



BOGAN SHIRE COUNCIL

Minutes

16th December 2010





**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers
held on 16th December 2010**

PRESENT: Councillors RL Donald, JL Douglas, LH Dutton, HJ Griffiths, JE Hampstead OAM, AM Kennedy, GRJ Neill and KM Ryan.

Also present were Mr MJ Brady (General Manager), Ms Theresa Haley (Manager of Corporate Services), Mr Michael Ryan (Acting Manager of Engineering Services), Mr Kieran Smith (Acting Manager of Environmental Services) and Mrs CJ Ellison.

Declaration of Pecuniary Interest: Nil

The following resolutions arose from decisions made in the Closed and Confidential Section of the Meeting held on 16th December 2010.

392/2010 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed involves matters concerning particular individuals other than Councillors. **(Douglas/Ryan)**

393/2010 APOLOGY: RESOLVED that the apology for the absence received from Councillor McLaughlin be accepted and she be granted leave of absence from both meetings. **(Hampstead/Griffiths)**

394/2010 RESOLVED that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 28th October 2010, copies of which had been circularised to Councillors be taken as read and confirmed. **(Griffiths/Neill)**

395/2010 RESOLVED that the owners of the business in the residential area be forwarded a letter advising that it is necessary that a development application is lodged. One of the conditions of the DA is a two year sunset period to relocate the business, and make mention that when Council approved of the business in the residential area it was only a small business. **(Ryan/Douglas)**

396/2010 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Douglas/Griffiths)**



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397/2010 RESOLVED

1. That Council provide an amnesty to those business owners displaying signs without approval.
2. That an appropriate policy be developed for consideration by Council.
3. Invite businesses to lodge a Development Application and deferred until Council has developed a policy. **(Douglas/Neill)**

398/2010 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Griffiths/Kennedy)**

399/2010 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 25th November 2010, copies of which has been circularised to Councillors be taken as read and confirmed. **(Kennedy/Hampstead)**

Business arising from the Minutes:

- Hot Water Shower at the Pool

400/2010 RESOLVED that the installation of a hot water shower in the ladies' change room at the pool be deferred and be included in the new upgrade to the swimming pool complex. **(Ryan/Douglas)**



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COMMITTEE MEETING

1 MUSEUM MEETING

Held on 6th October 2010

MUSEUM MEETING HELD 6th OCTOBER 2010

AT MUSEUM 9.30AM 2010

PRESENT

Glad Edlridge in the chair, Marg Snodgrass acting as Secretary, Marion Wardman, Stuart McKenzie, Marg & Hugh Sibbald, Campbell Irving, Bay Lovett, Allan Collins, and Edna Boss.

APPOLOGIES

Yvonne Pardy, Val & Peter Kieran, & Donna Pumper.

BUSINESS ARISING

Mines Room

Don Cameron & Debbie from the mines will be coming in to re-organise the Mines Room with new glass cabinets and new lighting. Suggestions for Recipe Book still wanted.

Office Desk - to be sold and notice to be put in IGA

Filing Cabinets - to be moved into the end room when desk is gone.

Working Bee - to be organised for one Saturday morning. Shire / (Spicer boys?) to be asked for help with lifting of heavy items.

CORRESPONDENCE

Letter from Bill Smith of Berkeley Vale asking about members of his family who used to live in this area.

Regional Achievement & Community Awards letter acknowledging receipt of our application. 2nd letter from above inviting us to attend Presentation & Gala Evening & Awards Night at Wollongong 30/10/2010.

National Pens sent another sample pen.

* **Austel** sent bill for Yellow Pages ad.
M/S Hugh Sibbald/Allan Collins

June invoice \$214.50 paid in Sept
Sept invoice \$214.50 paid in Oct



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SEPTEMBER TREASURY

Museum Door Takings	\$1,042.60
Books	<u>175.00</u>
Total	<u>\$1,217.60</u>

M/S Glad Eldridge/Marg Snodgrass

Suggestion to take commission for books sold (Nyngan on the Bogan) Moved
by Campbell Irving/ Seconded by Allan Collins

GENERAL BUSINESS

Railway Gates

To be placed at end of walkway – Garden to go around them.

Plaques

Need good ones - to go in two places in alley way

Lap Top

Stuart McKenzie & Marg Snodgrass to see Steve Hall and ask
Shire

Cards of thanks have been sent to Mona Quinton and Isobelle Nolder

Lights

Lights need to be checked – is this to be done by the Shire or by a
Railway electrician?

More crocheted book marks brought by Val Hartwig.

Meeting Closed 9.55am – No more business to be tabled.

Item raised after meeting closed; Railway/Museum toilets to be cleaned and
opened while toilets in Davidson Park are being refurbished.

1.1 Recommendation:

That the report be received and noted.

401/2010 RESOLVED that the report be received and noted. (Hampstead/Douglas)

402/2010 RESOLVED that the Museum be sent a letter of appreciation. (Kennedy/Dutton)

Door takings as recorded above are correct for the month of September 2010.

MAYORAL MINUTE

1 SHIRES ASSOCIATION OF NSW

Attached is correspondence received from the Shires Association concerning the Special Shires Association 1 Day Conference – One Association to be held in Sydney on Wednesday 23rd February 2011. The Shires Association and the Local Government Association held a Convention on the 16th August 2010 to discuss the issue of forming One Association to represent Local Government in NSW. The deliberations from the Convention resulted in the agreement of 27 foundation principles. The Convention was a great step forward, however in itself the Convention is unable to bind either Association. A binding decision can only be achieved by a Conference. A survey form with the preferred response to the 27 principles needs to be forwarded to the Association by Friday 31st December 2010.

1.1 Recommendation

For Council's Consideration.

403/2010 RESOLVED that the delegates to attend the Special Shires Association One Day Conference be the Mayor, Deputy Mayor, Cr Dutton and the General Manager. **(Kennedy/Ryan)**

Other Matters:

Tongling City

Correspondence has been received from Tongling City welcoming a delegation from Bogan Shire to visit Tongling in May 2011 with a reciprocal visit from Tongling City to Bogan Shire in October 2011.

404/2010 RESOLVED that Council send a welcome invitation to Tongling to visit Bogan Shire in the second half of 2011 and consider a visit from Nyngan to Tongling in May 2011, subject to communication with the Nyngan High School. **(Ryan/Griffiths)**

Council was advised that Bogan Shire has been declared a Natural Disaster area from 15th December 2010.

REPORTS TO ORDINARY MEETING OF COUNCIL - GENERAL MANAGER'S REPORT

1 CHECKLIST

Mayor and Councillors

I submit the following report for consideration with an update to be provided at the meeting.

Date	Minute No	Matter	Action Required	Responsible Officer	Status
22/02/2007	65/07 480/08 199/2010 221/2010	Library	Investigate installing suitable electronic doors to library.	H & B	Application for RCLIP grant submitted 29 th July 2010. <u>UPDATE: Nil</u>
23/08/2007	500/07 371/07 370/07	Housing Residential & Aged Care Accommodation	Feasibility of developing Council owned land, subdivide, establish further aged care accommodation.	Mayor / GM	Manager of Environmental Services to provide a report on suitable land to commence this project. GM met with Nyngan Community Homes and they will write to Council on the matter.
25/02/2010	20/2010	Aged Care Facility		Mayor	GM to attend meeting on 30/6/2010. Letter Précis July 2010. Surveys have been sent. Survey tables located at each of the

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22/07/2010	244/2010		Nyngan Community Homes Committee to meet with Council.	GM	Supermarkets. GM speaking to View Clubs and CWA. <u>UPDATE: Survey results reported at meeting.</u> <u>View Clubs presentations completed. Tax status of Nyngan Community Homes determined & Flashman's advised.</u>
13/12/2007 25/11/2010 16/12/2010	543/07 369/10 426/10	LEP	Draft LEP be prepared for purpose of reclassifying public lands.	H & B	<u>UPDATE: Council submit a draft LEP to Dept of Planning.</u>
24/01/2008 26/11/2009	438/08 466/09	Swimming Pool	Report to February Council Meeting- assessment of pool structure / cost to repair existing pool / repairs not feasible cost to construct a new pool.	H & B	To have community meeting, source funds State and Federal. Community meeting held Wednesday 22nd September 2010. <u>UPDATE: Consultant in the process of updating pool concept plan. Councillors need to commit to time frame to visit other pools. Visit Cobar & Forbes' pool.</u>
24/04/2008 16/12/2010	140/08 421/10	Main Street	Advertise preliminary street plans & seek community comment.	Eng	<u>UPDATE: Adopted Master Plan 16/12/2010, Working party be formed. Stage 1 be included in 2011/2014 Management Plan.</u>

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28/08/2008	309/08	Phillip Dutton Rest Area	Council approach Hermidale Gymkhana Committee, RTA & Traffic Committee to have a rest area sign posted along the highway on both sides.	Mayor	<u>UPDATE: Sign on Highway OK. Waiting on signs.</u>
28/08/2008 25/11/2010	432/08 387/10	Lease of Railway Land on Highway	Investigate if the old shell fuel depot area and shell site can be transferred to BSC, or otherwise leased.	Mayor	<u>UPDATE: Security fencing erected. Demolition Order issued.</u>
28/08/2008 16/12/2010	435/08 420/10	Raw Water	Investigate expanding raw water to ovals, parks, gardens & cemetery.	Eng	<u>UPDATE: To be considered in the 2011/2014 Management Plan.</u>
23/10/2008	447/08	Residences-Pangee Street	Council to speak to residents.	H & B	<u>UPDATE: Letters sent to property owners to clean up yards.</u>
22/01/2009	9/09 467/09 164/2010 384/10	Ambulance Station	Council express interest in acquiring the former ambulance station premises.	Mayor	Council write to Health Minister asking to acquire station at no cost to be used for community purposes. Reply received. Letter in November 2010 Precis. Council request that allotment 9 be transferred to Council. <u>UPDATE: Letter sent to Minister requesting transfer of allotment 9 only.</u>
25/11/2010	23/09	Community Hall Renewal Fund	Council lodge an application with the Community Hall Renewal Fund for a grant to upgrade the Town Hall.	H & B	<u>UPDATE: Waiting on Government decision.</u>

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26/02/2009 24/09/2009 16/12/2010	41/09 398/09 395/10	Businesses in Residential Areas	Advise all residents of the need to adhere to Legislation and Regulations relating to the conduct of businesses in residential areas.	H & B	Advice to be received from a Town Planner. <u>UPDATE: Letter to be forwarded to owners.</u>
26/03/2009 16/12/2010	99/09 410/10	Waste Depot	Make representations to the Minister to expedite acquiring more land for a new tip cell from Livestock Pest & Health Authority.	H & B	No cells available on existing site. Waste has been pushed back, estimating another 6 months life in existing cells. <u>UPDATE: Approved project with funding up to \$350,000 to be fund by a loan.</u>
25/08/2009	339/09	Campervan & Motor Home Rally	Apply for the tender to hold the 2012 Rally in Nyngan	CPO	Advice likely by Feb 2011 if Council's application is successful. <u>UPDATE: Letter sent advising Council's in-kind sponsorship.</u>
24/09/2009	391/09 196/2010	Caloundra RSL – Helicopter	Council offer no objection to the proposal, providing a replacement helicopter is simultaneously, & one used during the flood evacuation.	Mayor	Endorse mounting the helicopter on a pole as per specifications. Helicopter to be painted camouflage. To contact Caloundra re current position. Helicopter in process of being repaired, photos received re progress.

