



# **BOGAN SHIRE COUNCIL**

## **Business Paper**

**25 February 2016**



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**18 February 2016**

**COUNCIL MEETING NOTICE**

The next Ordinary Meeting of Council will be held in the Council Chambers, Nyngan on Thursday 25 February 2016 at 9.30am.

At 10.00am, Miss Katie White, Coordinator Nyngan Community Hub and Mrs Joy Horton Regional Operations Manager Greater Western NSW, Red Cross, will address Council.

At 10.15am, Ms Nicole Griffiths, from Jardine Lloyd Thompson will address Council concerning Councillors and Officers Liability Insurance.

Brian and Sally James will join Councillors and Senior Staff for lunch.

**AGENDA**

1. Opening Prayer
2. Remembrances
3. Apologies
4. Declarations of Interest
5. Confirmation of the Closed and Confidential Minutes of the Council Meeting held on 17 December 2015
- 8 Confirmation of the Minutes of the Council Meeting held on 17 December 2015
9. Committee Meeting Minutes
11. General Manager's Report incorporating reports from:-
  - Manager Corporate & Community Services
  - Manager Engineering Services
  - Acting Manager Development and Environmental Services
12. Correspondence
13. Grants and Funding

Your attendance at this meeting would be appreciated.

Yours sincerely

Cathy Ellison

**Executive Assistant**





**Committee Meeting Minutes to the Ordinary Meeting  
of Bogan Shire Council held on 25 February 2016**

**COMMITTEE MEETING MINUTES**

**1 NYNGAN MUSEUM**

Attached are the Minutes of Museum Committee meeting held on Wednesday 2 December 2015.

**1.1 Recommendation:**

That the Minutes of the Museum Committee Meeting held on Wednesday 2 December 2015 be received and noted.

**Committee Meeting Minutes to the Ordinary Meeting  
of Bogan Shire Council held on 25 February 2016**

**MUSEUM MEETING WEDNESDAY 2nd December 2015**  
**Meeting Commenced 9.30am**

**PRESENT:**

Glad Eldridge, Tammy Trothe, Val Keighran, Val Hartwig, Collin Parady, Peter Keighran, Donna Pumpa, Yvonne Parady, Anna Corby, Stewart McKenzie, Hugh Sibbald, Ray Donald, Margaret Sibbald, Jock

**APOLOGIES:**

Sharon Thompson and Edna Boss.

The minutes were read by Tammy Trothe. Acceptance was moved by Collin Parady and seconded by Stewart Mackenzie.

**Business Rising**

1. Storage for Pens could be arranged, perhaps glass holders.

**Treasurers Report**

Financial Statement as at 30<sup>th</sup> November 2015. Money is down but seasonal. Support Group is up. Seconded Peter Keighran.

**Correspondence**

Beef Jerky. Do we want to sell at Museum?

**Coordinators Report**

All good. Will buy a vacuum and taps next trip to Dubbo.  
Merchandise all arrived. Stubbie holders and Pens.

**General Business**

1. Mail is being opened at Shire despite being personally addressed. Will we continue with this system or reorganise our PO Box? We have had no mail at all recently. Ray Donald suggests we pick it up and it shouldn't be opened. We need to write to Shire and ask that all mail be forwarded to Museum unopened. Tammy Trothe to write letter.  
Moved Collin Parady Seconded Yvonne Parady.
2. Why is Kourt sign at Museum? Ray? Are we going to put up all signs? Is it structurally safe? Shire should have approached committee before it was erected. It can be removed and stored until it is safe. Can be checked. It can be rediscussed and considered at February meeting. Ray Donald will have Shire check for structural stability.

Next meeting Wednesday 3<sup>rd</sup> February 2016.

Reopen 11<sup>th</sup> January 2016.

Rotary Club is going to close due to lack of membership. Last meeting 1<sup>st</sup> December 2015.

Meeting closed 9.55am.



**Committee Meeting Minutes to the Ordinary Meeting  
of Bogan Shire Council held on 25 February 2016**

**Monthly Banking  
For December 2015**

DATE	Sales	Visitors	Surplus/shortage
07/12/2015	\$ 23.90	\$ 35.00	\$ 0.05
14/12/2015	\$ 72.75	\$ 24.00	
21/12/2015	\$ 299.75	\$ 45.00	\$ 1.25
04/01/2016	\$ 106.65	\$ 121.00	\$ 3.15
<b>TOTAL</b>	<b>\$ 503.05</b>	<b>\$ 225.00</b>	<b>\$ 4.45</b>

Visitors Through Museum	Adults	Children
	11 \$ 33.00	2 \$ 2.00
	8 \$ 24.00	
	15 \$ 45.00	
	36 \$ 108.00	13 \$ 13.00
<b>TOTAL</b>	<b>70 \$ 210.00</b>	<b>15 \$ 15.00</b>

Visitors Through Museum 85

MONTHLY BANKING \$ 732.50

Monthly Surplus/Shortage \$ 4.45

**Committee Meeting Minutes to the Ordinary Meeting  
of Bogan Shire Council held on 25 February 2016**

**Monthly Banking  
For January 2016**

DATE	Sales	Visitors	Surplus/shortage	Visitors Through Museum	Adults	Children
11/01/2016	\$ 18.00	\$ 47.00			15 \$ 45.00	2 \$ 2.00
18/01/2016	\$ 57.90	\$ 60.00			19 \$ 57.00	3 \$ 3.00
25/01/2016	\$ 42.90	\$ 68.00	\$ 0.25		22 \$ 66.00	2 \$ 2.00
31/01/2016	\$ 100.75	\$ 24.00			8 \$ 24.00	
<b>TOTAL</b>	<b>\$ 219.55</b>	<b>\$ 199.00</b>	<b>\$ 0.25</b>		<b>64 \$ 192.00</b>	<b>7 \$ 7.00</b>

Visitors Through Museum 73

MONTHLY BANKING \$ 418.80

Monthly Surplus/Shortage \$ 0.25

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

**REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER'S REPORT**

**Mayor and Councillors**

The following report is submitted for consideration:-

**1 CHECKLIST**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	25/10/2012	315/2012	<b>Local Heritage Sites</b>	When new VIC commences, signpost heritage sites with heritage colour and erect sign with the history of each location.	<b>GM</b>	VIC accreditation approved.  Design of signs underway.
2	13/12/2012 28/03/2013	418/2012 098/2013	<b>Davidson Park Revitalisation Program</b>	Council remove the entire playground, equipment, associated ground cover, fencing & park-bench seating with shelter. Establish paving pathways to the mural.	<b>MDES</b>	Most works completed. Due to completing priorities and need to incorporate Medical Centre planning, majority of remaining works to be reprogrammed to 4 <sup>th</sup> quarter 2015/2016.

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3	19/12/2013	532/2013	<b>Rezoning of Rural Land Outside the Nyngan Township</b>	Report on estimated cost be provided to February 2014 Council meeting prior to progressing with the proposal	<b>MDES</b>	<b>UPDATE:</b>  <b>Deadline for completion of Planning Proposal is August 2016.</b>  <b>Following meeting with Council's Flood Engineer contractor in February 2016 on the flooding issues, Planning Proposal is required to be modified and a further report to Council in March 2016.</b>
4	27/02/2014	006/2014	<b>Medical Services</b>	Pursue & make enquiries into using the Nyngan Multipurpose Service Centre & waiting rooms to attract an additional Medical Officer with VMO rights.	<b>GM</b>	Discussions with Senior Management of NSW Western LHD ongoing – use of MPS is a possibility.
5	24/09/2015	342/2015	<b>Teamster Rest Area</b>	Invite NHS to make suggestions for internal & external painting that the school could undertake.	<b>MDES</b>	Ongoing discussions progressing with NHS.
				Dump point be relocated to Flood Memorial Car Park.	<b>MDES</b>	Further report detailing options and costings to re-locate the dump point will be presented to Council.

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6	22/06/2014	209/2014	<b>Tourist Information Bay</b>	On commencement of project, Council advise owners/apparent owners of existing highway signage that existing signs to be removed & may be replaced by signs on the Information Bays. Council charge an annual fee and an initial fee.	<b>GM / ENG</b>	DA approved.  Sign construction commenced.  Earthworks delayed due to wet weather.  <b><u>UPDATE:</u></b>  <b>Bitumen sealing programmed for mid-February.</b>
7	26/09/2014	362/2014	<b>Nyngan Waste Management &amp; Resource Facility</b>	Cost analysis be presented to Council to compare costs of providing additional staff to man the facility against awarding a contract to an external party.	<b>MDES</b>	<b><u>UPDATE:</u></b>  <b>Due to significance of issues identified under the operational plan, report presented to Council February 2016 meeting following Council resolution 131/2015 to recruit a waste operator under a 12 month contract.</b>

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8	26/09/2014	363/2014	<b>Fire Safety Audit Program</b>	Further report on progress of compliance with Program.	<b>MDES</b>	Fire Safety Audit Reports (FSARs) to all selected properties completed. Meetings held with several owners/Board of Directors.
	26/02/2015	033/2015		Legal proceedings including the issuing of Notices and Orders to commence against the owner/occupier of any premises who fails to confirm their agreement to comply with the findings of the FSAR.		Efforts still being made to have owners upgrade building voluntary.
9	26/02/2015	024/2015	<b>Bogan Shire Early Learning Centre</b>	Loan be raised for Council's contribution to the project.	<b>MCCS</b>	Will be raised towards the end of 2015/16 financial year.
	24/09/2015	337/2015		Subject to checking the LG Act, Council proceed with constructing the project itself.	<b>MDES</b>	Site works commenced Monday 26 November.
	22/10/2015			Advise appropriate name for Nyngan Long Day Care Centre.	<b>MCCS</b>	December 2015 Report refers.  <b>COMPLETED</b>

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10	26/02/2015	042/2015	<b>Chinese Portion – Nyngan Cemetery</b>	Repairs to the burner be carried out in the current year's program.	<b>MDES</b>	Three quotes received and preferred consultant to be selected based on budget and inclusions within quotation.
	25/06/2015	224/2015		<p>Other upgrading matters be considered in 2015/16 estimates.</p> <p>A Heritage Conservation &amp; Management Report be prepared by a selected Consultant within the allocated budget.</p> <p>Send a copy of the MDES report &amp; recommendations from the Heritage Conservation &amp; Management Report to Mr White.</p> <p>Send a letter to the Chinese Embassy with a copy of the Heritage Conservation &amp; Management Report.</p>		<p><b><u>UPDATE:</u></b></p> <p><b>All quotes exceed budget allocation. Grant funding sought from Heritage Office for Emergency Works to the State Heritage Item.</b></p> <p>Action pending completion of report.</p> <p>Action pending completion of report.</p>

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11	23/07/2015	243/2015	<b>Dental Surgery</b>	Report be prepared for Council on the cost/benefit of co-locating the Dental Surgery with the Medical Centre.	<b>MDES</b>	<b><u>UPDATE:</u></b> <b>Recommended to be deferred until after Medical Centre becomes operational.</b>
12	23/07/2015	263/2015	<b>Crushed Waste Rock</b>	Council approach Tritton Mines to offer to purchase the rock.	<b>ENG</b>	Tritton have not yet set a price. Council staff to inspect material.  <b><u>UPDATE:</u></b> <b>Good road base material but not economical unless used on Yarrandale Road.</b>  <b>COMPLETED</b>
13	23/07/2015	269/2015	<b>O'Reilly Park Toilet Facility Upgrade</b>	Upgrades to toilet facility, an access way, ramp and handrail.	<b>MDES</b>	Works scheduled to commence in December 2015.  <b><u>UPDATE:</u></b> <b>Works scheduled to commence start of March 2016.</b>



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14	24/09/2015	377/2015	<b>Baby Change Tables</b>	Baby Change Tables be made available in O'Reilly Park & Davidson Park.	<b>MDES</b>	Quotes received. Installation programmed simultaneously with the toilet facilities upgrade works. <b><u>UPDATE:</u></b>  <b>Works scheduled to commence start of March 2016.</b>
15	22/10/2015	402/2015	<b>Councillors &amp; Officer Liability insurance</b>	Report to Council on the requirement of the Insurance, giving examples form other Councils that have made use of the cover.	<b>MCCS</b>	Representative from StateWide Mutual / JLT to address Council at the February 2016 meeting.
16	22/10/2015	406/2015	<b>Maintenance Grading of Logans Road</b>	Council, in consultation with affected property owners, develops & communicates a policy in regard to gates on public roads so as to comply with the provision of the Roads Act.	<b>ENG</b>	No progress to date.  <b><u>UPDATE:</u></b>  <b>Report to March Council Meeting.</b>

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17	26/11/2015	436/2015	<b>Showground</b>	Remove fence to the north of the Pavilion & repair trackside fence in that area.	<b>ENG</b>	<b>UPDATE:</b> <b>Scheduled for March 2016.</b>
				Advise users of their responsibility to erect a security fence on day of event & Council has supplies of temporary security fencing available for hiring.	<b>GM</b>	<b>UPDATE:</b> <b>Users advised.</b>  <b>COMPLETED</b>
				Duck Creek be required to advise Council by end of March 2016 on what crowd control measure they plan to have in place for stage access at the annual race meeting.		<b>UPDATE:</b> <b>Duck Creek advised.</b> <b>Response to be received.</b>
18	26/11/2015	440/2015	<b>Show Day</b>	Joint approach from Nyngan Combined Schools & Council be made to the Dept of Education for schools to have a full day holiday.	<b>GM</b>	<b>UPDATE:</b>  <b>Discussions held with schools, awaiting further feedback prior to sending letter.</b>

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19	26/11/2015	441/2015	<b>Lions Park</b>	Council consults with community, including Local Aboriginal Land Council & Bogan Aboriginal corporation & submits a Social Housing Community Improvement Fund Grant Application for recreational facilities in Lions Park.	<b>GM</b>	<b><u>UPDATE:</u></b>  <b>Grant submitted.</b>
20	26/11/2015	449/2015	<b>Graincorp</b>	Council write to Graincorp requesting them to take action to reduce dust hazard on northern side of railway crossing adjacent to Graincorp – reported detrimental effect on nearby residents.	<b>ENG</b>	Letter sent. Will be followed up in 2016 prior to harvest.  <b>COMPLETED</b>
21	26/11/2015	457/2015	<b>Sports Insurance</b>	Council write to Minister for Sport & Minister for Health concerning inadequate reply to Council's enquiry on what local sports insurance fees are spent on.	<b>MCCS</b>	Letters to be sent.

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22	26/11/2015	454/2015	<p><b>Tree Risk Assessment – Town Streets</b></p>	<p>4 moderate risk trees within O'Reilly Park be removed within the next 6 months and replanted with appropriate mature species.</p> <hr/> <p>33 trees (excluding any figs) be progressively removed over the next 2 to 3 years and replanted with appropriate mature species, subject to the necessary budget being approved each year.</p> <hr/> <p>Fig trees be selectively pruned / shaped, with bracing systems installed and stumps grinded, as appropriate by a qualified AQF Level 2 Arborist, subject to the necessary budget being approved each year.</p>	<p><b>MDES</b></p>	<p>4 moderate risk trees due for removal by contractor this week 14/12/15. Replanting to occur in autumn.</p> <p><b><u>UPDATE:</u></b> <b>4 Moderate risk trees removed.</b></p> <p><b>COMPLETED</b></p>
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				<p>Council have a qualified Arborist attend in 24 months to reassess those trees which have been retained.</p> <hr/> <p>Manager Development &amp; Environmental Services prepares a street tree planting program, including a diagram of the assessed trees within the next 12 months, ensuring that appropriate mature replacement tree species are included within the future program for Council's consideration.</p>		
23	26/11/2015	467//2015	<b>By-election (resignation of Clr Dutton)</b>	Request Minister of Local Government to dispense with a by-election.	<b>GM</b>	<p><b><u>UPDATE:</u></b></p> <p><b>Response received. Précis February 2016.</b></p> <p><b>COMPLETED</b></p>

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24	17/12/2015	500/2015	<b>Service Station Demolition</b>	Contact John Holland Rail & Dept Planning & Environment regarding zoning & usage of land:- between RSL & Hoskins Street Railway Crossing; & between State Rail Offices & Alamo Motel.	<b>MDES</b>	<p><b><u>UPDATE:</u></b></p> <p>The land located next to the RSL (forms part of the RSL title) is zoned B2 Local Centre and seniors housing or multi-dwellings are both permitted land uses in this zone.</p> <p>The land from the edge of the former RSL bowling green to Hoskins Street is zoned IN1 General Industrial and seniors housing and all forms of residential accommodation is not a permitted land use in this zone.</p> <p>The vacant land located between John Holland Rail and the Alamo / dwelling is zoned B2 Local Centre and seniors housing or multi-dwellings are both permitted land uses in this zone. Of this area up to the dwelling, only two small parcels (totalling approximately 2,472sqm) are currently legally owned by Council.</p>
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						The remainder up to John Holland appears to be rail land (unsurveyed and undefined land). On this basis, further dialogue would be required with John Holland.
25	17/12/2015	513/2015	<b>NSW Rural Fire Services</b>	Advise NSW RFS Council will only accept 1.8% increase on 2014/15 contributions for 2015/16 year.	<b>GM</b>	<b>COMPLETED</b>

## 1.1 Recommendation

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

## 2 FIT FOR THE FUTURE

### Summary:-

- *This report is to the NSW Government's Fit for the Future process.*
- *Bogan Shire Council was required to prepare a submission, by 30 June 2015, to the Minister for Local Government explaining how it is "Fit for the Future".*
- *Council's submission was assessed by IPART with Council found "Fit for the Future as a Rural Council" having met every one of the IPART benchmarks.*

### 2.1 Introduction

The purpose of this report is to the NSW Government's Fit for the Future process.

