



BOGAN SHIRE COUNCIL

Business Paper

22 October 2015

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15 October 2015

COUNCIL MEETING NOTICE

The next Ordinary Meeting of Council will be held in the Council Chambers, Nyngan on Thursday 22 October 2015 at 9.30am.

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 24 September 2015
6. General Manager's Confidential Report -
Purchase of Land
In accordance with the provision of Section 9 (2A) of the Local Government Act 1993 the General Manager is of the opinion that consideration of this items is likely to take place when the meeting is closed to the public for the following reason: - because Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
7. Committee Meeting Minutes
8. Mayoral Minute
9. Confirmation of the Minutes of the Council Meeting held on 24 September 2015
10. General Manager's Report incorporating reports from:-
 - Manager of Corporate Services
 - Manager of Engineering Services
 - Manager of Development and Environmental Services
11. Correspondence
12. Grants and Funding

Your attendance at this meeting would be appreciated.

Yours sincerely

Cathy Ellison

Executive Assistant



**Committee Meeting Minutes to the Ordinary Meeting
of Bogan Shire Council held on 22 October 2015**

COMMITTEE MEETING MINUTES

1 OROC BOARD MEETING

Attached are the Minutes of the OROC Board Meeting held on Friday 31 July 2015 at Dubbo.

1.1 Recommendation

That the Minutes of the OROC Board Meeting held on Friday 31 July 2015 at Dubbo be received and noted.

Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council held on 22 October 2015

Minutes of the OROC Board Meeting

held at
Dubbo City Council
Central Conference Room
On Friday 31st July 2015
at 9.30 am

1. Meeting Open and apologies

Present: Cllr Bill McAnally, OROC Chair and Mayor Narromine Shire; Greg Lamont, General Manager Narromine Shire; Cllr Mathew Dickerson, Mayor Dubbo City; Kym Miller, Director Corporate and Community Services, Cobar; Cllr Peter Abbott, Deputy Mayor Cobar Shire; Steve Loane, General Manager Warrumbungle Shire; Cllr Angelo Pippas, Mayor Brewarrina Shire; Dan Simmons, General Manager Brewarrina Shire; Don Ramsland, General Manager Walgett Shire; Cllr David Lane, Mayor Walgett Shire; Cllr Ray Donald, Mayor Bogan Shire; Derek Francis, General Manager Bogan Shire; Cllr Doug Batten, Mayor Gilgandra Shire; Paul Mann, General Manager Gilgandra Shire; Mark Riley, General Manager Dubbo City; Cllr Rex Wilson, Mayor Warren Shire Council; Darren Arthur, Manager Finance and Administration Warren Shire; Ross Earl, General Manager Bourke Shire; Cllr Andrew Lewis, Mayor Bourke Shire; Cllr Ray Donald, Mayor Bogan Shire; Cllr Peter Shinton, Mayor Warrumbungle Shire; Cllr Rod Buhr, Mayor Wellington Council; Karen Roberts, General Manager, Wellington Council; Cllr Al Karanouh, Mayor Coonamble Shire; Rick Warren, General Manager Coonamble Shire; John Walkom, Chair RDA Orana and Belinda Barlow OROC Executive Officer.

Guests: Cllr Keith Rhoades President LGNSW, Donna Rygate, Chief Executive LGNSW and Cllr Ben Shields Dubbo City Councillor and LGNSW Board Member. Cllr Greg Matthews, Dubbo City Councillor and LGNSW Board Member extended an apology.

The meeting was opened at 9.30 am by OROC Chair Cllr Bill McAnally.

Mayor of Dubbo City Cllr Mathew Dickerson warmly welcomed the OROC Board and guests to Dubbo.

Chair Cllr Bill McAnally acknowledged and congratulated Cllr Ray Donald's recent receipt of an Order of Australia Medal for services to local government and the Nyngan community.

Apologies: Cllr Lilliane Brady, Mayor Cobar Shire; Gary Woodman, General Manager Cobar Shire and Ashley Wielinga, Warren Shire.

Motion: *That the apologies be accepted by the OROC Board.*

Moved: Paul Mann

Seconded: Cllr Doug Batten

CARRIED

2. LGNSW – President Cllr Keith Rhoades and Donna Rygate Chief Executive

LGNSW President Cllr Keith Rhoades and Chief Executive Donna Rygate addressed the OROC Board and discussed the following points:

Engagement Strategy

- LGNSW has visited over 90 member Councils, County Councils and Aboriginal Lands Councils across NSW over the past 6 months as part of its engagement and communication strategy.

Reform of Local Government and Fit for the Future

Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council held on 22 October 2015

- LGNSW has a strong working relationship with the Minister for Local Government.
- There is no clear evidence that large population based councils have fiscal or operational superiority to councils with low populations – as evidenced by ACELGS research paper “Is Better Bigger”.
- Rate exemptions are damaging to councils in both metropolitan and rural areas.
- Local Government Act will be modified and not re-written, some of the 65 recommendations of ILGRP will be adjusted into the modified Act such as Mayoral term of 2 years. There is no evidence that there will be changes to rate pegging or rate exemptions.
- The reform process expenditure has been very costly to local government.
- LGNSW does not consider there is adequate reform funding available if there is to be forced amalgamations.
- IPART will release its findings on Council’s ‘Fit for the Future’ status on 16th October 2015.

Inquiry into Local Government

- The current Upper House Inquiry into Local Government Review is a starting point to provide evidence and assist local government’s case against the one liners that are being used by State Government including ‘Amalgamations will force rates to drop’ and ‘Local Government is losing \$1 million a day’. LGNSW offered evidence at a recent hearing in Sydney indicating that amalgamated council areas in Queensland and Victoria have not experienced rate reductions but rate increases due to forced amalgamations. Past evidence of forced amalgamations in NSW also show there has not been a reduction in rates.
- The Inquiry also offers a real opportunity to increase the political pressure and make certain that State Government understands what the community does and doesn’t want.
- LGNSW has queried NSW Local Government Minister to provide evidence to his statement that ‘Local Government is losing \$1 million a day’ to which no response has been received from The Minister to date.
- There has been a lot of evidence from the community that it prefers to retain current local government boundaries, without any amalgamations as a result of consultation during the reform process.
- The Inquiry will finalise a response to Government by 17th August 2015.

2015 LGNSW Conference

- Motions offered for consideration are to be submitted on line via LGNSW website.
- It is preferred that Motions are relevant to Local Government.
- A conference subcommittee will consider all Motions before they proceed to Conference papers.
- The Minister has been invited to appear in a ‘Q and A’ style panel session with other local government academics and experts, however he has yet to advise his acceptance or otherwise.

Action: OROC Executive Officer to write a letter of thanks to LGNSW President and Chief Executive for their attendance at the OROC Board Meeting.

2.1 NBN – Ian Scott, Community Affairs Manager NBN Co

Ian Scott provided the OROC Board with an update of the roll out of NBN in the region.

Further information in respect to NBN Co is to be supplied by the OROC Executive Officer to the OROC Board Members.

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2.2 Tour de OROC 2015 – David Hayes

David Hayes, Chair of Tour de OROC 2015 Committee provided an update of the 2015 Tour de OROC bike ride planned for October throughout the region to raise funds for Macquarie Homestay.

David encouraged Mayors and General Managers to embrace the opportunity to support and promote Tour de OROC in each of their communities.

Further information is to be supplied by the OROC Executive Officer to each OROC Board Member.

3. Confirmation of previous Meeting Minutes

Motion: *That the minutes of the meeting of OROC held in Dubbo on Friday 1 May 2015 be accepted as a true and accurate record of that meeting.*

Moved: Steve Loane

Seconded: Clr Peter Shinton

CARRIED

Motion: *That the minutes of the meeting of GMAC held in Dubbo on Friday 17 July 2015 be accepted as a true and accurate record of that meeting.*

Moved: Mark Riley

Seconded: Greg Lamont

CARRIED

Business Arising

3.1 NSW Planning and Environment – Regional Growth Plan

The OROC Board had before it an update of the Draft Orana Regional Growth Plan.

Resolved. That such information be noted

CARRIED

3.1.1 Agricultural Industry Study

The OROC Board had before it an update of the Central West/Orana Agricultural Industry Study.

Resolved. That such information be noted

CARRIED

3.2 Energy and Management Services

The OROC Board had before it:

- i) A review of Essential Energy's Public Lighting Price Track 2015-19;
- ii) The current status of Essential Energy's response to appeal the Australian Energy Regulator's final determination on public lighting pricing and;
- iii) The agreed regional concerns that will be raised by Energy and Management Services on behalf of OROC members at a public consultation (of the Australian Competition Tribunal) in respect to Essential Energy appealing public lighting pricing.

Further recommendations in respect to this matter are stated below in the summary of recommendations. (Numbers 1 and 2)

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3.3 Joint Organisations

The OROC Board had before it copies of the following documents:

- i) OROC DRAFT Regional Statement of Priorities;
- ii) OROC DRAFT Regional Strategic Plan and
- iii) an update of the progress of Pilot Joint Organisations.

A further recommendation in respect to this matter is stated below in the summary of recommendations. (Number 3)

3.4 Court House closures in the region

The OROC Board had before it an update of a recent meeting with The Hon Troy Grant, Member for Dubbo and Minister for Police and Justice in respect to proposed Court House closures in the region.

Chair Clr Bill McAnally informed the OROC Board that he had recently met with Mr Mark Harris Registrar at Dubbo Court House to discuss the impacts of Court House service reductions, loss of employment in communities and the lack of consultation with local government in respect to the matter.

Clr McAnally notified OROC Board Members that Mr Harris intends to visit and meet with each General Manager and Mayor of impacted communities to discuss such issues further.

Resolved. That such information be noted

CARRIED

3.5 Orana and Far West Regional Infrastructure Audit and Masterplan

The OROC Board had before it information in respect to the Draft Regional Infrastructure Audit and Masterplan.

Motion: *That OROC expresses its disappointment with the progress of the Infrastructure Audit and Masterplan to date and express concern that Phase II of the report as the basis for the balance of the Study, lacks credibility and contains inaccuracies and has too much of a local focus.*

Moved: Paul Mann

Seconded: Greg Lamont

CARRIED

Further recommendations in respect of this matter are stated below in the summary of recommendations. (Numbers 7 and 8)

3.6 Dark Sky Park

The OROC Board had before it a report supplied by Warrumbungle Shire Council to seek a regional position from OROC Members on the proposed designation of the Warrumbungle National Park as a Dark Sky Park (DSP) by the International Dark Sky Association.

Discussions in respect to this issue included the light spill implications for future land and building development in Dubbo City particularly. It was noted that the status for a Dark Sky Park will exist under the current Orana Regional Environmental Plan No 1 – Siding Spring.

Motion: *That the OROC Board give in principle support to the Dark Sky Park project pending further discussions being convened as soon as possible between Warrumbungle Shire and Dubbo City to further consider aspects of concern raised by Dubbo City.*

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Moved: *Clr Ray Donald*

Seconded: *Clr Al Kananouh*

CARRIED

At this juncture LGNSW representatives Clr Keith Rhoades, Donna Rygate and Clr Ben Shields left the meeting.

3.7 Price Waterhouse Coopers – Containerised Cargo Demand Assessment

The OROC Board had before it information of a Containerised Cargo Demand Assessment currently being undertaken by Price Waterhouse Coopers (PwC) in the Orana region on behalf of Transport for NSW. This information was noted by the OROC Board.

Resolved. That such matter be noted.

CARRIED

3.8 Free Camping project – Campervan and Motorhome Club of Australia

The OROC Board had before it correspondence from Campervan and Motorhome Club of Australia.

Further recommendations in respect of this matter are stated below in the summary of recommendations. (Recommendations 4 and 5)

3.9 Code of Conduct

The OROC Board had before it information supplied by Mayor Warrumbungle Shire Council Clr Peter Shinton in respect to concerns and issues raised about Code of Conduct matters.

Motion: *That OROC submit as a motion to the 2015 LGNSW Conference the following: That a robust review of the procedures and outcomes of the Model Code of Conduct referral process be requested to be undertaken by the Office of Local Government and further that all Councillors be required to undertake mandatory biennial Code of Conduct training.*

Moved: *Clr Peter Shinton*

Seconded: *Clr Al Kananouh*

CARRIED

3.10 Mobile Blackspot Programme

Information supplied in respect to the recent announcement of funding for Mobile Blackspot Programme funding was noted.

Resolved. That such information be noted.

CARRIED

3.11 Health – Western Primary Health Network

The information supplied in respect to the Western Primary Health Networks replacing Western Medicare Local was noted.

Resolved. That such information be noted.