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					<u>UPDATE: Correspondence in Precis December 2010 Council Meeting.</u>
26/11/09	458/09 232/2010 300/2010 340/2010	Flashing Lights	Letters to Kevin Humphries & RTA regarding installing flashing lights at schools. Install two flashing lights at each of the three schools.	GM Eng	Letters sent. RTA response received. Letters of support received from the St Joseph's, the High School and Primary Schools. Lights have been ordered. <u>UPDATE: Lights have yet to arrive.</u>
26/11/09	460/09 223/2010	APC	Letters to surrounding Councils advising of EOI to improve water delivery. Contact Fed Govt to ensure \$12m remains. Try and obtain more Government funding to complete the piping of the APC project.	GM Mayor	<u>UPDATE: Mark Coulton has been contacted to organise a meeting with Ministers Burke & Crean. A meeting held with State Water Office who received a copy of quote from Irritek.</u>

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17/12/09	531/09	Mitchell Highway	Letter to RTA CEO & Minister re condition of Highway between Nyngan and Nevertire. Council not accepting explanation from RTA CEO.	Mayor	Letters sent to RTA CEO & John Cobb MP re condition of Highway. Contacted RTA Monday 13 th September 2010 re pot holes in road. <u>UPDATE: Acting Manager of Engineering Services to speak to the Regional Manager.</u>
17/12/09	539/09	Noxious Weed	Approach Minister for Lands to service notice on African Box Thorn weed for Crown lands.	H & B	Referred to Macquarie Valley Weeds for action. <u>UPDATE: Agreement reached with Bourke Shire to train BSC staff commencing January 2011. This will activate grant from Macquarie Valley Weed.</u>
25/02/2010	19/2010	Doctor at Hospital	Letters to Minister & CEO of GWAHS re no VMO in Dr Chan's absence.	Mayor	<u>UPDATE: Mayor provide verbal report at the December 2011 Meeting. Locums available until June 2011.</u>

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27/05/2010	171/2010	Lower Weir User	Council write to user asking for documentation regarding water entitlement & advise Council is further investigating matter.	GM	Letter sent. Documentation received. Refer to State Water. <u>UPDATE: Email sent to State Water outlining issue and seeking appointment with Commissioner Harriss.</u>
24/06/2010 16/12/2010	181/2010 302/2010 366/10 419/10	Recycling	Council ask JR Richards & Sons for a quote to establish kerb side recyclable pick up in Nyngan. Proposal be advertised and survey sent to residents.	Eng	<u>UPDATE. Contact another Council of similar size who operates own recycling facility to source the feasibility of the operations.</u>
22/07/2010	229/2010	SES	Approach SES in Dubbo seeking funds for improvements to the local SES building.	Mayor	<u>UPDATE:</u> Quotes to be forwarded to Council for consideration for improvement.
22/07/2010	236/2010	Tritton Mines	Council write to Tritton Mines asking for photos for the displays in Pangee Street and inquire about the introduction of mine tours.	GM	<u>UPDATE: Mines waiting on photos to be created in high definition.</u>
22/07/2010	238/2010	Toilets	Obtain quotes for major upgrades of the toilets in Davidson and Rotary Parks	H & B	<u>UPDATE: Contractor commencing Rotary Park project 13th Dec 2010 and Davidson Park to follow immediately after.</u>

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26/08/2010	257/2010	Air Services	Council approach the mines & together approach Brindabella Air Services to consider delivering an air service into Nyngan.	Mayor	<u>UPDATE: GM spoke to Airlink, expressing desire to bring plane into Nyngan,</u>
23/09/2010	289/2010	Houses – Flashman Avenue	Organise meeting to discuss designs.	H & B	<u>UPDATE: Hunter Councils engaged to prepare tender documents.</u>
23/09/2010	295 & 296/2010 383/10	Ambulance Services	Make further representations to the NSW Ambulance regarding patient transfers & unavailability of ambulances. Approach the Government to provide backup ambulance services so as to have a ambulance on call at all times and to be paid overtime rates.	Mayor	<u>UPDATE: Letter sent to the Operational Manager with same concerns.</u>
23/09/2010	308/2010	A1 Tree Service	Remove two large trees in Hoskins Street and stumps grinded.	Eng	<u>UPDATE: Work scheduled for week commencing 13th December 2010</u>
23/09/2010	309/2010 310/2010	A1 Tree Service	Trees in O'Reilly Park be removed, replaced with more suitable species, & 4 suitable trees be planted on western side. Old trees remain until such time as the new trees provide shade. Four suitable trees be planted on both side of the Park.	Eng	Figs trees planted. <u>UPDATE: Old trees to remain until such time as the new trees provide shade.</u>
23/09/2010	311/2010	A1 Tree Service	Trees in Terangion Street be crowned and dead wood removed.	Eng	<u>UPDATE: Work scheduled for week commencing 13th December 2010.</u>

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23/09/2010	312/20140	A1 Tree Service	Trees in front of the Library be removed ASAP.	Eng	<u>UPDATE: Work scheduled for week commencing 13th December 2010.</u>
23/09/2010 28/10/2010	313/2010 338/2010	Trees	Approach Mine & ask if they would be prepared to contribute to the replacement of the trees and involve the school with the planting.	Mayor	Mayoral Report Council Meeting October 2010. <u>UPDATE: Mines have agreed to contribute towards replacing trees.</u>
23/09/2010	317/2010	Showground	Investigate showground as a playing venue for the Easter Rugby League Challenge.	H & B	To investigate early in the new year. <u>UPDATE:</u>
28/10/2010	331 & 332/2010	Palais Theatre	Repairs to Palais Theatre to be completed asap. Investigate making the outdoor area a venue for community use.	H & B	Three Builders have been approached. Waiting on response. <u>UPDATE: Builders expressed interest, decision on preferred builder after Christmas.</u>
28/10/2010	335/2010	Rotary Park	Check wording on sign re camping – sign to be changed to read “No Overnight Stay”.	H & B	Programmed for December 2010. <u>UPDATE: Sign has been ordered.</u>
28/10/2010	336/2010	DOCS	Letter to Minister re closure of office.	Mayor	<u>UPDATE: Meeting with Mayor – 22nd December 2010. Cr Griffiths Kennedy Douglas.</u>

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25/11/2010	360/2010	Racetrack	Meet with Jockey Club to determine procedures necessary to get the track back into operational condition.	Eng	<u>UPDATE: Design work in progress.</u>
25/11/2010	363/2010	Murray Darling Basin	Submission to areas BSC has the potentially to be adversely affected by cutbacks to the Macquarie Valley.	Mayor	<u>UPDATE: Submission date extended. Acquiring more information before sending submission.</u>
25/11/2010	364/2010	National Rural Advisory Council	Letter to the Chair asking why their visit was not advertised.	Mayor	<u>UPDATE: Letter sent.</u>
25/10/2010	381/2010	Arthur Hall VC Highway	Wall memorial to be relocated, citation suitably inscribed beside the wall memorial, signs on the edge of the highway, officially unveiled on 11 th November 2011.	Eng	<u>UPDATE: RTA contacted. Plaque in process of being ordered.</u>

405/2010 RESOLVED that Council approve in principle the General Manager's letter advising the Motor Home Rally Committee of Council's in-kind support, and provide funding up to \$200,000 for improvements to the Wye Pavilion, should Council be successful in obtaining the rally. **(Dutton/Douglas)**

406/2010 RESOLVED that an appreciation letter be sent to Mrs Anne Quarmby for her contribution to the DOCS services in Nyngan. Mrs Quarmby has now retired. **(Griffiths/Douglas)**

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

407/2010 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist. **(Douglas/Neill)**

2 ORANA MUTUAL CREDIT UNION – THE COMMUNITY MUTUAL GROUP

2.1 Introduction

The purpose of this report is to provide update on the proposal to establish a branch in Nyngan.

2.2 Background

Councillors will recall the presentation to Council by Credit Union representatives on the likelihood of establishing a branch in Nyngan.

2.3 Issues

Currently the Credit Union is in the process of determining the appointment of suitable consultants to assist with their plans to expand the branch network. A decision on whether Nyngan will host a branch is expected between March 2011 and June 2011.

2.4 Assessment

- 3.4.1 Strategic Implications:** - Nil
- 3.4.2 Statutory and Policy:** - Nil
- 3.4.3 Consultation:** - Bill Miller for Orana Mutual Credit Union
- 3.4.4 Technical assessment:** - Nil
- 3.4.5 Financial Implications:** - Nil

3.4.6 Tables and graphs - Nil

2.5 Conclusion

Nil

2.6 Recommendation

That the report be received and noted.

408/2010 RESOLVED that the report be received and noted. **(Ryan/Hampstead)**

Contact the Orana Mutual Credit Union for another visit to Bogan Shire.

3 PROPOSED NYNGAN WASTE FACILITY

3.1 Introduction

The purpose of this report is to advise Councillors that a late report will be submitted for consideration.

3.2 Background

Nil

3.3 Issues

A proposal has been received at the time of writing this report on progressing the development of a new waste facility. Not enough time has been available for a report to be prepared in time inclusion in the business paper.

