300 ML Storage, without habitat trees being removed from the central area. However, working around the tree is inefficient and doesn't seem to have much environmental benefit.
- All agreed the trees should be removed and any fauna relocated. How this is done will be discussed between Council and the Consultant.

Action: PW and BSC determine habitat tree removal.

#### 4. Forward Program

A 700ML storage appears to be the maximum size that can be built for the \$10m budget. Yet, preliminary modelling suggests the storage should be much larger.



Councils will seek additional funds to enlarge the storage. The Business Case will be combined with the Business Case for the APC Pipeline. To assist, PW will determine the maximum storage that can be built on Site 1. Carting excess spoil from site will be factored in, if BSC can find a suitable disposal site.

Action: BSC advise if there is a suitable disposal site for excess spoil.

Action: PW determine the maximum storage (and cost) that can be built on Site 1 with central trees removed and off-site disposal of excess spoil, if advised by BSC.

Extra funding may take a number of years, so the project will continue to build the largest possible storage for the \$10m budget.

The Site Selection process has been more complex than expected. The resulting delays are considered reasonable under the circumstances and Infrastructure NSW appreciates the situation. No impact on funding is expected by Council. See the Monthly Report for the latest estimate for completion of construction – currently March 2017.

### 5. Community Consultation

Now that the site has been selected, Council will issue a press release and erect the Infrastructure NSW sign.

Action: BSC issue a press release Site 1 has been selected.

Action: BSC erect Infrastructure NSW sign at Site 1.

#### 6. Review of Actions

Refer to the Action Sheet below.

#### 7. Other Matters

Steve Palmer advised \$100,000 is available in 2015/16 to fund the Business Case for Pipelining the Albert Priest Channel.

Action: BSC & CSC prepare Business Case for APC Pipeline & enlarge the new off-stream storage.

#### 8. Next meeting

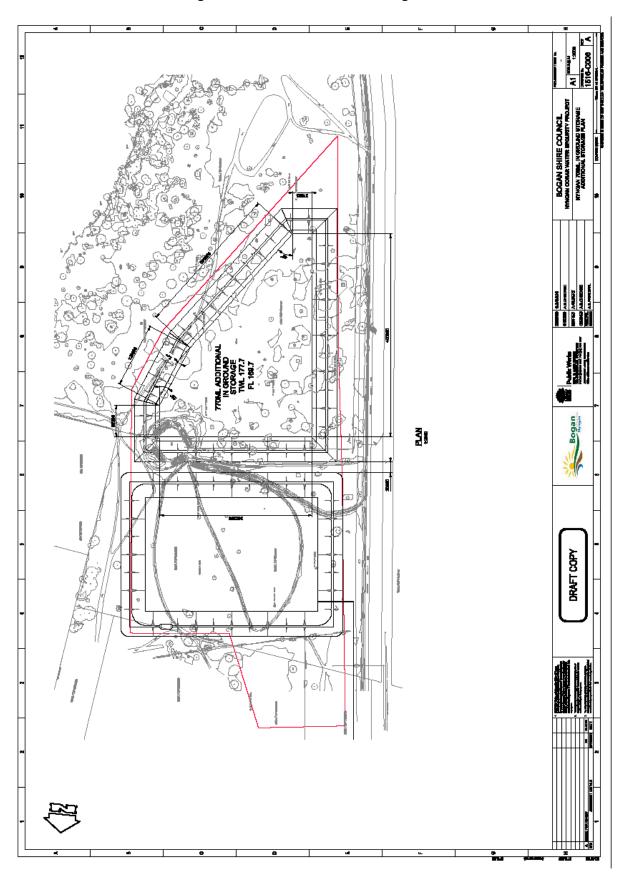
Tentatively 12:00 to 3:00 pm, Wed 15<sup>th</sup> April 2015 - date to be confirmed.