CARRIED

3.12 Water – IPART review of water charges 2016

The information supplied was noted.

Resolved. That such matter be noted.

CARRIED

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3.13 Water charges 2015/2016 Macquarie Valley

The information supplied was noted.

Resolved. That such information be noted.

CARRIED

3.14 Water Allocations 2015/2016 Macquarie Valley and Barwon Darling system

The information supplied was noted.

Resolved. That such information be noted.

CARRIED

3.15 Murray Darling Economic Diversification Program

The information supplied was noted.

Resolved. That such information be noted.

CARRIED

3.16 Murray Darling Association Region 10

The information supplied was noted.

Resolved. That such information be noted.

CARRIED

4. Confirmation of previous GMAC Meeting Minutes held 17th July 2015

Motion: *That the minutes of the meeting of GMAC held in Dubbo on Friday 17 July 2015 be accepted as a true and accurate record of that meeting.*

Moved: Greg Lamont

Seconded: Mark Riley

CARRIED

Motion: *That the 11 recommendations contained therein be adopted by the OROC Board.*

Moved: Steve Loane

Seconded: Cllr Peter Shinton

CARRIED

Recommendations:

- 1:** That the achievements of OROC in challenging Essential Energy's Regulatory Proposal for Street Lighting be noted and those OROC representatives that were involved throughout the process be thanked.
- 2:** That member councils take the necessary action to ensure all new lighting installed by developers incorporates the latest approved technology and is in accord with Essential Energy standards.
- 3:** That each General Manager further consider the Draft Statement of Regional Priorities and Draft Regional Strategic Plan with their respective executive staff and offer feedback to the Executive Officer by the end of August, with a view that information be prepared and considered at the next OROC Board Meeting in October, 2015.
- 4:** That each member council determine their own position on the Free Camping RV Project proposal.

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- 5: That RDA Orana be advised of OROC's position in respect of the Free Camping RV Project proposal.
- 6: That the Executive Officer prepare a regional issues paper for the LGNSW President and Chief Executive in preparation for their attendance at the next OROC Board Meeting on 31st July 2015.
- 7: That GMAC members provide specific feedback in respect of each LGA's concerns and issues contained in the Orana and Far West Infrastructure Master Plan documents to the OROC Executive Officer by 31st July 2015, in order for a co-ordinated response to be collated and forwarded to RDA Orana by 14th August 2015.
- 8: That the OROC Executive Officer advise RDA Orana of GMAC's preliminary concerns and timelines in respect to offering feedback on the Orana and Far West Regional Infrastructure Audit and Master Plan.
- 9: That each member council be requested to supply a letter of support to Dubbo City Council's application for Restart NSW – Regional Tourism Infrastructure (Airport grants) to upgrade the runway to the Dubbo City Regional Airport.
- 10: That the General Manager, Warren Shire Council and OROC Executive Officer collate the region's funding and service issues in relation to Rural Fire Service and invite Commission Shane Fitzsimmons to a future meeting with GMAC to discuss this matter.
- 11: That the OROC Executive Officer be requested to update current cost shift survey information of all OROC member councils.

Motion: *That the 30 determinations contained therein be endorsed by the OROC Board.*

Moved: Greg Lamont

Seconded: Mark Riley

CARRIED

Determinations:

- 1: That the apologies be accepted.
- 2: That the OROC Executive Officer distribute the PwC questionnaire to GMAC members.
- 3: That the Minutes of the GMAC Meeting held 17th April 2015 in Dubbo be adopted.
- 4: That GMAC note the update on the Orana Regional Growth and Infrastructure Plan provided by Melissa Watkins, Director Environmental Services, Dubbo City Council.
- 5: That GMAC note that the strategic goals and overall objectives of the economy and housing sections of the Orana Regional Growth Plan be endorsed for the purpose of further development of the Draft Plan.
- 6: That GMAC note the information supplied in respect to the Central West Orana Agricultural Land Use Development Study (NSW Planning and Environment).
- 7: That the report 'Review of Essential Energy's Public Lighting Price Track 2015-2019' prepared by Energy and Management Services be noted.

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- 8:** That GMAC note the Draft Statement of Regional Priorities for the Orana region.
- 9:** That GMAC note the Draft Regional Strategic Plan.
- 10:** That the update on Pilot Joint Organisations be noted by GMAC.
- 11:** That the information provided in respect to Round 1 Mobile Blackspot Programme be noted by GMAC.
- 12:** That the information supplied in respect to the establishment of the Western Primary Health Network be noted by GMAC.
- 13:** That each member council consider the information supplied and the matter be referred to the OROC Board for consideration.
- 14:** That the information and update in respect to the proposed Court House closures in the region be noted by GMAC.
- 15:** That GMAC refer IPART's Review of water charges 2016 to the LMWUA Technical Committee for further consideration and determination.
- 16:** That information supplied in respect to the 2015/2016 Water charges for the Macquarie Valley be noted by GMAC.
- 17:** That the information supplied in respect to the 2015/2016 allocations for the Macquarie Valley and Barwon-Darling River systems be noted by GMAC.
- 18:** That GMAC note that there was no funding allocated to the Northern Basin in Round 1 of the Murray Darling Economic Diversification Programme.
- 19:** That GMAC note that Warren Shire Council and Bourke Shire Council will be making representations to NSW Minister for Regional Development The Hon John Barilaro in respect to Murray Darling Economic Diversification Programme funding allocations in Round 1.
- 20:** That GMAC note the information supplied in respect to Murray Darling Association Region 10 and each member in Region 10 will be receiving correspondence from Region 10 Chair in respect to the future participation of Region 10 membership.
- 21:** That GMAC note the concerns raised at both the accuracy of the data contained therein the documents and concerns as to the usability of the report for usage in respect to accessing Restart NSW funding.
- 22:** That the OROC Correspondence be accepted.
- 23:** That the financial report for period ending 22nd June 2015 be noted, and that the OROC Executive Officer provide a financial report showing the period ending 30th June 2015 for the next OROC Board Meeting.
- 24:** That the Executive Officer's report be accepted.

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- 25: That the General Manager Warren Shire Council, OROC Executive Officer, and a representative from Dubbo City Council meet with Local Government Procurement to discuss the LGP contracts and rebate offer.
- 26: That GMAC note the OROC Financial Professional Team meeting minutes.
- 27: That GMAC note the Orana Risk and Safety Management minutes.
- 28: That the Economic Development Managers Team discuss the opportunities of further REMPLAN training and using REMPLAN across a range of services within each Council and each community.
- 29: That GMAC invite Guy McAnally-Elwin from Gilgandra Shire Council (Statewide Mutual Board Member) to offer a presentation to the next meeting of GMAC.
- 30: That Warrumbungle Shire Council to supply a report for consideration at the OROC Board Meeting on 31st July 2015.

4. OROC Correspondence

Motion: *That the OROC correspondence be accepted.*

Moved: Mark Riley

Seconded: Clr Andrew Lewis

CARRIED

Rural Fire Service

Motion: *That OROC submit to the 2015 LGNSW Annual Conference a Motion requesting further support in respect of the introduction of an Emergency Services Levy to replace the current funding arrangement between Local Government and the NSW Rural Fire Service.*

Moved: Clr Ray Donald

Seconded: Clr Doug Batten

CARRIED

5. OROC Financial Report

Motion: *That the OROC financial report for the period ending 30th June 2015 be accepted by the OROC Board.*

Moved: Clr Rex Wilson

Seconded: Clr Greg Lamont

CARRIED

6. OROC Executive Officers Report

Motion: *That OROC encourages the Parliamentary Secretary for Western NSW Sarah Mitchell MLC to attend the 2015 LGNSW Conference.*

Moved: Clr Ray Donald

Seconded: Clr Angelo Pippas

CARRIED

Motion: *That the OROC Executive Officer's Report be accepted by the OROC Board.*

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Moved: Clr Ray Donald

Seconded: Clr Peter Shinton

CARRIED

10. OROC General Business

10.1 Council Logos

General Manager Warrumbungle Shire Council raised the matter of Warrumbungle Shire Council's logo being used without formal Council permission. Clr Dickerson suggested that a Council logo could be trademarked to negate unofficial use. Warrumbungle Shire Council will determine if this is an appropriate course of action.

Regional Development Australia – Orana

Chair of RDA Orana, John Walkom provided an update on RDA Orana activities to the Board as follows:

- Chair of RDA Orana John Walkom has recently been appointed as NSW Chair of RDA Orana.
- As a result of this appointment, the Chair also sits on a 7 member reference group with Minister for Regional Development The Hon Warren Truss with this group meeting 3 times during the year.
- RDA Orana continues to work on Orana Bio Hub study (green waste processing initiative) - the study is due for completion by the end of October, 2015.
- Regional Infrastructure and Masterplan work is continuing to progress.
- Grant Writing workshops facilitated by RDA Orana were recently conducted throughout the region, in preparation for interested parties submitting National Stronger Regions funding applications.
- Stage 2 of Golden Highway Corridor study – to identify funding opportunities, prepare a formal economic analysis and a business case for corridor enhancements.
- Matt Fuller, General Manager, Taronga Western Plains Zoo has recently been appointed as the new Deputy Chair of RDA Orana.
- The remainder of RDA Orana Committee is yet to be announced by State and Federal Ministers.

11. Close / Next Meeting

Meeting closed 12.45 pm.

The next OROC Board Meeting is to be held on Friday 30th October 2015 in Lightning Ridge.

**Mayoral Minute to the Ordinary Meeting
of Bogan Shire Council held on 22 October 2015**

MEETING OF COUNCIL – MAYORAL MINUTE

Councillors

I submit the following report for consideration:-

1 LGNSW ANNUAL CONFERENCE

The General Manager, Derek Francis and I attended the third Local Government NSW Annual Conference held at Rosehill Gardens, Parramatta from 11 to 13 October 2015. It was a good venue with plenty of space for the Trade Exhibitors, 75 of them, and for all delegates to be seated in the main Conference Hall.

The President's welcome opening reception was held on the Sunday evening followed by an enormous choice of venues for dinner spread through Parramatta.

As it was the turn for elections, voting carried out by the Australian Electoral Commission occurred for most of the first day. Voting delegates from the 152 Councils had to again navigate between two line of candidates waving political "how to vote" cards before casting their vote. Shire Councils have inherited a lot of politics from Metropolitan Councils, one of the adversities of becoming One Association.

Councillor Keith Rhoades was re-elected President for another two year term. The number of Board Members has been reduced from 20 to 14. A mistake by the Australia Electoral Commission, which included one Council's delegates (Hurstville) as a Regional Council instead of a Metropolitan meant the positions of Regional and Metropolitan Vice Presidents, and Board members, could not be announced, and a postal ballot will now need to be held.

Premier, Mike Baird addressed the Conference early on the first morning and stressed at the Government wanted fewer Councils which he said would improve services provide funding for more infrastructure and put downward pressure on rates. IPART are due to release their findings to the State Government on the Fit for the Future submissions from all Councils on Friday 16 October 2015. The Premier promised to release these findings to Councils and give them another chance to respond. The Premier said he would prefer to hold the next Local Government Elections in September 2016, but as this clashes with the next Federal Elections, strong rumours are circulating that Councils may be wound up in September 2016, and elections not held until March 2017 when amalgamations or mergers have occurred.

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The Premier and the Local Government Minister the next day were both heckled by some delegates, which I do not think helps our cause or relationships.

The rest of the day was taken up with debate with the 110 motions before the Conference. Outgoing Treasurer Paul Braybrooks OAM also presented the Treasurer's Report showing a healthy financial position for LGNSW.

A lot of motions have become very strategic, long and complex and I fear will sit for many weeks in the respective Ministers In Trays. They were grouped in Economic, Economic Development, Fiscal Relations, Transport, Water, Disaster Management, Environmental, Planning, Waste Management, Governance, Structural Reform, Social Policy, Health and Elections sections. The meeting had a quorum all day, which has been a major problem in previous Conferences. Most were passed and few good debates occurred.

Tuesday kicked off with an address by the Hon Duncan Gay, Minister for Roads, Maritime and Freight. He spoke of how the Government had increased State Road Funding by millions, however this was a bit hollow as we still have not received advice about the amount of our Block Grant.

Ellen Fanning than was MC for a Q & A session with pre complied questions, asked of the panel of six were read out.

Addresses followed from Local Government Minister Paul Toole and Shadow Minister Peter Primrose. Minister Toole continued to push the reform agenda, but announced the establishment of a State Funding Authority to enable Councils to borrow money cheaply, reviews of Rating Grants Commission, Local Government Act, a two year term for Mayors and all Council audits to be carried out by the Auditor General. He was disappointed that only 9 Councils had shown any interest in voluntary mergers. An interesting panel discussion then occurred about Constitutional Recognition of Local Government in the Federal Constitution, and recognising Aboriginal people in the Federal Constitution.