3.4 Assessment

3.4.1 Strategic Implications: - Nil

3.4.2 Statutory and Policy: - Nil

3.4.3 Consultation: - Nil

3.4.4 Technical assessment: - Nil

3.4.5 Financial Implications: - Nil

3.4.6 Tables and graphs - Nil

3.5 Conclusion

Nil

3.6 Recommendation

That the report be received and noted.

409/2010 RESOLVED that the report be received and noted. (Ryan/Hampstead)

4. NEW WASTE MANAGEMENT FACILITY

4.1 Introduction

The purpose of this report is to seek Council's approval to progress the planning for and development of a new waste facility.

4.2 Background

Councillors will recall there has been some discussion at previous Council meetings, on the need to provide for the replacement of the existing facility, given that it is approaching the end of its useful life.

4.3 Issues

Following an approach, the Livestock Health and Pest Authority (LHPA) has indicated they are prepared to relinquish a portion of land (450m x 150m) adjacent to the existing waste facility. The LHPA does require that as part of this process, the 'used' areas or cells are to be fenced, to ensure that any stock on the TSR would not be exposed to potential chemical residues or other contaminants.

The firm RW Corkery (Corkery's) has been retained to determine an application pathway. It may be that the Joint Regional Planning Panel is the approval authority with council staff acting as their administrative support, managing the application process and preparing the assessment report.

Work completed so far on the project includes the installation of groundwater monitoring wells and an ecology study. While advice received indicates no groundwater issues exist, an assessment needs to be undertaken to ensure the cells are appropriately lined to prevent seepage and a monitoring process to establish existing ground water quality. A confirmation process also needs to be undertaken that no ecology issues exist.

The Next Step

The next phase in the process is the preparation of an Environmental Impact Statement (EIS) and to that end Corkery's are the logical choice to undertake the work given their past experience. Should Council give approval at the Thursday Council meeting, the following is an indication of the program for the coming months:

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- Commence preparation of preliminary documentation – late January 2011;
- Negotiate with Government Departments;
- Agreement with Council on the type of waste facility needed and how to go about that, determine the life of the facility and how environmental risks such as contaminated waste will be managed;
- Prepare application under Part 5 of the EP & A Act;
- Prepare EIS assessment for exhibition; and
- Exhibit EIS assessment by approximately June 2011 although this timeframe will be influence by the outcome of negotiations with government departments and the issues they may raise.

4.4 Assessment

- 4.4.1 Strategic Implications:** - The current waste facility is close to the end of its useful life.
- 4.4.2 Statutory and Policy:** - The facility must comply with the EP & A Act.
- 4.4.3 Consultation:** - RW Corkery, Acting Manager Environmental Services, Acting Manager Engineering Services.
- 4.4.4 Technical assessment:** - Nil.
- 4.4.5 Financial Implications:** - The estimated cost of this part of the project is \$51,400. The Management Plan for 2010/2013 contains provision for a loan of \$350,000 to cover the cost of one new tip cell. It is suggested Council will need to seek approval from the Division of Local Government to raise a levy on ratepayers to fund loan repayments. Part of the funding will also be used to rehabilitate the existing tip facility.
- 4.4.6 Tables and graphs** - Nil

4.5 Conclusion

The current waste facility is nearing the end of its useful life and a decision on a new facility is urgently required. Note the \$350,000 project cost is an estimate and may be the subject of a revision based on further advice.

4.6 Recommendation

That Council approve the project and funding up to \$350,000 to be funded by a loan for the same amount.

410/2010 RESOLVED that Council approve the project and funding up to \$350,000 to be funded by a loan for the same amount. **(Ryan/Hampstead)**

Council adjourned for morning tea at 10.00am, resumed at 10.20am and moved into the Closed and Confidential Section of the meeting to discuss Item 1 of the General Manager's report.

411 /2010 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed involves matters concerning particular individuals other than Councillors. **(Ryan/Neill)**

Council returned to Open Council.

ORDINARY MEETING OF COUNCIL - MANAGER OF CORPORATE SERVICES' REPORT

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 30th November 2010.

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 but has historically been provided for the information of Councillors.

Bank Reconciliation for November 2010

Council General Fund

Bank Statement Balance	\$590,493.60
Less payments not presented at bank	(\$295,844.86)
Balance as per Council	\$294,648.74

Represented by the following in Council Ledgers

Account	
19001.8000.8000	\$294,648.74

Difference	\$0.00
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1.3 Issues

1.4 Assessment

1.4.1	Strategic Implications	Nil
1.4.2	Statutory & Policy	Nil
1.4.3	Consultation	Nil
1.4.4	Financial Implications	Nil

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1.4.5 Technical Assessment Nil

1.4.6 Graphs & Charts Nil

1.5 Conclusion

Nil

1.6 Recommendation

That the report be received and noted.

412/2010 RESOLVED that the report be received and noted. **(Ryan/Neill)**

2 INVESTMENTS

2.1 Introduction

The purpose of this report to is to outline the performance of Council's investment portfolio for November 2010.

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 Issues

The Investment report for November 2010 is attached. At the end of November, Council had \$5.623 million invested an increase of \$500k on the previous month.



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Investment Movements for November 2010

Source	B/Fwd from	Interest	Matured	Renewal	New	Rate	Maturity	Days	Balance @
	6/30/2010	Earned		Funds	Funds	%	Date		10/31/2010
Westpac - Max-i Direct	472,377.91	3,896.20			327,480.38	3.55	On call	N/A	803,754.49
IMB Society	176,682.86	5,394.73	(182,077.59)	500,000.00		6.00	05/03/2011	180	500,000.00
IMB Society	823,317.14	25,138.69	(848,566.93)	500,000.00		6.00	05/03/2011	91	500,000.00
St George Bank	950,000.00	-	(250,000.00)		300,000.00	6.20	On call	N/A	1,000,000.00
NAB	820,000.00					5.95	12/12/2010	180	820,000.00
Bankwest	500,000.00	4,595.89	(504,595.89)	500,000.00		5.80	3/1/2011	90	500,000.00
Credit Union Australia	1,000,000.00			0.00		5.86	01/31/2011	110	1,000,000.00
Westpac	500,000.00				0.00	5.80	12/12/2010	180	500,000.00
	5,242,377.91	39,025.51	(1,785,129.31)	1,500,000.00	627,480.38				5,623,754.49

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

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<i>SUMMARY</i>	
Bankwest	500,000.00
IMB Society	1,000,000.00
NAB	820,000.00
Credit Union Australia	1,000,000.00
St George Bank	1,000,000.00
Westpac	500,000.00
Westpac - Max- i Direct	803,754.49

<i>RECONCILIATION WITH GENERAL LEDGER</i>	
Balance per above	5,623,754.49
Less Max-i Direct account included with Cashbook reconciliation	(803,754.49)
	4,820,000.00
General ledger a/c no. 19010.8200.8200 + 19001.8000.8000	4,820,000.00
	0.00

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2.4 Assessment

2.4.1 Strategic Implications Nil

2.4.2 Statutory & Policy

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

2.4.3 Consultation Nil

2.4.4 Financial Implications Nil

2.4.5 Technical Assessment Nil

2.4.6 Graphs & Charts Nil

2.5 Conclusion

Nil

2.6 Recommendation

That the report be received and noted.

413/2010 RESOLVED that the report be received and noted. (Neill/Griffiths)

3 SUMMARY OF RATE COLLECTIONS

3.1 Introduction

The purpose of this report is to provide a comparison of rate collections as at November 2010, with the same period last year.

3.2 Background

Nil.

3.3 Issues

Historically Bogan Shire staff has provided this report for the information of Councillors.

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NOVEMBER

	2010/2011	2009/2010	2008/2009
Arrears as at 30th June previous year	465,334.13	460,020.62	379,727.16
Plus Levy	3,489,608.65	3,302,714.83	3,150,824.97
Transfers from Postponed	14,224.05	10,470.01	16,737.10
Gross Levy	3,969,166.83	3,773,205.46	3,547,289.23
Less Pensioner Concession (State)	-42,139.98	-42,185.63	-43,093.61
Pensioner Concession (Council)	-34,481.16	-34,518.52	-35,262.48
Transfers to Postponed	-3,340.13	-3,347.62	-929.54
Abandoned	-10,887.11	-11,172.27	-17,270.62
Levy Rebate	-9,754.47	-10,009.97	-18,697.68
Net Total Levy for Year	3,868,563.98	3,671,971.45	3,432,035.30
Less Payments to the 30 November 2009	-1,674,938.09	-1,222,276.43	-1,057,475.82
Plus Refunds		0.00	911.05
Net Total Balance	2,193,625.89	2,449,695.02	2,375,470.53
Plus Postponed	34,476.13	30,100.53	34,092.20
Gross Total Balance	2,686,322.36	2,479,795.55	2,409,562.73
Collection % of Total Receivable	43.30%	33.29%	30.81%
Arrears % of Total Receivable	12.03%	12.53%	11.06%

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3.4 Assessment

3.4.1 Strategic Implications	Nil
3.4.2 Statutory & Policy	Nil
3.4.3 Consultation	Nil
3.4.4 Financial Implications	Nil
3.4.5 Technical Assessment	Nil
3.4.6 Graphs & Charts	Nil

3.5 Conclusion

Nil

3.6 Recommendation

That the report be received and noted.

414/2010 RESOLVED that the report be received and noted. **(Hampstead/Dutton)**

4 ANNUAL FINANCIAL REPORTS

4.1 Introduction

The Financial Reports for the year ended 30th June 2010 have been completed. The Council's Auditors conducted their final audit and we have received their Audit Report. A full set of the Financial Reports including the Auditor's Report is available at the Council Office should any Councillor require a copy for review.

4.2 Background

The Financial Reports for the year ended 30th June 2010 have been prepared in accordance with the *Local Government Act 1993* and the Regulations made there under, the Australian Accounting Standards and Professional Pronouncements and the Local Government Code of Accounting Practice and Financial Reporting.

4.3 Issues

Section 418 to Section 421 of the *Local Government Act 1993* outlines the procedures that Council must follow with regards to the Presentation of its Financial Reports.

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In accordance with Section 418 Council is required to hold a public meeting in order to present the Financial Reports. Notification of the meeting was advertised in the local newspaper and the presentation is to be scheduled at a meeting of Council to be convened on or before Thursday 13th January 2011.

In accordance with section 420 “any person may make a submission to the Council with respect to the Council’s audited financial statements”.

Council’s Auditors have stated in their report that Council’s overall financial position was in their opinion sound. A copy of their report has been attached for your information. The report is comprehensive and self-explanatory.