### 2.2 Background

The latest report to Council in November 2015 and numerous previous reports in 2014 and 2015 refer.

Bogan Shire Council was required to prepare a submission, by 30 June 2015, to the Minister for Local Government explaining how it is "Fit for the Future". Council's submission was assessed by IPART with Council found "Fit for the Future as a Rural Council" having met every one of the IPART benchmarks.

Following the release of the IPART Report in October 2015 the Government began a 30 day "final period of consultation" prior to announcing their response to the IPART report on 18 December 2015. The Government's response was contained in a document entitled *Fit for the Future Progress Report - Stronger Councils, Stronger Communities* which is attached as Attachment 1.



On page 14 of this document, the Government states what their decision means for a Council such as ours:-

*Rural Councils assessed as "fit" with no merger proposal*

1. *Access TCorp borrowing facility.*
2. *Commence implementation of Fit for the Future proposal.*
3. *OLG will work with your Council to implement the legislative changes that you have identified in your proposal or wish to consider further, and will closely monitor improvements.*
4. *Participate in other reform initiatives.*

### **2.3 Discussion**

It is noted that Council will have access to TCorp funds for, for example, the Early Learning Centre and the Medical Centre and the Manager of Corporate & Community Services will report on this in due course.

It is clear from point (2) and (3) that the Government expects Bogan Shire Council to implement our proposal, or Rural Council Plan, - detailed in Section 3 of our Fit for the Future submission - which will, over time, see an improvement in our financial performance ratios.

With this in mind, Attachment 2 details the actions required this financial year according to the Plan and the status of these actions.

### **2.4 Attachment**

- 1 - Fit for the Future Progress Report - Stronger Councils, Stronger Communities
- 2 - Bogan Shire Council - Rural Council Action Plan

### **2.5 Recommendation**

That the Fit for the Future Report be received and noted.



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
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**Attachment 1:**

Fit for the Future Progress Report - Stronger Councils, Stronger Communities

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
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**Attachment 2:**

Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
1.3	<p><b>Redirect expenditure on consultants to Joint Organisation.</b></p> <p><i>Take advantage of opportunities to source expertise from the JO rather than employing private consultants.</i></p> <p>i. Fully identify costs associated with use of private consultants and confirm key areas where these skills are required (e.g. ICT support).</p>	<p>Each department to analyse expenditure on consultants and consider whether these services could be provided by the JO.</p> <p>Next stage requires JO to be established.</p>	Not yet started.	GM	i. June 2016

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
1.4	<p><b>Shared Asset Management</b></p> <p><i>Seek to create a partnership with Orana JO rural councils to strengthen and standardise asset management practices.</i></p> <ul style="list-style-type: none"> <li>i. Obtain agreement from the three other rural councils within Orana JO</li> <li>ii. Make application to the Innovation Fund.</li> </ul>	<p>MC&amp;CS has lead the work amongst OROC Rural Councils towards a common asset management system as well as an application to the Innovation Fund. Applications due 1 April 2016.</p>	<p>Approaching completion.</p>	<p>MCCS</p>	<ul style="list-style-type: none"> <li>i. June 2016</li> <li>ii. June 2016</li> </ul>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
1.5	<p><b>Identify other opportunities for resource sharing.</b></p> <p><i>Within Orana JO rural councils, identify opportunities for further resource-sharing</i></p> <p>i. Identify current opportunities with other Orana JO rural councils.</p>	<p>Discussions yet to be held with other Councils.</p>	Not yet started	GM	i. June 2016

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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
3.1	<p><b>Centres of Excellence</b></p> <p><i>Investigate options for making use of Bogan Shire staff, to develop local centres of excellence to service nearby Councils both inside and outside of Orana JO.</i></p> <ul style="list-style-type: none"> <li>i. Thoroughly review available expertise and opportunities.</li> <li>ii. Review capacity for taking on increased workload and implications for staffing / levels of service.</li> </ul>	Managers currently undertaking audit of skills /expertise	In progress	GM	<ul style="list-style-type: none"> <li>i. Dec 2015</li> <li>ii. June 2016</li> </ul>

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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
3.2	<p><b>Highway Construction Projects</b></p> <p><i>With recognised strengths in highway maintenance and construction work, continue with – and expand - contract work on behalf of RMS.</i></p> <p>i. Continue annual discussions with RMS about the potential for more contract work on their behalf.</p> <p>ii. Obtain confirmation of the level of medium-term funding from RMS for contract work.</p>	<p>i. Discussion held with RMS about the potential for more work – The RMS is very reluctant to guarantee any work or major projects to any Councils until the upcoming state budget is announced at the beginning of the year. During each financial year RMS continually encourages Council to submit work proposal for new projects on the possibility additional funding becomes available. This has allowed Council to gain extra work than what was initially budgeted for over the last couple of years. Council needs to have multiple RMS projects shelf ready throughout the year.</p> <p>ii. The current funding for RMCC yearly routine services will remain as is, or slightly increase each year. The Government said there is to be no change with the current RMCC arrangements until after the implementation of IPART's 'Fit for the Future' recommendations.</p>	<p>Initial discussions completed – will continue.</p> <p>Completed – ongoing discussions will continue</p>	MES	<p>i. June 2016</p> <p>ii. June 2016</p>

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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
5.1	<p><b>Complexity of Annual Report for Smaller Local Governments</b></p> <p><i>Encourage the NSW Government to review the level of detail required for, and complexity of, Local Government Annual Financial Statements in NSW for smaller Councils</i></p> <p>i. Bogan Shire Council to raise through Local Government NSW.</p>	<p>Submission made via the IPART Review of reporting and compliance burdens on Local Government with a copy to Local Government NSW</p>	<p>Draft submission to Council – February 2016.</p>	<p>MCCS</p>	<p>i. June 2016</p>



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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
5.2	<p><b>Reduction in NSW Government Red Tape</b></p> <p><i>Work with Local Government NSW and Orana JO to undertake a review of where efficiencies can be gained, particularly for smaller Councils, in the context of the IPART Local Government Compliance and Enforcement Review.</i></p> <p>i. Request Local Government NSW to raise with NSW Government on behalf of industry.</p>	<p>Submission made via the IPART review of reporting and compliance burdens on Local Government</p>	<p>Draft submission to Council – February 2016.</p>	<p>GM</p>	<p>i. June 2016</p>

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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
5.3	<p><b>Rating Review</b></p> <p><i>Seek opportunity for justifiable, increased rates from Nyngan Solar Plant (largest solar power station in the southern hemisphere) via a new land category – Section 493 of Local Government Act.</i></p> <p>Pursue request made to Minister for Local Government for consideration of a new land category, potentially based on Victorian model where level of power generation is taken into account.</p>	<p>Submission to be made to Phase 2 of the review of the Local Government Act.</p> <p>If required, an application for a rate variation to accommodate this change will have to be made.</p>	<p>Awaiting release of Phase 2 document for comment.</p>	<p>MCCS</p>	<p>i. June 2016</p>

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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
5.4	<p><b>Review of Unfunded Activities</b></p> <p><i>In addition to "Red Tape Review", review unfunded or underfunded responsibilities, including compliance activities, relating to NSW legislation or areas of responsibility.</i></p> <p>i. Request Local Government NSW to lead an initiative to seek additional revenue from the NSW State Government / alternatively a reduction in council responsibilities in respect of these activities.</p>	<p>Review of Council's compliance activities and associated costs to be carried out and report prepared.</p> <p>Will also be covered in Submission made via the IPART review of reporting and compliance burdens on Local Government</p>	Not yet started	MDES	i. June 2016

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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
6.2	<p><b>Plant Management</b></p> <p><i>Conduct Service Review for Plant Management.</i></p> <p>i. Engage consultants / JO to assist with process of identifying where efficiencies can be made in operations as well as an optimal change over regime.</p>	Review to identify most effective use of plant and replacement timeframes.	Not yet started.	MCCS with MES	i. June 2016

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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
6.4	<p><b>Cost Accounting Review – Water and Sewerage</b></p> <p><i>Cost accounting review – activity based costing exercise to ensure appropriate costing of council overheads.</i></p> <p>i. Commit resources to a review of cost accounting processes to establish true cost of running water and sewerage services, believed to be partially cross-subsidised by General Fund at present.</p>	<p>Review to determine extent of cross-subsidisation to be completed to allow for adjustments in the 2016/17 budget.</p>	<p>Preliminary work completed for 2015/16 estimates.</p>	<p>MC&amp;CS</p>	<p>i. June 2016</p>

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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
7.1	<p><b>Confirm Depreciation</b></p> <p><i>Undertake a review of depreciation to confirm that assumptions regarding required renewals are valid.</i></p> <ul style="list-style-type: none"> <li>i. Engage consultants to review depreciation methodologies and assumptions across all asset categories.</li> <li>ii. Review effect of these changes.</li> <li>iii. Agree on outcome with auditors.</li> </ul>	<p>Due dates to be adjusted as a result of Fit for the Future timeframes.</p> <p>Depreciation on buildings is a priority.</p>	Not yet started.	GM MDES MCCS  with and	<ul style="list-style-type: none"> <li>i. Oct 2015</li> <li>ii. Jan 2016</li> <li>iii. Jun 2016</li> </ul>

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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
7.2	<p><b>Review of medium term capital priorities</b></p> <p><i>Undertake a review of the mix of proposed capital works to ensure an appropriate mix of new works and renewal works.</i></p> <p>i. Prepare medium to long term capital works program based on asset management data, community feedback and required renewals / depreciation.</p>	<p>To be considered in preparation of 2016/17 capital budget and forward program. Council's asset management data is currently being used to identify areas of future capital works. The data provided by asset inspections and customer complaints is able, 99% of the time, to identify areas where renewal is required, and not new works.</p>	In progress.	MES	i. Jan 2016

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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
7.3	<p><b>Apply Roads to Recovery increase to Renewals</b></p> <p><i>Apply approved and increased Roads to Recovery funding to asset renewals.</i></p> <p>i. Use recent road asset audit undertaken as part of revaluation to identify priority road renewal projects.</p>	<p>Data from Council's Asset Management Plan has identified approximately \$1.2m of re-sheeting, and resealing that currently needs to be completed on Council's road network.</p>	Completed	MES	i. Dec 2015



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Proposal Number	Actions	Comments	Status	Responsible Manager	Action due by
7.5	<p><b>Dedicate % of Financial Assistance Grants to renewals</b></p> <p><i>“Ring-fence” half of expected FAG increase, up to \$100k per annum, over the next 5 years to be applied to asset renewals.</i></p> <p>i. Use recent road asset audit undertaken as part of revaluation to identify priority projects.</p>	<p>Awaiting notification of any increase in FAG grants to smaller rural Councils for 2016/17.</p>	<p>To be discussed at 2016/17 budget workshop.</p>	<p>MC&amp;CS</p>	<p>i. Dec 2015</p>

### **3 IPART REVIEW**

*Summary:*

- *This report is to present the draft recommendations and findings of the IPART Review of reporting and compliance burdens on Local Government and Council's draft submission in response.*

#### **3.1 Introduction**

The purpose of this report is to present the draft recommendations and findings of the IPART Review of reporting and compliance burdens on Local Government and Council's draft submission in response.

#### **3.2 Background**

The NSW Government's current Local Government Reform Program includes commissioning IPART to undertake a review to "identify inefficient, unnecessary or excessive burdens placed on Local Government by the State in the form of planning, reporting and compliance obligations, and to make recommendations for how these burdens can be reduced".

Council was notified on IPART's draft report on 18 January with submissions in response closing on 19 February 2016.

#### **3.3 Discussion**

IPART has listed 49 draft recommendations in their draft report – refer Attachment 1, which is Chapter 2, extracted from their draft report. The entire draft report is 229 pages long and is available from the IPART website or from the General Manager's office.

Council staff has prepared responses to these recommendations (Attachment 2), the majority of which are supported.

The Lower Macquarie Water Utilities Alliance, on behalf of member Councils, has already made a submission in respect of the water-related draft recommendations – refer Attachment 3.

### **3.4 Attachment**

1. Extract from IPART Draft Report – Chapter 2, Listing of Draft Recommendations and Findings.
2. Bogan Shire Council draft submission to IPART - Review of Reporting and Compliance on Local Government.
3. LMWUA Submission to IPART - Review of Reporting and Compliance on Local Government – Water.

### **3.5 Recommendation**

1. That Council notes the submission made by the Lower Macquarie Water Utilities Alliance.
2. That the General Manager makes a submission in response to the IPART Review of Reporting and Compliance on Local Government based on Attachment 2.

## Attachment 1

### 2 | Listing of Draft Recommendations and Findings

Our draft recommendations and findings are set out below, along with the page number where each is discussed in the report.

#### Systemic issues

##### Draft Recommendations

- 1 That the Department of Premier and Cabinet (DPC) revise the *NSW Guide to Better Regulation* to include requirements for State agencies developing regulations involving regulatory or other responsibilities for local government, as part of the regulation-making process, to: 34
  - consider whether a regulatory proposal involves responsibilities for local government 34
  - clearly identify and delineate State and local government responsibilities 34
  - consider the costs and benefits of regulatory options on local government 34
  - assess the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government 34
  - take a coordinated, whole-of-government approach to developing the regulatory proposal 34
  - collaborate with local government to inform development of the regulatory proposal 34
  - if establishing a jointly provided service or function, reach agreement with local government as to the objectives, design, standards and shared funding arrangements, and 34
  - develop an implementation and compliance plan. 34
  
- 2 That the NSW Government maintain a *Register of local government reporting, planning and compliance obligations* that should be used by State agencies in the regulation-making process to manage the volume of regulatory requirements imposed on councils and to avoid creating unnecessary or duplicative requirements. 38

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### 2 Listing of Draft Recommendations and Findings

- |   |   |    |
|---|---|----|
| 3 | That the NSW Government remove restrictions on fees for statutory approvals and inspections to allow for the recovery of efficient costs, subject to monitoring and benchmarking.   | 41 |
| 4 | Where fees continue to be set by statute, that the relevant NSW Government agency reviews the level of the fees every 3-5 years and amends the relevant legislation to allow these fees to increase annually in line with CPI or an index of fee-related costs. | 41 |
| 5 | That if statutory fees are capped below cost recovery to ensure affordability or for other policy reasons, then the NSW Government should reimburse councils for the shortfall in efficient costs.  | 41 |
| 6 | That the Department of Premier and Cabinet amend the <i>Good Practice Guide to Grant Administration</i> , to:   | 45 |
|   | – recognise Local Government as separate from non-government organisations  | 45 |
|   | – remove acquittal requirements for untied grants   | 45 |
|   | – explicitly address ongoing maintenance and renewal costs when funding new capital projects  | 45 |
|   | – require Agencies to rely on existing council reporting to assess financial stability and management performance of councils   | 45 |
|   | – lengthen acquittal periods for ongoing grant programs to four years, and use Memorandum of Understanding (MOU) arrangements, rather than requiring councils to reapply annually, and  | 45 |
|   | – provide for a streamlined acquittal process for grants of less than \$20,000 in total, examples of streamlining include:  | 45 |
|   | o not requiring further external financial audit  | 45 |
|   | o using risk-based controls and requirements, and   | 45 |
|   | o confining performance measurement to outcomes consistent with the purpose of the grant.   | 45 |
| 7 | That the Department of Finance, Services and Innovation use the NSW ICT Strategy and Information Asset Registers to:  | 47 |
|   | – provide a central website to consolidate Local Government reporting portals, searchable data sets, reports and publications   | 47 |
|   | – facilitate council use of the central website, and  | 47 |
|   | – facilitate sharing of Local Government data and information between State Government agencies.  | 47 |

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2 Listing of Draft Recommendations and Findings

- 8 That the Office of Local Government introduce a "gateway" framework, using a cost-benefit methodology, to assess new State agency proposals for reporting and data collection from Local Government. 47
- 9 That the Department of Planning and Environment, including through the Office of Local Government, review public notice print media requirements in the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the *Environmental Planning and Assessment Act 1979*, and the *Environmental Planning and Assessment Regulation 2000* and, where the cost to councils of using print media exceeds the benefit to the community, remove print media requirements and allow online advertising, mail-outs and other forms of communication as alternatives. 49