**Mayoral Minute to the Ordinary Meeting
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A fair bit of uncertainty lies ahead for Councils over the next few months. Our excellent submission to remain autonomous backed up by sound financial management and our strong financial position puts us in the best position for the future provided competent people have read it.

1.1 Recommendation: That the LGNSW Annual Conference Report be received and noted.

RL Donald

MAYOR

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 22 October 2015**

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	25/10/2012	315/2012	Local Heritage Sites	When new VIC commences, signpost heritage sites with heritage colour and erect sign with the history of each location.	GM	VIC accreditation approved. Design of signs underway.
2	13/12/2012 28/03/2013	418/2012 098/2013	Davidson Park Revitalisation Program	Council remove the entire playground, equipment, associated ground cover, fencing & park-bench seating with shelter. Establish paving pathways to the mural.	MDES	Most works completed. Due to lack of staff, majority of remaining works to be reprogrammed to 2 nd quarter 2015/2016.

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3	19/12/2013	532/2013	Rezoning of Rural Land Outside the Nyngan Township	Report on estimated cost be provided to February 2014 Council meeting prior to progressing with the proposal.	MDES	<p><u>UPDATE:</u> Planning proposal lodged with the NSW Department of Planning and Infrastructure. Gateway Determination: Rezoning to proceed subject to conditions.</p> <p>Consultants underway.</p> <p>Draft Bushfire Assessment completed.</p> <p>Deadline for completion of Planning Proposal is February 2016.</p>
4	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.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
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5	28/05/2015	156/2015	Teamster Rest Area	Cobb & Co Coach & Wool Wagon location. Invite NHS to make suggestions for internal & external painting that the school could undertake.	MDES	Contact made with NHS. On site meeting held – NHS preparing a design proposal.
	24/09/2015	342/2015		Sewerage Dump be relocated to Flood Memorial Car Park.	MDES	<u>UPDATE:</u> Further consultation underway with Council's Senior Water Operator to confirm suitable location and timeframe.
6	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 / MES	DA approved. <u>UPDATE:</u> Construction commenced.

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7	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	<p><u>UPDATE:</u> Section 96 modification application under assessment to amend the hours of operation as no Sunday trading is currently approved.</p> <p>Expression of Interest to be advertised within the Region to enable cost analysis once Waste Facility Operational Plan is prepared. This will provide the details to understand how the facility will need to be managed during operation and in accordance with licence requirements for either Council staff or contractor.</p> <p>Further report to Council once above matters have been finalised.</p>
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8	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.
9	26/02/2015	024/2015	Long Day Care	Loan be raised for Council's contribution to the project.	MCS	Will be raised towards the end of 2015/16 financial year.
	20/08/2015	290/2015		Manager, Development & Environmental Services prepares a report for Sept 2015 Council Meeting on the estimated cost of construction of LDCC.	MDES	COMPLETED

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	20/08/2015	328/2015		Council investigate funding for Long Day Care Learning Programs.	MCS	There is no recurrent funding available for these programs at present. There is sustainability assistance available upon opening if required due to low enrolments.
	24/09/2015	337/2015		Subject to checking the LG Act, Council proceed with constructing the project itself.	MDES	<p><u>UPDATE:</u> Access culverts to be completed by October 15th 2015</p> <p>Meetings have been held with a number of the relevant contractors.</p> <p>Development Application to be determined prior to 21 October, after which, site clearing can commence.</p> <p>Construction Certificate Application to be determined once comment has been received from Mechanical Engineer on the buildings heating and air-conditioning system.</p>

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						Once assessed, construction works are able to commence with an approximate start date of 2 November.
10	26/02/2015	034/2015	Street Trees	An Arborist Report be obtained and a report to April 2015 Council meeting.	MDES	<u>UPDATE:</u> Consultant to provide report by 19 October 2015. Further report to Council's November 2015 meeting once received.
11	26/02/2015	042/2015	Chinese Portion – Nyngan Cemetery	Repairs to the burner be carried out in the current year's program.	MDES	List of consultants available within the area obtained.
	25/06/2015	224/2015		Other upgrading matters be considered in 2015/16 estimates.		<u>UPDATE:</u> Two quotes received to undertake work, third is still outstanding.
				A Heritage Conservation & Management Report be prepared by a selected Consultant within the allocated budget.		Action pending completion of report.

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				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.
12	23/07/2015	243/2015	Dental Surgery	Report be prepared for Council on the cost/benefit of co-locating the Dental Surgery with the Medical Centre.	MDES	Scheduled for last quarter 2015.
13	23/07/2015	252/2015	Railway Turntable	Make enquiries through Rail Heritage, or elsewhere, to source the availability of an old steam engine, & if so, what would be the cost of locating it onto the old Turntable.	MES	<u>UPDATE:</u> No suitable engines have been located to date.

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14	23/07/2015	263/2015	Crushed Waste Rock	Council approach Tritton Mines to offer to purchase the rock.	MES	<u>UPDATE:</u> Tritton have not yet set a price. Council staff to inspect material.
15	23/07/2015	269/2015	O'Reilly Park Toilet Facility Upgrade	Upgrades to toilet facility, an access way, ramp and handrail.	MDES	<u>UPDATE:</u> Works scheduled to commence in December 2015.
16	20/08/2015	297/2015	Removal of shed – proposed Medical Centre, Pangee Street.	Call for Expressions of Interest for the purchase & removal of shed.	MDES	<u>UPDATE:</u> Placed on hold. Program of works amended. Two quotations received each offering variable scope of works. Quotations to be reviewed further and a contractor selected thereafter.

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17	20/08/2015	317/2015	Biodiversity Offset Package proposed by Tritton Resources	<p>General Manager to:-</p> <ul style="list-style-type: none"> • Make necessary enquiries about proposal; • Seek legal advice & consulting with NSW Dept Planning & Environment to establish a biodiversity fund; • Undertake further negotiations with the applicant to establish a biodiversity & other site specific locations; • Further report to Council once legal advice, consultation & site selections have occurred. 	GM / MDES	<p><u>UPDATE:</u> After further discussions with applicant it is confirmed that a Biodiversity Fund is no longer sought and an onsite offset is proposed.</p> <p>COMPLETED</p>
18	24/09/2015	347/2015	Pound Paddock	Advertise to lease paddock for a period up until April 2016.	GM	<p><u>UPDATE:</u> Advertised Council Column Wednesday 21 October 2015.</p> <p>COMPLETED</p>

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19	24/09/2015	248/2015	Fit for Future Process – Joint Organisations	Submit a submission in relation to expressing concerns about the emerging directions paper.	GM	<u>UPDATE:</u> Input provided into OROC submission. COMPLETED
20	24/09/2015	377/2015	Baby Change Tables	Baby Change Tables be made available in O'Reilly Park & Davidson Park.	MDES	<u>UPDATE:</u> Quotes to be obtained and installation to be scheduled, subject to costings.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
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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 PECUNIARY INTEREST RETURNS

Summary:

Tabling of the Pecuniary Interest Register is a requirement under Section 450A of the Local Government Act.

2.1 Introduction

The purpose of this report is to table the Pecuniary Interest Register.

2.2 Background

Tabling of the Register is a requirement under Section 450A of the Local Government Act.

2.3 Discussion

For noting.

2.4 Recommendation

That Pecuniary Interest Register be received and noted.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
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3 DECEMBER / JANUARY RECESS

Summary:

- *The purpose of this report is for Council to consider the option of going into recess during December / January.*
- *Council has in the recent past not held an Ordinary Monthly Meeting in January.*
- *It is common for Councils to go into recess over the holiday season.*

3.1 Introduction

The purpose of this report is for Council to consider the option of going into recess during December / January.

3.2 Background

Council has in the recent past not held an Ordinary Monthly Meeting in January.

3.3 Discussion

It is common for Councils to go into recess over the holiday season. At that time of year a number of people, including Councillors and staff take holidays. Generally speaking, this is a quieter period for Government, suppliers and professional advisors as well, resulting in less need for Council decision-making than at other times of the year.

Not having regular meetings can result in delays in decision-making. Council has previously, subject to the limitations in Section 377 of the Local Government Act 1993, delegated certain Council functions, including making decisions that would otherwise be made by Council, to the Mayor, Deputy Mayor and General Manager for this period – with Councillors to be contacted if practical. These decisions should be reported to the Council at its first meeting in the New Year.

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3.4 Recommendation

1. Council goes into recess from 18 December 2015 until 31 January 2016 and consequently does not have an Ordinary Meeting during January 2016.
2. Pursuant to and subject to the limitations of Section 377 of the Local Government Act, Council grants authority to the Mayor, Deputy Mayor and General Manager with Councillors to be contacted if practical, to make decisions on behalf of Council during this recess period.
3. Any such decisions are to be reported to the Council at its first meeting in 2016.

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4 DELIVERY PROGRAM

Summary:

- *This report is to provide information regarding progress with respect to the principal activities detailed in Council's adopted Delivery Program.*
- *The General Manager is required under the provisions of Section 404(5) of the Local Government Act to provide Council with regular reports regarding progress with respect to the principal activities detailed in Council's Delivery Program.*
- *Council previously resolved that these reports be provided in October and April.*
- *Managers responsible for each of the activities listed under the Strategies and Outcomes have indicated the current status of the activity.*

4.1 Introduction

The purpose of this report is to provide information regarding progress with respect to the principal activities detailed in Council's adopted Delivery Program.

4.2 Background

The General Manager is required under the provisions of Section 404(5) of the Local Government Act to provide Council with regular reports regarding progress with respect to the principal activities detailed in Council's Delivery Program.

Council previously resolved that these reports be provided in October and April.

4.3 Discussion

A full Delivery Program Report listing each strategy and activity in the Delivery Program is available on request from the General Manager or on Council's website. Attached to this report, however, is an extract of the full Delivery Program Report showing those activities which are marked as:-

- Not started
- Not progressing
- Progressing with issue
- Completed.

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All other activities are marked as "Progressing – No Issues", or "Completed".

The Report mirrors the layout of Council's Delivery Program and 2015/16 Operating Plan and Budget. Managers responsible for each of the activities listed under the Strategies and Outcomes have indicated the current status of the activity and, where appropriate, have included comments.

4.4 Attachments

Extract of Delivery Program Report - 2015/16 Activities.

4.5 Recommendation

That the Delivery Program Report be received and noted.

Derek Francis
GENERAL MANAGER

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**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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**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 30 September 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.

Bank Reconciliation for September 2015

Council General Fund

Bank Statement Balance	\$	646,291.91cr
Add Deposits not yet receipted	\$	18,107.26cr
Less Unpresented Payments	\$	1,003.13dr

Balance as per Council	\$	663,396.04cr
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Represented by the following in Council Ledgers

Account		
19001.8000.8000	\$	663,396.04cr

Difference	\$	0.00
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1.3 Recommendation

That the Bank Reconciliation Report be received and noted.

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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2 INVESTMENTS SEPTEMBER 2015

2.1 Introduction

The purpose of this report is to outline the performance of Council's Investment Portfolio for the month of September 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 September 2015 is shown below. At the 30 September 2015 Council had \$10.5 million invested. There has been no increase to Council's investments since August 2015.

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.

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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Investment Movements for September 2015

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

Bogan Shire - Investment movements for September 2015							
REF	Source	Maturity	Days	% rate	Interest	Bal 31/08/2015	Bal 30/09/2015
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
	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
4608	NAB	01-Mar-16	180	2.900%	28,921		2,000,000.00
802	Westpac - Maxi direct	n/a	n/a	Variable		5,159,456.86	3,163,036.53
	Balance securities held					10,459,456.86	10,463,036.53
	Balance Ledger 19010.8200.8200					10,459,456.86	10,463,036.53
	Summary by institution						
	CBA					1,000,000.00	1,000,000.00
	NAB					4,300,000.00	6,300,000.00
	Westpac					5,159,456.86	3,163,036.53
						10,459,456.86	10,463,036.53

2.4 Recommendation

That the Investments Report be received and noted.

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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 30 September 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	306,514	300,405
First Instalment Outstanding as at 30/09/2015	103,651	89,221
Second Instalment Outstanding as at 30/09/2015	920,105	845,580
Third Instalment Outstanding as at 30/09/2015	945,239	862,866
Fourth Instalment Outstanding as at 30/09/2015	951,061	866,563
Total Arrears	410,166	389,626
Total Outstanding	3,226,445	2,964,636
Monthly Transactions		
Amount Levied & B/Fwd	4,956,987	4,747,560
Add: Adjustments	-1172	14,952
Less: Payments to end of September	-1,651,800	-1,723,611
Less: Rebates	-80,575	-77,231
Add: Postponed	3005	2966
Gross Total Balance	3,226,445	2,964,636
Arrears of total amount levied %	9%	9%

Total arrears have increased from \$389,000 at the 30 September 2014 to \$410,000 as at 30 September this year.