4.4 Assessment

4.4.1 Strategic Implications Nil

4.4.2 Statutory & Policy

Consideration of this report means that Council is complying with the *Local Government Act 1993*.

4.4.3 Consultation

Internal - Nil

External - In accordance with section 420 “any person may make submission to the Council with respect to the Council’s audited financial statements”.

4.4.4 Financial Implications Nil

4.5 Conclusion

Council’s overall financial position is sound.

4.6 Recommendation

That the Financial Reports and Auditor’s Report for the period 1 July 2009 to 30 June 2010 be received and noted.

415/2010 RESOLVED that the Public Meeting be held in conjunction with the January 2011 Council Meeting (urgent matters only to be discussed) on Tuesday 11th January 2011. The normal fourth Thursday of the month Council Meeting for January 2011 be cancelled. **(Ryan/Hampstead)**

5 BUDGET REVIEW SEPTEMBER 2010

5.1 Introduction

A review of the budget for the quarter ended 30th September 2010 has been conducted. The review has been based on the budget adjustments adopted in September 2010 business papers and the realisation of the actual revenues and expenses to the end of September 2010.

5.2 Background

Clause 203 of the *Local Government (General) Regulation 2005* requires “the responsible accounting officer of a Council to prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Management Plan that the Council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.”

5.3 Issues

The Operational Revenues and Expenses have been reviewed. Operational Profit/Loss is running at \$1.5 surplus.

Several Roads Related & Financial Assistance Grants budgeted in Quarter 1 were not received in this Quarter having been received in Quarter 2.

Budget Variances

Revenue

Yarrendale Road budget Quarter 1 \$1.1m expected in Quarter 2

FAG's Quarter 1 budget \$350k received Quarter 2

Flood Damage Grant budget Quarter 1 \$240k received Quarter 2

Decreased revenue for Quarter 1 \$1.7m to be offset by increased revenue for Quarter 2

Expenses

Plant Repairs & Maintenance Quarter 1 over budget \$80k - Due to bad weather staff have taken the opportunity to do maintenance work on plant early this should reflect in less maintenance expenditure in future months. Further analysis will be conducted on this for Quarter 2.

Yarrendale Road – budget Quarter 1 \$1m expected in Quarter 2 due to delayed commencement of work.

Decreased Expenditure for Quarter 1 \$1m to be offset by increased expenditure for Quarter 2

There are no proposed budget adjustments at this time Council is running in accordance with budget estimates.

5.4 Assessment

5.4.1 Strategic Implications Nil

5.4.2 Statutory & Policy

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

5.4.3 Consultation Nil

5.4.4 Financial Implications Nil

5.4.5 Technical Assessment Nil

5.4.6 Graphs & Charts Nil

5.5 Conclusion

Having regard to the estimates of income and expenditure, it is the Responsible Accounting Officer's belief that the Budget Review Statement indicates that the financial position of the Council is satisfactory with regards to Council's short term liquidity position.

5.6 Recommendation

That the Budget Review for the period ended 30th September 2010 be received and noted.

416/2010 RESOLVED that the Budget Review for the period ended 30th September 2010 be received and noted. **(Ryan/Hampstead)**

Cr Ryan comments – expressed further concern figures in the plant income and plant expenditure in the original budget of 2010/2011, that the surplus will not be achieved. The General Manager and Manager of Corporate Services to investigate this concern urgently with a report to the next Council meeting.

6 MANAGEMENT PLAN QUARTERLY REVIEW SEPTEMBER 2010

6.1 Introduction

The purpose of this report is to consider the targets set by Council's Management Plan, for the quarter ended 30th September 2010.

6.2 Background

Section 406 and 407 of the *Local Government Act 1993* requires councils to prepare and adopt an annual Management Plan and then a "report to the council must be prepared as to the extent to which the performance targets set by the council's current management plan and have been achieved"

6.3 Issues

The review of the Management Plan together with the progressive outcome comments have been attached and no further comment needs to be tabled.

6.4 Assessment

6.4.1 Strategic Implications Nil

6.4.2 Statutory and Policy

Consideration of this report means that Council is complying with the *Local Government Act 1993*.

6.4.3 Consultation Nil

Internal - The report was compiled after all Senior Officers had provided input and update of their respective sections of the report.

External - Nil.

6.4.4 Financial Implications

Nil

6.4.5 Technical Assessment

Nil

6.4.6 Graphs & Charts

Nil

6.5 Conclusion

Nil.

6.6 Recommendation

That the report be received and noted.

417/2010 RESOLVED that the report be received and noted. (Ryan/Neill)

7 ANNUAL REPORT 2009/2010

7.1 Introduction

Council must prepare an Annual Report under the Local Government Act 1993, and submit same to the Minister.

7.2 Background

Nil

7.3 Issues

The Annual Report has been prepared and will be tabled at the meeting. The report is available for inspection prior to the Council meeting. Please contact the Manager of Corporate Services.

7.4 Assessment

7.4.1 Strategic Implications Nil

7.4.2 Statutory and Policy

Preparation of this report means that Council is complying with the *Local Government Act 1993*.

7.4.3 Consultation

Internal - The report was compiled after all Senior Officers had provided input and update of their respective sections of the report.

External - Nil.

7.4.4 Financial Implications

Nil

7.4.5 Technical Assessment

Nil

7.4.6 Graphs & Charts

Nil

7.5 Conclusion

This report showcases Council to the public and is another mechanisms by which a Council is made accountable for its actions.

7.6 Recommendation

That the report be received and noted.

418/2010 RESOLVED that the report be received and noted. **(Ryan/Dutton)**

REPORTS TO ORDINARY MEETING OF COUNCIL – ACTING MANAGER OF ENGINEERING SERVICES REPORT

1 RECYCLING

1.1 Introduction

The purpose of this report is to provide information to Council on operational recycling options.

1.2 Background

At the September Council meeting J R Richards and Sons presented the outline of a proposal to manage Councils recycling program.

The proposal included the following:

- Minimum term - 5 years
- Supply of new 240 mgb to each household
- Refurbished collection vehicle
- Approximate number of collections per fortnight = 780
- Transport and processing costs is included in the collection price
- Price per service \$5.84 + GST.

Subsequently Council conducted a community survey to gauge support for the initiative with the following results:

Yes to recycling and paying 36

Yes to recycling and not paying 56

No to recycling and paying 71

A copy of the questionnaire form is attached to this report.

1.3 Issues

Subsequent to the J R Richards presentation a study was carried out into the viability of using Council's garbage compactor as a collection vehicle and transporting the recycled waste to Dubbo depot of J R Richards.

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This proposal has the advantage of gaining greater use of Councils garbage compactor and the projected quantities of recycled material would not require double handling but could be transported directly to Dubbo in the garbage compactor. (This is the method J R Richards proposed for their operation).

The total tonnage of recycled waste collected each week roughly equates to a full load for the compactor which ensures a more efficient use of this truck.

1.4 Assessment

1.4.1 Strategic Implications

The advantages to Council by managing the collection part of the program are:

- Greater utilisation of existing compactor
- Control over collection procedures including times and response to customer requests
- Financial savings (see below)

J R Richards have presented an amended proposal as follows:

We would be pleased to receive the kerbside recyclables from Bogan Shire at our depot located in Fitzroy Street Dubbo.

The gate fee for the product would be \$223.46 plus GST per tonne delivered and would be dependent on the following:

- 1. The recyclables would be scrutinised by your drivers through a colour, hopper mounted camera to identify contamination*
- 2. A system would have to be developed to ensure residents who continue to contaminate recyclables could potentially have their recycling bin removed. Dubbo /Narromine have a "3 strikes" system to deal with recalcitrant's*
- 3. Should contamination exceed 10% the load would be rejected and Bogan Shire would be responsible for all costs to transport material to a licence facility for disposal*
- 4. The recyclables would be delivered with a compaction ratio not exceeding 180 kilograms per cubic metre*
- 5. An audit of a load would be carried out each 3 months to monitor levels of contamination*

1.4.2 Statutory and Policy Nil

1.4.3 Consultation

The results of the survey are set out above and if they are representative of the whole community indicate little enthusiasm for the program.

1.4.4 Technical Assessment

Councils Compactor is suitable for this purpose but would need to be fitted with a video camera to monitor contamination.

Council's waste depot would have an extended life and have lower operating costs by removing most of the recycled material from the site.

Council would need to undertake an intensive education program on recycling to include the importance of recycling and information on waste suitable for collection.

1.4.5 Financial Implications

Councils costs per service comprise 10c administration, \$1.50 collection, \$1.20 transport and 60 cents bin (\$65 per bin capital cost written off over 5 years) and \$2.23 per service sorting and transport to Sydney by J R Richards. This figure of \$2.23 per service for J R Richards is based on an industry standard of 10kg per collection.

This gives a total of \$5.63 per service compared to J R Richards's price of \$ 5.84 per service.

1.4.6 Tables and Graphs Nil

1.5 Conclusion

If Council proceeds with a recycling proposal a joint arrangement between Council and J R Richards would seem the preferred option.

1.6 Recommendation

That any recycling program adopted by Council be based on Council collection, delivery to a transfer station and Council administration.

419/2010 RESOLVED that Council investigate other Councils of similar size that currently operate a recycling program on their own – how it operates, cost, disposal facility, cost of receipt and if the program is feasible to operate. Council to review the Waste Management Policy in the budget and Management Plan 2011. **(Ryan/Neill)**



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 ABN: 68 886 242 083

Address all communications to:
 The General Manager
 PO Box 221
 Nyngan NSW 2825

Council Chambers
 81 Cobar Street
 Nyngan
 New South Wales
 Australia

26th October 2010

SURVEY
KERBSIDE RECYCLING FORTNIGHTLY PICKUP

Council has received a proposal to implement a fortnightly recycling kerbside pickup in Nyngan.

The proposal is outlined as follows:

- Supply of a new 240 litre mobile garbage bin to each household; and
- Price per service is approximately \$6.42.

Before making a determination on the proposed service Council would welcome any feedback from the community. Should Council go ahead with the proposal, each household would be charged a recycling fee to be included in their rate notice as from the next financial year.

Please complete the below questionnaire.

	Yes	No
Are you interested in recycling?	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
Are you prepared to pay the recycling fee of \$6.42 per fortnight?	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

.....

.....