**Water and Sewerage**

Draft Recommendations

- 10 That the Department of Primary Industries Water (DPI Water) undertake central water planning for Local Water Utilities (LWUs) to ensure that water supply and demand options are considered in the context of catchments, replacing the water planning LWUs currently undertake individually through Integrated Water Cycle Management Strategies. 54
- 11 That the NSW Government enable LWUs with sufficient capacity to be regulated under the *Water Industry Competition Act 2006* as an alternative to their current regulation under the Best-Practice Management of Water Supply and Sewerage Framework and section 60 of the *Local Government Act 1993*. 54
- 12 That DPI Water amend the *Best-Practice Management of Water Supply and Sewerage Guidelines* to: 61
- streamline the NSW Performance Monitoring System to ensure each performance measure reported is: 61
    - linked to a clear regulatory objective 61
    - used by either most Local Water Utilities (LWUs) or DPI Water for compliance or meaningful comparative purposes 61
    - not in excess of the performance measures required under the National Water Initiative, and 61
    - not duplicating information reported to other State agencies. 61
  - reduce the number of performance measures and/or the frequency of reporting for small LWUs with fewer than 10,000 connections 61
  - align trade waste reporting with other performance reporting, on a financial year basis, subject to consultation with LWUs, LGNSW and the Water Directorate, and 61

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2 Listing of Draft Recommendations and Findings

- implement a risk-based auditing regime for LWU wanting to pay a dividend to their council's general fund. 61
- 13 That NSW Health determine a standardised service report template to be used by technicians undertaking quarterly servicing of aerated wastewater treatment systems, in consultation with councils. 65
- 14 That the *Local Government (General) Regulation 2005* be amended to require service reports to be provided to councils using the template determined by NSW Health as a standard condition of approval to operate an aerated wastewater treatment system. 65

**Planning**

Draft Recommendations

- 15 That the Department of Planning and Environment (DPE): 75
  - Implement a data sharing model with the Australian Bureau of Statistics in relation to building approvals in NSW. 75
  - Introduce a consolidated data request of councils for the purposes of the *Local Development Performance Monitoring (LDPM)*, *Housing Monitor*, *State Environmental Planning Policy (Affordable Rental Housing) 2009* (Affordable Rental Housing) and *State Environmental Planning Policy No 1 – Development Standards (SEPP 1 variations)*. 75
  - Fund an upgrade of councils' software systems to automate the collection of data from councils for the purposes of the LDPM, *Housing Monitor*, Affordable Rental Housing and SEPP 1 variations. 75
  - Publish the data collected from councils on Affordable Rental Housing and SEPP 1 variations data. 75
  - Seek agreement with the Land & Environment Court to obtain appeal data directly from the Court. 75
  - Remove the administrative requirement for councils to report to DPE on political donations or gifts under section 147 of the *Environmental Planning & Assessment Act 1979*. 75
- 16 That the *Environmental Planning and Assessment Act 1979* be amended to enable zoning and development standards information under section 149(2) of the *Environmental Planning and Assessment Act 1979* to be provided through the NSW Planning Portal. 86
- 17 That the *Environmental Planning and Assessment Regulation 2000* be amended to specify the information that can be provided by councils in accordance with section 149(5) of the *Environmental Planning & Assessment Act 1979*. 87

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2 Listing of Draft Recommendations and Findings

18	That DPE amend the NSW Planning Portal to provide for online:	87
	– payment of fees and charges by applicants and for the Planning Reform Fund fee to then be automatically directed to DPE	87
	– zoning and development standards information under section 149(2) of the <i>Environmental Planning &amp; Assessment Act 1979</i>	87
	– joint applications for development approvals and construction certificates, and	87
	– information under section 149(5) of the <i>Environmental Planning &amp; Assessment Act 1979</i> to be accessible via a link to council websites.	87
19	That DPE manage referrals to State agencies through a 'one-stop shop' in relation to:	93
	– planning proposals (LEPs)	94
	– development applications (DAs), and	94
	– integrated development assessments (IDAs).	94
20	That DPE develop suites of standardised development consent conditions and streamline conditions that require consultant reports or subsequent approvals, in consultation with councils, State government agencies and other key stakeholders.	98

**Administration and governance**

Draft Recommendations

21	That the NSW Government streamline the reporting requirements for the Integrated Planning and Reporting (IP&R) framework in the revised Local Government Act.	103
22	Ahead of the next IP&R cycle (2016), that the Office of Local Government:	103
	– provide councils with a common set of performance indicators to measure performance within the IP&R framework	103
	– conduct state-wide community satisfaction surveys and release the results to allow comparisons between councils and benchmarking	103
	– provide guidance to councils on the form and content of the End of Term Report and its relationship to local councils' Annual Reports	103
	– clarify for councils the purpose, form and content of the State of the Environment report and clarify its relationship to the End of Term Report	103
	– work with the Office of Environment and Heritage, the NSW Environment Protection Authority and other relevant agencies to develop performance indicators for councils to use, and	103



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- where relevant, amend the IP&R Guidelines and Manual to incorporate this material. 103
- 23 That the Office of Local Government remove requirements for councils to report more in the General Purpose Financial Statements than is required by the Australian accounting standards, issued by the Australian Accounting Standards Board, except for requirements which are unique and high value to local government such as Note 21 and Special Schedule 7. 108
- 24 That clause 163(2) of the *Local Government (General) Regulation 2005* be amended to allow the Office of Local Government to determine the councils for which the threshold for formal tendering would be increased to \$250,000, with this threshold to be reviewed every five years. 111
- 25 That section 377(1)(i) of the *Local Government Act 1993* be amended to allow the Council to delegate the acceptance of tenders. 111
- 26 That the Department of Planning and Environment, through the Office of Local Government, review the requirements in the *Local Government Act 1993* for Ministerial approvals; those that are not justified on the basis of corruption prevention, probity or protecting the interests of the State be removed. 114
- 27 That the Office of Local Government introduce guidelines that specify maximum response times for different categories of approvals. 114
- 28 That the Department of Planning and Environment, through the Office of Local Government, review all approvals required under section 68 of the *Local Government Act 1993* in order to: 117
  - determine the activities for which a separate local council approval under section 68 is necessary 117
  - revise the regulatory frameworks within NSW legislation to remove duplication 117
  - place as many approval requirements as possible in specialist legislation, and 117
  - where appropriate, enable mutual recognition of approvals issued by another council. 117
- 29 That the *Local Government Act 1993* be amended to transfer current requirements relating to the length of time for temporary appointments under section 351(2) to the *Local Government (General) Regulation 2005* or the relevant awards. 122
- 30 Extend the maximum periods of temporary employment from 12 months to four years within any continuous period of five years, similar to Rule 10 of the *Government Sector Employment Rules 2014*. 122

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2 Listing of Draft Recommendations and Findings

- 31 That section 31 of the *Public Interest Disclosures Act 1994* be amended to require councils to report on public interest disclosures in their annual reports and remove the requirement for an annual public interest disclosures report to be provided to the Minister for Local Government. 124
- 32 That section 125 of the *Government Information (Public Access) Act 2009* be amended to allow councils to lodge annual reports of their obligations under the Act within five months after the end of each reporting year. 126
- 33 That the Office of Local Government assist the Information and Privacy Commission to circulate to councils information related to the *Government Information (Public Access) Act 2009*. 126

Draft Findings

- 1 That the principles and processes outlined in ICAC's *Guidelines for managing risk in direct negotiations* are best practice standards which can be applied where a lack of competition exists in a Local Government Area. 111

**Building and construction**

Draft Recommendations

- 34 That the Building Professionals Board include information on travel charges for certification services in regional areas when developing an indicative fee schedule. 135
- 35 That the Building Professionals Board or the proposed Office of Building Regulation (in consultation with Department of Planning and Environment, Fire & Rescue NSW and local government) design the new online system for submitting annual fire safety statements (AFSS) to allow councils to identify buildings in their area that require an AFSS, and where follow up or enforcement action is required. 137
- 36 That the *Environmental Planning and Assessment Regulation 2000* be amended to clarify what constitutes a 'significant fire safety issue'. 140
- 37 That section 121ZD of the *Environmental Planning and Assessment Act 1979* be amended to allow councils to delegate authority to the General Manager to consider a report by the Fire Brigade, make a determination and issue an order, rather than having the report considered at the next council meeting. 140

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2 Listing of Draft Recommendations and Findings

Draft Findings

- 2 The draft recommendations of the *Independent Review of the Building Professionals Act 2005* (Lambert Building Review), if supported by the NSW Government, would: 131
- Substantially improve the funding and ability of councils to effectively undertake their compliance functions in relation to unauthorised building work and refer certifier complaints to the Building Professionals Board. 131
  - Introduce more effective disincentives (for example, penalties) for unauthorised building work. 131
  - Institute a system of electronic lodgement of certificates and documentation from private certifiers to councils in a standardised form. This should reduce current record management burdens on councils, which would allow the information to be used to inform building regulation policy development and better targeting of council and state resources in building regulation. 131
  - Reduce the frequency of accreditation renewals from annually to every three to five years. 132
  - Create a new category of regional certifier to reduce the accreditation burden on councils and increase the number of certifiers in the regions. 132
- 3 That under the *Local Government Act 1993* councils can set their fees for certification services to allow for full cost recovery. These fees can include travel costs. 135
- 4 That the online Building Manual, proposed in the e-building initiative draft recommendation of the Lambert Building Review, would remove the current burden on councils of collecting and maintaining records of annual fire safety statements. 137

**Public land and infrastructure**

Draft Recommendations

- 38 That the NSW Government transfer Crown reserves with local interests to councils, as recommended by the NSW Crown Lands Management Review and piloted through the Local Land Program Pilot. 143
- 39 Consistent with its response to the Crown Lands Legislation White Paper, that the NSW Government ensure that Crown reserves managed by councils are subject to *Local Government Act 1993* requirements in relation to: 143
- Ministerial approval of licences and leases, and 143
  - reporting. 143

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2 Listing of Draft Recommendations and Findings

- |    |   |     |
|----|---|-----|
| 40 | That the NSW Government streamline the statutory process for closing Crown roads, including the arrangements for advertising road closure applications.   | 146 |
| 41 | That the NSW Government reduce the backlog of Crown road closure applications to eliminate the current waiting period for applications to be processed.   | 146 |
| 42 | That the NSW Government streamline the provisions of the <i>Local Government Act 1993</i> relating to plans of management for community land to align public notice and consultation with councils' community engagement for Integrated Planning and Reporting purposes.                                  | 149 |
| 43 | That Roads and Maritime Services provide greater support for councils to develop the competency to conduct route access assessments and process heavy vehicle applications. This support should be focused on developing the competency and skills within councils to perform these regulatory functions. | 151 |
| 44 | That the <i>Impounding Act 1993</i> be amended to treat caravans and advertising trailers in the same way as boat trailers when considering whether they are unattended for the purposes of the Act.  | 153 |

**Animal control**

Draft Recommendations

- |    |  |     |
|----|--|-----|
| 45 | That the Office of Local Government's redesign and modernisation of the central <i>Register of Companion Animals</i> includes the following functionality: | 157 |
|    | – online registration, accessible via mobile devices anywhere  | 157 |
|    | – a one-step registration process, undertaken at the time of microchipping and identifying an animal   | 157 |
|    | – the ability for owners to update change of ownership, change of address and other personal details online  | 157 |
|    | – unique identification information in relation to the pet owner (ie, owner's date of birth, driver licence number or Medicare number)                     | 157 |
|    | – the ability to search by owner details   | 157 |
|    | – the ability for data to be analysed by Local Government Area (not just by regions)   | 157 |
|    | – the ability for data to be directly uploaded from pound systems, and   | 157 |
|    | – centralised collection of registration fees so funding can be directly allocated to councils.  | 157 |

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2 Listing of Draft Recommendations and Findings

- 46 That the *Companion Animals Act 1998* and *Companion Animals Regulation 2008* be amended to require unique identification information in relation to the pet owner (ie, owner's date of birth, drivers licence number or Medicare number), to be entered in the register at the time of entering animal identification information and when there is a change of ownership. 157

**Community order**

Draft Recommendations

- 47 That the NSW Government review how councils are currently applying Alcohol Free Zone (AFZ) and Alcohol Prohibited Area (APA) provisions in response to alcohol related anti-social behaviour and clarify the rationale and processes for declaring AFZs and APAs in the *Local Government Act 1993* and Ministerial Guidelines on Alcohol-Free Zones. 165
- 48 That the NSW Government provide an efficient process for consultation and decision making on temporary and events-based alcohol restrictions. 165
- 49 That the *Graffiti Control Act 2008* be amended to allow councils to prosecute individuals and organisations that commission or produce bill posters that are visible from a public place within their local government area. 168

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Attachment 2

	IPART Draft Recommendation	Bogan Shire Council Draft Response
1	<p>That the Department of Premier and Cabinet (DPC) revise the <i>NSW Guide to Better Regulation</i> to include requirements for State agencies developing regulations involving regulatory or other responsibilities for local government, as part of the regulation-making process, to:</p> <ul style="list-style-type: none"> <li>– consider whether a regulatory proposal involves responsibilities for local government</li> <li>– clearly identify and delineate State and local government responsibilities</li> <li>– consider the costs and benefits of regulatory options on local government</li> <li>– assess the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government</li> <li>– take a coordinated, whole-of-government approach to developing the regulatory proposal</li> <li>– collaborate with local government to inform development of the regulatory proposal</li> <li>– if establishing a jointly provided service or function, reach agreement with local government as to the objectives, design, standards and shared funding arrangements, and</li> <li>– develop an implementation and compliance plan.</li> </ul>	<p>Strongly support - full cost recovery is should be the standard for all regulatory services undertaken on behalf of the NSW Government.</p>
2	<p>That the NSW Government maintain a <i>Register of local government reporting, planning and compliance obligations</i> that should be used by State agencies in the regulation-making process to manage the volume of regulatory requirements imposed on councils and to avoid creating unnecessary or duplicative requirements.</p>	<p>Strongly support</p>
3	<p>That the NSW Government remove restrictions on fees for statutory approvals and inspections to allow for the recovery of efficient costs, subject to monitoring and benchmarking.</p>	<p>Strongly support – inadequate cost recovery has been identified as an issue.</p>

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	IPART Draft Recommendation	Bogan Shire Council Draft Response
4	Where fees continue to be set by statute, that the relevant NSW Government agency reviews the level of the fees every 3-5 years and amends the relevant legislation to allow these fees to increase annually in line with CPI or an index of fee-related costs.	Support
5	That if statutory fees are capped below cost recovery to ensure affordability or for other policy reasons, then the NSW Government should reimburse councils for the shortfall in efficient costs.	Strongly support
6	That the Department of Premier and Cabinet amend the <i>Good Practice Guide to Grant Administration</i> , to: <ul style="list-style-type: none"> <li>– recognise Local Government as separate from non-government organisations</li> <li>– remove acquittal requirements for untied grants</li> <li>– explicitly address ongoing maintenance and renewal costs when funding new capital projects</li> <li>– require Agencies to rely on existing council reporting to assess financial stability and management performance of councils</li> <li>– lengthen acquittal periods for ongoing grant programs to four years, and use Memorandum of Understanding (MOU) arrangements, rather than requiring councils to reapply annually, and</li> <li>– provide for a streamlined acquittal process for grants of less than \$20,000 in total, examples of streamlining include: <ul style="list-style-type: none"> <li>o not requiring further external financial audit</li> <li>o using risk-based controls and requirements, and</li> <li>o confining performance measurement to outcomes consistent with the purpose of the grant.</li> </ul> </li> </ul>	Support

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	IPART Draft Recommendation	Bogan Shire Council Draft Response
7	That the Department of Finance, Services and Innovation use the NSW ICT Strategy and Information Asset Registers to: <ul style="list-style-type: none"> <li>– provide a central website to consolidate Local Government reporting portals, searchable data sets, reports and publications</li> <li>– facilitate council use of the central website, and</li> <li>– facilitate sharing of Local Government data and information between State Government agencies.</li> </ul>	Support
8	That the Office of Local Government introduce a “gateway” framework, using a cost-benefit methodology, to assess new State agency proposals for reporting and data collection from Local Government.	Support
9	That the Department of Planning and Environment, including through the Office of Local Government, review public notice print media requirements in the <i>Local Government Act 1993</i> , the <i>Local Government (General) Regulation 2005</i> , the <i>Environmental Planning and Assessment Act 1979</i> , and the <i>Environmental Planning and Assessment Regulation 2000</i> and, where the cost to councils of using print media exceeds the benefit to the community, remove print media requirements and allow online advertising, mail-outs and other forms of communication as alternatives.	Support – although not considered onerous for BSC.
10	That the Department of Primary Industries Water (DPI Water) undertake central water planning for Local Water Utilities (LWUs) to ensure that water supply and demand options are considered in the context of catchments, replacing the water planning LWUs currently undertake individually through Integrated Water Cycle Management Strategies.	Refer LMWUA submission.
11	That the NSW Government enable LWUs with sufficient capacity to be regulated under the <i>Water Industry Competition Act 2006</i> as an alternative to their current regulation under the Best-Practice Management of Water Supply and Sewerage Framework and section 60 of the <i>Local Government Act 1993</i> .	Refer LMWUA submission.