Each instalment amounts to approximately \$1,240,000.
(Total Rates, Waste, Water & Sewer Access Charges)

Council has collected at this date \$70,000 less than at the same time last year. This would be primarily due to staffing issues which are being addressed.

9% of ratepayers are in arrears for their first instalment.

3.3 Recommendation

That the Rates Collections Report be received and noted.

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4 REVISION OF PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY – AP002

Summary

- *The purpose of this report is to review policy AP002 Payment of Expenses and Provision of Facilities to the Mayor and Councillors.*
- *This Policy determines what expenses will be met by Council on behalf of Councillors when on Council business.*
- *The preparation and review of this Policy on an annual basis, is a mandatory requirement under section 252 of the Local Government Act.*
- *The Policy has operated effectively over the past few years and therefore there seems no reason to change it.*

4.1 Introduction

4.2

The purpose of this report is to review policy AP002 Payment of Expenses and Provision of Facilities to the Mayor and Councillors. The Policy was last adopted on 23 October 2014 and is now due to be reviewed.

4.2 Background

This Policy determines what expenses will be met by Council on behalf of Councillors when on Council business.

The preparation and review of this Policy on an annual basis is a mandatory requirement under section 252 of the Local Government Act to ensure accountability and transparency in the reasonable and appropriate provision of expenses and facilities to Mayors and Councillors.

4.3 Discussion

The Policy is based on the following principles:-

- That the Mayor and Councillors should be re-imbursed for their expenses incurred in properly carrying out the duties of office as elected representatives of the community.

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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- Elected representatives should have the use of adequate facilities to enable them to appropriately fulfil their role as responsive and responsible community representatives.
-
- It is essential that a Policy is in place to ensure that such office is open to all eligible citizens.
- Councillors are encouraged to limit the use of the expenses and facilities provided for in this Policy to the minimum required to enable them to effectively and efficiently discharge their functions of civic office.

The Policy has operated effectively over the past few years and therefore there seems no reason to change it. It is therefore recommended that the current Policy be re-adopted for a further twelve months.

4.4 Recommendation

That Council adopt the current Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy AP002 for a further 12 months.

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5 REVISION OF COUNCIL'S INVESTMENT POLICY – FIN002

Summary:

- *The purpose of this report is to review Policy FIN002 Investment Policy.*
- *Investment Policy is one of the most important Policies that Council has.*
- *It has a major effect on how Council invests ratepayers' money from a viewpoint of both risk and return.*
- *A requirement of the Policy is that it be reviewed at least once per year.*
- *Given that the economic environment is very similar to one year ago, the policy be re-adopted without change for a further 12 months.*

5.1 Introduction

The purpose of this report is to review Policy FIN002 Investment Policy. The Policy was last adopted on 23 October 2014 and is now due to be reviewed.

5.2 Background

The Investment Policy is one of the most important Policies that Council has. It has a major effect on how Council invests ratepayers' money from a viewpoint of both risk and return.

The objective of this Policy is to govern how staff invests Council's money so as to obtain the highest possible return for a given level of risk.

5.3 Discussion

There is a positive correlation between risk and return when placing investments. Council wants the highest return possible but only at an acceptable level of risk. The Investment Policy governs how much risk Council staff can take when investing Council funds.

The current Investment Policy was adopted in October 2014 in a moderately uncertain economic environment with low interest rates. It allows only conservative investments allowed by the most current investment order that has been issued by the Minister for Local Government.

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A requirement of the Policy is that it be reviewed at least once per year.

Given that the economic environment is very similar to one year ago, when the Policy was reviewed and adopted, and that it has served Council well, it is recommended that the policy be re-adopted without change for a further 12 months.

5.4 Recommendation

That Council adopt the current Investment Policy FIN002 for a further 12 months.

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6 FIRST QUARTER 2015/16 BUDGET REVIEW

Summary:

- *Clause 203 (1) of the Local Government (General) Regulation 2005 requires that Council complete a budget review within 2 months of the end of each quarter.*
- *Net unfavourable adjustments total \$194,000. Council budgeted for a surplus in General Fund of \$178,000, leaving a deficit of \$16,000.*
- *Council is holding large cash balances at the moment due to Financial Assistance Grants and the Grant for the Long Day-Care Facility being paid in advance.*
- *Council's projected financial position at 30/6/16 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.*

6.1 Introduction

The purpose of this report is twofold:

1. To review actual performance against budget for the first three months of the 2015/16 financial year up to 30 September 2015.
2. To adjust the budget in response to changes in the financial landscape and changes to Council's corporate goals.

6.2 Background

Clause 203 (1) of the Local Government (General) Regulation 2005 requires that Council complete a budget review within 2 months of the end of each quarter. More importantly the review should be completed to enable good financial management of Council's resources.

The Projected Year End Result has been adjusted to allow for carry forward items and first quarter adjustments. These changes have been shown in the Recommended Changes column. The items to be carried forward have already been approved by Council at previous meetings. The first quarter changes are shown in a separate column and discussed below and need to be approved at this meeting.

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The figures in the Projected Year End Result column are the estimate of income/spending at the end of the financial year. It is the sum of the originally adopted budget for 15/16, plus items carried forward from 14/15, plus or minus adjustments made at this first quarter review.

6.3 Discussion

Performance Against Budget

The year to date performance against budget is concerning. Net unfavourable adjustments total \$194,000. Council budgeted for a surplus in General Fund of \$178,000, leaving a deficit of \$16,000.

Council received the bad news that it would be receiving \$80,000 less than budgeted from Financial Assistance Grants and also that it needed to place Councillors and Officers Insurance at a cost of \$18,000. In addition, Council has identified a net amount of \$116,000 additional spending required on Capital Projects.

It is a concern that many significant changes have been made to the budget so early in the year. Councillors and staff need to be aware of spending decisions in the budget. It is important that corresponding savings are identified when making decisions on additional spending.

The state of the individual funds is shown below:

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Cash Position of Funds - 2015/16 projected operating result				
<i>(Note: The cash position reflected takes into account cash transfers to and from Council's Reserves (Investments) to fund capital expenditure.)</i>				
1 General Fund	Original Budget General Fund (Incorporating Waste and Plant)	Sep Recommended Changes	Revised Budget General Fund Total Budget after First Quarter Changes	
Operating Income	14,329,140	- 45,832	14,283,308	
Less: Operating Expenditure	15,130,222	31,883	15,162,105	
	- 801,082	77,715	-878,797	
Add back depreciation	3,066,772		3,066,772	
Cash from current year available to fund Capital	2,265,690		2,187,975	
Other Sources of Capital Funding	3,869,216		3,869,216	
Nett Capital Spending as per Draft Capital Budget	5,957,246	116,360	6,073,606	
Cash Balance	177,660	- 116,360	-16,415	
Transfer from Unrestricted Cash required to balance budget			16,415	
Revised Budget			0	
2 Sewer Fund	Sewer Fund		Sewer Fund	
Operating Income	842,134		842,134	
Less: Operating Expenditure	660,798		660,798	
	181,336		181,336	
Add back depreciation	127,044		127,044	
Cash from current year available to fund Capital	308,380		308,380	
Other Sources of Capital Funding	95,000		95,000	
Nett Capital Spending as per Draft Capital Budget	128,000		128,000	
Cash Balance	275,380		275,380	
3 Water Fund	Water Fund		Water Fund	
Operating Income	1,778,461		1,778,461	
Less: Operating Expenditure	1,870,324	4000	1,874,324	
	- 91,863	4000	-95,863	
Add back depreciation	388,500		388,500	
Cash from current year available to fund Capital	296,637		292,637	
Other Sources of Capital Funding	700,330		700,330	
Nett Capital Spending as per Draft Capital Budget	887,000		887,000	
Cash Balance	109,967		105,967	



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The recommended changes and variances to budget are illustrated in the Budget Review Statement shown below:

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2015/16 First Quarter Budget Review							
Outcome	Full Year Original Budget	2015/ 16 Carry Forwards	2015/ 16 Sep Recommended Changes	2015/ 16 Sep Projected Year End Result	YTD Actuals (incl Oncosts/ Com mit)	YTD Budgets	YTD Variance (incl Oncosts/ Com mit)
Grand Total	2,619,309	1,718,068	198,075	4,535,452	-3,272,671	-1,170,402	2,102,268
Operating	-106,818	0	81,715	-25,103	-3,772,139	-1,614,129	2,158,008
Building Our Community	1,013,661	0	1,028	1,014,689	249,091	274,767	25,676
Cultural & Social	132,369	0	3,652	136,021	30,441	30,333	-108
Community Facilities	721,605	0	-6,624	714,981	175,889	180,869	4,980
Children & Young People Support	0	0	0	0	-49,410	937	50,347
Library	159,687	0	4,000	163,687	92,171	62,628	-29,543
Connecting our Community	2,238,925	0	-10,500	2,228,425	398,875	734,383	335,508
Road Networks	2,500,761	0	-10,500	2,490,261	454,728	799,777	345,049
Active Transport	80,472	0	0	80,472	31,644	20,109	-11,535
Air Services	74,728	0	0	74,728	13,031	18,672	5,641
Plant System	-417,036	0	0	-417,036	-100,528	-104,175	-3,647
Managing Our Environment	96,166	0	4,000	100,166	-850,116	263,799	1,113,914
Built Environment	616,625	0	4,000	620,625	524,901	393,842	-131,059
Waste Management	-11,500	0	0	-11,500	-436,497	-2,858	433,639
Noxious Weeds	41,014	0	0	41,014	17,380	10,251	-7,129
Water	-368,637	0	0	-368,637	-618,726	-92,118	526,608
Sewer	-181,336	0	0	-181,336	-337,173	-45,318	291,855
Our Health & safety	211,681	0	0	211,681	86,993	52,896	-34,097
Environment Health	93,691	0	0	93,691	34,527	23,421	-11,106
Disaster Management	5,000	0	0	5,000	2,162	1,248	-914
Public Health	-4,550	0	0	-4,550	1,240	-1,140	-2,380
Fire Services	117,540	0	0	117,540	49,064	29,367	-19,697
Developing Our Economy	72,351	0	0	72,351	45,139	19,206	-25,933
Responsible Local Government	-3,739,602	0	62,424	-3,677,178	-3,602,290	-2,960,624	641,666
Leadership, Advocacy & Governance	448,109	0	22,001	470,110	134,616	112,407	-22,209
Managing Our Business	-4,187,711	0	40,423	-4,147,288	-3,736,906	-3,073,031	663,875
Labour Overheads	0	0	24,763	24,763	-99,830	1,444	101,274
Capital	2,726,127	1,718,068	116,360	4,560,555	499,468	443,727	-55,740
Building Our Community	688,300	272,804	-645,100	316,004	63,378	-165,537	-228,915
Community Facilities	403,300	260,649	89,900	753,849	57,845	100,785	42,940
Children & Young People Support	285,000	0	-735,000	-450,000	0	-266,322	-266,322
Library	0	12,155	0	12,155	5,533	0	-5,533
Connecting our Community	1,223,500	698,673	17,990	1,940,163	99,352	305,658	206,307
Road Networks	297,000	224,780	8,690	530,470	-284,886	74,124	359,010
Active Transport	49,000	34,832	9,300	93,132	22,513	12,246	-10,267
Air Services	110,000	0	0	110,000	0	27,492	27,492
Plant System	767,500	439,061	0	1,206,561	361,724	191,796	-169,928
Managing Our Environment	2,098,097	615,485	753,700	3,467,282	271,543	273,312	1,769
Built Environment	1,004,427	132,085	753,700	1,890,212	141,586	0	-141,586
Waste Management	460,000	0	0	460,000	681	114,954	114,273
Water	600,670	373,400	0	974,070	123,208	150,111	26,903
Sewer	33,000	110,000	0	143,000	6,068	8,247	2,179
Our Health & safety	10,000	75,000	0	85,000	54,347	2,499	-51,847
Environment Health	10,000	0	0	10,000	161	2,499	2,338
Disaster Management	0	75,000	0	75,000	7,614	0	-7,614
Fire Services	0	0	0	0	46,571	0	-46,571
Developing Our Economy	51,000	56,106	0	107,106	109	12,744	12,635
Responsible Local Government	-1,344,770	0	-10,230	-1,355,000	10,740	15,051	4,311
Leadership, Advocacy & Governance	0	0	0	0	0	0	0
Managing Our Business	-1,344,770	0	-10,230	-1,355,000	10,740	15,051	4,311

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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The first quarter adjustments are divided into Pros and Cons and explained below:

Pros are where Council has either found that it is going to get more income than budgeted or expects to spend less than originally budgeted. Meaning that the respective program is going to turn out better than originally budgeted. The budget is therefore adjusted accordingly.