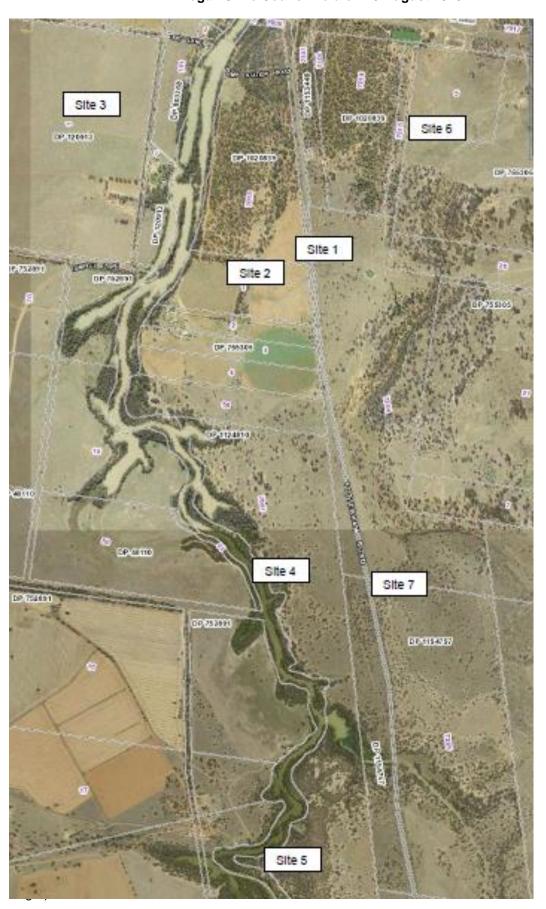
# Action Sheet as at 29th June 2015

No	Actions	Who	When	Comments
	Actions from meeting on 10th Dec 2014			
18	Public Works arrange EM Survey of the 3 sites	DW	22/1/15	Done in Jan '15
19	BSC obtain estimate of land value for Site 2	GB	22/1/15	Done.
20	PW obtain estimates of land values for Site 1 & 5	DW	22/1/15	Done – nominal cost.
21	PW complete Option Study for Jan Council meeting	DW	30/1/15	Done
22	PW provide a revised program with Dec Report	DW	22/12/15	Done
23	BSC issue a press release when the site is selected	GB	20/2/15	Will do now site selected.
24	Finalise Project Plan	WB	22/1/15	Done
	Actions from this meeting			
25	NOW provide comments on Modelling Report	WB	10/7/15	
26	BSC arrange presentation by Modellers	GB	Mid Aug	
27	NOW advise water licence scenarios for Modelling	WB	10/7/15	
28	NOW comment on Wierpool Mgt Plan – Paper	WB	17/7/15	
29	NOW/BSC get Drought Mgt scenarios from Cardno for the Modeller	GB/WB	10/7/15	
30	BSC arrange presentation by Cardno	GB	Mid Aug	
31	PW and BSC determine habitat tree removal	KV/DW	10/7/15	
32	BSC advise if suitable disposal site for excess spoil	GB	10/7/15	
33	PW determine the maximum storage (and cost) that can be built on Site 1 with trees removed and off-site disposal of excess spoil, if advised by BSC.	DW	Mid Aug	
34	BSC issue a press release Site 1 has been selected.	GB	Mid Aug	
35	BSC erect Infrastructure NSW sign at Site 1	GB	Mid Aug	
36	BSC & CSC prepare Business Case for APC Pipeline & enlarge the new off-stream storage.	DF/GW	Jun 16	











#### 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.

### 4.1 Introduction

The purpose of this report is to advise Council of the proposed road works program and budget for the 2015/16 financial year.

# 4.2 Background

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. This budget also includes projects that were unable to be completed by the end of the 2014/15 financial year.

#### 4.3 Discussion

Council has received advice that the Roads to Recovery Program has been increased significantly for the 2015/16 and 2016/17 financial years. The life of program funding amount has been increased to \$5,714,811but rather than being spread evenly over the remaining four years of the program, the additional funding is required to be spent during the next two years.



The following table shows the proposed Roads to Recovery expenditure for the current program.

2014-15	2015-16	2016-17	2017-18	2018-19
\$ 677,157	\$ 1,783,121	\$ 2,006,211	\$ 624,161	\$ 624,161

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 in the attached table.

The attachment lists proposed individual roads projects under the Roads to Recovery program. These projects may change during the year depending on changing conditions, weather, and priorities. The 2016/17 column is a list of currently required road works projects that are unable to be funded this financial year. This list will be added to during the year to provide a program for next year.

As the road works program for 2015/16 has been significantly increased, it is considered necessary to engage contract equipment to provide an additional gang to carry out resheeting work during September to December 2015. The progress of the total works program will be closely monitored during this period to determine if extended contract work will be required.

### 4.4 Attachment

2015/2016 Road Works Funding Table

#### 4.5 Recommendation

That the 2015/16 Road Works Program Report be received and noted.

**Graeme Bourke** 

**Manager Engineering Services** 



**Roads Works Funding Table** 



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

# **Mayor and Councillors**

I submit the following reports for consideration:-

### 1 DEVELOPMENT APPLICATIONS

### 1.1 Introduction

Two (2) Development Applications have been approved since Council's July 2015 Meeting.

Application Number	Applicant	Address	Proposal	Value of Works	Status
2013/012	Ian & Mrs Sara Drain	6 Cathundril Street NYNGAN	Dwelling extension	40,000	Approved 24 July 2015.
2014/001	Dr Ryan Heggie	Cannonbar Road, NYNGAN	Hangar	64,000	Awaiting additional information as of 10/2/2014.
2014/013	Peter Groeger	'Killawarra' COOLABAH	Extracting sand and gravel	5,000	Still waiting on consent from CL's 24/7/2014.
2015/004	Tritton Resources Pty Ltd	Mitchell Highway GIRILAMBONE Lot 10 DP 751315 & Lot 3 DP 751342	Underground mine – "Avoca Tank"	20,000,000	Additional Information required from Applicant.
2015/006	Radhe Krishna Investment s Pty Ltd	124 Nymagee Street NYNGAN	Demolish shed, Erect shed & fuel tanks	150,000	Approved 13 July 2015.



2015/009	Emma Templeton	93-101 Pangee Street, NYNGAN	Modification to DA 2012/011	250,000	Additional information due to removal of onsite parking requested.
2015/010	Tritton Resources Pty Ltd	Booramugga Road, GIRILAMBONE	Section 96 Modification to DA 1/91 to extend existing open cut mine	30,000,000	Additional Information required from Applicant.
2015/017	Bogan Shire Council	Dandaloo/Oxley Street, NYNGAN	Child care centre	800,000	Under assessment.
2015/018	Bogan Shire Council	76 Pangee Street, NYNGAN	Demolish sheds and shop fronts	60,000	Under assessment.
2015/019	Bogan Shire Council	72,74,76 Pangee Street, NYNGAN	Medical Centre	1,200,000	Under assessment.
2015/020	Bogan Shire Council	Lawlor Street, NYNGAN	New SES building	350,000	Under assessment.
2015/021	KJ Halal Meats Pty Ltd	Old Warren Road, NYNGAN	Upgrade – Treatment Ponds	250,000	Under assessment.
2015/022	David Buchanan	17 Oatley Street, NYNGAN	Screen Enclosure	52,380	Under assessment.



In addition to Development Application approvals, Council has recently received the following application which is under assessment:

Application Number	Applicant	Address	Proposal	Value of Works	Status
2015/001 – Complying Development Certificate	Wright Way Building and Construction	Lot 2 Flashman Ave, NYNGAN	Dwelling and Outbuilding	390,000	Under assessment

### 1.2 Recommendation

That the Development Applications Report since July's Council Meeting 2015 be received and noted.



### 2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM

#### 2.1 Introduction

The purpose of this report is to outline key work undertaken since Council's July 2015 meeting by the Parks and Gardens Team.