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	IPART Draft Recommendation	Bogan Shire Council Draft Response
12	<p>That DPI Water amend the <i>Best-Practice Management of Water Supply and Sewerage Guidelines</i> to:</p> <ul style="list-style-type: none"> <li>– streamline the NSW Performance Monitoring System to ensure each performance measure reported is: <ul style="list-style-type: none"> <li>o linked to a clear regulatory objective</li> <li>o used by either most Local Water Utilities (LWUs) or DPI Water for compliance or meaningful comparative purposes</li> <li>o not in excess of the performance measures required under the National Water Initiative, and</li> <li>o not duplicating information reported to other State agencies.</li> </ul> </li> <li>– reduce the number of performance measures and/or the frequency of reporting for small LWUs with fewer than 10,000 connections</li> <li>– align trade waste reporting with other performance reporting, on a financial year basis, subject to consultation with LWUs, LGNSW and the Water Directorate, and</li> <li>– implement a risk-based auditing regime for LWU wanting to pay a dividend to their council's general fund.</li> </ul>	Refer LMWUA submission.
13	That NSW Health determine a standardised service report template to be used by technicians undertaking quarterly servicing of aerated wastewater treatment systems, in consultation with councils.	Strongly support.
14	That the Local Government (General) Regulation 2005 be amended to require service reports to be provided to councils using the template determined by NSW Health as a standard condition of approval to operate an aerated wastewater treatment system.	Refer LMWUA submission.
15(1)	That the Department of Planning and Environment (DPE): – Implement a data sharing model with the Australian Bureau of Statistics in relation to building approvals in NSW.	Strongly support - a positive step to ensure data is consistent.

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	IPART Draft Recommendation	Bogan Shire Council Draft Response
15(2)	Introduce a consolidated data request of councils for the purposes of the Local Development Performance Monitoring (LDPM), Housing Monitor, State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Rental Housing) and State Environmental Planning Policy No 1 – Development Standards (SEPP 1 variations).	The data required for LDPM and in particular Variations to the LEP should be able to be reported in one report annually. There is no need to be reporting quarterly or half yearly on different areas of concern. Or allow this to be sourced from Council's DA tracker/ EHC System.
15(3)	Fund an upgrade of councils' software systems to automate the collection of data from councils for the purposes of the LDPM, Housing Monitor, Affordable Rental Housing and SEPP 1 variations.	This could be implemented via the same DA Tracker system which the department also uses to monitor. BSC has only recently developed this DA tracker so this is a positive step in reducing the amount of reporting needed throughout the year.
15(4)	Publish the data collected from councils on Affordable Rental Housing and SEPP 1 variations data.	Support
15(5)	Seek agreement with the Land & Environment Court to obtain appeal data directly from the Court.	Support
15(6)	Remove the administrative requirement for councils to report to DPE on political donations or gifts under section 147 of the Environmental Planning & Assessment Act 1979.	Support - another report which is unnecessary.
16	That the Environmental Planning and Assessment Act 1979 be amended to enable zoning and development standards information under section 149(2) of the Environmental Planning and Assessment Act 1979 to be provided through the NSW Planning Portal.	Support – however, whilst this would remove the burden on Councils preparing the 149(2) applications, Council will be losing revenue.



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	IPART Draft Recommendation	Bogan Shire Council Draft Response
17	That the Environmental Planning and Assessment Regulation 2000 be amended to specify the information that can be provided by councils in accordance with section 149(5) of the Environmental Planning & Assessment Act 1979.	Support
18	That DPE amend the NSW Planning Portal to provide for online: payment of fees and charges by applicants and for the Planning Reform Fund fee to then be automatically directed to DPE - zoning and development standards information under section 149(2) of the Environmental Planning & Assessment Act 1979 - joint applications for development approvals and construction certificates, and information under section 149(5) of the Environmental Planning & Assessment Act 1979 to be accessible via a link to council websites.	<p>Do not support DA and CC lodgement via the NSW Planning Portal. BSC cannot support this service if payment of lodgement fees is also made online.</p> <p>How will Council be made aware of payments made under the Planning Portal payment option for Planning reform? Council applies the payment at the time of lodgement of the application to which the fee is required to be paid. The payment is then forwarded onto the Department via the monthly return. Whilst there are not problems with removing this burden from Council, there is no information on how Council will be notified so they do not apply it at DA lodgement. Not all parties will pay the PRF online.</p>



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	IPART Draft Recommendation	Bogan Shire Council Draft Response
19	That DPE manage referrals to State agencies through a 'one-stop shop' in relation to: planning proposals (LEPs) - development applications (DAs), and integrated development assessments (IDAs).	<p>Do not support - Concerns that DPE will become the 'middle agency' with respect to DA referrals to other state agencies and integrated referrals where concurrence is required and further delays are encountered.</p> <p>Support the "Solutions proposed by Councils" on page 95.</p>
20	That DPE develop suites of standardised development consent conditions and streamline conditions that require consultant reports or subsequent approvals, in consultation with councils, State government agencies and other key stakeholders.	Support
21	That the NSW Government streamline the reporting requirements for the Integrated Planning and Reporting (IP&R) framework in the revised Local Government Act.	Council fully supports Draft recommendation No 21, the NSW Govt streamline the reporting requirements for the IP&R framework. However, Council would like detail what is going to be done in order to achieve this objective.

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	IPART Draft Recommendation	Bogan Shire Council Draft Response
22	<p>Ahead of the next IP&amp;R cycle (2016), that the Office of Local Government:</p> <ul style="list-style-type: none"> <li>– provide councils with a common set of performance indicators to measure performance within the IP&amp;R framework</li> <li>– conduct state-wide community satisfaction surveys and release the results to allow comparisons between councils and benchmarking</li> <li>– provide guidance to councils on the form and content of the End of Term Report and its relationship to local councils' Annual Reports</li> <li>– clarify for councils the purpose, form and content of the State of the Environment report and clarify its relationship to the End of Term Report</li> <li>– work with the Office of Environment and Heritage, the NSW Environment Protection Authority and other relevant agencies to develop performance indicators for councils to use, and</li> <li>– where relevant, amend the IP&amp;R Guidelines and Manual to incorporate this material.</li> </ul>	<p>Council fully supports Draft Recommendation Number 22 provided that the common set of performance indicators are not onerous and that it is recognised that Small rural council's provide many community services that are above and beyond what is measured in these performance indicators.</p> <p>Council would like to strengthen the part of Draft Recommendation No 22 in relation to the clarification of the purpose of the State of Environment report. Council questions its relevance in the context of the Annual Report.</p>
23	<p>That the Office of Local Government remove requirements for councils to report more in the General Purpose Financial Statements than is required by the Australian accounting standards, issued by the Australian Accounting Standards Board, except for requirements which are unique and high value to Local government such as Note 21 and Special Schedule 7.</p>	<p>Strongly support</p>
24	<p>That clause 163(2) of the <i>Local Government (General) Regulation 2005</i> be amended to allow the Office of Local Government to determine the councils for which the threshold for formal tendering would be increased to \$250,000, with this threshold to be reviewed every five years.</p>	<p>Support but question why increased threshold of, say \$250,000, should not be available to all Councils.</p>
25	<p>That section 377(1)(i) of the <i>Local Government Act 1993</i> be amended to allow the Council to delegate the acceptance of tenders.</p>	<p>Support</p>

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	IPART Draft Recommendation	Bogan Shire Council Draft Response
26	That the Department of Planning and Environment, through the Office of Local Government, review the requirements in the <i>Local Government Act 1993</i> for Ministerial approvals; those that are not justified on the basis of corruption prevention, probity or protecting the interests of the State be removed.	Support but most – if not all - instances appear to be in place to ensure probity, protect the interests of the State and limit potential for corruption.
27	That the Office of Local Government introduce guidelines that specify maximum response times for different categories of approvals.	Support
28	That the Department of Planning and Environment, through the Office of Local Government, review all approvals required under section 68 of the <i>Local Government Act 1993</i> in order to: – determine the activities for which a separate local council approval under section 68 is necessary – revise the regulatory frameworks within NSW legislation to remove duplication – place as many approval requirements as possible in specialist legislation, and – where appropriate, enable mutual recognition of approvals issued by another council.	Support – A review is required.
29	That the <i>Local Government Act 1993</i> be amended to transfer current requirements relating to the length of time for temporary appointments under section 351(2) to the <i>Local Government (General) Regulation 2005</i> or the relevant awards.	Support transfer to Award.
30	Extend the maximum periods of temporary employment from 12 months to four years within any continuous period of five years, similar to Rule 10 of the <i>Government Sector Employment Rules 2014</i> .	Support – only in circumstances such as extended leave or secondment of an existing employee.
31	That section 31 of the <i>Public Interest Disclosures Act 1994</i> be amended to require councils to report on public interest disclosures in their annual reports and remove the requirement for an annual public interest disclosures report to be provided to the Minister for Local Government.	Support – removes duplication



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	IPART Draft Recommendation	Bogan Shire Council Draft Response
32	That section 125 of the <i>Government Information (Public Access) Act 2009</i> be amended to allow councils to lodge annual reports of their obligations under the Act within five months after the end of each reporting year.	Support
33	That the Office of Local Government assist the Information and Privacy Commission to circulate to councils information related to the <i>Government Information (Public Access) Act 2009</i> .	Do not support – will create more confusion to have two bodies circulating information.
34	That the Building Professionals Board include information on travel charges for certification services in regional areas when developing an indicative fee schedule.	Support
35	That the Building Professionals Board or the proposed Office of Building Regulation (in consultation with Department of Planning and Environment, Fire & Rescue NSW and local government) design the new online system for submitting annual fire safety statements (AFSS) to allow councils to identify buildings in their area that require an AFSS, and where follow up or enforcement action is required.	Support – however online submission to BSC via a "portal" is not be available at this time. Email is considered OK.
36	That the Environmental Planning and Assessment Regulation 2000 be amended to clarify what constitutes a 'significant fire safety issue'.	Support
37	That section 121ZD of the Environmental Planning and Assessment Act 1979 be amended to allow councils to delegate authority to the General Manager to consider a report by the Fire Brigade, make a determination and issue an order, rather than having the report considered at the next council meeting.	Support
38	That the NSW Government transfer Crown reserves with local interests to councils, as recommended by the NSW Crown Lands Management Review and piloted through the Local Land Program Pilot.	Support - Notification of any transfers must be made for Council to consider prior to any transfer proceeding. Management burden of the land may be an issue.

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	IPART Draft Recommendation	Bogan Shire Council Draft Response
39	Consistent with its response to the Crown Lands Legislation White Paper, that the NSW Government ensure that Crown reserves managed by councils are subject to <i>Local Government Act 1993</i> requirements in relation to: <ul style="list-style-type: none"> <li>– Ministerial approval of licences and leases, and</li> <li>– reporting.</li> </ul>	Support
40	That the NSW Government streamline the statutory process for closing Crown roads, including the arrangements for advertising road closure applications.	Support
41	That the NSW Government reduce the backlog of Crown road closure applications to eliminate the current waiting period for applications to be processed.	Support
42	That the NSW Government streamline the provisions of the <i>Local Government Act 1993</i> relating to plans of management for community land to align public notice and consultation with councils' community engagement for Integrated Planning and Reporting purposes.	Support
43	That Roads and Maritime Services provide greater support for councils to develop the competency to conduct route access assessments and process heavy vehicle applications. This support should be focused on developing the competency and skills within councils to perform these regulatory functions.	Support the provision of NSW Government resources at a regional level to support Councils.
44	That the <i>Impounding Act 1993</i> be amended to treat caravans and advertising trailers in the same way as boat trailers when considering whether they are unattended for the purposes of the Act.	Support



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	IPART Draft Recommendation	Bogan Shire Council Draft Response
45	That the Office of Local Government's redesign and modernisation of the central Register of Companion Animals includes the following functionality: – online registration, accessible via mobile devices anywhere – a one-step registration process, undertaken at the time of microchipping and identifying an animal - the ability for owners to update change of ownership, change of address and other personal details online – unique identification information in relation to the pet owner (ie, owner's date of birth, driver licence number or Medicare number) – the ability to search by owner details – the ability for data to be analysed by Local Government Area (not just by regions) – the ability for data to be directly uploaded from pound systems, and – centralised collection of registration fees so funding can be directly allocated to councils.	Strongly support.
46	That the Companion Animals Act 1998 and Companion Animals Regulation 2008 be amended to require unique identification information in relation to the pet owner (ie, owner's date of birth, drivers licence number or Medicare number), to be entered in the register at the time of entering animal identification information and when there is a change of ownership.	Support
47	That the NSW Government review how councils are currently applying Alcohol Free Zone (AFZ) and Alcohol Prohibited Area (APA) provisions in response to alcohol related anti-social behaviour and clarify the rationale and processes for declaring AFZs and APAs in the Local Government Act 1993 and Ministerial Guidelines on Alcohol-Free Zones.	Do not support - Not considered necessary in BSC, AFZ and APA are determined by problem areas.
48	That the NSW Government provide an efficient process for consultation and decision making on temporary and events-based alcohol restrictions.	Support
49	That the Graffiti Control Act 2008 be amended to allow councils to prosecute individuals and organisations that commission or produce bill posters that are visible from a public place within their local government area.	Support

**Attachment 3**



**LOWER MACQUARIE**  
WATER UTILITIES ALLIANCE  
Delivering water utility efficiencies for our member councils & communities

**IPART  
REVIEW OF REPORTING AND  
COMPLIANCE BURDENS ON LOCAL GOVERNMENT**

**SUBMISSION BY THE  
LOWER MACQUARIE WATER UTILITIES ALLIANCE**

**FEBRUARY 2016**

## General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 25 February 2016

### Lower Macquarie Water Utilities Alliance

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#### Background

The IPART recommendations pertaining to Local Water Utilities are as follows:

10 That the Department of Primary Industries Water (DPI Water) undertake central water planning for Local Water Utilities (LWUs) to ensure that water supply and demand options are considered in the context of catchments, replacing the water planning LWUs currently undertaken individually through Integrated Water Cycle Management Strategies.

11 That the NSW Government enable LWUs with sufficient capacity to be regulated under the *Water Industry Competition Act 2006* as an alternative to their current regulation under the Best-Practice Management of Water Supply and Sewerage Framework and section 60 of the *Local Government Act 1993*.

12 That DPI Water amends the *Best-Practice Management of Water Supply and Sewerage Guidelines* to:

- Streamline the NSW Performance Monitoring System to ensure each performance measure reported is:
  - o linked to a clear regulatory objective
  - o used by either most Local Water Utilities (LWUs) or DPI Water for compliance or meaningful comparative purposes
  - o not in excess of the performance measures required under the National Water Initiative, and
  - o not duplicating information reported to other State agencies.
- Reduce the number of performance measures and/or the frequency of reporting for small LWUs with fewer than 10,000 connections
- Align trade waste reporting with other performance reporting, on a financial year basis, subject to consultation with LWUs, LGNSW and the Water Directorate, and
- Implement a risk-based auditing regime for LWU wanting to pay a dividend to their council's general fund.

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#### Comments

In broad terms The Alliance **disagrees** with the majority of recommendations made above and with many of the background comments made by the report's authors between pages 52 and 64 of their report, and believe that the generalisations conveyed by the Draft Report can certainly NOT go unchallenged as currently presented. These recommendations and background comments strike at the heart of the regulatory model which has made LWU's in NSW some of the best performing water utilities in Australia and The Alliance cannot see such a wholesale change being to the benefit of either LWU's or their customers/ratepayers.

#### General Criticisms

1. The Alliance does not agree that the "current regulation of LWUs is overly prescriptive and unnecessarily burdensome" (page 53). The NSW Best-Practice Management Framework is an excellent example of world's best practice in the management of a water utility. It represents a "recipe", which if followed rigorously, provides a comprehensive management regime within which safe, effective and efficient water supply and sewerage services can be supplied to regional NSW residents and visitors. The so-called "prescription" in fact provides a ready-made conceptual management framework and safety net within which competent Local Government practitioners may operate with great certainty that they are covering all the bases and not leaving their LWU exposed to unrecognised risk. If such a framework were to be withdrawn LWU management practices would rapidly diverge across the State into 100 different attempts at what individual engineers and managers considered to be "best practice". This would constitute a major failure of governance/regulation on the part of State Government, were it to come to pass.
2. The Water Industry Competition Amendment (Review) Act 2014 is a completely inappropriate vehicle for LWUs to operate within (recommended on page 53). This Act was purpose-designed to allow private sector competition entry into municipal water supply and sewerage provision, not to be the prime regulatory instrument for existing public water utilities. WICA 2014 is itself a very prescriptive means of regulating private sector entrants into the water industry to protect the public from incompetent operators and the anticipated short-lived tenure of many small to medium sized private companies. By its nature WICA would be much more onerous on LWUs than the Local Government Act in areas such as Sections 18, 42, 85, 86, 87, 88 and 89. It is hard to imagine, therefore, that there would be a LWU in NSW at all interested in trading the LGA 1993 for WICA 2014, nor in principle is WICA the correct legislation for any LWU to operate under.

In the event that a LWU elects to be regulated under WICA, as typically, the LWU will then typically be the only water supply and sewerage service provider in its area, and under this Act the LWU would therefore need to be declared a monopoly supplier (Section 51) and its prices would then need to be determined by IPART under Section 52. IPART is requested to advise whether this will in fact be the case?

3. The Alliance does not agree that "DPI Water's best practice guidance does not result in greatly improved outcomes for LWUs" (page 55). This is patently false and The Alliance challenges the author(s) to justify such a sweeping generalisation. Based on the Local Government water supply and sewerage experience of the Alliance members, some of over 35 years, The Alliance can assure IPART that outcomes ARE much improved since Best Practice guidance first started to be rolled out in earnest by DPI Water some 25 years ago, starting with Australia's first Strategic Business Planning Guidelines specifically for water utilities in 1991 to 1993. It may not be obvious to more recent entrants into the industry just

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how revolutionary that thinking was “back then”, but without those and the continued rollout of new and better conceptual frameworks and guidelines over the intervening years by DPI Water, and its predecessor organisations, the LWU industry of today would be a much less robust and capable one.