Cons are the reverse. These are where the program is going to cost more than originally budgeted or income is going to be less. The budget is therefore adjusted so that more money is allocated to that particular program.

PROS		CONS	
<i>Operating</i>			
PAMP & Cycleway 2014/15 funding	21,000	Financial Assistance Grants	80,000
Workers Compensation Refund	9,500	Councillors & Officers Liability Insurance	18,000
		Rental of 2/109 Cobar St	13,000
		Training & Trim Licences	10,230
<i>Total</i>	30,500		121,230
<i>Capital</i>			
Key & Lock System	9,300	Security Gate at Depot	9,300
Scan Ezy software	10,230	Bus Shelter Vanges Park	17,990
Flood Memorial Park Awning	6,100	Liberty Swing	20,000
		Frank Smith Oval Watering System	20,000
		O'Reilly Park Toilet & Softfall Upgrades & Change Table	40,000
		Davidson Park – Baby Change Table	5,000
		Teamsters Rest Shade Shelter	11,000
		Teamsters Rest Cobb & Co coach Display	18,700
<i>Total</i>	25,630		141,990

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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Operating

Pros

PAMP Cycleway Funding \$21,000

Grant relating to 2014/15 PAMP and Cycleway construction. Works were not completed in 2014/15 so the grant was received but not budgeted for in the current year.

Workers compensation Refund \$9,500

Council received a refund on its Workers Compensation Payments which was due to an over estimation of the premium.

Cons

Financial Assistance Grants \$80,000

Financial Assistance Grants allocated to Council were lower than budget.

Councillors & Officers Liability Insurance \$18,000

Due to payment of an insurance premium not previously taken out by Council and therefore not budgeted for, Statewide Mutual highly recommended that Council take out this cover.

Rent 2/109 Cobar street \$13,000

Rental of residence for the Asset Engineer which was not budgeted for.

TRIM training and additional software licences \$10,230

Due to additional licences and training. This additional cost can be offset by the non-purchase of the Ezy-scan software in the capital budget. This software can then be re-visited once outstanding issues in Records Department have been resolved.

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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Capital

Pros

Key & Lock System \$9,300

The installation of a new key and lock system is expected to cost less than budget. The savings have been transferred to the installation of the new gate at the depot.

Ezy Scan Software \$10,230

The purchase of this software has been cancelled in order to fund the purchase of TRIM Software and provide additional training to staff.

Flood Memorial Park Awning \$6,100

Savings from this project transferred to Teamsters Rest. This will be expanded on in this Business Paper's report from the Manager Environmental Services.

Cons

Security Gate at Depot \$9,300

This project was underbudgeted and therefore additional funds need to be allocated so that it can be completed. The additional allocation is being taken from the Key and Lock System budget.

Bus Shelter \$17,990

This shelter at Vanges Park was funded by the Dept of RMS in the 2011/12 financial year and not constructed. The funds were not carried forward so consequently funds for its construction need to be added to the budget from restricted cash allowed for in note 6 of the financial statements.

Liberty Swing \$20,000

Council resolved to install the Liberty Swing as per resolution number 208/2015 made at its June ordinary meeting. It is a swing which caters for people with a disability and will be installed at O'Reilly Park.

Frank Smith Oval Watering System \$20,000

The cost of this project was underestimated. It is now expected to cost a total of \$45,000, an increase of \$20,000.

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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O'Reilly Park Upgrades **\$45,000**

Council resolved to undertake these upgrades after the budget was adopted. This additional money will be used to upgrade the disabled access to the toilets to cater for patrons of the Liberty Swing as per resolution 269/2015, install a baby change table resolution number 377/2015, and also upgrade the softfall in the general playground resolution number 272/2015.

Davidson Park Baby Change Table **\$5,000**

Additional funds required to fund a baby change table as per resolution number 377/2015.

Teamsters Rest Shade Shelter **\$11,000**

For the addition of seats to go with the shade shelter which is being constructed adjacent to the Big Bogan.

Teamsters Rest Cobb & Co coach Display **\$18,700**

\$12,150 was carried forward from 2014/2015 to complete this project. A further \$18,700 was required. As the money is already spent the revised budget has been increased accordingly.

Other Issues

Roads to Recovery Funding **\$841,121**

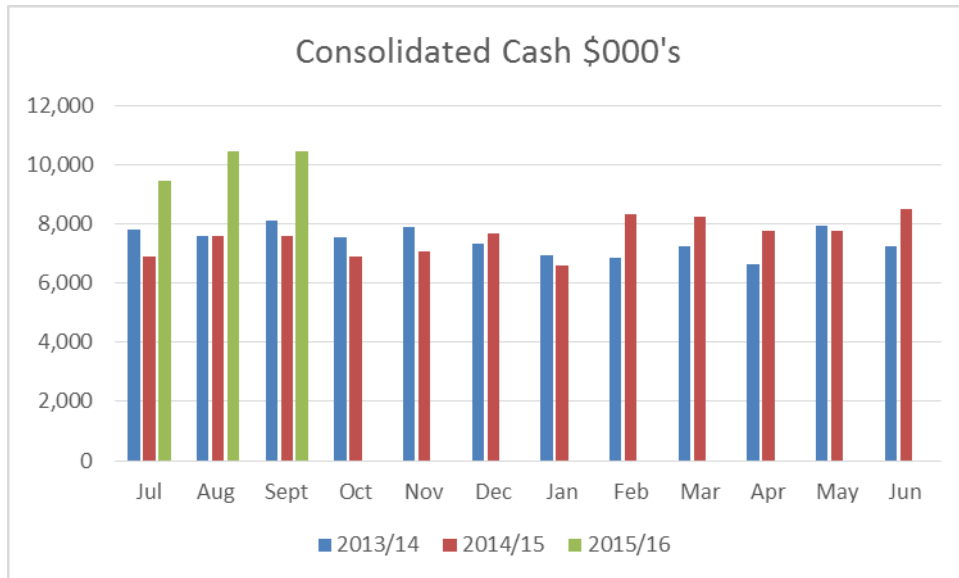
Council has received additional Roads to Recovery Funding, for 2015/16 and 2016/17, as part of the Federal Government Budget Commitment to divert additional fuel excise to regional and rural roads. The budget has been adjusted on the income and expenditure sides accordingly. Funding is required to be spent in the year to which it is allocated. It cannot be carried forward to future years as is usually the case for R2R programs.

Medical Centre

Council is about to embark on the construction of a Long Day Care Centre and Medical Centre, which will have a major impact on Council's budget. The drawing down of a loan of \$1,000,000 over 20 years at 6% per annum will require annual repayments of approximately \$92,000.

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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Cash



Council is holding large cash balances at the moment due to Financial Assistance Grants and the Grant for the Long Day-Care Facility being paid in advance. Consequently the cash balance is expected to decrease over the next nine months. At \$8.6 million the 2014/15 year end cash balance came in well above Council's Long Term Financial Plan projection of \$7.146 million. Of this amount \$1.988 million is unrestricted.

Consulting and Legal Expenses

The budgeted and actual spending on consultants and legal expenses is shown below. The bulk of consultancy expenditure has been on restructuring and rates administration.

CONSULTING & LEGAL EXPENSES			
Expense	Budget \$	Expenditure YTD \$	Revised \$
Consultancies	307,172	70,765	307,172
Legal	39,500	0	39,500

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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Summary

6.4 Recommendation

That Council:

1. Note the report on Actual compared to Budget for the quarter ended 30 September 2015.
2. Adopt the adjustments to the 2015/16 budget as shown above on the Budget Review Statement.

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Bogan Shire Council for the quarter ended 30/09/2015 indicates that Council's projected financial position at 30/6/16 will be *satisfactory* at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



Signed: _____ date: 13/10/2015

Luke Taberner

Responsible Accounting Officer, Bogan Shire Council

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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7 LIBRARY REPORT

Summary:

- *This report is to provide Council and Councillors with information both statistical and informative in regards to the library's function.*
- *Bogan Shire Library provides many services to our community and the community is keen to use the Library for their various needs.*

7.1 Introduction

The purpose of this report is to provide Council and Councillors with information both statistical and informative in regards to the library's function.

7.2 Background

Historically the Library Manager has provided this report for the information of Councillors.

7.3 Discussion

Another busy quarter at the library with many activities involving the community:

Children's Book Week "Books light up our life" was held in mid August. This was the 70th year which it has been running. The library displayed all the nominated and winning books.

The Library hosted a play "**Gloria's Handbag**" presented by Helen Moulder . The audience of 30 all enjoyed the play and were amazed at the talent of the one lady play for her acting of seven different parts, singing and magic tricks.

Country Women's Association International Country of Study for 2015 was Italy and the library once again displayed the Year 5's and Year 6's posters from both the Nyngan Public School and St. Joseph's Catholic School. The posters were of exceptional standard and there was much interest in them while they were on display in the Library.

The Book Link Reading Programme finished early August with the Presentation being held 7th October to present readers and age group winners with their certificates, book prizes and vouchers. Mrs Margaret McGlynn from the Nyngan CWA presented children with their Certificates, book prizes and vouchers.

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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The North Western Library Service will be holding its AGM Meeting at Gilgandra on 10th December 2015 commencing 10.30am. Attending will be North Western Library Managers, NW Chairperson - Julian Campbell, Councillor Representatives from each Council and Council Managers that can attend.

The library provides many other services to our clients such as, photocopying, laminating, faxing, scanning and assisting customers at computers.

Library Statistics

Statistics for the past quarter dating from 1.07.15 to 30.09.15 are as follows with a comparison of the previous year figures for the same period: -

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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July 1st – Sept 30th, 2014		July 1st – 30th September, 2015	
Adult Fiction	650	Adult Fiction	551
Western Fiction	30	Western Fiction	71
Large Print	452	Large Print	384
Magazines	163	Magazines	117
Adult Non Fiction	175	Adult Non Fiction	64
Talking Books	121	Talking Books	70
		Stories are magic	182
Junior Fiction	168	Junior Fiction	205
Junior Non Fiction	72	Junior Non Fiction	16
Easy & Easy2 & RR	296	Easy & Easy 2 & RR	477
Toys	13	Toys	9
Home-Start Resources	17	Home Start Resources	7
Junior Talking Books	10	Junior Talking Books	5
Young Adult Fiction	66	Young Adult Fiction	36
Equipment	4	Equipment	5
DVD's	381	DVD's	320
TOTAL ISSUES	2618	TOTAL ISSUES	2519
TOTAL MEMBERS	2379	TOTAL MEMBERS	2460
New Members	35	New Members	20
Internet usage	3100	Internet Usage	2528
People Counter	4379	People Counter	3716

**Manager Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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Other manual stats for:-

- Inquiries – 90;
- Inter Library Loans – 123;
- Computer IT Help – 140;
- Wifi -113; and
- Clients used the library for Study, Meetings, Tech Savvy Sessions and Story Time Sessions: - 60.

The report demonstrates the Bogan Shire Library provides many services to our community and the community is keen to use the library for their various needs.

7.4 Recommendation

That the Library Report be received and noted.

Luke Taberner

MANAGER CORPORATE SERVICES

**Manager of Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 22 October 2015**

**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 14 September 2015 to 9 October 2015 consisted of the following:-

- Repairing concrete and laid new tiles in the Nyngan Swimming Pool;
- Transported coaches over to the Teamster's Rest in Pangee Street and positioned them to be displayed;
- Tiling for the new kitchenette at the Swimming Pool Store Room;
- Constructed foundations for pontoon walkway and installed pontoon in Bogan River at Rotary Park;
- Repairing scours to town drainage through GrainCorp;
- Installation of lights at Nyngan High School Gym for 'Mad Night' and removed at completion;
- Beginning the installation of new bus shelters at Girilambone and Coolabah;
- Installation of new awnings for the western side of the Administration Building in Cobar Street;
- Repairing broken windows at the Town Hall;
- Installation of new bench seats at Netball Courts at Larkin Oval;
- Painting men's toilets and change rooms at Larkin Oval; and
- Repairing and maintenance to the Dental Surgery in Pangee Street.