Please return this form to: PO Box 221, NYNGAN NSW 2825
 OR
 Drop it into the Council Administration Office, 81 Cobar Street, NYNGAN NSW 2825
 By Friday 26th November 2010

Name.....

Address.....

Michael Brady
GENERAL MANAGER

2 RAW WATER EXTENSION TO O'REILLY PARK AND LARKIN OVAL

2.1 Introduction

This report is in response to a Council request to examine the options to provide raw water to O'Reilly Park and Larkin Oval rather than use the more costly filtered water as at present.

2.2 Background

Council presently provides raw water to Nyngan High School directly from the Lower Weir Pool and Nyngan Public School from the storage area at Frank Smith Oval.

Council also irrigates Frank Smith Ovals, cemetery and showground from this storage area.

Through the Lower Macquarie Water Users Alliance consultants GHD recently provided Council with a proposal for a stormwater harvesting scheme for these areas which was rejected because of the capital cost of \$2.5M.

2.3 Issues

The decision to use raw water for parks and ovals is generally based on the comparison between the capital cost of providing the infrastructure for raw water compared to the ongoing cost of filtering water for this purpose.

Two alternatives were looked at for providing raw water as follows:

1. Storage area at Frank Smith Oval

This water storage contains town drainage runoff which is supplemented by raw water from the treatment plant rising main during dry periods.

Using this source would require a pump at Frank Smith Oval and 750 metres of pipeline as shown on the attached sketch at a preliminary estimated cost of \$50000

2. Existing disused water tower at the Water Treatment Plant (WTP)

The top section of the concrete storage reservoir at the WTP has not been used for town water supply since the construction of the new reservoir. It has a capacity of 0.8 megalitres is structurally sound and quite suitable for this purpose. It has been kept full of water since its decommissioning to prevent structural deterioration.

Using this source the project would require 250 metres of pipeline in Bogan Street from the WTP. The existing booster pumps at O'Reilly Park and Larkin Oval are suitable and no additional infrastructure is required.

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The reservoir would be filled from the raw water rising main in a similar way that Frank Smith Oval storage area is filled in dry times.

The Preliminary Estimate for this proposal is **\$27000**.

2.4 Assessment

On average Larkin Oval and O'Reilly Park consume **5 megalitres** of filtered water per year for irrigation at a cost, of approximately **\$6000**.

2.4.1 Strategic Implications

Other benefits of not having to treat water to drinking quality standard for irrigation purposes include extending the life of the existing WTP and creating capacity at the plant for possible future population growth.

2.4.2 Statutory and Policy Nil

2.4.3 Consultation Nil

2.4.4 Technical Assessment Nil

2.4.5 Financial Implications

Based on the above figures Council should recoup the capital cost of \$27000 in the medium term.

2.4.6 Tables and Graphs Nil

2.5 Conclusion

While the estimated figures above are only preliminary it would appear that the proposal to use the disused water tower as a raw water source for O'Reilly Park and Larkin Oval is worth implementing.

2.6 Recommendation:

1. That the proposal to provide raw water to O'Reilly Park and Larkin Oval from the disused water tower at the Bogan Street Filtration Plant be included in the draft Plan of Management for 2011/2014.

2. That a detailed estimate be provided to Council for consideration at its draft Plan of Management meeting for 2011/2014.



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420/2010 RESOLVED

1. That the proposal to provide raw water to O'Reilly Park and Larkin Oval from the disused water tower at the Bogan Street Filtration Plant be included in the draft Plan of Management for 2011/2014.
2. That a detailed estimate be provided to Council for consideration at its draft Plan of Management meeting for 2011/2014. **(Hampstead/Dutton)**

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3 STREETScape MASTER PLAN

3.1 Introduction

In July 2007 Council received a draft report from Rupert G H Milne Home, Landscape Consulting for the Nyngan Streetscape Master Plan.

A copy of the report and sketch plans are included in the mail out.

3.2 Background

Council commissioned the report to develop an overall planting scheme for street trees and to include areas such as the truck stop parking area and caravan parking areas.

Council at the time placed the draft report on exhibition and invited comment but there appears to have been minimal response.

3.3 Issues

The concepts contained in the report are quite broad which suggests Council should further examine the matters identified to develop its own detailed design and planting theme.

The draft report shows road shoulder planting in Pangee Street which Council may wish to examine more closely. There would be a loss of 10 parking spaces between Mitchell Street and Tabratong Street.

It appears that the Pangee Street footpaths through the CBD have previously been widened to allow footpath tree planting between the shop awnings and the footpath edge.

Trees are also shown on the entrance areas of the mid block pedestrian crossing and this needs to be examined for safety reasons.

The planting program will need detailed examination of what is existing and the integration of new species of trees.

As the program will need to be staged it is considered that Pangee Street through the CBD should comprise the first stage and simultaneously the other report recommendations can be examined in detail.

3.4 Assessment

3.4.1 Strategic Implications

When developing a detail design for Pangee Street Council could look at a number of other successful town streetscape schemes to identify what is suitable for the Nyngan climate and street layout.

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It is considered that a working party be formed consisting of the Mayor, General Manager, interested Councillors, Garden Club representatives and a representative from the Bogan Community Tourism and Business Group to examine plans and photographs of other successful streetscape schemes for the basis of a final design.

3.4.2 Statutory and Policy Nil

3.4.3 Consultation

Ongoing consultation with affected parties and the community will be conducted to gain general acceptance of any proposed Streetscape Scheme.

3.4.4 Technical Assessment Nil

3.4.5 Financial Implications

When a design has been finalised a staged estimate of cost can be prepared for Councils consideration.

3.4.6 Tables and Graphs Nil

3.5 Conclusion

The report prepared by Rupert G H Milne for the Nyngan Streetscape Master Plan appears adequate as an overall concept plan and the detail needs to be developed by Council.

With staging of the plan the CBD section of Pangee Street should comprise stage one because of its importance and high usage by visitors to Nyngan.

3.6 Recommendation

1. That Council adopt the draft Rupert G H Milne Streetscape Master Plan.
2. That a working party consisting of the Mayor, D/Mayor, General Manager, all Councillors, Garden Club representatives and representatives from the Bogan Community and Business Group be formed to develop detailed designs for Pangee Street through the Nyngan CBD.
3. That stage 1 of the Streetscape Plan be included in the 2011/14 draft Management Plan for consideration by Council.

421/2010 RESOLVED

1. That Council adopt the draft Rupert G H Milne Streetscape Master Plan.
2. That a working party consisting of the Mayor, D/Mayor, General Manager, all Councillors, Garden Club representatives and representatives from the Bogan Community and Business Group be formed to develop detailed designs for Pangee Street through the Nyngan CBD.
3. That stage 1 of the Streetscape Plan be included in the 2011/14 draft Management Plan for consideration by Council. **(Dutton/Griffiths)**

4 DRAFT LIQUID TRADE WASTE POLICY

4.1 Introduction

Council is required by the NSW Office of Water to adopt a policy relating to the discharge of liquid trade waste into Councils sewer system by June 2011.

This policy is to comply with the Departments *Liquid Trade Waste Regulation Guidelines* released in April 2009.

4.2 Background

The Office of Water requirement is aligned to the *National Framework for Wastewater Source Management* and is designed to prevent the entry of trade waste into the sewer system which can impair the Sewage Treatment Works operation and have a detrimental environmental effect.

4.3 Issues

As suggested in the title, the draft policy applies to businesses that discharge to sewer and may require premises to modify their collection and runoff areas to prevent certain wastes entering the system.

These modifications can in some circumstances involve considerable expenditure for the business owner and when Council reaches the implementation stage it may wish look at spreading this cost burden over a number of years. (Some Councils implement the works on the owners behalf and spread the repayments over a number of years.)

Common modifications include bunding to prevent stormwater inflow, grease / oil arresters and solids arrestors.

There is also an annual inspection fee of \$80 included in the draft policy.

4.4 Assessment

A draft policy has been developed and approved by the NSW Office of Water and is attached to this report. The draft is the same as implemented by other Shire Councils around the State.

4.4.1 Strategic Implications

It is necessary for a Council staff member to be trained as assessment / inspection officer for the implementation of the policy and to assess the work needed for compliance.

4.4.2 Statutory and Policy

It is a statutory requirement to implement this policy as outlined above.

4.4.3 Consultation

Consultation with affected property owners is seen as critical and it is envisaged that if Council adopts the draft policy for implementation on 1 July 2011 the period from now to that date can be spent assessing the impact of the policy and working through the various issues with those affected.

4.4.4 Technical Assessment

Unwanted contaminants in the sewer system can affect the treatment processes and the quality of effluent.

Council recently entered into an agreement to supply effluent for a reuse scheme and under the terms of the agreement this effluent is required to meet certain quality standards set by the EPA and greater control of contaminants entering the Sewage Treatment Works will assist Council in meeting these standards.

4.4.5 Financial Implications

The administration cost will be largely offset by the inspection fee and sewage treatment costs could be lower with less contaminant in the system.

4.4.6 Tables and Graphs

A copy of the draft policy is enclosed in the mail out.

4.5 Conclusion

By adopting the draft policy Council will be complying with State Government regulation and with an implementation date of 1 July 2011 the full impact of the policy and options for possible assistance to business owners can be considered in a timely manner.

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4.6 Recommendation:

1. That Council adopt the draft policy for the discharge of liquid trade waste into Council's sewer.
2. That a further report be presented to Council detailing the costs and options resulting from the policy.

422/2010 RESOLVED

1. That Council adopt the draft policy for the discharge of liquid trade waste into Council's sewer.
2. That a further report be presented to Council detailing the costs and options resulting from the policy. **(Hampstead/Griffiths)**

Discussion

423/2010 RESOLVED that Council inspect the aftermath of the floods, including bridges and culverts of the northern section of the Shire to access the situation sometime in January or February 2011. **(Griffiths/Dutton)**

REPORTS TO ORDINARY MEETING OF COUNCIL – ACTING MANAGER OF ENVIRONMENTAL SERVICES REPORT

1 DEVELOPMENT APPLICATIONS

1.1 Introduction

Since the last Council meeting on 25^h November 2010 the following two Development Applications and Complying Development Certificates have been approved:

DA CERT NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE
2010/033	Sally Ellis	58 Oatley Street NYNGAN	Swimming Pool	\$34400
2010/006 M- Part 2	Tritton Mines	Yarrandale Road HERMIDALE	Change to access and entry into Paste Fill Plant	n/a

1.2 Background

Nil

1.3 Issues

Nil

1.4 Assessment

1.4.1 Strategic Implications Nil

1.4.2 Statutory & Policy Nil

1.4.3 Consultation Nil

1.4.4 Financial Implications Nil

1.4.5 Technical Assessment Nil

1.4.6 Graphs & Charts Nil

1.5 Conclusion

Nil

1.6 Recommendation

That the report be received and noted.