The Alliance refers to a DPI Water media release from 2015, as follows, which highlights very effectively exactly these points:

[http://www.water.nsw.gov.au/data/assets/pdf\\_file/0004/560857/media\\_release\\_150507\\_national\\_water\\_sewerage\\_performance\\_report.pdf](http://www.water.nsw.gov.au/data/assets/pdf_file/0004/560857/media_release_150507_national_water_sewerage_performance_report.pdf)

4. The Alliance does not agree that the BPM Guidelines are outdated and confusing (page 55). They are clear, comprehensive and effective, and their full implementation ensures that any water utility, not just a LWU, will be at world's best practice if they achieve same. Water utility management is a complex undertaking. To do it well requires a very comprehensive management framework within which to operate, or else major functions and outcomes are overlooked or capital procurement mistakes are made worth tens of millions of dollars. The BPM Guidelines provide and represent such a framework. A complete overhaul (page 55) is not required.
5. The Alliance disagrees that “the BPM Framework dictates what should happen state-wide without consideration of local differences” (page 55). This misunderstands the nature of much of Best Practice, which includes in part comprehensive checklists of items which need to be “considered”, but under which any item not relevant to a particular LWU can simply be passed over with a simple “not applicable”. It is the LMWUA's opinion that the BPM Framework constitutes a very sensible mix of generic oversight, detailed guidance AND the ability to tailor local solutions as required without abandoning the necessary broad principle embodied therein.
6. The Alliance disagrees fundamentally that IWCM is “complex, costly, prescriptive, and of limited benefit” (page 55). The Alliance certainly disagrees that it “should be removed” (page 55) as a Best Practice requirement. Water supply, sewerage and storm drainage are three of the most costly and complex services that Local Government provides to its residents and visitors. Assets worth tens of billions of dollars across regional NSW are utilised to deliver these services. It is ALWAYS good management of resources to sit back periodically (every eight years is now mandated) and review whether efficiencies or improvements in water security or environmental outcomes might be obtained by simply “integrating” these “three waters” (as New Zealand refers to them). The result might come back in favour of the status quo, but at least a decision in favour of the status quo is then justified by research not just subjective opinion. Often, however, the result does come back that sewage effluent reuse or stormwater harvesting or aquifer recharge and recovery or pipeline connection to a neighbouring town ARE of significant financial and/or environmental benefit, and thus IWCM planning does justify the effort involved.
7. The Alliance disagrees that “preparing an IWCM Strategy is a huge burden on council resources” (page 55). It is simply a necessary cost of doing business and most certainly not “huge”. The cost of a Strategy can be relatively high in dollars per connection for a small LWU, but as shown by the operations of the Lower Macquarie Water utilities Alliance (12 LWUs in northwest NSW) and the CENTROC Water Utilities Alliance (16 LWUs in Central West NSW), the costs per Council can be slashed by 60 to 80 percent by the practical expedient of undertaking IWCM strategies and plans on an Alliance-wide basis to obtain economies of scale AND a de-facto catchment-wide perspective.
8. The Alliance doesn't agree that it is reasonable or desirable to have DPI Water “provide consultants or its own expertise and assistance to help LWUs prepare their Strategy” (page

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55). It is clear to the Alliance that IPART does NOT understand what constitutes an IWCM Strategy or what goes into the development of same. These are significant undertakings dealing with much more than just the safe yield of a local river or creek, and DPI Water has neither the staff resources nor the budget to become involved in dozens of IWCM Strategy studies across NSW. Complaints directed towards DPI Water now are generally based around response times to S.60 applications and the like, and the industry would not be impressed if the staff inside DPI Water were then to be loaded up with another major workload competing with their current scope of work. The Alliance is also sure that most LWUs would much rather control their own studies than be guided too directly by DPI Water.

IPART has misunderstood advice received from some stakeholders that centralised hydrological analysis of surface water run-off from large catchments somehow constitutes the bulk of the work involved for a LWU when undertaking IWCM planning. This is not so.

The "supply" side of any IWCM Plan is in fact only a small part of the work involved within the broader scope and context of IWCM. Overstating the importance of centralised hydrological analysis fails to acknowledge that many town water supply systems in NSW are groundwater based for which hydrological analysis at a catchment scale is of little value, nor that limitation of "supply" is often of small importance for towns and cities supplied from large irrigation storages owned and operated by Water NSW where, on a catchment basis, town water use is a very small percentage of total water supplied (typically 1 to 2 percent).

Simply making "the Government" (DPI Water) responsible for centralised hydrological analysis would not provide more than 5 to 10 percent of the content of typical IWCM Plans, and in some cases would be unnecessary at all where groundwater is the primary source. The bulk of IWCM planning relates to demand side analysis, projections of future demand growth (or decline), levels of service conversations each LWU must have with its community, consideration of sources other than run-of-river surface water (such as stormwater harvesting, sewage effluent reuse, irrigation scheme tail water, new groundwater bores, or pipeline connection to other nearby systems, none of which are covered by mainstream hydrological analysis). IPART has misunderstood what IWCM is in recommending DPI Water taking over the entire IWCM planning process from individual LWUs. Centralised hydrological analysis is a relatively minor part of IWCM planning. Simply centralising that will NOT replace the much broader scope of water planning LWUs currently undertake individually through their own IWCM Strategies and Plans.

There are also major governance issues with having the regulator of regional LWUs (DPI Water) also tasked with undertaking a major component of Best Practice Management at the same time. Surely if "Government" was to be tasked with centralised hydrological analysis, or more (e.g. the whole gamut of IWCM planning), then NSW Public Works would be a much more sensible entity to undertake same to retain subsequent arms length oversight by DPI Water?

9. The Alliance disagrees that a Regional Water Strategy approach (page 56) is warranted for the majority of LWUs in NSW. Whilst there are some regions where regional pipeline infrastructure can be beneficial for ensuring water security (e.g. Central West NSW) there are many other areas of the state where this is NOT the case. The Draft Report's statement that considering catchments "holistically" is the "best way to balance supply and demand" is a naive simplification of the circumstances facing individual LWUs across the whole State. It is also of concern that the reasonable aspirations and capabilities of individual LWUs in terms of "demand" (i.e. what level of service that particular Council might be willing to adopt for its residents and visitors) could be over-ridden unreasonably by either DPI Water or a regional supply authority in the event of regional strategies outweighing "local" opinions.

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It is also naive to consider whole of catchment water planning in many western valleys simply due to the scale and non-connectivity of those valleys. Taking the Macquarie Valley as an example that the Alliance is familiar with, the relationship between a town water supply at Oberon in the east and Nyngan or Cobar in the west is simply non-existent. They have zero effect on the operations of each other. Likewise even Orange and Dubbo, a mere 150 kms apart, have a similar impact on each other in terms of security of water supply, because of the major disconnect represented by Burrendong Dam near Wellington, a large scale irrigation storage with 2.6 Sydharbs (i.e. "Sydney Harbours") capacity, which is roughly 200 times more water than Dubbo uses in one year.

10. The Alliance disagrees that DPI Water should undertake IWCM Strategies and Plans for all LWUs "on a catchment basis" (page 56). This is unworkable and would rob individual LWUs of their independence in water planning (see also point 8 above). The proposal assumes that DPI Water is in a better position than individual LWUs to understand their availability of sewage effluent in terms of volume, quality and location; the location and extent of their stormwater drainage systems; the geography of individual towns in terms of playing fields and other open space areas which might benefit from, or need, irrigation water; their individual rainfall and evaporation patterns; the appetite of their ratepayers for increases in charges, or not, versus potential changes in levels of service; and at the end of the process to engage with the community and the Local Council to have a "Plan" adopted and implemented. It is evident from the Draft Report that its author(s) do NOT comprehend the complexity and breadth of a "proper" IWCM Strategy and Plan, or they would certainly not be expecting their brethren in DPI Water to take on such a task.
11. On page 57 much is made of the "holistic" water "planning" undertaken in the Lower Hunter/Sydney/Illawarra Regions by Hunter Water, Sydney Water and Water NSW. IPART considers this to be "more efficient and preferable to the current LWU-based planning". A recommendation is made to adopt "a Regional Water Planning Strategy". In reality regional water planning is already well advanced within the legislative framework of the existing Local Government and Water Acts of NSW. Regional water supply schemes exist serving Coffs Harbour and Clarence Valley Councils, and the CENTROC area of Central West NSW where pipeline networks are rapidly linking together water sources and LWUs in the area. Discussions are already underway in the Lower Macquarie Valley involving the Alliance there and DPI Water with respect to sharing town water entitlements between the well off and less well off member Councils of the Alliance in order to remain within current water sharing plan limits but still facilitate growth of supply in some towns. These regional approaches do NOT need a new mandated approach to continue and expand. They are happening now, and can continue to happen wherever there is a need for them to happen, but not all regions are very well connected in terms of common water sources, and a "regional" plan would simply be an unnecessary nuisance for many LWUs to operate within.
12. On page 59 IPART continues to quote the Infrastructure Australia 2010 report, "Review of Regional Water Quality & Security" by AECOM, as an authoritative source. This was roundly and correctly criticised at the time by the industry and by DPI Water for its inaccuracies, to the extent that the Productivity Commission's 2011 final Report removed ALL reference to the AECOM report because the Commissioners undertaking their Australia wide Urban Water Sector review were satisfied that the widespread criticisms of the report were indeed justified.
13. The Alliance disagrees that the DPI Water reporting requirements under the BPM Framework are "onerous", "inefficient" or "unnecessary" (page 60). In fact the DPI Water Performance and Benchmarking Reports are the "jewels in the crown" of performance reporting in all of Australia, and are the envy of other jurisdictions across Australia and the

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world. Regional NSW now has such a long period of reliable data available (30 years) that it is generally very difficult to sustain criticism of the performance of NSW LWUs because many of the metrics stand up so well with comparison to both large metropolitan utilities and comparable regional utilities in other States and territories. It is certainly not correct to say DPI Water collects unnecessary volumes or types of data. It is NSW regional utilities which are the "best" reporters of performance across Australia on the basis of nationally reported data, and that is due to the current system of performance reporting which LWUs have become accustomed to over more than a generation (i.e. 30 years). The Alliance does NOT agree that DPI Water needs to review all performance measures – that is simply unnecessary. The reporting done annually by NSW LWUs is world class and must not be wound back just because some stakeholders find it a "bit hard" to do.

14. The Alliance likewise disagrees that the Performance Reports and Benchmarking Reports produced by DPI Water are NOT used for "meaningful comparative purposes" by LWUs as implied by the Draft Report (page 60). Every year each LWU receives a "warts and all" triple bottom line performance report from DPI Water highlighting how that LWU rates against all other LWUs in NSW across four pages of detailed benchmark comparators. In addition there is voluminous data available to permit both numerical and operational benchmarking to occur for those aspects of utility performance a LWU is concerned about, and it is only a "lazy" LWU that chooses to shelve these documents and do nothing with them.
15. It is a major exaggeration to state that DPI Water's Benchmarking Report requires the answering of 640 questions which was "less than 100 questions eight to ten years ago" (page 62). It is also an exaggeration to say that it takes "a dedicated resource 12 weeks per annum at a cost of \$30,000" to fill in the DPI Water questionnaire (page 62). These are both hearsay statements at odds with reality. Based on firsthand experience at Dubbo and within the Lower Macquarie Water Utilities Alliance, the Alliance knows them both to be false.
16. On pages 60 to 62 of the Report comment is made about instances of multiple reporting to different Government agencies, but no credit is given to DPI Water in return for the reduction in multiple reporting that has already been delivered and is inherent now in the current Performance Reporting process. Without the previous intervention of DPI Water all LWUs would also be reporting separately to the ABS, BOM and to the National Performance Reports under the National Water Initiative, noting though that most recently the States have engaged BOM to produce the NPR so this is a second tranche of data DPI Water sends to them in addition to their "other" water accounting role for the National Government.
17. Audits of compliance (pages 60 to 62) are presently required annually for a utility wishing to pay a dividend from the surplus of its water and sewerage businesses to its general revenue. The Alliance understands, however, that DPI Water is already proposing to reduce the frequency of such audits to once every three years, and the Alliance would support such regulatory streamlining.

### Disagreement with Recommendation 10

*10 "That the Department of Primary Industries Water (DPI Water) undertake central water planning for Local Water Utilities (LWUs) to ensure that water supply and demand options are considered in the context of catchments, replacing the water planning LWUs currently undertake individually through Integrated Water Cycle Management Strategies."*

This recommendation misconstrues centralised hydrological analysis of surface water run-off from large catchments as constituting the bulk of the work involved for a LWU when undertaking IWCM



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planning. This is not so. In reality such analysis may constitute perhaps 5 to 10 percent of any major IWCM Strategy.

Recommendation (10) is not feasible. Whilst centralised hydrological analysis is no doubt feasible and a sensible idea per se, IWCM Planning is MUCH MORE than that alone (see points 6 to 11 above). Not being water industry practitioners, IPART do not understand what it is they have recommended.

### **Disagreement with Recommendation 11**

*11 "That the NSW Government enable LWUs with sufficient capacity to be regulated under the Water Industry Competition Amendment (Review) Act 2014 as an alternative to their current regulation under the Best-Practice Management of Water Supply and Sewerage Framework and section 60 of the Local Government Act 1993."*

The Water Industry Competition Amendment (Review) Act 2014 is a completely inappropriate vehicle for LWUs to operate within. This Act was purpose-designed to allow private sector competition entry into municipal water supply and sewerage provision, not to be the prime regulatory instrument for existing public water utilities. WICA 2014 is itself a very prescriptive means of regulating private sector entrants into the water industry to protect the public from incompetent operators and the anticipated short-lived tenure of some/many private companies. By its nature WICA would be much more onerous on LWUs than the Local Government Act in areas such as Sections 18, 42, 85, 86, 87, 88 and 89. It is hard to imagine, therefore, that there would be a LWU in NSW at all interested in trading the LGA 1993 for WICA 2014.

The implicit criticism of the DPI Water BPM Framework is also unreasonable and unfounded. The NSW Best-Practice Management Framework is an excellent example of world's best practice in the management of a water utility. It represents a "recipe", which if followed rigorously, provides a comprehensive management regime within which safe, effective and efficient water supply and sewerage services can be supplied to regional NSW residents and visitors. The so-called "prescription" in fact provides a ready-made conceptual management framework and safety net within which competent Local Government practitioners may operate with great certainty that they are covering all the bases and not leaving their LWU exposed to unrecognised risk.

It is important to note that the DPI Water BPM Framework provides an outcome-based charter for service provision by LWUs, which addresses the key recommendations of the Productivity Commission's 2011 Report on Australia's urban water sector ([www.pc.gov.au](http://www.pc.gov.au)). This 2011 PC review was a much broader and more detailed assessment of the water industry in NSW and across all of Australia than the current broad-brush review by IPART of compliance burdens across a whole range of functions undertaken by NSW Local Government, of which water supply and sewerage are only two of many. In the Alliance's view the Productivity Commission came to much more sensible recommendations (e.g. Alliances of LWUs where appropriate) because they were able to immerse themselves more completely in the topic of water supply and sewerage than IPART have been able to in the present review. Generally speaking the current system is NOT broken and it does not need "fixing".

### **Disagreement with Recommendation 12**

*12 "That DPI Water amend the Best-Practice Management of Water Supply and Sewerage Guidelines to:*

- *Streamline the NSW Performance Monitoring System to ensure each performance measure reported is:
  - o *linked to a clear regulatory objective**

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- *used by either most Local Water Utilities (LWUs) or DPI Water for compliance or meaningful comparative purposes not in excess of the performance measures required under the National Water Initiative, and*
- *not duplicating information reported to other State agencies.*
- *Reduce the number of performance measures and/or the frequency of reporting for small LWUs with fewer than 10,000 connections*
- *Align trade waste reporting with other performance reporting, on a financial year basis, subject to consultation with LWUs, LGNSW and the Water Directorate, and*
- *Implement a risk-based auditing regime for LWU wanting to pay a dividend to their council's general fund."*

This an unnecessary and retrograde recommendation dealing with one small section of the BPM Framework aimed at monitoring the sector's performance and facilitating meaningful benchmarking across NSW, Australia and the world. DPI Water may choose to revisit the Performance Monitoring System for their own purposes, but based on the experience amongst the Alliance Councils, there is no complaints about either the need for reporting OR the value of the performance measures which are ultimately reported both State and Australia wide, and see little need for such a review.

The Alliance notes that the annual NSW Performance Monitoring and Benchmarking Reports are joint LGNSW – State Government publications ([www.water.nsw.gov.au](http://www.water.nsw.gov.au)). The Alliance further notes that DPI Water regularly consults with the NSW Water Directorate and LGNSW on any proposal to reduce or increase the indicators in the NSW Performance Monitoring System, and comments by individual stakeholders from the industry should not necessarily be taken as representing the industry view more generally.