**Manager of Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 22 October 2015**

1.2 Community Facilities

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

- Removal of soccer goal posts at Frank Smith Oval;
- Repairing damaged caused by vehicles to the playing surface at Frank Smith Oval;
- Repairing the sprinkler system at Frank Smith and No.3 Ovals;
- Preparation of the ovals and sporting fields;
- 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
13	Bourke's Road	Maintenance grade continuing
MR 228	Hermidale/Nymagee Road	Construction continuing
92	Colane Road	Re-sheeting completed
21	Gongolgon Road	Re-sheeting completed
21	Gongolgon Road	Maintenance grading commenced
22	Moonagee Road	Maintenance grading completed
1	Mulla Road	Shoulder grading completed
37	Logan's Road	Maintenance grading commenced
16	Yarrandale Road	Heavy patching completed
51	Curran's Road	Maintenance grading completed
HW7	Mitchell Highway	Slashing east of Nyngan completed

**Manager of Engineering Services' Report to the Ordinary Meeting of
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Council's Jet-Patcher during this reporting period has carried out routine maintenance on the following roads:-

- Yarrandale Road;
- Cockies Road;
- Nyngan town streets;
- Mitchell Highway;
- Barrier Highway;
- Murrawombie Road; and
- Tottenham Road.

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

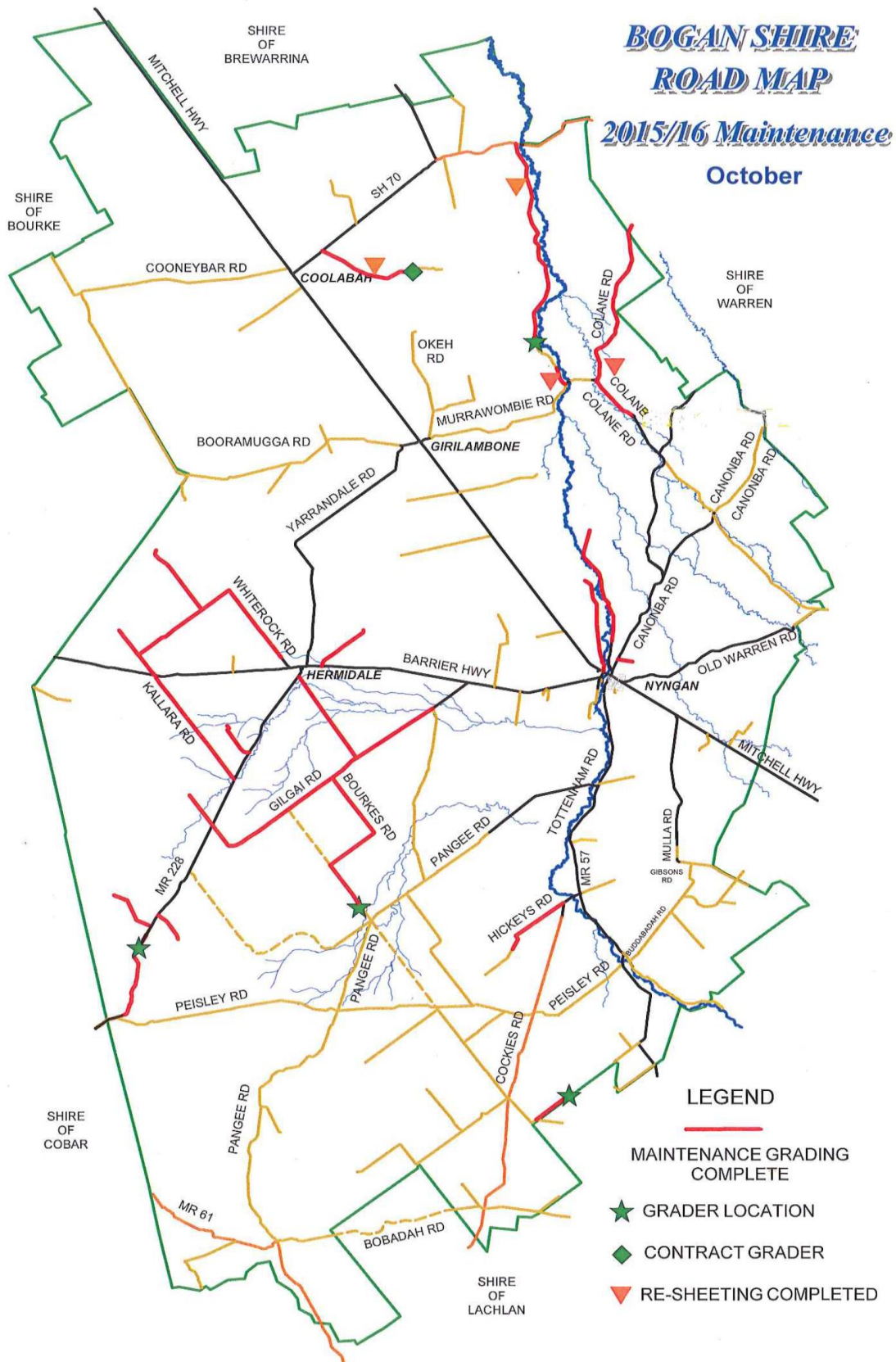
- Maintenance grading and re-sheeting of the following roads, Warrah, Cockies, Kallara, Whiterock, Pangee, Booramugga and Hermidale Nymagee before harvest.
- Prime sealing the newly constructed 2km section of Hermidale Nymagee Road for 2015-16.
- Sealing several sections of the Tottenham Road.
- Heavy patching and shoulder grading on the Mitchell and Barrier Highways.

Construction of the Information Bays along the Mitchell Highway at the eastern and western approaches to Nyngan.

1.4 Recommendation

That the Operational Report, Civil Works, Community Facilities and Roads for the reporting period, 14 September 2015 to 9 October 2015 be received and noted.

**Manager of Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 22 October 2015**



**Manager of Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 22 October 2015**

2 ADDITIONAL ROADWORKS 2015/16

Summary:

- *The purpose of this report is for Council to consider the allocation of additional funds towards the local Shire road works in the 2015/16 financial year.*
- *Council resolved at the September 2015 meeting to use half (\$326,000) of the 2014/15 surplus funds for road works in the 2015/16 financial year, with the remainder of funds held in reserve.*
- *Dandaloo Road, Colane Road, Mulla Road, Pangee Road, and Coffills Lane have had sections constructed and sealed over the last couple of years.*
- *Sealed sections of Colane and Canonba Roads also require rehabilitation.*

2.1 Introduction

The purpose of this report is for Council to consider the allocation of additional funds towards the local Shire road works in the 2015/16 financial year.

2.2 Background

Council resolved at the September 2015 meeting to use half (\$326,000) of the 2014/15 surplus funds for road works in the 2015/16 financial year, with the remainder of funds held in reserve.

2.3 Discussion

It was discussed at the meeting to use the surplus funds for the construction and sealing of an additional two kilometres of our local unsealed roads network. Pangee Road, Mulla Road, Dandaloo Road, Coffills Lane, and Colane Road have all had sections constructed and sealed over the past couple of years.

**Manager of Engineering Services' Report to the Ordinary Meeting of
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- The Dandaloo Road has had its highest trafficked section between the Tottenham Road and the Buddabadah Road intersections completed last year and would now be a lower priority;
- The Colane Road has had at least one kilometre constructed each year from Roads to Recovery funding and that may continue;
- The Mulla Road has a 2km unsealed section remaining between the end of the bitumen and a previously sealed 0.7km bend. Sealing this gap would provide a 22km length of sealed road;
- Coffill's Lane had 1km of its 26km length constructed and sealed at the Miandetta end last year; and
- The Pangee Road had 1km sealed last year leaving 12km to be constructed and sealed to reach the Coffills Lane intersection. The Pangee Road is 95km long with 17km currently sealed from the Tottenham Road and carries traffic from Bobadah at the southern end of the Shire.

The estimated cost of local road construction is \$140,000 per km and it is expected that some minor saving in establishment costs would be made if two km were constructed at the one location.

Consideration could also be given to allocating the surplus funds to rehabilitation of existing sealed roads as several kilometres of the Colane Road and Canonba Road require rehabilitation work. This can be carried out by either lime stabilisation at an estimated cost of \$80,000 per km or by using our regular reconstruction methods at an estimated cost of \$115,000 per km.

A good mix of renewal and new construction may be to stabilise 2kms and construct and seal 1km at a total estimated cost of \$300,000.

2.4 Recommendation

1. That 1km of Pangee Road be constructed at a cost of \$140,000.
2. That 2 kms of Colane and Canonba Roads be stabilised at a cost of \$160,000.

3 MAINTENANCE GRADING OF LOGANS ROAD

Summary:

- *The purpose of this report is to advise Council of the current condition and use of Logans Road.*
- *The full length of the road has not been graded for approximately ten years as it is closed off by locked gates.*
- *Should the gates be removed to allow access to the public and for road maintenance.*

3.1 Introduction

The purpose of this report is to advise Council of the current condition and use of Logans Road.

3.2 Background

Council was recently requested to grade Logans Road before the commencement of harvest. The Manager Engineering services was advised by a property owner that it has been approximately ten years since the road had been graded along its full length.

3.3 Discussion

The grading of the road was programmed for the week after the October long weekend as the crew was to be starting on the adjoining Warrah road. When the property owner was contacted to advise of the maintenance grading and to enquire if there was water available for the grading, he said that he would arrange for the gates along the road to be unlocked for the grader. I believe the properties along the road have had problems with unauthorised entry and theft.

It appears than each time a grader crew was in the area, the first 2kms of Logans Road, up to the first locked gate, was graded and the operator assumed that the section of road beyond that point was private property.

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Upon inspection of the road, it was found that the 6kms of road that had not been maintained had no shape in the formation and required full reconstruction. The operator estimated that to get the road back to its original condition would take an estimated 12 days which would cost approximately \$45,000. The decision was made to narrow the formation and provide a useable road and minimise the current reconstruction cost.

The issue with this road is that it appears it has not been maintained because it has been locked. The property owners must have been reasonably satisfied with the road situation as there had been no requests to improve its condition up until now. The other issue is that as the road has not been available for use as a public road, should it be maintained by Council and should the gates be removed.

1 Public Right to Access

- When considering the options below, Council must bear in mind that the key provision of the *Roads Act 1993* (NSW) (**Roads Act**) is contained in s5 which provides that a member of the public is entitled, as a right, to pass along a public road.
- It is my view that this public right is paramount and Council must give that right due consideration.

2 s128 Roads Act

- One option that Council may consider is allowing the property owner to maintain the current gate as public gate in accordance with s128 of the Roads Act and the *Roads Regulation 2008* (NSW) (**Roads Regulation**)
- In that regard, s128 of the Roads Act states as follows:
"(1) A Roads Authority may permit the occupier of any land through which an unfenced public road passes to erect a gate across the road at any place at which the road intersects a boundary fence".

(3) A Roads Authority must cause notice of the granting of the permit to be published in a local newspaper.
- However, this approach may not be available to Council as the Road Reserve does not "pass through the property, but rather passes adjacent to the property".

**Manager of Engineering Services' Report to the Ordinary Meeting of
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- Whilst there is no relevant case law or interpretation to the meaning of *"through which a public road passes"*, it is my view that this would require the said road to pass through a relevant lot, rather than alongside it, as is the case here.
- However should Council wish to proceed with a Public Gate Permit, then Council will need to enter into a formal agreement with the property owner in regards to the maintenance of the gate.
- Any such agreement will need to ensure that it complies with the relevant sections of the Roads Act and the Roads Regulation.
- In that regard, I note that s129 of the Roads Act states as follows:-

" (1) The holder of a Public Gate Permit may at any time, after one (1) month from the publication of the notice of the granting of the permit, erect a gate in accordance with the permit".

(2) The holder of a Public Gate Permit must ensure that :

(a) A notice is attached to both sides of the gate bearing the words "PUBLIC GATE" in letters at least 75mm high; and

(b) Both the gate and the notice are maintained in good condition."

- Should Council enter into this kind of arrangement, Council will be able to revoke the permit at any time, after which the owner would have one (1) month to remove the gate after notice of the revocation is provided to him.
- Any such gate would have to be able to be accessed by the public and therefore would not be able to be locked.
- Further, s132 of the Roads Act provides that a person must not cause any damage to a public gate or to the notice that is attached to the gate, and a person who opens a public gate must close it immediately after it has been used.

**Manager of Engineering Services' Report to the Ordinary Meeting of
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Roads Regulation

In addition to these requirements of the Roads Act, the Roads Regulation provides further conditions that must apply to the use of public gates on a public road.

- Regulation 73 provides that written consent must be obtained from the adjoining land owner, who owns land on the other side of the gate for where the gate is proposed to be erected.