424/2010 RESOLVED that the report be received and noted. (Ryan/Neill)

2 CONSTRUCTION OF TEMPORARY AIRPORT HANGAR

2.1 Introduction

Council has received a proposal for a temporary hangar to be installed at the Nyngan Aerodrome.

2.2 Background

Due to insufficient hangarage at the Nyngan Airport, a local light aircraft user, Mr Ryan Heggie, has asked if Council could look at temporary hangar space for the duration of his time in Nyngan. Security of his aircraft and weather protection (especially during summer) are the reasons for the request.

Mr Heggie has asked that he be allowed to erect a temporary structure on Council property, without any leasehold or drawing up of a lot.

2.3 Issues

The issues relating to this matter is the lack of availability of land provided within the vicinity of the aerodrome.

2.4 Assessment

2.4.1 Strategic Implications

Two options available to Council are:

1. To locate the temporary structure within the line of sight of the existing buildings just allowing correct setbacks from taxi way and apron frontage;
 - a. This option will result in the need to remove four trees to open up room on the northern side of the airport terminal.
2. To locate the temporary structure opposite the existing hanger at the distance of 21.5m from the centre taxi line;
 - a. This option will result in greater public access to the taxiway apron area and therefore presents a greater OH & S risk for Council.

The ramifications for Nyngan of both options is that use of the Aerodrome could increase and result in further development issues.

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2.4.2 Statutory & Policy Nil

2.4.3 Consultation

Bryan Fitzgerald, Airport Survey Consultants Pty Ltd, recommended ideally the situation would be to keep the hangar in the original building line which would allow Council to control public access and vehicle movements on the runway taxiway.

Option 2 still could be allowable if conditions were put in the development application controlling public access and vehicle movements to address OH&S issues.

2.4.4 Financial Implications

All costs for the erection of the temporary structure would be at Mr Heggie's expense.

2.4.5 Technical Assessment Nil

2.4.6 Graphs & Charts Nil

2.5 Conclusion

Allowing the erection of a temporary hangar at Nyngan Aerodrome will provide the applicant with security and weather protection and provide a more appealing facility for airport users.

2.6 Recommendation

That Council approve the temporary structure within the line of sight of the existing buildings just allowing correct setbacks from taxi way and apron frontage.

425/2010 RESOLVED that Council approve a temporary structure on the eastern side of the apron as it will eliminate the unnecessary removal of the trees. **(Hampstead/Kennedy)**

3 DRAFT BOGAN LOCAL ENVIRONMENTAL PLAN 2011

3.1 Introduction

The purpose of this report is to submit a Planning Proposal (PP), including the draft BLEP 2011 and associated maps, to Council for consideration to obtain a resolution to send the PP to the Department of Planning requesting a gateway determination to enable public exhibition of the draft Plan.

3.2 Background

Every Council has a Local Environmental Plan (LEP) which provides land use zones, permissibility of development and generally guides the development and conservation of lands, such as *Bogan Shire Council LEP 1991*.

In 2006, the NSW Government gazetted the Standard Instrument (Local Environmental Plans) Order 2006 which required that every LEP in NSW was to have a standard structure, form and content. Each LGA must now prepare a new Comprehensive LEP in accordance with the Standard Instrument.

On 1st September 2010, Council agreed to proceed with the preparation of an LEP in the Standard Instrument format with the assistance of the Department of Planning to prepare the draft LEP and associated mapping.

Following an extensive review and analysis of the current 1991 Bogan Local Environmental Plan, together with “guidance” provided (and/or mandated) by the Standard LEP template and the strategic framework document the Western Council’s Sub Regional Land Use Strategy, the Bogan Local Environmental Plan 2011 has now been drafted for the Council.

A Councillor workshop was subsequently held on Monday 29 November to further outline the proposed draft Plan.

The draft BLEP 2011 is seeking to implement a number of short and medium term recommendations of the Bogan Shire component of the Western Councils’ Sub Regional Land Use Strategy (Western Councils’ Strategy) which has been adopted by Council and endorsed by the Director General of the NSW Department of Planning. Any long term recommendations, and any short to medium term recommendations requiring further investigation, are to be enacted through Planning Proposals at a later stage.

The draft BLEP 2011 provides the opportunity to improve accessibility of planning to the wider community and to enable an update to the existing Plan to bring compliance with best practices in environmental sustainability and consistency across the state on the classification of land uses. The draft Plan would enable the next step in developing Nyngan and to provide sufficient supply of serviced housing land to accommodate the growth corridor of the LGA.

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The preparation of the LEP process. The following brief of the new SI LEP:

Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11
Prepare draft LEP	→	Finalise draft LEP	Gateway Determ'n	Public exhibition	→	Review submissions	DOP receive final LEP	→
	Consult State Govt Agencies	Prepare Planning Proposal (PP)	Prepare for public exhibition	Public Notice – reclass land	Public Hearing (reclass land etc)	Councillor Workshop? Report to Council (28/04)	PC (legal) review it	Report to Minister
	Councillor Workshop	Report to Council (16/12) Submit PP to Gateway				Submit PP/final LEP to Gateway		

- *Planning proposal:* the relevant planning authority is responsible for the preparation of a planning proposal, which explains the effect of and justification for the plan.
- *Gateway:* The Minister (or delegate) determines whether the planning proposal is to proceed. This gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan.

A community consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.

- *Community consultation:* the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). A person making a submission may also request a public hearing be held.
- *Assessment:* The relevant planning authority considers public submissions and the proposal is varied as necessary. Parliamentary Counsel (PC) then prepares a draft local environmental plan - the legal instrument.
- *Decision:* With the Minister’s (or delegate’s) approval the plan becomes law and is published on the NSW legislation website.

3.1 Issues

The process to prepare the draft Bogan Local Environmental Plan 2011 (BLEP 2011) commenced on 1 September 2010. The draft Plan has been prepared as part of the requirement of the NSW State Government to prepare a new comprehensive Local Environmental Plan for the whole of the LGA in what is referred to as the “new standard LEP template”. The draft BLEP 2011 when gazetted will replace the current 1991 Local Environmental Plan applying to Bogan Local Government Area (LGA).

Format and Content of the draft Bogan Local Environmental Plan 2011

A copy of the draft BLEP 2011 (instrument and maps) is provided on a CD for the information and perusal of Councillors.

The Standard LEP template contains mandatory zones, zone objectives, definitions and local provisions which Councils must incorporate in their draft LEPs. Councils are also permitted to incorporate certain additional provisions to reflect the unique characteristics of their local areas.

The draft BLEP 2011 incorporates 14 mandated provisions, 6 optional provisions, 18 local provisions, five Schedules and a Dictionary. A number of map sheets have also been prepared in accordance with the standard map Guidelines, including maps relating to land zoning, minimum lot size, land acquisition, and heritage together with overlays for environmentally sensitive land.

Land Use Zones

As previously outlined, the format and content of the draft BLEP 2011 has been largely determined in accordance with the Standard Instrument template. Thirteen (13) land use zones have been selected from the standard template suite for inclusion in the new Plan to replace the 1991 Bogan LEP land use zonings (refer to table below).

Bogan LEP 1991 zones	New Standard Instrument Zonings
Zone No. 1 (a) (General Rural Zone)	RU1 Primary Production
Zone No. 1 (c) (Rural Small Holdings Zone)	R5 Large Lot Residential
Zone No 2 (a) (Residential Zone)	R1 General Residential
Zone No 2 (v) (Village or Urban Zone)	RU5 Village
Zone No 3 (Business Zone)	B2 Local centre
Zone No 3 (Business Zone)	B6 Enterprise Corridor (see map)
Zone No 4 (Industrial Zone)	IN1 General Industrial
Zone No 5 (b) (Special Uses – Railway Zone)	SP2 Infrastructure
Zone No 6 (a) (Open Space)	RE1 Public Recreation or RE2 Private Recreation
Zone No 8 (National Parks & Nature Reserves)	E1 National Parks and Nature Reserves
Newell Hwy, Mid Western Hwy, Regional Roads	SP2 Infrastructure
Any State Forests	RU3 Forestry
Bogan River (in urban area only)	W2 Recreational Waterways

The next table below provides further detailed information on each proposed land use zone, including the general purpose of each zone, where the zone is proposed to be used, and subdivision and/or dwelling controls for each zone where applicable.

RU1 Primary Production:	
Purpose of the zone:	This zone is generally to cover land used for most kinds of primary production including extensive agriculture, horticulture, intensive livestock agriculture, mining, forestry and extractive industries. The zone is aimed at maintaining and enhancing the natural resource base of the area.
Location of subject lands:	<p>The zone is primarily used to encompass land currently zoned No. 1 (a) (General Rural Zone) under the 1991 Bogan LEP. It is to also include some areas of land that are proposed to be re-zoned to RU1 as recommended by the Western Councils' Strategy due issues with flooding and their current use being agricultural:</p> <ul style="list-style-type: none"> • an area of industrial land west of the Bogan River, and straddling John Butler Road (p59, Rec 10.5c) • an area of rural residential land west of the Bogan River, and south of the Barrier Highway (p67, Rec 10.8d) • an area of rural residential land south east of Nyngan, located below the cemetery and outside the levee.
Subdivision controls:	<p>The minimum allotment size created as a result of subdivision when the land will attract/maintain a dwelling entitlement is 600 hectares. This minimum allotment size has not changed from the existing 1991 Bogan LEP.</p> <p>The draft BLEP 2011 will allow an allotment to be created below the minimum allotment size where the land must be used for primary production, however those allotments will not have a dwelling entitlement.</p>
Dwelling controls:	For an allotment of land to attract a dwelling entitlement, the lot must be in excess of 600 hectares in area or be an allotment created for the purposes of a dwelling house by a Council-approved subdivision.
RU3 Forestry:	
Purpose of the zone:	This zone is generally intended to identify and protect land that is to be used for long-term forestry.
Location of subject lands:	This zoning is applied to all State forest land within the Bogan Shire Local Government Area.
Subdivision controls:	The land cannot be subdivided.
Dwelling controls:	A dwelling cannot be built on land in the zone.