LWMUA would not agree that so-called "small LWUs" be subject to fewer performance measures or lesser frequency of reporting. The Alliance has now been in place since 2008 which has 11 smaller member Councils and the annual performance reporting exercise is one area that the Alliance does very well, and generally with little fuss or unnecessary effort. As it is often the "small" LWUs that have the largest question marks hanging over their performance, it does strike me as incongruous that it would be these LWUs that were then slated for LESS reporting against which to gauge their ongoing performance? It is The Alliance's opinion that the status quo on reporting remain.

In terms of audits, The Alliance repeats point 17 from above, that the alliance supports DPI Water's proposal to reduce the frequency of such audits to once every three years rather than "fiddling about" with risk based assessments to determine said frequency and audit content.

On behalf of the Board of the Lower Macquarie Water Utilities Alliance.

A handwritten signature in black ink, appearing to read "Rex Wilson", written in a cursive style.

**CI Rex Wilson AOM**

Mayor of Warren Shire Council

Chair of the Lower Macquarie Water Utilities Alliance.

## 4 REVIEW OF LOCAL GOVERNMENT ACT

### *Summary:*

- *This report is to notify Councillors that consultation for the first phase of the amendments to the Local Government Act has commenced.*
- *According to the NSW Government, "Proposed amendments will focus on reforms that provide much-needed support for Councils, allowing them to connect with their communities and build their capability".*

### 4.1 Introduction

The purpose of this report is to notify Councillors that consultation for the first phase of the amendments to the Local Government Act has commenced.

### 4.2 Background

As part of the Fit for the Future process the NSW Government undertook to review and make relevant amendments to the Local Government Act "to implement key reforms recommended by the Independent Panel and Acts Taskforce to enhance our Local Government system."

### 4.3 Discussion

According to the NSW Government, "Proposed amendments will focus on reforms that provide much-needed support for Councils, allowing them to connect with their communities and build their capability". In particular, according to the Government, the Phase One Bill will:-

- clarify roles and responsibilities of Councillors, Mayors, Administrators and General Managers;
- introduce new guiding principles for Local Government;
- improve Governance of Councils and professional development for Councillors;
- expand on the framework for strategic business planning and reporting;
- prioritise community engagement and financial accountability; and



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- streamline Council administrative processes, including in relation to delegations and community grants.

The Attachment, *Towards New Local Government Legislation – Explanatory Paper: Proposed Phase 1 Amendments* contains relevant information for Councillors to consider.

A draft submission in response is being prepared in consultation with the Mayors and General Managers of other OROC Rural Councils and will be tabled for Council's consideration at the Council meeting. Consultation closes on 15 March 2016.

#### **4.4 Attachment**

Towards New Local Government Legislation – Explanatory Paper

#### **4.5 Recommendation**

For Council's Consideration.

**Derek Francis**

**General Manager**

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

**Mayor and Councillors**

The following reports are submitted for consideration:-

**1 BANK RECONCILIATION**

**1.1 Introduction**

The purpose of this report is to present the reconciliation of Council's cash book, bank statements and ledger bank account as at 31 January 2016.

**1.2 Background**

The presentation of the reconciliation of Council's cash book, bank statements and ledger bank accounts is not a requirement of any Act, however historically it has been provided for the information of Councillors.

<b>Bank Reconciliation for January 2016</b>		
<b>Council General Fund</b>		
Bank Statement Balance	\$	65,040.48cr
Add Deposits not yet receipted	\$	78,370.52cr
Less Unpresented Payments	\$	128,115.38dr
<b>Balance as per Council</b>	<b>\$</b>	<b>15,295.62cr</b>
<b>Represented by the following in Council Ledgers</b>		
Account		
<b>19001.8000.8000</b>	<b>\$</b>	<b>15,295.62cr</b>
<b>Difference</b>	<b>\$</b>	<b>0.00</b>

**1.3 Recommendation**

That the Bank Reconciliation Report as at 31 January 2016 be received and noted.



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## **2 INVESTMENTS DECEMBER 2015 AND JANUARY 2016**

### **2.1 Introduction**

The purpose of this report is to outline the performance of Council's investment portfolio for the months of December 2015 and January 2016.

### **2.2 Background**

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

### **2.3 Discussion**

The Investment Reports for December 2015 and January 2016 are shown below. At the 31 January 2016 Council had \$9.4 million invested. There has been a decrease to Council's investments since the December 2015 due to the Long Day Care Centre invoices being paid and road works being completed associated invoices being paid.

All money has been invested in accordance with Council's Investment Policy.

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

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**Investment Movements for December 2015**

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

Bogan Shire - Investment movements for December 2015								
REF	Source	Maturity	Days	% rate	Interest	Bal 30/11/2015	Bal 31/12/2015	
4493	CBA	11-Feb-16	365	3.250%	32,500	1,000,000.00	1,000,000.00	
6784	NAB	06-May-16	180	2.830%	7,309	500,000.00	500,000.00	
5189	NAB	08-May-16	180	2.860%	14,619	1,000,000.00	1,000,000.00	
3204	NAB	11-Mar-16	180	2.900%	14,460	1,000,000.00	1,000,000.00	
1203	NAB	17-Mar-16	180	2.950%	14,943	1,000,000.00	1,000,000.00	
7202	NAB	17-Feb-16	180	2.930%	8,015	800,000.00	800,000.00	
4608	NAB	01-Mar-16	180	2.900%	28,921	2,000,000.00	2,000,000.00	
802	Westpac - Maxi direct	n/a	n/a	Variable		3,969,435.52	3,073,479.85	
	Balance securities held					11,269,435.52	10,373,479.85	
	Balance Ledger 19010.8200.8200						11,269,435.52	10,373,479.85
	<b>Summary by institution</b>							
	CBA					1,000,000.00	1,000,000.00	
	NAB					6,300,000.00	6,300,000.00	
	Westpac					3,969,435.52	3,073,479.85	
						11,269,435.52	10,373,479.85	

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**Investment Movements for January 2016**

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

Bogan Shire - Investment movements for January 2016							
REF	Source	Maturity	Days	% rate	Interest	Bal 31/12/2015	Bal 31/1/2016
4493	CBA	11-Feb-16	365	3.250%	32,500	1,000,000.00	1,000,000.00
6784	NAB	06-May-16	180	2.830%	7,309	500,000.00	500,000.00
5189	NAB	08-May-16	180	2.860%	14,619	1,000,000.00	1,000,000.00
3204	NAB	11-Mar-16	180	2.900%	14,460	1,000,000.00	1,000,000.00
1203	NAB	17-Mar-16	180	2.950%	14,943	1,000,000.00	1,000,000.00
7202	NAB	17-Feb-16	180	2.930%	8,015	800,000.00	800,000.00
4608	NAB	01-Mar-16	180	2.900%	28,921	2,000,000.00	2,000,000.00
802	Westpac - Maxi direct	n/a	n/a	Variable		3,073,479.85	2,126,196.70
	Balance securities held					10,373,479.85	9,426,196.70
	Ledger Balance					10,373,479.85	9,426,196.70
	<b>Summary by institution</b>						
	CBA					1,000,000.00	1,000,000.00
	NAB					6,300,000.00	6,300,000.00
	Westpac					3,073,479.85	2,126,196.70
						10,373,479.85	9,426,196.70

**2.4 Recommendation**

That the Investments Reports December 2015 and January 2016 be received and noted.



### 3 SUMMARY OF RATES & ANNUAL CHARGES COLLECTION

#### 3.1 Introduction

The purpose of this report is to provide a comparison of rate collections as at 31 January, 2016, with the same period last year.

#### 3.2 Discussion

This report is provided for the information of Councillors.

<b>Rate Collections</b>	<b>2015-2016</b>	<b>2014-2015</b>
Arrears Prior to 01/07/2015	243,448	252,476
First Instalment Outstanding as at 31/01/2016	31,076	51,773
Second Instalment Outstanding as at 31/01/2016	67,182	88,843
Third Instalment Outstanding as at 31/01/2016	837,817	870,037
Fourth Instalment Outstanding as at 31/01/2016	925,781	893,531
<b>Total Arrears</b>	<b>341,706</b>	<b>393,092</b>
<b>Total Outstanding</b>	<b>2,105,186</b>	<b>2,157,591</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	4,956,501	4,739,021
Add: Adjustments	13,658	24,664
Less: Payments to end of December	-2,786,236	-2,531,860
Less: Rebates	-81,773	-77,231
Add: Postponed	3,036	2,997
<b>Gross Total Balance</b>	<b>2,105,186</b>	<b>2,157,591</b>
<b>Arrears of total amount levied %</b>	<b>7%</b>	<b>9%</b>

Total arrears have decreased from \$393,092 at the 31 January 2015 to \$341,706 as at 31 January this year.

Each instalment amounts to approximately \$1,240,000.

(Total Rates, Waste, Water & Sewer Access Charges)

Council has collected \$254,376 more than at the same time last year.

2.5% of Ratepayers are in arrears for their first instalment.

5.4% of Ratepayers are in arrears for their second instalment.

#### 3.3 Recommendation

That the Rates and Annual Charges Collection Report as at 31 January 2016 be received and noted.

## 4 LICENCE FOR THE USE OF THE WATERWORKS Paddock

*Summary:*

- *Licence for the use of the Waterworks Paddock due to expire on 30 June 2016.*
- *The Paddock is Crown Land held in trust by a subsidiary of Council.*
- *Current licence holders wish to renew and have been suitable tenants.*

### 4.1 Introduction

The purpose of this report is to implement a new licence for the lease of the waterworks paddock on Tottenham Road which will replace the old licence due to expire on 30 June 2016.

### 4.2 Background

The waterworks paddock on Tottenham Road (Lot 7013 DP1020839) has been licenced to John and Penelope Hoy from the Nyngan Recreation and Water Supply Reserve Trust since 1 July 2011. The agreement is due to expire on 30 June 2016.

The licence over the land permits it to be used for grazing.

Council is the controller of the Nyngan Recreation and Water Reserve Trust. A map of the land controlled by the Trust is shown below:



#### 4.3 Discussion

As mentioned above, the licence between the Nyngan Recreation and Water Supply (R97917) Reserve Trust and John and Penelope Hoy, for the purpose of grazing, will expire on 30 June 2016.

Council is required to advise the Department of Primary Industries if it wishes to renew the agreement.

The Hoys have confirmed with Council that they wish to renew their licence. Council has the option of renewing it with the Hoys or advertising for a new licence.

Prior to the lease commencing the land was officially valued at an annual rental of \$1,500. The initial rental was set at this figure with annual CPI increases and a rental review after three years.

Council has the option of renewing the licence with the current licencees or advertising it to gauge public interest. The Department of Primary Industries has advised Council that because the land is controlled by a Trust, it does not need to be publically advertised, from this perspective.

The current Licencees have maintained the area well, using appropriate fencing and controlling noxious weeds. They claim to have maintained adequate public liability insurance. As the land in question borders their property they seem to be the most appropriate people to hold a licence to access the land.

The advantages of advertising the licence are transparency and testing the market. The disadvantage is that the trust may lose a good tenant who is in the best location to care for the land, and who has already spent money on improvements.

Based on annual CPI increases since June 2011, initial annual rental for the licence for the period from 1 July 2016 to 30 June 2017 would be \$1,620. This is based on the calculation  $R = \$1500 \text{ (Base Rent)} * 108.4 \text{ (Dec 2015 CPI)} / 100.4 \text{ (June 2012 CPI)}$ . The Dec 2015 Figure was used because it is the latest figure available.

This is believed to be a fair rental, given the official valuation of the land and the favourable prices being attained for cattle.

#### **4.4 Recommendations**

That Council:

1. Seek renewal of the licence agreement between the Nyngan Recreation and Water Supply (97917) Reserve Trust and John Anthony Hoy and Penelope Jill Hoy.
2. On-charge the licence holders for any legal and valuation fees if required.
3. Set the initial rental on the abovementioned lease at \$1,620, with all other provisions to be the same.

## 5 SECOND QUARTER 2015/16 BUDGET REVIEW

### *Summary:-*

- *Council is remains in a sound financial position and is broadly on budget.*
- *Cash Balance is strong all though decreasing as expected due to large capital projects currently being undertaken.*
- *Second quarter adjustments to the year-end position are a nett amount of \$119,823 unfavourable due to restricted funds associated with the Block Grant not being carried forward.*
- *Favourable adjustments to the Capital Budget due to funding Colane Road construction from R2R.*
- *The loan for the Early Learning Centre will need to be increased by \$270,000. Construction costs are broadly in line with advice given to Councillors at the September 2015 meeting.*
  - *Modifications to the Medical Centre Site are \$60,000 over budget.*

### 5.1 Introduction

The purpose of this report is twofold:-

1. To review actual performance against budget for the first six months of the 2015/16 financial year up to 31 December 2015.
2. To adjust the budget in response to changes in the financial landscape and changes to Council's corporate goals.

### 5.2 Background

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

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



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

### **5.3 Discussion**

#### ***Performance Against Budget***

Second quarter adjustments to the budget leave a net amount unfavourable amount of \$119,823, prior to the transfer of this amount from last year's funds which balances the budget.. The main reason for this unfavourable variance is Councils restricted funds of \$260,405 for the Regional Roads Block Grant being left out of the carry forwards in the first quarter review.

Additional funding will be required for the construction of office space within the Council depot building for the proposed transfer of Engineering staff to that location. The amount of funding is yet to be determined but will be tabled at the Council meeting.

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<b>Cash Position of Funds - 2015/16 projected operating result</b>					
<i>(Note: The cash position reflected takes into account cash transfers to and from Council's Reserves (Investments) to fund capital expenditure.)</i>					
	<b>Original Budget General Fund (Incorporating Waste and Plant)</b>	<b>Sep Recommended Changes</b>	<b>Revised Budget General Fund Total Budget after First Quarter Changes</b>	<b>Dec Recommended Changes</b>	<b>Revised Budget General Fund Total Budget after Second Quarter Changes</b>
<b>1 General Fund</b>					
Operating Income	14,329,140	- 45,832	14,283,308	- 1,348,427	15,631,735
Less: Operating Expenditure	15,130,222	31,883	15,162,105	1,262,680	16,424,785
	- 801,082	77,715	-878,797	- 85,747	-793,050
Add back depreciation	3,066,772		3,066,772		3,066,772
<b>Cash from current year available to fund Capital</b>	<b>2,265,690</b>		<b>2,187,975</b>		<b>2,273,722</b>
Other Sources of Capital Funding	3,869,216		3,869,216	270,000	4,139,216
Nett Capital Spending as per Draft Capital Budget	5,957,246	416,360	6,373,606	475,569	6,849,175
<b>Cash Balance</b>	<b>177,660</b>	<b>494,075</b>	<b>-316,415</b>	<b>119,822</b>	<b>-436,237</b>
Transfer from Unrestricted Cash required to balance budget			316,415		436,237
<b>Revised Budget</b>			<b>0</b>		<b>0</b>
<b>2 Sewer Fund</b>	<b>Sewer Fund</b>		<b>Sewer Fund</b>		<b>Sewer Fund</b>
Operating Income	842,134		842,134		842,134
Less: Operating Expenditure	660,798		660,798		660,798
	181,336		181,336		181,336
Add back depreciation	127,044		127,044		127,044
<b>Cash from current year available to fund Capital</b>	<b>308,380</b>		<b>308,380</b>		<b>308,380</b>
Other Sources of Capital Funding	95,000		95,000		95,000
Nett Capital Spending as per Draft Capital Budget	128,000		128,000		128,000
<b>Cash Balance</b>	<b>275,380</b>		<b>275,380</b>		<b>275,380</b>
<b>3 Water Fund</b>	<b>Water Fund</b>		<b>Water Fund</b>		<b>Water Fund</b>
Operating Income	1,778,461		1,778,461	314000	2,092,461
Less: Operating Expenditure	1,870,324	4000	1,874,324	314000	2,188,324
	- 91,863	4000	-95,863	0	-95,863
Add back depreciation	388,500		388,500		388,500
<b>Cash from current year available to fund Capital</b>	<b>296,637</b>		<b>292,637</b>		<b>292,637</b>
Other Sources of Capital Funding	700,330		700,330		700,330
Nett Capital Spending as per Draft Capital Budget	887,000		887,000		887,000
<b>Cash Balance</b>	<b>109,967</b>		<b>105,967</b>		<b>105,967</b>