### 2.2 Discussion

Key works that have been undertaken consisted of the following:-

- Routine maintenance duties;
- Clean up and litter improvements to Nyngan waste depot;
- Planting of trees along Mitchell Highway as part of National Tree Day;
- Replacement of Flowering Ash trees in Vanges Park;
- Commencing annual maintenance of the Pangee Street gardens; and
- Students from Nyngan High School undertaking work experience.

#### 2.3 Recommendation

That the Operational Report since July's Council Meeting - Parks and Gardens Team be received and noted.



### 3 OPERATIONAL REPORT – NOXIOUS WEEDS

#### 3.1 Introduction

The purpose of this report is to outline the key works undertaken since Council's July 2015 meeting by the Noxious Weeds Officer.

#### 3.2 Discussion

Key works that have been undertaken consisted of the following:

- Establishment of Program of Works for the 2015/2016 financial year for Macquarie
   Valley Weeds Program.
- Spraying of noxious weeds within and around the Hermidale village.
- Spraying of noxious weeds within Showground for the preparation of the Ag Expo.
- The spraying of African Box Thorn within the Showground Reserve.
- Spraying of noxious weeds along Mitchell Highway in proximity to the reseal sections.
- Routine property inspections.
- Routine road inspections.
- Attendance at the Bogan Shire tent, Nyngan Ag Expo to discuss problem Noxious
   Weeds with samples collected from the Shire on display.

#### 3.3 Recommendation

That the Operational Report since July's Council Meeting – Noxious Weeds Officer be received and noted.



# 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.

#### 4.1 Introduction

The purpose of this report is for Council to approve an appropriate position for the Big Bogan Structure within Teamsters Rest, confirm if the existing waste drop off point within Teamsters Rest is to be relocated to an alternative location and approve an appropriate location for the new shearing shed seating.

### 4.2 Background

At the 23 April Meeting 2015, Council resolved (Minute Number 129/2015) to seek a report on various locations for the Big Bogan Structure. Following which, at the 28 May 2015 meeting, Council resolved to place the Structure within Teamsters Rest (Minute Number 171/2015).

At the 25 June 2015 Meeting, Councillors and Managers undertook a site inspection to view possible locations for the Structure at Teamsters Rest. The proposed location is now submitted to Council for approval.



Concern has previously been raised by Councillors in respect to the Big Bogan being located in Teamsters Rest, particularly due its proximity to the future Medical Centre and the waste drop off point for caravans also found within this location. Further discussion on this matter is also contained within this report, with a possible relocation option provided.

### 4.3 Discussion

Following the site inspection conducted by Council staff and Councillors in June 2015, the most appropriate location for the Big Bogan Structure is shown within Figure 1 below. This is demonstrated to be adjacent to the existing picnic table and shelter within Teamsters Rest, orientated in a west-south-west direction.

The orientation of the Big Bogan Structure is of particular importance. Due to the increased size of the Structure and its proximity to the future Medical Centre, it is recommended that the Structure orientate in a west-south-west direction so that:-

- 1. There is sufficient area provided in front of the Structure for photographs without having visitors stand in the car park to fit the Structure in frame; and,
- 2. The Medical Centre and its car park should not form part of the back drop of any photographs taken of the structure.

It is important to note that the picnic table and shelter will require relocation within Teamsters Rest to cater for the future Medical Centre parking area required within the allotment. The new location of the picnic table and shelter is also shown within Figure 1 below.



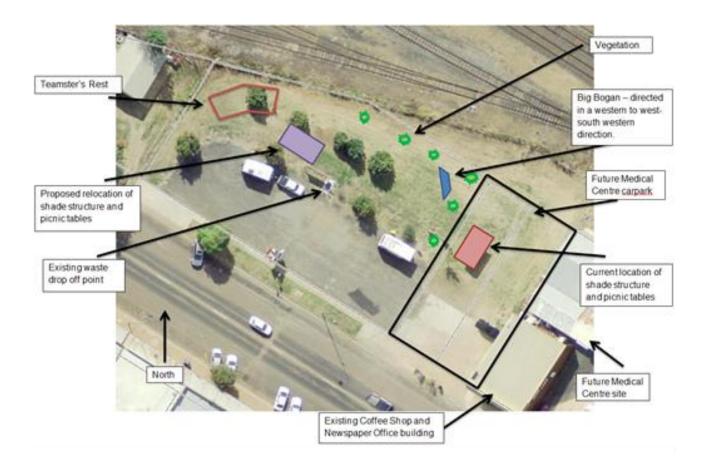


Figure 1: Site Locational Plan for the Big Bogan Structure

In addition to the selected location for the Big Bogan Structure, there has been recommendation to relocate the waste drop off point currently located within Teamsters Rest to cater for those camping travellers. The recommendation to relocate the waste disposal point is on the basis that the Teamsters Rest car park should be maintained as a one day stop for tourists visiting both the Big Bogan Structure and Teamsters Rest display.

With a view of directing tourists to Flood Memorial Park for overnight camping, it is recommended that the waste drop off point be relocated within this park to service the needs of both campers and travelling tourists.



After consultation with Council's Senior Water Supply and Waste Water Operator, locations for the waste drop off point are extremely limited within Flood Memorial Park, primarily due to the location of the sewer main and the need for sufficient gravity fall between the waste drop off point and the sewer.

However, with respect to being able to connect to the sewer, one suitable location exists and is demonstrated within Figure 2 below. This is presently the only location whereby significant sewer extensions would not be required.

It is proposed to relocate the waste disposal point in this location in order to promote and establish Flood Memorial Park as an overnight camping location. In addition, the relocation should also assist in decongesting Teamster's Rest car park.

As there is currently no budget allocated to undertake this work, funding may be applied for through the Campervan Motorhome Club of Australia under the Dump Point Subsidy Program. Alternatively, the existing waste disposal point can remain in Teamsters Rest.



Figure 2: Relocation of Waste Drop off point



Lastly, as new table and seating are being established within both the Teamsters Rest and Flood Memorial Car Park, the capital works item also required to be completed includes a new table and seating for the Shearing Shed. The proposed location for the new seating which will also be located on a new concrete slab is shown below in Figure 3. This will enable access from the ramp of the Shearing Shed directly onto the new seating area. This location is also in close proximity to the toilet facilities available for visitors to the area.