Should Council agree to proceed with a Public Gate Permit arrangement, Regulation 74 of the Roads Regulation provides:

- (1) Council must cause notice of the proposal to erect a public gate (including particulars as to the proposed location of the gate) to be published in the local newspaper;
 - (2) Council must allow sufficient time (being not less than 28 days from the date of publication of the notice) for written submissions and the proposal to be made to the Roads Authority; and
 - (3) Council must have due regard to any written submissions and the proposal that are made to the Roads Authority within that time.
- In that regard, Council must allow for any affected residents or member of the public to make submissions to Council with regards to the proposed gate and Council must consider those submissions accordingly when deciding whether to grant the permit.
 - In regards to the makeup of the gate, Regulation 75 provides that the gate must be white and that the posts on either side of the gate are fitted with reflectors facing along the road in each direction. This is in addition to the public gate sign that must be placed on the gate in accordance with the Roads Act.
 - Finally, Regulation 76 states that the holder of Public Gate Permit must ensure that the road approaches to the gate are maintained in a good condition for such distance (not exceeding 20 metres) from each side of the gate and as such width, as the Council may determine when granting the permit.
 - Council should consider whether Council or the owner will be able to comply with the relevant sections of the Roads Act and the Roads Regulation and whether this may be a viable option for Council should it wish to allow the gate to be maintained.

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- As previously stated, it is my view that this option may not be an appropriate way for Council to approach this matter as the Road Reserve is adjacent to property as opposed to passing through the property, as is required by s128 of the Roads Act.

2 s138 Roads Act

- Another option for Council may be to proceed in accordance with s138 of the Roads Act.
- s138 of the Roads Act relevantly states as follows:

“(1) A person must not:

(a) erect a structure or carry out a work in, on or over a public road,

(b) otherwise than with the consent of the appropriate roads authority.”

- As with s128 of the Roads Act, s138 may not be an appropriate way forward for Council as a gate of such nature may obstruct the public's right of passage that must be provided to them in accordance with s5 of the Roads Act.
- My view would also be that s138 was not intended for the purpose of someone erecting a gate on a public road as the right to erect a gate over a public road is specifically provided for in s128 of the Roads Act. However, again this is not entirely clear as a gate is simply a form of structure.
- That being the case, Council may be able to still ensure that the public's right of passage is maintained through the terms of any agreement that would be entered into by Council and Mr O'Neill in accordance with s138 of the Roads Act.
- Should Council wish to proceed with allowing the property owner to retain the gate in accordance with s138, then Council will need to enter into a formal agreement with the owner in regards to the maintenance of the gate and the required consent by Council.
- Any such agreement will need to include terms that provide for the specification and maintenance requirements of the gate.
- Although a public gate under s128 is likely to not be an appropriate way to proceed with this matter, its provisions may assist Council with the requirements it may wish to impose to the owner with regards to the gate should it proceed under s138 of the Roads Act.

**Manager of Engineering Services' Report to the Ordinary Meeting of
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Should Council proceed by way of a formal agreement with the property owner pursuant to s138 of the Roads Act, Council could include these specifications, as noted in section 1 of this advice, and any other terms it sees fit in any such agreement, in particular that the gate remain unlocked at all times so as to maintain the public's right of passage.

3.4 Recommendation

That Council, in consultation with affected property owners, develops and communicates a policy in regard to gates on public roads so as to comply with the provision of the Roads Act.

Graeme Bourke

MANAGER ENGINEERING SERVICES

**Manager of Development and Environmental Services' Report to the Ordinary Meeting of
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**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 September 2015 Meeting.

Application Number	Applicant	Address	Proposal	Value of Works	Status
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 Crown Land Office 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 to satisfy Government Agencies
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

**Manager of Development and Environmental Services' Report to the Ordinary Meeting of
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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 for Office of Water. Awaiting response prior to determination
2015/017	Bogan Shire Council	Dandaloo/Oxley Street, NYNGAN	Child Care Centre	800,000	Under assessment. Awaiting updated DA Plans.
2015/019	Bogan Shire Council	72,74,76 Pangee Street, NYNGAN	Medical Centre	1,200,000	Under assessment
2015/021	KJ Halal Meats Pty Ltd	Old Warren Road, NYNGAN	Alterations and Additions to Abattoirs	250,000	Under assessment. Awaiting response from Government Agencies
2015/025	Gordon Irving & Associates	4810 Pangee Road, Pangee	Subdivision of land	Nil	Under assessment and referral to Rural Fire Service
2013/015/02	Bogan Shire Council	Canonba Road, Nyngan	Section 96 Modification to Operating Hours Approved	Nil	Under assessment
2015/026	BW Toole	41 Cannonbar Street, Nyngan	Shed	15,000	Approved
CDC 2015/002	D & S Black	Moongae Road, Nyngan	Pool	12,000	Approved
CDC 2015/003	D & K Martin	Lot Gregory Street, Nyngan	Dwelling	339,000	Under assessment

**Manager of Development and Environmental Services' Report to the Ordinary Meeting of
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1.2 Recommendation

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

2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM

2.1 Introduction

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

2.2 Discussion

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

- Routine maintenance duties and manual watering of parks;
- Laying of additional turf at the Big Bogan site and manual watering;
- Laying of turf and levelling of ground at Rotary Park surrounding the Pontoon;
- Irrigation set up at Council's Pound; and
- Assisting with weed spraying at Nyngan Cemetery.

2.3 Recommendation

That the Operational Report – Parks and Gardens be received and noted.

**Manager of Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 22 October 2015**

3 OPERATIONAL REPORT - WEEDS

3.1 Introduction

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

3.2 Discussion

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

- Routine property inspections;
- Routine road inspections;
- Ongoing spraying of noxious weeds along Mitchell Highway edge break with road escort;
- Spraying of noxious weeds at the Nyngan Cemetery;
- Spraying of noxious weeds at the Canonba Road edge break;
- Spraying of weeds at the Rural Fire Service headquarters;
- Spraying of weeds at the Nyngan Tennis courts; and
- Spraying of noxious weeds at the Yarrandale Road edge break.

3.3 Recommendation

That the Operational Report – Weeds be received and noted.

4 SECTION 149 PLANNING CERTIFICATE APPLICATION FEES

Summary

- *Clarification from Council is sought on the charges applying to the lodgement of Section 149 Planning Certificate Applications.*
- *It is recommended that Council maintain and apply the fee for a 149 Planning Certificate Application on a per lot basis and issue individual certificates for the allotments to which the planning certificate application relates.*
- *It is recommended that Council update the Operational Plan and Budget 2015/2016 on page 108 to include reference that fee is to apply "per lot" for a Section 149 Certificate.*

4.1 Introduction

The purpose of this report is to seek clarification from Council on the charges applying to the lodgement of Section 149 Planning Certificate Applications, particularly for rural holdings which may consist of a large number of allotments.

4.2 Background

A number of regular customers of Council applying for section 149 Planning Certificates (providing relevant details about land in accordance with Schedule 4 of the Environmental Planning and Assessment Regulation 2000) have been contacting Council to request what fees are payable prior to submitting a Planning Certificate application. This has been a practice undertaken for some time despite the current 149 Certificate Application Form found on Council's website stating the following fees:

149 (2):

- *Single certificate - each lot requires a separate certificate \$53.00*
- *Each additional certificate for same property \$30.00*

149 (2) & (5):

- *Single certificate - each lot requires a separate certificate \$133.00*
- *Each additional certificate for same property \$70.00*

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Urgency Fee (Certificate issued in 16 hours)

This fee is per lot and is in addition to the application fee \$100.00

The fee for a 149 (2) and 149 (5) certificates prescribed above, are correctly reflected in the 2015/2016 Operational Plan and Budget however it does not state the above fees apply on a **per lot** basis.

This discrepancy has arisen in a number of situations particularly where there are rural holdings which may cover a greater number of lots within the same ownership compared to residential land. In some instances, fees have been incorrectly applied and Council has under charged for Planning Certificates in these circumstances.

4.3 Discussion

Under the provisions of the Environmental Planning and Assessment Regulation 2000, Clause 259 states the following:-

- (1) The prescribed fee for the issue of a certificate under section 149 (2) of the Act is \$53.*
- (2) A Council may charge one additional fee of not more than \$80 for any advice given under section 149 (5) of the Act.*

The provisions of Section 149 of the Environmental Planning and Assessment Act 1979 states:-

- (1) A person may, on payment of the prescribed fee, apply to a Council for a certificate under this section (a Planning Certificate) with respect to any land within the area of the council.*
- (2) On application made to it under subsection (1), the Council shall, as soon as practicable, issue a Planning Certificate specifying such matters relating to the land to which the certificate relates as may be prescribed (whether arising under or connected with this or any other Act or otherwise).*
- (3) (Repealed)*
- (4) The regulations may provide that information to be furnished in a Planning Certificate shall be set out in the prescribed form and manner.*

**Manager of Development and Environmental Services' Report to the Ordinary Meeting of
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- (5) A Council may, in a Planning certificate, include advice on such other relevant matters affecting the land of which it may be aware.*
- (6) A Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5). However, this subsection does not apply to advice provided in relation to contaminated land (including the likelihood of land being contaminated land) or to the nature or extent of contamination of land within the meaning of Part 7A.*
- (7) For the purpose of any proceedings for an offence against this Act or the regulations which may be taken against a person who has obtained a Planning Certificate or who might reasonably be expected to rely on that certificate, that certificate shall, in favour of that person, be conclusively presumed to be true and correct.*

Subsection 1 above specifically notes "with respect to any land within the area of the Council". In this circumstance and in line with the current 149 Application Form prepared by Council, the investigation of information that is required in a 149 Planning Certificate includes, for example, zoning information, applicable development controls, mine subsidence, road widening, flood prone or bushfire prone land, or if a property vegetation plans applies. The research undertaken by Council staff is conducted on per lot basis in every circumstance to ensure the certificate is true and correct, based on Councils records.

Notwithstanding the above, concern has been raised regarding the cost implications of rural land holdings which may have in excess of 20 lots and the fee for 149 Planning Certificates being applied on a per lot basis. For example, should a rural holding comprise of 36 lots in the same ownership, the current fee per Council's 149 Planning Certificate Application Form is calculated as follows:

149 (2) Certificate - 36 Lots x \$53.00 = \$1908.00

To enable a comparison to be made, contact was made with a number of other Councils in both rural and metropolitan areas. It was concluded that some Council's applied the fee on a per rates assessment basis, however, some applied the fee on a per lot basis.

For example, if the fee was applied on a per assessment basis and if a rural land holding was rated by Council over two (2) assessment numbers, the following fee would be applied:

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149 (2) Certificate – 2 Assessments x \$53.00 = \$106.00

It is emphasised that Council staff undertake the research on these land holdings on a per lot basis which can take a considerable amount of time, most recently up to 2 days for a large rural property containing 24 lots. Importantly, it may be found during the research that one lot has significantly different affectations or environmental constraints then a nearby lot under the same ownership. Charging fees on a per assessment basis does not cover the cost of staff time required for the appropriate research and processing of applications which involve multiple lots. For this reason, to apply the fee on a per assessment basis, is not considered to be appropriate in the circumstances.

4.4 Recommendation

1. That the report be received and noted.
2. That Council maintain and apply the fee for a 149 Planning Certificate Application on a per lot basis and issue individual certificates for the allotments to which the Planning Certificate application relates.
3. That Council update the Operational Plan and Budget 2015/2016 on page 108 to include reference that fee is to apply "per lot" for a Section 149 Certificate.

5 PROPOSED LOCATIONS OF THE TEAMSTERS REST SIGN AND SHADE STRUCTURE WITHIN TEAMSTERS REST

Summary

- *The purpose of this report is for Council to approve appropriate positions for the Teamsters Rest Sign and Shade Structure within Teamsters Rest, the reallocation of budget relating to the Shade Structure and the request of further funding for new tables and bench seating.*
- *It is confirmed that the most appropriate location for the Teamsters Rest Sign is immediately adjacent the eastern elevation of the Cobb and Co Building in accordance with Figure 1.*
- *It is confirmed that the most appropriate location of the Shade Structure is between the Cobb and Co. Building and the Big Bogan, towards the front of Teamsters Rest Area in accordance with Figure 1.*
- *Capital Item Budget reallocations between Flood Memorial Carpark and Teamsters Rest for the construction of a new Shade Structure totalling \$6,100.*
- *The construction of a new Shade Structure be consistent with that of the Cobb and Co Building – hardwood posts and framing, zincalume corrugated roof sheeting.*

5.1 Introduction

The purpose of this report is for Council to approve appropriate positions for the Teamsters Rest Sign and Shade Structure within Teamsters Rest, and the reallocation of budget funds to allow this capital works to occur.