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

**Manager of Corporate and Community Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 February 2016**

BUDGET REVIEW STATEMENT Outcome	Full Year Original Budget	2015/ 16 Sep Approved Changes	September Revised Budget	2015/ 16 Dec Recommended Changes	2015/ 16 Dec Projected Year End Result	YTD Actuals
<b>Grand Total</b>	<b>2,619,309</b>	<b>2,216,143</b>	<b>4,835,452</b>	<b>119,823</b>	<b>4,955,275</b>	<b>-2,083,996</b>
<b>Operating</b>	<b>297,609</b>	<b>81,715</b>	<b>379,324</b>	<b>-85,747</b>	<b>293,577</b>	<b>-3,003,101</b>
<b>Building Our Community</b>	<b>1,013,661</b>	<b>1,028</b>	<b>1,014,689</b>	<b>20,250</b>	<b>1,034,939</b>	<b>489,282</b>
Cultural & Social	132,369	3,652	136,021	250	136,271	62,039
Community Facilities	721,605	-6,624	714,981	0	714,981	352,889
Children & Young People Support	0	0	0	20,000	20,000	-51,375
Library	159,687	4,000	163,687	0	163,687	125,729
<b>Connecting our Community</b>	<b>2,238,925</b>	<b>-10,500</b>	<b>2,228,425</b>	<b>0</b>	<b>2,228,425</b>	<b>737,022</b>
Road Networks	2,500,761	-10,500	2,490,261	0	2,490,261	911,405
Active Transport	80,472	0	80,472	0	80,472	59,766
Air Services	74,728	0	74,728	0	74,728	35,005
Plant System	-417,036	0	-417,036	0	-417,036	-269,154
<b>Managing Our Environment</b>	<b>500,593</b>	<b>4,000</b>	<b>504,593</b>	<b>-13,321</b>	<b>491,272</b>	<b>-362,512</b>
Built Environment	1,021,052	4,000	1,025,052	-20,000	1,005,052	624,234
Waste Management	-11,500	0	-11,500	0	-11,500	-281,544
Noxious Weeds	41,014	0	41,014	6,679	47,693	34,812
Water	-368,637	0	-368,637	0	-368,637	-492,243
Sewer	-181,336	0	-181,336	0	-181,336	-247,772
<b>Our Health &amp; safety</b>	<b>211,681</b>	<b>0</b>	<b>211,681</b>	<b>-63,164</b>	<b>148,517</b>	<b>-13,571</b>
Environment Health	93,691	0	93,691	0	93,691	71,344
Disaster Management	5,000	0	5,000	0	5,000	3,619
Public Health	-4,550	0	-4,550	0	-4,550	-1,559
Fire Services	117,540	0	117,540	-63,164	54,376	-86,977
<b>Developing Our Economy</b>	<b>72,351</b>	<b>0</b>	<b>72,351</b>	<b>0</b>	<b>72,351</b>	<b>56,072</b>
Local Industries and Business	41,100	0	41,100	0	41,100	38,720
Tourism	31,251	0	31,251	0	31,251	17,352
<b>Responsible Local Government</b>	<b>-3,739,602</b>	<b>62,424</b>	<b>-3,677,179</b>	<b>-26,628</b>	<b>-3,703,807</b>	<b>-3,696,088</b>
Leadership, Advocacy & Governance	448,109	22,001	470,110	1,000	471,110	229,551
Managing Our Business	-4,187,711	40,423	-4,147,289	-27,628	-4,174,917	-3,925,639
<b>Labour Overheads</b>	<b>0</b>	<b>24,763</b>	<b>24,763</b>	<b>-2,884</b>	<b>21,879</b>	<b>-213,305</b>
Labour Overheads System	0	24,763	24,763	-2,884	21,879	-213,305
<b>Capital</b>	<b>2,321,700</b>	<b>2,134,428</b>	<b>4,456,128</b>	<b>205,570</b>	<b>4,661,698</b>	<b>919,105</b>
<b>Building Our Community</b>	<b>688,300</b>	<b>-372,296</b>	<b>316,004</b>	<b>22,000</b>	<b>338,004</b>	<b>-293,498</b>
Community Facilities	403,300	350,549	753,849	22,000	775,849	100,954
Children & Young People Support	285,000	-735,000	-450,000	0	-450,000	-400,000
Library	0	12,155	12,155	0	12,155	5,548
<b>Connecting our Community</b>	<b>1,223,500</b>	<b>1,006,663</b>	<b>2,230,163</b>	<b>180,405</b>	<b>2,410,568</b>	<b>501,527</b>
Road Networks	297,000	523,470	820,470	180,405	1,000,875	72,809
Active Transport	49,000	44,132	93,132	0	93,132	34,174
Air Services	110,000	0	110,000	0	110,000	10,702
Plant System	767,500	439,061	1,206,561	0	1,206,561	383,842
<b>Managing Our Environment</b>	<b>1,693,670</b>	<b>1,369,185</b>	<b>3,062,855</b>	<b>210,000</b>	<b>3,272,855</b>	<b>616,877</b>
Built Environment	600,000	885,785	1,485,785	210,000	1,695,785	372,829
Waste Management	460,000	0	460,000	0	460,000	7,732
Water	600,670	373,400	974,070	0	974,070	230,248
Sewer	33,000	110,000	143,000	0	143,000	6,068
<b>Our Health &amp; safety</b>	<b>10,000</b>	<b>85,000</b>	<b>95,000</b>	<b>63,165</b>	<b>158,165</b>	<b>70,940</b>
Environment Health	10,000	10,000	20,000	0	20,000	161
Disaster Management	0	75,000	75,000	1	75,001	7,614
Fire Services	0	0	0	63,164	63,164	63,164
<b>Developing Our Economy</b>	<b>51,000</b>	<b>56,106</b>	<b>107,106</b>	<b>0</b>	<b>107,106</b>	<b>12,519</b>
Local Industries and Business	24,000	29,106	53,106	0	53,106	11,789
Tourism	27,000	27,000	54,000	0	54,000	731
<b>Responsible Local Government</b>	<b>-1,344,770</b>	<b>-10,230</b>	<b>-1,355,000</b>	<b>-270,000</b>	<b>-1,625,000</b>	<b>10,740</b>
Leadership, Advocacy & Governance	0	0	0	0	0	0
Managing Our Business	-1,344,770	-10,230	-1,355,000	-270,000	-1,625,000	10,740



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The second quarter adjustments are divided into Pros and Cons and explained below:-

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

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

## **Operating**

### **Pros**

#### **Built Environment 20,000 (F)**

\$10,000 in labour savings have been realised on maintenance of Council buildings due to maintenance staff working on and being charged to the replacement of the new Garbage Bins. A further \$10,000 worth of savings from charging the Environmental Manager to the Early Learning Centre will be realised by the end of the financial year.

#### **Managing Our Business 27,628 (F)**

A \$32,000 rebate on Council's insurance premiums was received due to a combination of low claims and good overall performance by the fund. As Council is part of a mutual, it shares in the benefits of good performance by the fund. This was partially offset by an additional \$6,000 spent on outdoor staff uniforms that were upgraded to meet OH&S requirements.

### **Cons**

#### **Children and Young People 20,000 (U)**

This figure represents the operating deficit that the new Early Learning Centre is likely to incur for the period up until 30 June 2016. This will be due to staff being employed prior to it being fully operational. The Centre is expected to open on 26 April 2016 and collect about \$100,000 in fees. Staffing and other operational costs are expected to be \$120,000 due to a multitude of tasks that must be completed prior to opening.

#### **Noxious weeds 6,679 (U)**

Due to lower funding being received for the carrying out of this function than budgeted for and Council agreeing to increase our contribution as per Resolution 403/2015.

## Capital

### Cons

#### **Community Facilities** **22,000 (U)**

The \$22,000 unfavourable variance is due to the spending allocated by Council for the fencing behind the Big Bogan and Teamsters Rest.

#### **Road Networks** **180,405 (U)**

Garbage Bin replacements were over budget by \$5,000.

Expenditure on the Medical Centre Car Park has also gone over budget by \$60,000. This was due to the unforeseen expenditure associated with the removal of a substantial number of ground tanks. The additional cost was offset by reducing the expenditure on the Medical Centre itself.

The total estimated cost of the Medical Centre will be provided in the third quarter review when detailed estimates will be available. The budget for this project will then be adjusted accordingly.

\$150,000 in savings was found in the Shire Roads Capital Budget due to an error in the way the Colane Road construction project was shown to be funded. In addition to the 2kms of R2R funding, an additional 1 km was shown against Council's own funds from an earlier draft of the budget.

Projected spending on Roads Networks has also been adjusted to cater for a \$260,405 carry-forward from Regional Roads Block Grant expenditure that was not included in the carry-forwards from the first quarter. This amount was restricted in Note 6 of the 2014/2015 Financial Accounts and is effectively being funded from, as with all carry-forward items, unspent money from that year's budget.

#### **Built Environment** **270,000 (U)**

The additional funding required is for the Early Learning Centre. The original budget allocation was \$735,000, before any official estimates were made. Subsequent quantity surveyor reports estimated the cost to be \$945,000, without furnishing. The current estimate, with furnishing is \$1,005,000.

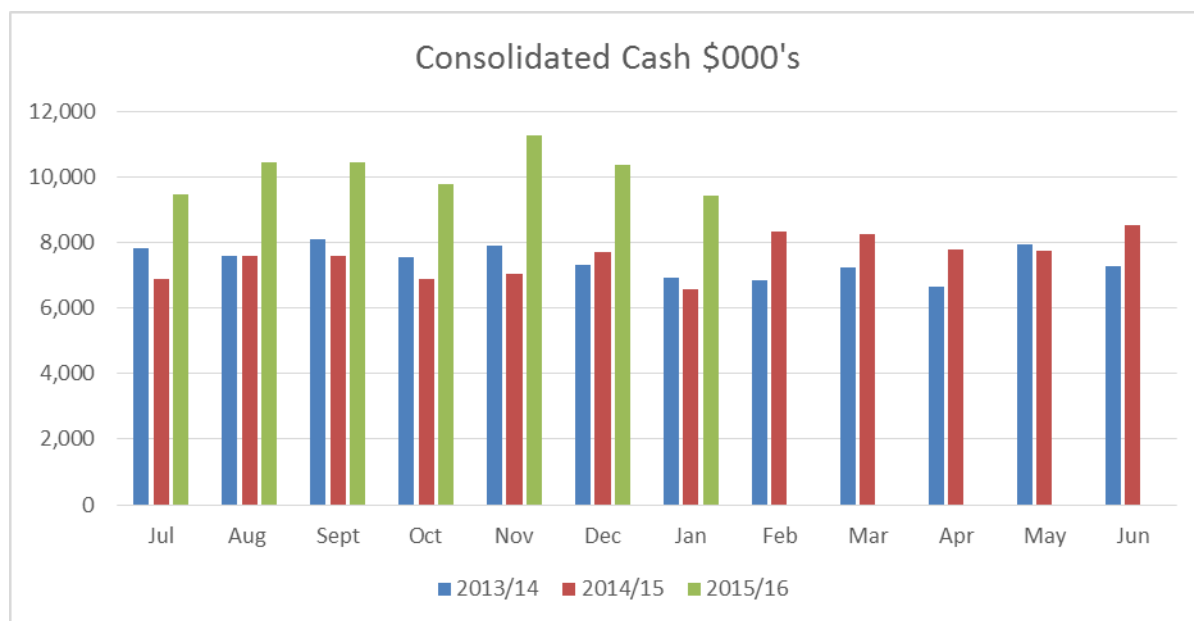
### Cash

The graph below shows consolidated cash position for the last two years and seven months. Cashflow is cyclical based on the timing of rates payments, Financial Assistance Grants, RMS and Roads to Recovery payments and the timing of capital works spending.

Council's cash is higher this year than in previous years but is expected to fall over the next few months as cash outflows occur due to spending on the Early Learning Centre, Medical Centre and the road program.

By 30 June 2016, Council's cash balance is predicted to be \$7.2 million.

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**Consulting and Legal Expenses**

A review of Council’s consulting and legal fees has been conducted as at 31 December 2015:

<b>CONSULTING &amp; LEGAL EXPENSES</b>			
<b>Expense</b>	<b>Budget \$</b>	<b>Expenditure YTD \$</b>	<b>Revised</b>
Consultancies	307,172	172,592	307,172
Legal	39,500	4,518	39,500

The major expenditure items in the consultancy area have been spent on IT Specialists and our Specialist Rates Officer who has been assisting in rectifying issues associated with rates and revenue collection. Spending on this consultant will continue but will be offset in savings on salaries through the vacancy in the Revenue Account position pending recruitment. Consultant costs have also increased due to the restructure of both the Engineering and Corporate Services Departments.

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

It is my opinion that the Quarterly Budget Review Statement for Bogan Shire Council for the quarter ended 31/12/15 indicates that Council's projected financial position at 30/6/16 will be *satisfactory* at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

A handwritten signature in black ink, appearing to read "L. Taberner", is written over a faint horizontal line.

Signed: \_\_\_\_\_ date: 12/02/2016

Luke Taberner

Responsible Accounting Officer, Bogan Shire Council

#### **5.4 Recommendation**

That Council:

1. Note the report on Actual compared to Budget for the quarter ended 31 December 2015.
2. Adopt the Second Quarter Adjustments to the 2015/16 budget as shown above on the Budget Review Statement.

## **6 MODEL CODE OF CONDUCT**

### **6.1 Introduction**

The purpose of this report is to present, for adoption, a revised Model Code of Conduct prepared by the Office of Local Government (OLG).

### **6.2 Background**

Council adopted the Model Code of Conduct on 28 February 2013 with the following inclusion as an amendment:-

“Bogan Shire Council recognises that, particularly in a small country town like Nyngan, certain family relationships do exist between Councillors and Council staff. It is to be expected that some interactions will take place between staff and Councillors as family members where Council-related business is discussed”.

Council has now been advised by the OLG of an amendment to the Model Code of Conduct.

Section 440 of the Local Government Act makes provision for the adoption of a Model Code of Conduct by Council.

### **6.3 Discussion**

Changes to the Model Code of Conduct for Local Councils in NSW are linked to amendments to the Local Government Act which commenced on 13 November 2015.

The amendments to the Act and the Code are detailed in Attachment 1, Circular 15-41 from the Office of Local Government with the changes to the Code essentially relating to significant non-pecuniary conflicts of interest in the making, amendment, alteration or repeal of an environmental planning instrument.

The recommended addition to the Bogan Shire amendment shown below is just intended to emphasise that the spirit and provisions of the Code are, nevertheless, to be upheld.

#### **6.4 Attachment**

1. Circular 15-41 from the Office of Local Government
2. Model Code of Conduct for Local Councils in NSW – November 2015

#### **6.5 Recommendation**

That Council adopt the Model Code of Conduct for Local Councils in NSW – November 2015 with the following inclusion as an amendment:-

*Bogan Shire Council recognises that, particularly in a small country town like Nyngan, certain family relationships do exist between Councillors and Council staff. It is acknowledged that some interactions will take place between staff and Councillors as family members where Council-related business is discussed. However, this in no way detracts from the obligations that these Councillors and Council staff have under the Model Code, particularly in relation to Part 6 – Relationship between Council Officials.*

Attachment 1

<b>Circular Details</b>	15-41 / 17 December 2015 / A446439
<b>Previous Circular</b>	
<b>Who should read this</b>	Councillors / General Managers / Complaints Coordinators
<b>Contact</b>	Council Governance Team / 4428 4100
<b>Action required</b>	Information

## Commencement of the Local Government Amendment (Councillor Misconduct and Poor Performance Act) 2015

### What's new or changing

- Amendments to the *Local Government Act 1993* made by the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015* commenced on **13 November 2015**.

### What this will mean for your Council

#### Councillors and General Managers must note the following:

- As of the commencement date, Councillors who have previously been suspended on two or more occasions will be automatically disqualified from holding office in a Council for 5 years if they are suspended on a further occasion. The Office has written directly to Councillors who have been suspended on two or more occasions to inform them of this change.
- The definition of "misconduct" has been expanded to include acts or omissions by Councillors that are intended to prevent the proper or effective functioning of a council or a committee of a Council (e.g. by disrupting decision making). Penalties for Councillor misconduct include suspension and disqualification from holding office.
- Councillors will no longer be permitted to participate in the consideration of the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area they have pecuniary interests in unless:
  - the only interests affected by the changes are the interests they or their relatives have in their principal places of residence; **and**
  - they have made a special disclosure of the affected interests.
- This amendment is complemented by an amendment to clause 4.29 of the *Model Code of Conduct for Local Councils in NSW* which also commenced on 13 November 2015. The amendment will mean that councillors with significant non-pecuniary conflicts of interests in the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area will no longer be permitted to participate in consideration of those matters unless:

**Manager of Corporate and Community Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 February 2016**

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- the only interests affected by the changes relate to the interest a person (e.g. a close friend or affiliate of a Councillor) has in their principal place of residence; and
- the Councillor has disclosed the affected interests.

**Complaints coordinators must note the following:**

- Councils must amend their adopted codes of conduct as soon as possible to reflect the amendment to clause 4.29 referred to above. The amended Model Code of Conduct is available on the Office of Local Government's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).
- Notice is no longer required of a motion to censure a Councillor for misconduct under section 440G. Under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*, Councils can only formally censure a Councillor for misconduct where this is recommended in a report by an independent investigator. This will be reported to the Council under cover of a staff report by a Council's complaints coordinator.

**Other key changes**

- The amendments are also designed to:
  - ensure a faster but fair investigation process for Councillor misconduct;
  - remove impediments to effective action in response to serious corrupt conduct;
  - maximise the effectiveness of Performance Improvement Orders issued by the Minister for Local Government to a Council; and
  - more effectively address Council maladministration.

**Where to go for further information**

- For more information on the amendments to the Act, see the attachment to this Circular.
- An updated version of the *Model Code of Conduct for Local Councils in NSW* has been published on the Office of Local Government's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).
- Contact the Office's Council Governance Team on 4428 4100.

A handwritten signature in blue ink, appearing to read "Tim Hurst".