Figure 3: Proposed Locational Plan of New Shearing Shed Seating

#### 4.4 Recommendation

- 1. That the report be received and noted.
- 2. That Council approve of the location for the 'Big Bogan' Structure within Teamsters Rest in accordance with Figure 1 of this report.
- 3. That Council approve the new location of the Waste Disposal Point to Flood Memorial Car Park in accordance with Figure 2 of this report and funding being sought from the CMCA to assist with establishing the new disposal point.
- 4. That Council approve the location of the new Shearing Shed seating in accordance with Figure 3 of this report.



#### 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.

### 5.1 Introduction

The purpose of this report is to advise Council of a proposal presented by Tritton Resources 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. It is also sought to confirm Council's intention to proceed and progress negotiations regarding a biodiversity fund with Tritton Resources.

#### 5.2 Discussion

Development Application 2015/004 Avoca Tank Mine (submitted to Council in February 2015) and Section 96(2) Modification for Murrawombie Mine (submitted to Council in June 2015) were referred to the Office of Environment and Heritage (OEH) for comment. The response received by the Office on the 10 April 2015 provided advice to Council that firstly the Environmental Impact Statement submitted for the Avoca Tank Project did not meet the Director General's requirements and that a Biodiversity Offset Strategy should be prepared to offset the area of impact. This correspondence was forwarded to the applicant for a response.



Similarly, the Murrawombie Section 96 (2) application was referred to OEH for comment on 10 June 2015 and on 23 June 2015, OEH responded to advise that there had not been any consideration made to offsetting the 4.3ha of native vegetation that would be cleared for the proposal. Subsequently, it was recommended that a biodiversity offset package also be developed for the Murrawombie proposal.

The applicant was contacted regarding the recommendations made by OEH for both applications and during a meeting held on the 13 July 2015 with the Mayor and General Manager, the General Manager of Tritton Mine put forward a proposal to offset the native vegetation removal required for both projects to proceed. This proposal was formalised by the applicant's consultant and is included within Attachment 1 of this report.

Following receipt of this request, Council proceeded to contact OEH to understand the requirements of Council and it was expressed that the proposal put forward by the applicant is commonly utilised in State Significant Projects in conjunction with the NSW Department of Planning and Environment. As a result, OEH could not provide any advice regarding the establishment of a separate biodiversity fund outside of that which is already offered as part of existing government programs administered by OEH. It was noted however, that any proposed offset package should meet the OEH *Principles for the use of biodiversity offsets in NSW* with a preference that impacts are offset in a likefor-like manner. The response of OEH to the proposal put forward to establish a biodiversity fund is provided as Attachment 2 of this report.

At this point in time, it is important to note that no specific locations for biodiversity establishment or rehabilitation works within the Bogan Shire have been identified by Council for this financial year however the applicant's consultant makes the suggestion within the correspondence submitted (Attachment 1) of possible rehabilitation to the riparian area of the Bogan River. The response made by OEH on the suggested site rehabilitation (Attachment 2) notes that this proposal would not achieve a like-for-like offset and this mechanism should only be used where the proponent can adequately demonstrate that a like-for-like offset cannot be located.

Notwithstanding the above, it is important to note that Council should undertake extensive due diligence and seek legal advice on the establishment of such a biodiversity fund.



Legal advice on the financial implications and the ongoing obligations of Council under the fund agreement would ensure that Council is not placed at risk in the future by offsetting biodiversity losses for development projects such as Avoca Tank and Murrawombie Mine extensions. Suitable locations should also be selected for the expenditure of the funds towards biodiversity and/or rehabilitation projects with the Shire. This can be confirmed however via a future report presented to Council, should Council be of a mind to support the proposal presented by the applicant's consultant.

### 5.3 Attachments

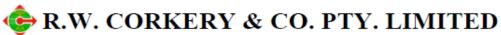
- 1. Applicant's Correspondence dated 22 July 2015.
- 2. OEH response to the proposal made by the applicant dated 27 July 2015.

#### 5.4 Recommendation

- 1. That the report be received and noted.
- 2. That 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. That 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. That 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.



Attachment 1 - Applicant's Correspondence dated 22 July 2015



Geological and Environmental Consultants

ABN: 31 002 033 712

Brooklyn Office: 1st Floor, 12 Dangar Road BROOKLYN NSW 2083

Fax:

(02) 9985 8511 (02) 6361 3622 brooklyn@rwcorkery.com

62 Hill Street ORANGE NSW 2800

Orange Office:

Phone: (02) 6362 5411 (02) 6361 3622 Fax: orange@rwcorkery.com

Brisbane Office: Suite 5, Building 3 Pine Rivers Office Park 205 Leitchs Road BRENDALE QLD 4500

Phone: (07) 3205 5400 Email: brisbane@rwcorkery.com

#### EMAIL TRANSMISSION

TO: Derek Francis EMAIL: derek.francis@bogan.nsw.gov.au

ORGANISATION: Bogan Shire Council DATE: 22 July 2015

COPY: K. Volka, I. Sheppard, REFERENCE: 859/117

M. Bland, J. Miller

NO. OF PAGES (including attachments): 2

SUBJECT: Management of Biodiversity Impacts at the Avoca Tank Project and the Murrawombie Open

Cut and Underground Mine.

Confidential Please Reply For Follow-up Urgent For your information

MESSAGE:

Greetings Derek,

Following your meeting with Tritton Copper Mine Manger John Miller and Bogan Shire Mayor Ray Donald on 13 July 2015, I am writing to confirm the proposed approach to offset native vegetation removal associated with the proposed Avoca Tank Project and the proposed extension to the Murrawombie Open Cut and Underground Mine.