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RU5 Village:	
Purpose of the zone:	This zone is generally intended to cover rural villages where a mix of residential, retail and other uses are to be established or maintained.
Location of subject lands:	This zoning is applied to land currently zoned No 2 (v) (Village or Urban Zone) under the 1991 Bogan LEP, including the villages of Coolabah, Hermidale and Girilambone.
Subdivision controls:	There is no minimum allotment size for subdivision proposed in this zone. However, subdivision is a permissible form of development in the zone.
Dwelling controls:	Each allotment within the RU5 zone will have a dwelling entitlement.
R1 General Residential:	
Purpose of the zone:	This zone is generally intended to provide for a variety of residential housing types and densities, including dwelling houses, multi-dwelling housing, residential flat buildings, boarding houses and seniors housing. The zone also provides for additional uses that provide facilities or services to residents, including neighbourhood shops and child care centres.
Location of subject lands:	<p>This zoning is applied to land currently zoned No 2 (a) (Residential Zone) under the 1991 Bogan LEP.</p> <p>This zone is to also include 68.5 ha of current rural residential land identified in the Western Council's Sub Regional Land Use Strategy to be re-zoned to R1 to accommodate future residential growth (see p63). This amounts to approximately 36 years supply of land at the assumed take up rate of 1.5 ha per year.</p>
Subdivision controls:	There is no minimum allotment size for subdivision proposed in this zone. However, subdivision is a permissible form of development in the zone.
Dwelling controls:	Each allotment within the R1 zone will have a dwelling entitlement.

R5 Large Lot Residential:	
Purpose of the zone:	This zone is generally intended to cater for development that provides for residential housing in a rural setting. The allocation of large lot “rural” residential land must be justified by a strategy prepared in accordance with guidelines issued by the Department.
Location of subject lands:	This zoning is applied to land currently zoned No. 1 (c) (Rural Small Holdings Zone) under the 1991 Bogan LEP.
Subdivision controls:	The minimum allotment size created as a result of subdivision when the land will attract/maintain a dwelling entitlement is 4,000 m² (or 0.4ha). This minimum allotment size has not changed from the existing 1991 Bogan LEP.
Dwelling controls:	For an allotment of land to attract a dwelling entitlement, the lot must be in excess of 4,000 m² (or 0.4ha) in area or be an allotment created for the purposes of a dwelling house by a Council-approved subdivision.
B2 General Business:	
Purpose of the zone:	This zone is generally intended for centres that provide a range of retail, business, entertainment and community functions that typically service a wider catchment than a neighbourhood centre.
Location of subject lands:	This zoning is applied to land currently zoned No 3 (Business Zone) under the 1991 Bogan LEP. This zone will also <u>include</u> : <ul style="list-style-type: none"> • a small proportion of current residential land surrounding the General Business B2 zone. The land is proposed to be rezoned to B2 to accommodate future business growth (See p60, 10.6(b)). • a small proportion of railway land adjoining Pangee Street that was zoned as General Business in an amendment (Amendment 1) to the 1991 Bogan LEP on 2 December 1993. This area is not currently shown on the 1991 Bogan LEP maps.
Subdivision controls:	There is no minimum allotment size for subdivision proposed under this zone. However subdivision is a permissible form of development in the zone.

B6 Enterprise Corridor:	
Purpose of the zone:	This zone is generally intended to be applied to land where commercial or industrial development is to be encouraged along main roads. The sale of food and clothing is to be limited to ensure that Enterprise Corridors do not detract from the viability of established centres.
Location of subject lands:	This zoning is applied to an area of land currently zoned No 3 (Business Zone) under the 1991 Bogan LEP, and located north of the railway line and along the Mitchell Highway.
Subdivision controls:	There is no minimum allotment size for subdivision proposed under this zone. However subdivision is a permissible form of development in the zone.
INI General Industrial:	
Purpose of the zone:	This zone is intended to accommodate a wide range of industrial and warehouse uses. Council can choose to supplement the existing mandated industrial and warehouse uses by permitting heavy and offensive or hazardous industrial uses, if appropriate.
Location of subject lands:	This zoning is applied to land currently zoned No 4 (Industrial Zone) under the 1991 Bogan LEP.
Subdivision controls:	There is no minimum allotment size for subdivision proposed under this zone. However subdivision is a permissible form of development in the zone.
SP2 Infrastructure:	
Purpose of the zone:	This zone is generally intended to cover a wide range of physical and human infrastructure uses such as transport (e.g. roads and railways) and utility undertakings/works. This zone would be used for some facilities where previously a Special Uses zone may have been used.
Location of subject lands:	This zone is to apply to land currently zoned No 5 (b) (Special Uses – Railway Zone) under the 1991 Bogan LEP. This zone will also apply to any other railway corridors, State and regional roads (Newell and Mid Western highways) within the Bogan Local Government Area.
Subdivision controls:	Land within the zone is permitted to be subdivided. However, it must be proven that any subdivision would be ordinarily incidental to the designated land use on the site.

RE1 Public Recreation:	
Purpose of the zone:	Land within the zone is for the provision of public recreation and is under the ownership and/or care and control and management of Council or the Crown.
Location of subject lands:	This zoning is applied to land currently zoned No 6 (a) (Open Space) under the 1991 Bogan LEP and includes the following areas: Rotary Park; O'Reilly Park; Moonagee St Oval / area; Moonagee Park; Davidson Park; Lions Park; Oval area (north of Oval Place); Reserve area north of Minor Lane; Reserve area straddling Bogan River located north of Nymagee St; and Reserve area corner of Mitchell Hwy & Old Warren Road.
RE2 Private Recreation:	
Purpose of the zone:	This zone covers a wide range of recreation areas and facilities on <u>privately-owned</u> land, such as golf clubs and caravan parks/camping grounds.
Location of subject lands:	This zoning is applied to land currently zoned No 6 (a) (Open Space) under the 1991 Bogan LEP and includes the following areas: Griffiths Showground; Nyngan Racecourse; Nyngan Golf Club and Course; Privately owned land adjoining the Nyngan Golf Course; Nyngan Riverside Caravan Park; and Nyngan Bowling Club (adjoining O'Reilly Park).
Subdivision controls:	There is no minimum allotment size proposed for subdivision in this zone. However, subdivision is a permissible form of development in the zone.
E1 National Parks and Nature Reserves:	
Purpose of the zone:	This zone may be applied to existing National Parks and Nature Reserves. All uses currently authorised under the National Parks and Wildlife Act 1974 will continue to be permitted without consent within this zone.
Location of subject lands:	This zoning is applied to land currently zoned No 8 (National Parks and Nature Reserves) under the 1991 Bogan LEP, such as Quanda Nature Reserve.
Subdivision controls:	The land cannot be subdivided.

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Dwelling controls:	A dwelling cannot be built on land in the zone.
W2 Recreational Waterways:	
Purpose of the zone:	This zone is generally intended for waterways that are used primarily for recreational purposes such as boating, fishing and waterskiing, but which may also have ecological, scenic or other values that require protection.
Location of subject lands:	It is proposed that an area of the Bogan River, located within the township of Nyngan and between the two weirs, be zoned as W2 based on the recreational use of this area of the River. It is proposed that the remainder of the Bogan River, which is not under a high level of recreational use, be zoned as per the adjoining zone RU1 Primary Agriculture.

Land Use Table

Each of the above zones has a corresponding land use table in the draft LEP text which outlines the land uses that are “permitted without the consent”, “permitted with the consent” or are “prohibited” in the respective zones.

The land use tables were formulated by using a “land use matrix” which cross tabulates each zone with all of the definitions listed in the Standard LEP template.

The Land Use Matrix is available on a CD which will be provided at the Council Meeting for Councillors’ information.

Provisions

The draft BLEP 2011 contains a number of compulsory provisions, compulsory (if applicable) provisions, optional provisions, local provisions, and urban release area provisions.

Compulsory Provisions

As the name suggests compulsory provisions are the ones Council cannot change or alter in any way. These are generally included in black text in the draft BLEP 2011.

Optional Provisions

Council can choose to include a number of optional provisions such as minimum subdivision lot size; height of buildings; floor space ratio etc.

Local Provisions

Council can incorporate a number of additional local provisions (Part 7) which reflect local planning policies and circumstances, and the following have been included in the draft BLEP 2011:

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- Stormwater Management; Flood Planning;
- Public utility infrastructure availability; Airspace Operations;
- Biodiversity (Terrestrial); Wetlands; Groundwater Vulnerability;
- Riparian Land & Waterways

Urban Release Area Provisions

Urban release area provisions (Part 6) are recommended to ensure orderly development and adequate State Public Infrastructure of the proposed land to be released from rural residential to residential.

Schedules

A total of 5 schedules are “prescribed” within the SI LEP template and have been subsequently incorporated into the draft BLEP 2011, including:

Schedule 1 Additional Permitted Uses (none listed)

- Facilitates specific additional uses which are not currently permitted by the zone provisions within the LEP

Schedule 2 and 3 Exempt & Complying Development (none listed)

- Schedule 2 lists development types which can be undertaken without approval and that are not included in State Environmental Planning Policy (Exempt and Complying Development Codes 2008).
- Schedule 3 lists development types which can be undertaken as Complying Development and that are not included in State Environmental Planning Policy (Exempt and Complying Development Codes 2008).

Schedule 4 Classification and Reclassification of Public Land (29 listed)

- Lists Council owned land that is proposed to be reclassified from Community Land to Operational Land under the Local Government Act, 1993.

Schedule 5 Environmental Heritage

- Identifies items with State or local cultural heritage significance (4 items)

Dictionary

The Dictionary lists mandatory “definitions” of words and expressions used throughout the Plan.

Mapping

A number of map sheets have also been prepared in accordance with the standard map Guidelines (refer to CD):

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- Land Application Map;
- Land Reservation Acquisition Map (no items listed)
- Land Zoning Maps;
- Lot Size Maps;
- Heritage Map;
- Natural Resource Land Overlay Maps (biodiversity; wetlands; groundwater vulnerability; riparian land and waterways)

Land Application Map

This map details what land the draft BLEP applies to.

Land Reservation Acquisition Map

The Standard LEP template prescribes that a “compulsory” clause (and corresponding map) be included in any LEP which proposes to reserve land for future acquisition by any relevant authority. Mapping has been prepared nonetheless and Council has no land reserved for future acquisition.