5.2 Background

As a result of the Cobb and Co. Building nearing completion (information signage required) as well as the erection of the Big Bogan, existing infrastructure within Teamsters Rest requires repositioning in order for all to be accommodated. Subsequently, at the 24 September 2015 Meeting, Council requested that a report be prepared and tabled recommending appropriate positions for the Teamsters Rest Sign and Shade Structure.

**Manager of Development and Environmental Services' Report to the Ordinary Meeting
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In addition, the proposed location of the Medical Centre carpark to the east of Teamsters Rest has resulted in the existing shade structure requiring relocation. Further discussion on this matter is contained below.

5.3 Discussion

The Teamsters Rest Sign measures approximately 6m long and 2.2m high. It is currently positioned within the front of Teamsters Rest, resulting in visual restriction towards the Cobb and Co. Building as well as the Big Bogan.

Due to its scale, it is recommended to reposition the sign towards the back (northern end) of the Teamsters Rest Area. Refer to Figure 1.

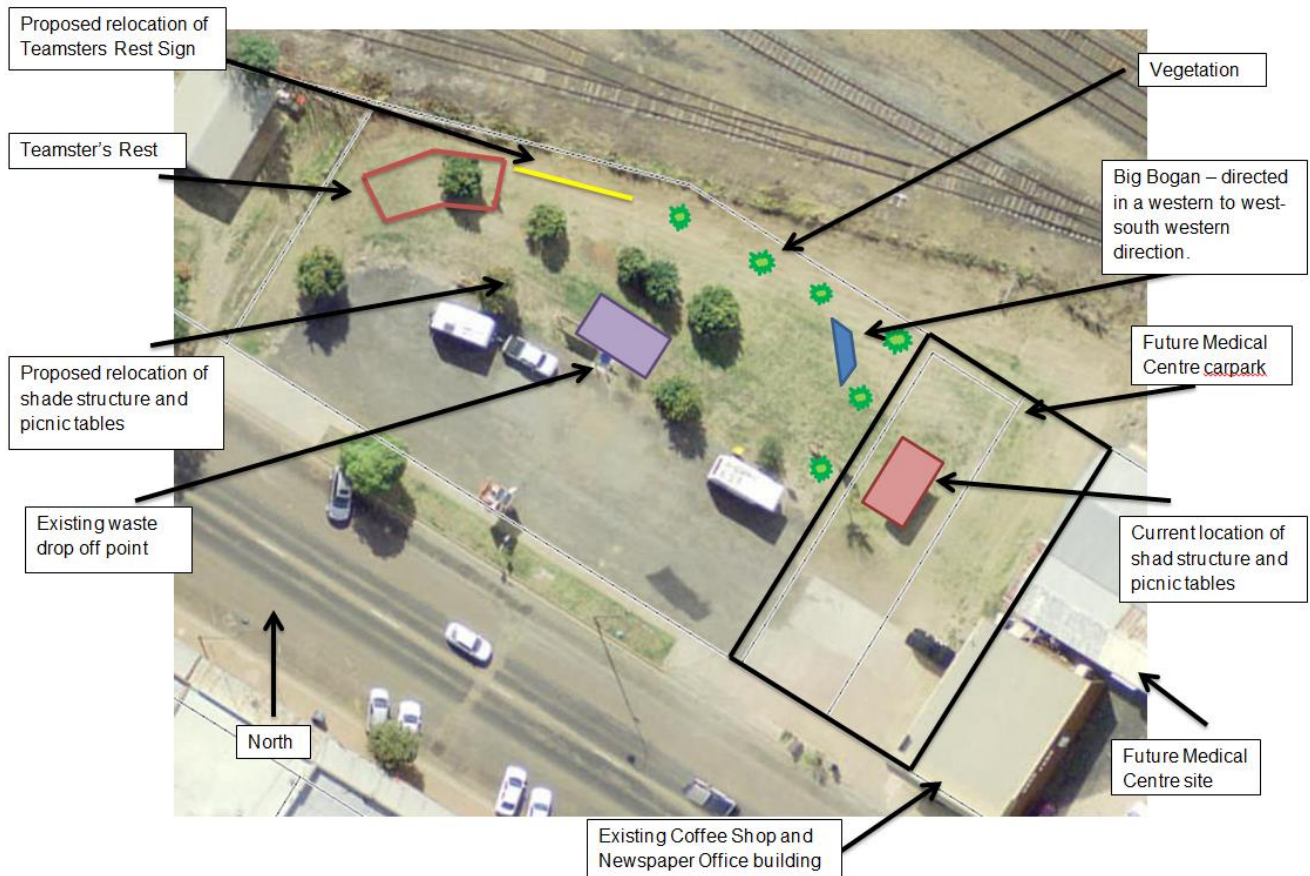


Figure 1 – Proposed Plan for Teamsters Rest

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A 9.5m wide opening exists between the eastern elevation of the Cobb and Co. Building and the nearest shade tree (*Queensland Box*). The shade tree at maturity is anticipated to reach a diameter of 6m, meaning it will encroach the 9.5m opening by 3m. This leaves 6.5m which is considered enough space to position the 6m Teamsters Rest Sign.

In relation to the new Shade Structure, the proposed location of the Medical Centre carpark to the east of Teamsters Rest Area has resulted in the existing shade structure requiring relocation.

The construction of the Shade Structure previously situated within Teamster Rest Area to the east consisted of green steel posts and an oval shaped roof, a form of construction not consistent with the Cobb and Co. Building. Subsequently, this Shade Structure has since been removed and relocated to Flood Memorial Park of which had a Capital Item Budget allocation for the construction of a new shade structure, a saving of six thousand one hundred dollars (\$6,100).

It is proposed that the above Capital Item saving of six thousand one hundred dollars (\$6100) within Flood Memorial Park be transferred to Teamster Rest Area for the construction of a new Shade Structure.

The Shade Structure would be positioned on top of a concrete slab and consist of a form of construction similar to that of the Cobb and Co Building – hardwood posts and framing, zincalume corrugated roof sheeting.

The location of this new Shade Structure is recommended to be between the Cobb and Co. Building and the Big Bogan, and towards the front of Teamsters Rest Area. Refer to Figure1. This location is considered to have the less amount of impact with respect to visual sight of the Cobb and Co Building, the proposed relocated position of the Teams Rest Sign and the Big Bogan.

Furthermore, it is requested that Council provide funding of five thousand dollars (\$5,000) for the purchase of two sets of tables and bench seating. The seating arrangement situated underneath the previous shade structure has also been relocated to Flood Memorial Park.

**Manager of Development and Environmental Services' Report to the Ordinary Meeting
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5.4 Recommendation

1. That the report be received and noted.
2. That Council approve of the location for the Teamsters Rest Sign and Shade Structure in accordance with Figure 1.
3. That Council approve the reallocation of Capital Item funds of \$6,100 to construct the new Shade Structure.
4. That Council approve the form of construction proposed for the new Shade Structure.
5. That Council provide funding of five thousand dollars (\$5,000) for the purchase of two sets of table and bench seating.

Timothy Riley

MANAGER OF DEVELOPMENT & ENVIRONMENTAL SERVICES

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
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PRECIS OF CORRESPONDENCE

1 LOCAL GOVERNMENT GRANTS COMMISSION

Attached is a copy of correspondence received from the Local Government Grants Commission thanking Council for the co-operation, assistance and hospitality extended during the recent visit.

1.1 Recommendation: That the correspondence received from the Local Government Grants Commission thanking Council for the co-operation, assistance and hospitality extended during the recent visit be received.

2 CEPU – COMMUNICATIONS ELECTRICAL PLUMBING UNION

Attached is a copy of correspondence received from CEPU raising concerns regarding the recent announcement by Essential Energy to axe 1,400 regional jobs across NSW. Essential Energy are currently planning the immediate sacking of 700 workers from across NSW and the immediate closure of 10 depots, with a further 695 workers to be sacked before Christmas and further future depot closures. The Union is seeking Council's support to save local jobs.

Phase 1 of the Impact of Essential Energy Cuts is attached.

General Manager's note: It is understood there is no planned reduction of staff numbers within Bogan Shire. OROC has invited the CEO of Essential Energy to its next Board Meeting to discuss this and related matters.

2.1 Recommendation: That the correspondence received from CEPU raising concerns regarding the recent announcement by Essential Energy to axe 1,400 regional jobs across NSW be noted.

3 NEW WEEDS ACTION PROGRAM 2015-16

Attached is a copy of an email received from the Macquarie and Lachlan Valley Weeds Advisory Committee (MVWAC) advising that the Minister for Environment has approved funding of \$743,787 for the 2015-16 Central West WAP (Weeds Action Program) project which is 24% less than requested. Each region's allocation is based on a new model developed by the DPI to calculate the cost of business. Some regions scored higher than others in the model because they have a higher risk of new incursions, higher weed burden history and more intensive human activity. The Central West region will now need to amend and resubmit its application based on the lower grant amount.

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
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The MVWAC are currently drafting a letter to the Minister expressing concern over the reduction of the grant funding to the Central West and Western regions.

3.1 Recommendation: That Bogan Shire Council sends a letter of concern regarding the drastic reduction in funding.

4 THE RETURNED SERVICES LEAGUE OF AUSTRALIA – NYNGAN BRANCH

Attached is a copy of correspondence received from the Nyngan Branch of the Returned Services League asking Council to consider inviting the Ambassador of Belgium or his representative as the Official Guest for the 2016 Anzac Day. The reason being, that a large portion of Nyngan and Districts' sons not only served but were wounded, killed and buried in Belgium.

4.1 Recommendation: For Council's Consideration.

5 MAYORS FOR PEACE

Attached is a copy of correspondence received from the Mayor of Fremantle advising of some low-cost opportunities in Local Government to build peace. Local Councils are invited to join the City of Fremantle to become an official partner for an Australian Sculpture-Gifting to Nagasaki Peace Park. Also included is a Fremantle Declaration for a Ban on Nuclear Weapons.

5.4 Recommendation: That the correspondence received from the Mayor of Fremantle regarding the Mayors for Peace be noted.

6 COMBINED SPORTS GROUND – HERMIDALE VILLAGE

Attached is a copy of correspondence received from the Secretary/Treasurer of the Combined Sports Ground Committee, Hermidale Village advising of the projects allocated to distribute the village grant funds.

6.1 Recommendation: That Council approve the projects for the Combined Sports Ground, Hermidale Village as listed in the correspondence.

7 WEEKLY CIRCULARS

Weekly Circulars 37/15 to 40/15 are tabled for Council's information. Copies of the Circulars Indices and Summary of Items have been dispatched to Councillors.

7.1 Recommendation: That the Local Government Weekly Circulars be noted.



**Grants and Funding to the Ordinary Meeting of Bogan Shire Council
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GRANTS AND FUNDING

LG Weekly 37/15 – 18 September 2015

Community War Memorial Grants Available

Grants of up to \$10,000 are now available for the preservation, repair or restoration of community war memorials, as part of the NSW Government's commemoration of the Anzac Centenary.

Arts Funding for Festivals and Tours

Festivals Australia and Visions of Australia regional grants programs are now open for applications.

Funding for Part-Qualifications

The NSW Department of Industry (DPI) has released part-qualification funding under its Smart and Skilled initiative. Employers can construct part-qualifications (also known as skill sets) from qualifications on the NSW Skills List, but must use registered training providers contracted by the Department to deliver part-qualifications.

LG Weekly 38/15 – 25 September 2015

ANZAC Grants and Activities List

Two types of funding are available for Councils commemorating the ANZAC legacy.

Country Arts Support Grants Program Open

Councils are invited to apply for funding under the Country Arts Support Grants Program (CASP) administered by Regional Arts NSW.

Round 2 Aboriginal Land Clean-Up & Prevention Program opens

The NSW Environment Protection Authority (EPA) has announced grants of up to \$50,000 to support the clean-up and prevention of illegal dumping on privately-owned Aboriginal land.



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LG Weekly 39/15 – 02 October 2015

Grants for Volunteer Initiated Museum

Museums and Galleries of NSW have grants of between \$2,500 and \$7,500 available for volunteer initiated museums.

Grants for Regions to Tackle Litter

The NSW Environment Protection Authority has announced \$1.3 million in grants for the 15 Regional Waste Groups to reduce litter.

Organics Infrastructure Grants Now Open

Applications are open for funding of up to \$5 million for organics infrastructure under Round 3 of the NSW Environment Protection Authority's Waste *Less, Recycle More* Organics Infrastructure (Large and Small) grants.

LG Weekly 40/15 – 09 October 2015

Livable Communities Grants Open

Councils can now apply for funding from the Livable Communities Grants Program.