We note that the comments received from the Office of Environment and Heritage (OEH) on both applications recommended that a biodiversity offset be established for any native vegetation that is to be removed. As you are aware, the ecological assessments that supported the development applications for both projects considered the potential impacts to threatened species. Those assessments concluded that neither project would significantly impact threatened species known to occur or that may potentially occur in the vicinity of either site and that biodiversity offsets were therefore not recommended. Notwithstanding this and in light of the comments from OEH, Tritton Resources Pty Ltd propose to implement a program to compensate for the removal of the identified vegetation.

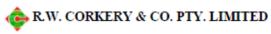
Development of an on-site biodiversity offset would involve identification of an area of land owned by Tritton Resources Pty Ltd, assessment of the biodiversity values of that land and establishment of an offset. This would then need to be secured under a Conservation Property Vegetation Plan or similar. There are a range of inefficiencies associated with this process as follows.

- An on-ground assessment of the proposed Biodiversity Offset Area would be required.
- Establishment of the offset area, including costs associated with preparation of the required conservation agreement.

IF THIS TRANSMISSION HAS BEEN SENT TO YOU BY MISTAKE.

The content of this Email message and any attendments may be printinged, in another new months why measurements that it is never as the following the correspond or interfered with. R.W. Corkery & Co. Py. Limited examet guarantee that the message yes receive is the same as that which was sent. At the distance for the correspond or interfered with a received of the conference of the conference on the same as that which was sent. At the distance for the conference on the same as the correspond or interfered with a received of the conference on the same as the conference on the same as the conference on the conference on the same as the conference on the conference on the same as the conference on the conference on the same as the conference on the conference on the same as the conference on the conference on the same as the conference on the





22 July 2015 Page 2

- Ongoing administrative costs associated with annual reporting and agency review of compliance with the agreement.
- Creation of a small parcel of conserved land, in isolation from other conservation areas, which would
  be subject to inefficiencies involved with separate management (i.e. weeding, fencing and pest
  control) and sub-optimal ecological outcomes associated with the isolated nature of the land and
  absence of a strategic regional approach.

In light of the above, and as discussed at the meeting, Tritton Resources Pty Ltd proposes to make a financial contribution, consistent with a voluntary action under Section 79B(8A)of the Environmental Planning and Assessment Act 1979 (EP&A Act), to a 'biodiversity fund'. The fund would be managed by Bogan Shire Council (Council) for biodiversity or other rehabilitation-related works within the Bogan Local Government Area, such as rehabilitation of the riparian zone of the Bogan River. The fund would ultimately contribute to achievement of the biodiversity goals of the Bogan Shire 2026 Community Strategic Plan. The quantum of the contribution is subject to ongoing negotiations between the Tritton Resources Pty Ltd and Council.

It is Tritton Resources Pty Ltd's preference that a lasting agreement is reached that may be added to progressively as the resources at each of Tritton Resources Pty Ltd's mines in the region are developed. Tritton Resources Pty Ltd has a long history of supporting the community of the Bogan Local Government Area and would prefer to see the funds applied to Local Government Area-wide biodiversity projects, rather than fencing off a portion of land that will require inefficient ongoing management for limited environmental benefit.

Thank you for your consideration of the matter. We look forward to receiving your advice regarding the suitability of the proposed mechanism.

Regards

Mitchell Bland Principal Environmental Consultant



DA2015/004 & DA2015/010

Michelle Howarth 02 6883 5339

DOC15/279853

27 July 2015

Your reference: Our reference:

Contact:

Attachment 2 - OEH response to the proposal made by the applicant dated 27 July 2015



Kavla Volker Senior Development and Environment Officer Bogan Shire Council

PO Box 221 Nyngan NSW 2825

Dear Kayla

#### RE Proposed Offset Package - Avoca Tank Project and Murrawombie Mine

I refer to the telephone conversation between yourself and Michelle Howarth on 22 July 2015 regarding the use of a biodiversity fund as a supplementary offset for the Avoca Tank Project and the Murrawombie Mine.

From the information provided it is understood that the proponent is proposing to establish a biodiversity fund with Bogan Shire Council, which would be managed by the Council for biodiversity or other rehabilitation related works such as rehabilitation of the riparian zone of the Bogan River. This fund would be instead of securing a like-for-like offset.

Correspondence sent to Bogan Shire Council from R.W Corkery & Co (dated 22 July 2015) states that there is a range of inefficiencies associated with the development of an on-site biodiversity offset such as the need for on-ground assessment of the offset site, establishment of security such as a conservation PVP, on-going administrative costs and inefficiency of managing an isolated offset. OEH does not consider this justification to default to the use of a supplementary offset.

Any proposed offset package should meet the OEH's principles for the use of biodiversity offsets in NSW which are available at: <a href="http://www.environment.nsw.qov.au/biodivoffsets/oehoffsetprincip.htm">http://www.environment.nsw.qov.au/biodivoffsets/oehoffsetprincip.htm</a>. OEH's preference is that impacts are offset in a like-for-like manner. Supplementary offsets such as the establishment of a biodiversity fund should only be used where a proponent can adequately demonstrate that they have been unable to locate a suitable like-for-like offset after undertaking reasonable steps.

Both the Avoca Tank Project and the Murrawombie Open Cut and Underground Mine Modification are impacting on areas of native vegetation. Site assessments for both sites found that habitat condition across the areas to be impacted is moderate to good. Additionally both assessments have identified a number of threatened species listed under the Threatened Species Conservation Act and the Environment Protection and Biodiversity Act that are either known or have the potential to occur within the area. Based on this these impacts should be offset in a like-for-like manner unless the proponent can adequately demonstrate that they are unable to locate a suitable site.

A copy of our generic guidelines for biodiversity offsets is included in Attachment A.

Should you require further information regarding issues that are the responsibility of the OEH please contact Michelle Howarth, Conservation Planning Officer on (02) 68835339.