Land Zoning Maps

These maps detail where the land use zones are located within the Bogan LGA.

Lot Size Maps

These maps detail what minimum lot size for subdivision is allocated to land within the Bogan LGA. The draft BLEP 2011 has maintained the minimum lot sizes from the 1991 Bogan LEP.

Heritage Maps

The Standard LEP template mandates the inclusion of both a heritage “schedule” in the draft LEP text, together with a set of maps which identify all of the properties listed in the Schedule 5.

The relevant Schedule in the draft BLEP contains 4 heritage items located throughout the region. The properties listed in the draft Schedule include two (2) items from Schedule 1 of the 1991 Bogan Local Environmental Plan and two (2) items from the NSW Heritage Office database listed as of State significance. One (1) “heritage” map accompanies the Schedule in the draft BLEP.

The primary purpose of listing items in the Schedule is to ensure that a detailed assessment is undertaken where it is proposed to demolish or significantly alter a building or structure. In most cases, minor alterations will not require Council’s approval.

Natural Resource Land Overlay Maps Overlays

In addition to the mandated maps, the Standard LEP template allows Council to select various map “overlays” which are designed to give effect to certain local clauses (Part 7) in the BLEP text. The draft BLEP proposes five Overlay maps:

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<p>Natural Resources Land Overlay Maps (x4)</p>	<p>Identifies land within the Bogan LGA with environmental and ecological values. There are four separate Natural Resources Maps which relate to the four separate local clauses of:</p> <ul style="list-style-type: none"> • 7.1 Biodiversity (Terrestrial) • 7.2 Wetlands • 7.3 Groundwater Vulnerability • 7.5 Riparian Land and Waterways <p>Majority of land affected by this Overlay are zoned RU1 Primary Production and generally outside established township boundaries.</p> <p>Further information on the data used to produce the overlays can be obtained from the NSW Department of Environment, Climate Change and Water (DECCW).</p>
<p><i>Obstacle Limitation Surface Overlay Map (x1)</i></p>	<p>Identifies land that is within the Obstacle Limitation Surface of the Nyngan Airport and aims to provide for the effective and on-going operation of the Airport by ensuring that such operation is not compromised by proposed development that penetrates this area.</p> <p>This map relates to local clause 7.8 Airspace Operations.</p>
<p>Please note that there will be no overlay mapping associated with the local clause “<u>7.6 Flood Planning</u>” in the BLEP text due to a <u>lack of accurately modelled/surveyed mapping.</u></p>	

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State Agency Consultation

On 12 November 2010 Council sent a letter to all relevant State agencies asking for comments on the draft LEP, land use matrix and associated maps. In addition, a Planning Focus Meeting was held in Dubbo for State agencies on 18 November 2010. 1 written submission was received.

Australian Rail Track Corporation Ltd responded on 15 November 2010 in relation to the SP2 zoning on railway land opposite Nymagee and Pangee Streets. They preferred the area along Nymagee Street to adopt surrounding zonings (e.g. B6). They were also supportive of a portion of railway land along Pangee Street being rezoned to Business. ARTC sent a draft map marking their preferred zoning options on 30/11/10. Council adopted the preferred business zoning along Pangee Street.

Where to from here?

The next step in the process requires a resolution from Council to refer the Planning Proposal, including the draft BLEP 2011 and associated maps, to the Department of Planning in order to obtain a gateway determination which will authorise public exhibition of the draft Plan.

Once the Department of Planning has formally issued a gateway determination in relation to the draft Plan, the BLEP 2011 will be publicly exhibited. It is envisaged that extensive community consultation will be undertaken during this period. Accordingly, it is recommended that a specific community consultation strategy be prepared and endorsed by Council before this part of the process commences.

Community consultation will need to be conducted in accordance with the publication “A guide to preparing local environmental plans” released by the Department of Planning. Based on instructions in this guide the planning proposal is not considered a low impact planning proposal as it relates to the production of a principal LEP.

The community will be notified of the consultation period through the local newspapers and through notification on Bogan Shire Council’s website. Given that the planning proposal relates to the entire Bogan LGA it is considered impractical to notify landholders in writing.

The notice will include a description of the planning proposal, LEP maps, notification of where the proposal can be inspected, the name and address for receipt of submissions and a closing date for submissions. All relevant materials will be made available during the exhibition period as outlined in the guide.

At the conclusion of the community consultation period the draft Plan and any comments received will be reported back to Council for further consideration. Should Council determine to proceed with or without changes to the Plan, the draft Plan will be forwarded again to the Department of Planning at which time it will be reviewed and, if accepted, can be approved by the NSW Minister of Planning.

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The process described here is still a lengthy one that will involve further considerable discussions, amendments and review.

Whilst every attempt has been made to ensure that the draft Bogan Local Environmental Plan 2011 and associated maps are accurate at the time of writing this report, a number of errors and anomalies may be present which will require minor amendment to the draft Plan. It is therefore recommended that Council resolve to permit such minor modifications.

4.4 Assessment

4.4.1 Strategic Implications

The draft Bogan Local Environmental Plan 2011, once gazetted, will be the principal statutory planning instrument within the Council. It will provide for the future direction and management of all land uses within the Bogan Local Government Area.

4.4.2 Statutory & Policy Nil

4.4.3 Consultation

In the process of reviewing the LEP the Council has consulted with Department of Planning and State Government Agencies.

Council workshop was provided Monday 29th November allowing Council to comment on the Draft LEP.

4.4.4 Financial Implications

Cost of engaging a qualified Town Planner.

Reclassification process of the LEP for Council owned land will make any such land available for sale.

4.4.5 Technical Assessment Nil

4.4.6 Graphs & Charts Nil

4.5 Conclusion

The Minister for Planning will provide a “gateway determination” to the Council outlining whether the Planning Proposal can proceed and what level of community consultation (e.g. period for public exhibition) will be required. Further consultation with State agencies may also be required.

4.6 Recommendations

1. That Council submit a Planning Proposal, including the draft Bogan Local Environmental Plan 2011 and associated maps to the Department of Planning requesting a gateway determination to enable public exhibition of the draft Plan; and
2. Upon receipt of the gateway determination, Council undertakes any further consultation and commences public exhibition of the draft Bogan Local Environmental Plan 2011 and LEP Maps.

426/2010 RESOLVED

1. That Council submit a Planning Proposal, including the draft Bogan Local Environmental Plan 2011 and associated maps to the Department of Planning requesting a gateway determination to enable public exhibition of the draft Plan.
2. That upon receipt of the gateway determination, Council undertakes any further consultation and commences public exhibition of the draft Bogan Local Environmental Plan 2011 and LEP Maps and permit minor modifications.
3. That Council agree to the assessment from community to operational land being included in the planning proposal as per the attachments.
4. That the reason why the draft LEP is being prepared is because there was no proper classification of operational use as a result of the 1993 Local Government Act being introduced and for those comments to be included in the report. **(Hampstead/Ryan)**



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PRECIS OF CORRESPONDENCE

1 PRU GOWARD MP

Attached is a copy of correspondence received from Pru Goward Shadow Minister for Community Services in reply to Council's letter concerning the closure of the Nyngan office of Community Services. Questions have been placed on the Parliamentary Notice Paper regarding this matter and she thanks Council for making her aware of this matter.

1.1 Recommendation: That the report be received and noted.

427/2010 **RESOLVED** that the report be received and noted.
(Griffiths/Kennedy)

2 CALOUNDRA SUB BRANCH RSL

Attached is correspondence received from Bob McInnes providing an update of the progress of the helicopter. A request has been made to have the helicopter painted in 'forest green' the colours of the 9 Squadron circa Vietnam 1966. Concerns have been made about mounting the helicopter on a pole and advice received indicates the helicopter should be placed on a grassy mound.

2.1 Recommendation: For Council's Consideration.

428/2010 RESOLVED that the report be received and noted and that Council convey to Caloundra Sub Branch RSL that it will be proceeding with mounting the helicopter on a pole(s).
(Ryan/Douglas)

Dear Michael,

RECOVERY OF A2-1022

As you've seen from the accompanying disc we are getting close to change-over with your replacement aircraft. Once the changeover is complete we would like to present the two aircraft, for all intents and purposes, as virtually identical. Signage will describe the history applicable to each aircraft. If you, the Council, agree, your aircraft would be repainted in the livery of 9 Squadron circa Vietnam 1966 which will be Forest Green, the official description is "olive drab lustreless green".....We are able to source the paint from a donor.

The restoration is being undertaken generally, by former members of No 9 Squadron who consider this to be a labour of love...many of whom maintained A2-1022 during its service with the RAAF.

The location of the aircraft in Nyngan requires further consideration. We did intend to mount both aircraft on poles. It is now apparent this will be difficult. As far as your aircraft is concerned, the requirements will be different regarding wind loading etc. We will be able to provide you with technical drawings from the Bell Helicopter Company which your staff could adapt to local conditions, should you decide to go ahead with pole mounting. You may well continue with the existing situation and replace it as is. In our case, we don't intend to place A2-1022 on a pole. Current thinking is to build a grassy mound say 1.5 meters high and place the aircraft on that. We'll erect a security fence to keep the public at least 5 meters away. The entire display will be contained within a dedicated Memorial Garden.

I would like to speak with you regarding these matters. I will ring you by the week ending 10th December

A handwritten signature in black ink, appearing to read "Bob McInnes", with a long horizontal flourish extending to the right.

Bob McInnes
Project Co-ordinator



3 GOVERNMENT WEEKLY CIRCULARS

Weekly Circulars 45/10 to 47/10 are tabled for Council’s information. Copies of the Circulars Indices and Summary of Items have been dispatched to Councillors.

3.1 Recommendation

That the Local Government Weekly Circulars be noted.

429/2010 RESOLVED that the Local Government Weekly Circulars be noted.
(Griffiths / Dutton)

Other matters:

430/2010 RESOLVED that Council provide a letter of support for the submission to the Murray Darling Basin Authority on behalf of the Crooked Creek Association to rehabilitate the Talga Wetlands and Floodplains. **(Dutton/Neill)**

A letter received from State Member for Barwon, Kevin Humphries asking for Council’s input to a Local and Regional Road Improvement Policy was tabled.

Council investigate the price of the corner block of land in the industrial area.

There being no further business the meeting closed at 11.40am

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

.....

GENERAL MANAGER

.....

MAYOR