Yours sincerely

SONYA ARDILL

Senior Team Leader Planning, North West Region

Regional Operations

PO Box 2111 Dubbo NSW 2830 Level 1 48-52 Wingewarra Street Dubbo NSW Tel: (02) 6883 5330 Fax: (02) 6884 8675



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#### ATTACTMENT A

Biodiversity impacts can be assessed using either:

- The BioBanking Assessment Methodology (scenario 1) or
- A detailed biodiversity assessment (scenario 2).

The requirements for each of these approaches are detailed below.

The BioBanking Assessment Methodology can be used <u>either</u> to obtain a BioBanking statement, <u>or</u> to assess impacts of a proposal and to determine required offsets without obtaining a statement. In the latter instances, if the required credits are not available for offsetting, appropriate alternative options may be developed in consultation with OEH officers.

#### Note:

i. The Shire may be listed in Schedule 1 of SEPP No. 44 - Koala Habitat Protection. If so, the requirements of the SEPP regarding Koala habitat protection should also be considered by the proponent.

# SCENARIO 1 - Where a proposal is assessed using the BioBanking Assessment Methodology (BBAM)

- Where a BioBanking Statement is being sought under Part 7A of the Threatened Species Conservation Act 1995 (TSC Act), the assessment must be undertaken by an accredited BioBanking assessor (as specified under Section 142B (1)(c) of the TSC Act 1995) and done in accordance with the <u>BioBanking Assessment Methodology</u> (OEH, 2014). To qualify for a BioBanking Statement a proposal must meet the 'improve or maintain' standard.
- 1a. The EIS should include a specific Statement of Commitments that reflects all requirements of the BioBanking Statement including the number of credits required and any DG approved variations to impact on Red Flags.
- Where the BioBanking Assessment Methodology is being used to assess impacts of a proposal and to determine required offsets, <u>and a BioBanking Statement is not being obtained</u>, the EIS should contain a detailed biodiversity assessment and all components of the assessment must be undertaken in accordance with the <u>BioBanking Assessment Methodology</u> (OEH, 2014).
- 2a. The EIS should include a specific Statement of Commitments which:
  - is informed by the outcomes of the proposed BioBanking assessment offset package;
  - sets out the ecosystem and species credits required by the BioBanking Assessment Methodology and how these ecosystem and/or species credits will be secured and obtained;
  - if the ecosystem or species credits cannot be obtained, provides appropriate alternative options
    to offset expected impacts, noting that an appropriate alternative option may be developed in
    consultation with OEH officers and in accordance with OEH policy;
  - · demonstrates how all options have been explored to avoid red flag areas; and
  - includes all relevant 'BioBanking files (e.g. \*.xml output files), data sheets, underlying assumptions (particularly in the selection of vegetation types from the vegetation types database), and documentation (including maps, aerial photographs, GIS shape files, other remote sensing imagery etc.) to ensure that the OEH can conduct an appropriate review of the assessment.
- Where appropriate, likely impacts (both direct and indirect) on any adjoining and/or nearby OEH
  estate reserved under the National Parks and Wildlife Act 1974 or any marine and estuarine
  protected areas under the Fisheries Management Act 1994 or the Marine Parks Act 1997 should be



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considered. Please refer to the <u>Guidelines for developments adjoining land and water managed by</u> the Department of Environment, Climate Change and Water (DECCW, 2010).

4. With regard to the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, the assessment should identify and assess any relevant Matters of National Environmental Significance and whether the proposal has been referred to the Commonwealth or already determined to be a controlled action.

#### SCENARIO 2 - Where a proposal is assessed outside the BioBanking Assessment Methodology

- The EIS should include a detailed biodiversity assessment, including assessment of impacts on threatened biodiversity, native vegetation and habitat. This assessment should address the matters included in the following sections.
- A field survey of the site should be conducted and documented in accordance with relevant guidelines, including:
  - the <u>Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna</u>

     <u>Amphibians</u> (DECCW, 2009);
  - <u>Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities</u>
     <u>Working Draft</u> (DEC, 2004); and
  - Threatened species survey and assessment guideline information on www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm.
  - Commonwealth survey requirements (birds, bats, reptiles, frogs, fish and mammals):
     <a href="http://www.environment.gov.au/topics/environment-protection/environment-assessments">http://www.environment.gov.au/topics/environment-protection/environment-assessments</a>.

     These are relevant when species or communities listed under the Environment Protection and Biodiversity Conservation Act are present.

It is preferable for proponents to use the Interim Vegetation Mapping Standard data form to collect the vegetation plot data for the project site, and any offset site associated with the project. This will provide data that is useful for vegetation mapping as well as in the BioBanking Assessment Methodology. This is available at <a href="http://www.environment.nsw.gov.au/research/VISplot.htm">http://www.environment.nsw.gov.au/research/VISplot.htm</a>.

If a proposed survey methodology is likely to vary significantly from the above methods, the proponent should discuss the proposed methodology with the OEH prior to undertaking the EIS, to determine whether the OEH considers that it is appropriate.

Recent (less than five years old) surveys and assessments may be used. However, previous surveys should not be used if they have:

- been undertaken in seasons, weather conditions or following extensive disturbance events when the subject species are unlikely to be detected or present, or
- utilised methodologies, survey sampling intensities, timeframes or baits that are not the most appropriate for detecting the target subject species,

unless these differences can be clearly demonstrated to have had an insignificant impact upon the outcomes of the surveys. If a previous survey is used, any additional species listed under the TSC Act since the previous survey took place, must be surveyed for.

Determining the list of potential threatened species for the site must be done in accordance with the <u>Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft</u> (DEC, 2004).

The OEH Threatened Species website <a href="http://www.environment.nsw.gov.au/threatenedspecies/">http://www.environment.nsw.gov.au/threatenedspecies/</a> and the Atlas of NSW Wildlife database must be the primary information sources for the list of threatened species present.



The Vegetation Types database (available via the OEH website at <a href="http://www.environment.nsw.gov.au/biobanking/vegtypedatabase.htm">http://www.environment.nsw.gov.au/biobanking/vegtypedatabase.htm</a>, and other data sources (e.g. PlantNET, Online Zoological Collections of Australian Museums (<a href="http://ozcam.org.au/">http://ozcam.org.au/</a>), previous or nearby surveys etc.) may also be used to compile the list.

Other reference literature may be available for the subject locality/region. The proponent should explore this possibility thoroughly.

- The EIS should contain the following information as a minimum:
  - a. Description and geo-referenced mapping of study area (and associated spatial data files), e.g. overlays on topographic maps, satellite images and /or aerial photos, including details of map datum, projection and zone, all survey locations, vegetation communities (including classification and methodology used to classify), key habitat features and reported locations of threatened species, populations and ecological communities present in the subject site and study area. Separate spatial files (.shp format) to be provided to the OEH should include, at a minimum, shapefiles of the project site, impact footprint, vegetation mapping and classification for both the impact and any offset site(s);
  - Description of survey methodologies used, including timing, location and weather conditions, and a comparison of survey effort (in tabular form) with that recommended in the <u>Threatened</u> <u>Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working</u> <u>Draft</u> (DEC, 2004). Where survey effort is not consistent with those guidelines justification must be provided;
  - Detailed description of vegetation communities (including classification and methodology used to classify) and including all plot data. Plot data should be supplied to the OEH in electronic format (eq MS-Excel) and organised by vegetation community;
  - Details, including qualifications and experience of all staff undertaking the surveys, mapping and assessment of impacts as part of the EIS;
  - Identification of national and state listed threatened biota known or likely to occur in the study area and their conservation status;
  - f. Description of the likely impacts of the proposal on biodiversity and wildlife corridors, including direct and indirect and construction and operation impacts. Wherever possible, quantify these impacts such as the amount of each vegetation community or species habitat to be cleared or impacted, or any fragmentation of a wildlife corridor;
  - g. Identification of the avoidance, mitigation and management measures that will be put in place as part of the proposal to avoid or minimise impacts, including details about alternative options considered and how long term management arrangements will be guaranteed;
  - Description of the residual impacts of the proposal. If the proposal cannot adequately avoid
    or mitigate impacts on biodiversity, then a biodiversity offset package is expected (see
    the requirements for this at point 6 below); and
  - Provision of specific Statement of Commitments relating to biodiversity.
- 4. An assessment of the significance of direct and indirect impacts of the proposal must be undertaken for threatened biodiversity known or considered likely to occur in the study area based on the presence of suitable habitat. The Assessment of Significance is a statutory mechanism which allows decision makers to assess whether a proposed development or activity is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats. This assessment must take into account:
  - a. the factors identified in s.5A of the EP&A Act<sup>1</sup>: and

<sup>&</sup>lt;sup>1</sup> Following threatened species assessment via the Assessment of Significance, it may be necessary to prepare a Species Impact Statement (SIS). The proponent will need to prepare a SIS in the following circumstances:



Page 5

- b. the guidance provided by The Threatened Species Assessment Guideline The Assessment of Significance (DECCW, 2007). This guideline is available on the OEH website:
  - http://www.environment.nsw.gov.au/resources/threatenedspecies/tsaguide07393.pdf
- Where an offsets package is proposed by a proponent for impacts to biodiversity (and a BioBanking Statement has not been sought) this package should:
  - Meet the OEH's Principles for the use of biodiversity offsets in NSW<sup>2</sup>, which are available at: http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm
  - Identify the conservation mechanisms to be used to ensure the long term protection and management of the offset sites; and
  - c. Include an appropriate Management Plan (such as vegetation or habitat) that has been developed as a key amelioration measure to ensure any proposed compensatory offsets, retained habitat enhancement features within the development footprint and/or impact mitigation measures (including proposed rehabilitation and/or monitoring programs) are appropriately managed and funded.
- 6. Where appropriate, likely impacts (both direct and indirect) on any adjoining and/or nearby OEH estate reserved under the National Parks and Wildlife Act 1974 or any marine and estuarine protected areas under the Fisheries Management Act 1994 or the Marine Parks Act 1997 should be considered. Refer to the Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECC, 2010).
- With regard to the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, the assessment should identify any relevant Matters of National Environmental Significance and whether the proposal has been referred to the Commonwealth or already determined to be a controlled action.
  - If (after having addressed Section 5A) the flora/fauna assessment concludes that there is likely to be a significant impact to threatened species, or
- . The proposed development is likely to affect critical habitat declared under the TSC Act.

If a SIS is required, the proponent (not the consultant) must write to OEH for any formal requirements for the SIS that may be deemed appropriate. The SIS must then be prepared in accordance with these requirements and provided to the OEH. In some instances the Minister for the Environment will also need to be consulted for approval.

Methods to reduce the impact on the protected and threatened species should be considered fully, and are considered an integral requirement within any SIS document.

Conducting an Assessment of Significance or an SIS according to the provisions of the EP&A Act and the TSC Act is a complex task and should be undertaken by suitably qualified person(s).

<sup>2</sup> Please note that the OEH's *Principles for the use of biodiversity offsets in NSW* ("the Principles") require offsets to be based on a quantitative assessment of the loss in biodiversity from the proposal and the gain in biodiversity from the offset. The methodology must be based on the best available science, be reliable, and used for calculating both the impact and offset sites. Even where a proponent does not intend to use the BioBanking Assessment Methodology and Credit Calculator (Scenario 1), use of a suitable alternative metric, justified in the EA, is necessary to demonstrate that the proposal is consistent with the Principles. Ultimately the proponent is expected to demonstrate quantitatively that the biodiversity losses associated with the project will be adequately compensated for by the improvement in vegetation condition and security expected from the offset site. This cannot be properly determined by a hectare comparison alone.

### **Timothy Riley**

#### Manager of Development and Environmental Services



# Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 20 August 2015

#### PRECIS OF CORRESPONDENCE

### 1 DAILY LIBERAL

Attached is a copy of correspondence received from the Daily Liberal in response to Council's letter of concerns with the Nyngan Observer that local articles are being left out of the Nyngan Observer whilst news coverage of other areas and national sporting articles seems to take precedence and that current local articles are published at a later date or not published. Council is advised that its concerns will be discussed with staff members.

**1.1 Recommendation:** That the correspondence received from the Daily Liberal in response to Council's letter of concerns with the Nyngan Observer be received and noted.

### 2 NYNGAN INNOVATIONS

Attached is a copy of an email received from Chris Ryan, Nyngan Innovations seeking permission from Council to use the image of the "Big Bogan" for the purpose of reproducing it on various clothing apparel and promotional items.

**2.1 Recommendation:** For Council's Consideration.

### **3 GILES ENGINEERING**

Attached is a copy of an email received from Natarlie Giles, Giles Engineering seeking permission from Council to use the image of the "Big Bogan" for producing souvenirs.

**3.1 Recommendation:** For Council's Consideration.

#### 4 ST MARK'S ANGLICAN CHURCH NYNGAN

Attached is a copy of correspondence received from St Mark's Anglican Church, Nyngan asking if other outlets in Nyngan can sell "Big Bogan" souvenirs. A question is asked if Bogan Shire has taken steps to secure the copyright of the design of the structure. Another matter raised is that the Church is opposed to the relocation of the Waste Dump.

**4.1 Recommendation:** For Council's Consideration.



# Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 20 August 2015

#### 5 FIFI SALON

Attached is a copy of correspondence received from Judy Stimpson, Fifi Salon suggesting a simply attractive screen be placed around the Waste Dump in Pangee Street. The correspondence is also signed other businesses situation in the same block, Joblink Plus, Walsh Funerals and Gumnut Patch.

**5.1 Recommendation:** For Council's Consideration.

#### 6 TRANSPORT ROADS & MARITIME SERVICES

Attached is a copy of correspondence received from Transport Roads & Maritime Services advising the next Regional Consultative Committee (RCC) Meeting is being held on Wednesday 9 September 2015 at Dubbo. Council is advised that a vacancy exits on the Technical Sub Committee of the RCC and a second representative from the Western Group of Councils is required, Parkes being the other representative. The agenda is also enclosed.

**6.1 Recommendation:** For Council's consideration, including the nomination of a Councillor to attend the workshop.

### 7 MICHELLE HALL

Attached is a copy of correspondence received from Michelle Hall advising that Girl Guides Nyngan is relaunching in February 2016 and a new community building initiative. In additon to the Girl Guides program, a community program engaging local people to deliver workshops and activities in crafts, arts, wellness and outdoor activities will be undertaken. A request for exemption of general rates and water access rate on the hall is asked – Manager Corporate Services Report item 5. Also a financial request of \$5,000 for the redevelopment of the Girl Guides Halll and community program is asked.

Ms Hall will be addressing Council at 10.15am.

**7.1 Recommendation:** For Council's Consideration.



# Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 20 August 2015

### 8 COUNTRYWIDE AUSTRAL PTY LTD

Attached is a copy of an email received from Jim Squires, Support Programs Facilitator for the SES Volunteers official Journal "The Volunteer". Council is asked to become a sponsor by placing an advertisement in the journal. Enclosed is the media kit which includes the value of sponsorship and specifications.

**8.1 Recommendation:** For Council's Consideration.

#### 9 GRANTS COMMISSION

Attached is a copy of an email received from Bruce Wright, NSW Local Government Grants Commission advising of a proposal to meet with Council on Tuesday 22 September 2015. The Commission makes recommendations on the allocation of federally funded financial assistance grants to NSW Councils. The purpose of the meeting is for the Commission to explain its operations and the basis of its calculations.

**9.1 Recommendation:** For Council's Consideration.

### 10 WEEKLY CIRCULARS

Weekly Circulars 28/15 to 31/15 are tabled for Council's information. Copies of the Circulars Indices and Summary of Items have been dispatched to Councillors.

**10.1 Recommendation:** That the Local Government Weekly Circulars be noted.

#### **GRANTS AND FUNDING**

# LG Weekly 28/15 - 17 July 2015

### Federal Bridges Renewal Program - Second Round

Round two of the Bridges Renewal Program is now open for applications.

### Remote Airstrip Upgrade Program Open

Round three applications for the Remote Airstrip Program are now being accepted.

### **Roads to Recovery Funding Boost**

The Government and Opposition agreed last month to direct revenue from the first two years of fuel excise indexation towards additional Roads to Recovery funding for Local Government.

### LG Weekly 29/15 - 24 July 2015

### Waste and Recycling Advisory Service for Councils

The NSW Environment Protection Authority (EPA) has established a panel of expert contractors to provide free advice and general support to Councils on waste and recycling infrastructure, procurement, planning, licensing, technical/engineering and compliance issues.

### **Local Government Organics Collection Grants**

Round three of the Local Government Organics Collection Systems Grant Program is now open with grants of up to \$1.3 million available.

#### **Love Food, Hate Waste Education Grants**

Under the Waste Less, Recycle More initiative, Love Food, Hate Waste Grants of between \$5,000 and \$70,000 are now available.

### Regional Water and Waste Water Backlog Program

The NSW Government is inviting eligible Councils to submit projects for funding under the Regional Water and Waste Water Backlog Program.

### LG Weekly 30/15 - 31 July 2015

### Safe Communities for Women and Their Children Grants Now

Local Government, community groups and not-for-profit organisations are encouraged to apply for funding of up to \$150,000 under a grants program called Building Safe Communities for Women and Their Children.

### **Youth Opportunities Funding Round Open**

NSW Councils and non-government organisations can now apply for up to \$50,000 in funding for youth led projects which encourage young adults to participate in community development activities.

### **Senior Week 2016 Grants**

Councils are encouraged to apply for funding to hold events for next year's 2016 Seniors Week.

# LG Weekly 31/15 - 07 August 2015

# **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.

### **Resource Recovery Facility Grants**

Grants of up to \$1 million are currently available through round two of the Resource Recovery Facility Expansion and Enhancement Program.



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