**Tim Hurst**  
**Acting Chief Executive**  
**Office of Local Government**



**Manager of Corporate and Community Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 February 2016**

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**ATTACHMENT**

The amendments to the *Local Government Act 1993* referred to in this Circular are designed to:

More effectively deter and address Councillor misconduct by:

- providing for the automatic disqualification of a Councillor from holding civic office for a period of 5 years where they have been suspended for misconduct on a third occasion;
- expanding the definition of "misconduct" in the Act to include conduct that is intended to prevent the proper or effective functioning of a Council (i.e. through the disruption of Council and Committee meetings).

Streamline the process for dealing with Councillor misconduct to ensure faster but fair outcomes by:

- removing the requirement for notice to be given of a motion at a Council meeting to formally censure a Councillor in recognition that Councils may now only do so on the recommendation of an independent investigator following a formal investigation process;
- removing the mandatory requirement for the Chief Executive of the Office of Local Government to undertake an investigation as a prerequisite to taking disciplinary action for misconduct where the conduct has previously been investigated under a Council's code of conduct and for minor misconduct that requires only a reprimand or counselling, and removing rights of appeal in relation to reprimand and counselling;
- providing that prior to taking disciplinary action against a Councillor, the Chief Executive is to give the Councillor at least 14 days' notice of his or her intention to take disciplinary action, including the disciplinary action that is proposed to be taken and the grounds upon which the proposed disciplinary action is to be taken and to consider any submissions made by the Councillor in relation to the notice;
- expanding the class of persons the Chief Executive may direct to provide written information or a document for the purposes of investigating Councillor misconduct to "any person" but excluding privileged information or documents without the person's consent.

Promote community confidence in Council planning decisions by:

- amending the provision in the Act that allows Councillors to participate in the consideration of changes to a planning instrument applying to the whole or a significant part of a Council's area they have pecuniary interests in by limiting its application to the interests Councillors have in their and related persons' principal places of residence, thereby preventing participation in consideration of such matters by Councillors with other property interests.

Remove impediments to effective action in response to serious corrupt conduct by:

- providing that a former Councillor may be disqualified from holding civic office for serious corrupt conduct;
- providing that where the Minister, on a recommendation by the ICAC, suspends a Councillor from civic office for serious corrupt conduct and the Councillor brings legal proceedings to challenge the ICAC's recommendation, the suspension will continue until the proceedings are concluded and for six months

**Manager of Corporate and Community Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 February 2016**

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afterwards to allow time to arrange for their dismissal and disqualification should this be warranted;

Maximise the effectiveness of Performance Improvement Orders issued by the Minister to a Council by:

- reducing the minimum consultation period for a notice of intention to issue a Performance Improvement Order from 21 to 7 days;
- providing that a Council may be required to provide more than one compliance report on its compliance with a Performance Improvement Order, allowing the Minister to vary the terms of an Order on giving 7 days' notice, and allowing other intervention action while the Order is in force;
- deterring non-compliance by individual Councillors with a requirement under a Performance Improvement Order by:
  - empowering the Minister, where he or she is satisfied that a Councillor has failed to comply with such a requirement, to effectively suspend the Councillor until they have complied with the requirement or for a period of up to 3 months (with a possible extension of a further 3 months) (whichever is the lesser); and
  - allow the Minister to request the Chief Executive to refer non-compliance to the NSW Civil and Administrative Tribunal for disciplinary action.

More effectively address Council maladministration by:

- reducing the time in which a Council is required to respond to recommendations made by the Chief Executive arising from the investigation of a council from 40 to 28 days.



**Manager of Corporate and Community Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 February 2016**

## **7 LIBRARY REPORT**

1 October 2015 to 31 December 2015

### **7.1 Introduction**

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

### **7.2 Background**

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

### **7.3 Issues**

On 3 December, I attended a Librarians' Meeting at Warren for the North Western Library.

On 10 December, Councillor Elaine McLaughlin, Manager of Corporate Services Luke Taberner and I attended the North Western Library Annual General Meeting in Gilgandra. The meeting was straight forward with reports from Councillor Julian Campbell the Chairperson, Pam Kelly the North Western Library Manager, Shire Library Managers – Gilgandra – Liz McCutcheon, Coonamble – Raquel Pickering, Warren – Pam Kelly and Bogan - Maria Kinsey. Financial and Statistical Reports - Funding for the North Western Library for 2016/2017 will only have an IPART 1.89% increase on 2015/2016 costing for each Council.

The Warren Library hosted a training day for North Western Librarians on 15 December so that Librarians from the NSW State Library could inform us about the website, information and pamphlets which are available to us and our clients about law and issues that may arrive due to the fact that Court Houses in our regions are cutting back opening hours. The State Librarians have provided us with pamphlets and books concerning all types of legal issues so that we can provide our clients with information which they may require for these issues. They have told us that we are only to provide information and show them where they can find information regarding their legal questions.

The Library has been used by 23 students for study and external studies purposes, two meetings held in the office, a Diabetes Seminar attended by 11 adults, hosted Senior IT classes, as well as clients using our computer facilities for video conferencing and business.

## Library Statistics

Statistics for the past quarter dating from 1.10.15 to 31.12.15 are as follows with a comparison of the previous year figures for the same period. This last report includes reference inquiries (searching for customers' requests), WiFi usage and IT Help which staff gives to computer users. I have added these figures to show the hands on help staff give to customers. Internet usage is now measured in half hour bookings rather than the 1 hour sessions. Staff also provided photocopying, laminating, scanning and faxing services.

<b>October 1 – December 31, 2014</b>		<b>October 1 – December 31, 2015</b>	
<b>Adult Fiction</b>	<b>797</b>	<b>Adult Fiction</b>	<b>630</b>
<b>Western Fiction</b>	<b>43</b>	<b>Western Fiction</b>	<b>106</b>
<b>Large Print</b>	<b>588</b>	<b>Large Print</b>	<b>392</b>
<b>Magazines</b>	<b>171</b>	<b>Magazines</b>	<b>120</b>
<b>Adult Non Fiction</b>	<b>136</b>	<b>Adult Non Fiction</b>	<b>60</b>
<b>Talking Books</b>	<b>181</b>	<b>Talking Books</b>	<b>41</b>
<b>Inter Library TB's</b>	<b>60</b>	<b>Inter Library TB's</b>	<b>60</b>
<b>Junior Fiction</b>	<b>230</b>	<b>Junior Fiction</b>	<b>278</b>
<b>Junior Non Fiction</b>	<b>58</b>	<b>Junior Non Fiction</b>	<b>24</b>
<b>Easy &amp; Easy 2 &amp; RR</b>	<b>419</b>	<b>Easy &amp; Easy 2 &amp; RR</b>	<b>468</b>
<b>Toys</b>	<b>17</b>	<b>Toys</b>	<b>23</b>
<b>Home-Start Resources</b>	<b>10</b>	<b>Stories are Magic</b>	<b>96</b>
<b>Junior Talking Books</b>	<b>14</b>	<b>Junior Talking Books</b>	<b>4</b>
<b>Young Adult Fiction</b>	<b>128</b>	<b>Young Adult Fiction</b>	<b>78</b>
<b>Equipment</b>	<b>4</b>	<b>Equipment</b>	<b>1</b>
<b>DVD's</b>	<b>472</b>	<b>DVD's</b>	<b>268</b>
<b>TOTAL ISSUES</b>	<b>3328</b>	<b>TOTAL ISSUES</b>	<b>2617</b>
<b>TOTAL MEMBERS</b>	<b>2396</b>	<b>TOTAL MEMBERS</b>	<b>2481</b>
<b>New Members</b>	<b>18</b>	<b>New Members</b>	<b>24</b>
<b>Internet usage</b>	<b>2645</b>	<b>Internet/computer Usage</b>	<b>2338</b>
<b>IT Help</b>	<b>55</b>	<b>IT Help</b>	<b>93</b>
<b>WIFI</b>	<b>135</b>	<b>WiFi</b>	<b>106</b>
<b>People Counter</b>	<b>3838</b>	<b>People Counter</b>	<b>3481</b>
<b>North Western Ebooks &amp; Eaudio</b>	<b>1068</b>	<b>North Western Ebook &amp; Eaudio</b>	
<b>Reference Enquiries</b>	<b>130</b>	<b>Reference Enquires</b>	<b>102</b>

## **7.4 Conclusion**

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

## 7.5 Recommendation

That the Library Report 1 October 2015 to 31 December 2015 be received and noted.

## 8 BOGAN BUSH MOBILE REPORT TERM 4

### Summary:-

- *Enrollments Stable*
- *Coordinator has been appointed to the position of Director of Children's Services.*
- *Rani Dunn has been temporarily appointed as Coordinator for the BBM.*
- *Moving from a budget Based Funding Model to a Childcare Funding Model.*
- *Concerns for the viability of the Service under the new funding model.*
- *Nyngan BBM sessions to cease as Early Learning Centre becomes operational.*

## 8 Introduction

The purpose of this report is to inform Councillors and staff of the current happenings and issues relating to the Bogan Bush Mobile Service.

### 1.1 05.10.2015 – 17.12.2015 Statistics

Total km on new vehicle: 13944km

Total Children Enrolled: 219 – 17.12.2015

Total Children Enrolled: 217 as at 12.2014

Current Areas being visited;

Nyngan, Tottenham, Colierreina, Collie, Trangie, Mullengudgery, Warren, Marthaguy, Marra, Hermidale, Girilambone, Mungery, Nevertire, Duck Creek.



**Manager of Corporate and Community Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 February 2016**

## **8.1 Term 4 Round Up**

A busier than usual end to the year was experienced with BBM being involved in the planning of the new Bogan Shire Early Learning Centre. The BBM team are excited about this project and see real value for our Nyngan community.

With the exception of Nevertire, all venues have been busy with good numbers, harvest time usually sees us a little quieter with this being the case for 2015.

We held our annual Christmas parties at each of our venues with some colourful visits from Santa Claus, lots of fun was had by all involved.

The end of the year sadly sees Astrid Linke after successfully completing her Cert III in Education and Care, head off to University in Bathurst. We will miss Astrid, she has been a wonderful addition to our team and will remain on in a casual capacity being available in Uni holidays. We will be filling her position with a new trainee in the New Year, as we found having a trainee on the team very advantageous.

As I commence in my new role as Director of Bogan Shire Children's Services in 2016, Rani Dunn will step across to the Service Leader position for BBM. Rani has done a wonderful job for the past 4 years as assistant and is looking forward to the challenge of her new role. The vacant BBM Assistant position will be advertised in February and filled in due course.

## **8.2 Timetable Changes**

Changes for 2016 include the cancellation of the Nevertire session due to low or no numbers and the end of our Mullengudgery group with two of our regular children at this session off to school. No other family was willing to pick up the session and the remaining two families have indicated that they may use the ELC in lieu of this session.

Nyngan sessions will continue for this term finishing with an end of term party on 4 April. This is in line with the funding stipulation from the ELC grant that "no BBF funded project can operate in the same community," once the Early Learning Centre opens.

BBM will service Collierreina on the Nyngan day, as a morning session, suiting these families much better. BBM have also been invited to conduct a session at the Barnardos office in Warren. The focus of this session will be to meet the needs of children and families that are not accessing any other early learning. Clients accessing parenting programs at Barnardos on a regular basis have stated they would love to come to playgroup at Barnardos where they feel comfortable and safe".

This session will be conducted after the Warren and Trangie sessions on a Thursday afternoon as a pilot to address the need and usage. All other venues will be business as usual.

### **8.3 Funding Changes for BBM and Budget Based Funding (BBF) Funded Projects.**

Term four saw more focus and information surrounding proposed funding changes for BBF funded projects. *"From 1 July 2017, the Australian Government will introduce a new child care system. Services currently funded under the BBF Program that deliver child care or early learning will be funded under the new system when it fully commences on 1 July 2017.*

*This means that the BBF Programme will close on 30 June 2017 and all BBF services will need to transfer to the new child care system. The new child care system will offer more opportunities for your service to meet the needs of the children and families than the current BBF Program and it will be more accessible and flexible than the current child care system. Once your service has become approved to administer the Child Care Subsidy on behalf of families the Government will pay this subsidy directly to your service, subject to family eligibility. The Government will also provide additional targeted funding to services that support disadvantaged families through the new Child Care Safety Net programs that will be introduced progressively from 1 July 2016".* Ref: Joanna Stanion; Branch Manager, Stakeholder Engagement and Budget Based Funded Program, Department of Education and Training. [Full letter attached]

BBM has been working very closely with Contact Inc. and MCSA to work through the change, what it means for our service and how we can transition into the new system.

On 24 November I travelled to Parkes to meet with Michele Carnegie from Contact Inc. to work through potential scenarios that may work under the new funding, budgeting out viability for BBM within these proposed changes. As we worked through the scenarios it became clear that, at this stage it will be very difficult for BBM to transition in to the new model, remain viable and meet the needs of our existing clients.

The main issues for our service in relation to the proposed changes are as set out in the, *Report to the Senate Inquiry into the Family Assistance Legislation Amendment (Jobs for families Child care Package) Bill 2015.*

## **Universal Access**

*Mobile children's services play a crucial role for the families and children who access them. For the overwhelming majority of isolated children, it is their only access to early education and care.*

*From an Australian Government perspective, this point cannot be overstated – many of the children and families who use these services, would not have exposure to early education and care if they did not exist. In fact, remote mobile children's services provide the only consistent opportunity for peer socialisation for a significant number of children as no other early childhood education and care services exist in most of the areas serviced.*

## **Quality Early Education**

*All NSW BBF mobile children's services that are associated with Contact Inc. and MCSA are committed to meeting the high standards within the national Quality Framework. These BBF mobile children's services actively pursue improved quality standards and set best-practice standards within the mobiles sector.*

*BBF mobile children's services have had Quality Improvement Plans in place for the past two years, and are meeting and exceeding the Early Childhood Qualification standards. Educators have been implementing, to a high standard, both the Early Years Learning Framework for the past three years.*

*They provide high-quality education and care services to our most geographically isolated children in a professional and accessible way. They demonstrate strong inclusion strategies, and have high levels of community engagement and support.*

*The Overview within this report states; Contact Inc and MCSA have consulted with 14 BBF mobile children's services in NSW. We have collected preliminary data to assist the Senate Inquiry understand the issues facing our sector.*

*From this consultation process, we understand there are 1688 children currently accessing 14 BBF mobile children's services in NSW.<sup>1</sup>*

*1 Enrolment data provided by 14 services, venue data provided by 14 services (out of total 16 NSW BBF mobile children's services).*

*Initial data collected indicates that if the reforms to mobile children's services funding are passed in their current form, 968 children will potentially have reduced access to early childhood education in remote areas on NSW.*

*We will see:*

- 231 children will potentially miss out on accessing mobile children's services under the Child Care Subsidy, as a result of remodelling current service delivery.*
- 16 locations are likely to close due to the introduction of Child Care Subsidy, as a result of remodelling current service delivery.*



*In addition:*

- *6 mobile services running educationally based play sessions are at risk of being unable to transition to a long day-care model and the Child Care Subsidy.*
- *If these services close, 737 children in 75 isolated communities may miss out on an early education.*

For BBM specifically offering care at a possible 4 venues instead of our existing 13 and would see us go from delivering service to 110 plus children per week to a possible maximum of 50.

*The report goes on to include challenges identified by services to include:-*

- *In remote areas it is not practical for families to travel up to a total of 400km round trip, often on mostly unsealed roads, so their children can attend Long Day Care while they travel to work, and then back again for pick-up.*
- *Long Day Care hours will not suit many parents working in agriculture, as the needs of livestock and land management cannot be neatly timed to fit in with travel to and from care, etc.*
- *The remote areas we service have very small populations and no forecasted growth. So that the number of children who could potentially attend long day care is less than eight per day. This makes the financial viability of a long day care impossible.*
- *To support viability, the new business model will focus on towns where there are higher numbers of children. This in turn will mean that a significant number of children who live in the most remote parts of the State will miss out on vital early childhood education and care, due to their low population of children, which will increase the impact of isolation during key formative years.*
- *Many venues would need to undertake significant upgrades for licensed childcare to take place.*
- *Managing the high cost of time when services are travelling up to 400km per day. Absorbing this cost into the total daily cost of childcare will make it unaffordable for families.*
- *The very real costs to service providers associated with road closures and extreme weather would need to be considered in remote settings. For example, such adverse events affected 20 days in 2015 for Outback Mobile (Broken Hill).*
- *The Workplace Health and Safety issues associated with very long days and few days per month at base are significant.*
- *How will the revised services manage families with school-age children and younger siblings? These children otherwise participate in School of the Air and attend with younger siblings for social interaction.*

**Manager of Corporate and Community Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 February 2016**

- *In the current educationally based play sessions, the Governess also provides classes for school-age children, shares their academic progress with parents and discusses matters associated with curriculum. This interaction would no longer be possible under a Long Day Care model.*
- *Geographically isolated parents strongly value the combination of emotional support and educational sessions provided by qualified educators, and see this as filling a vital gap in their children's education and wellbeing. How do services continue to fill this gap under Long Day Care?*
- *The current system provides for care sessions for School of the Air, gymkhanas, field days and other. This will no longer be possible under CCS and will leave a big hole in community needs.*

Luke and I will be attending the BBF Transition Seminar in Sydney on 17 February to engage closely with the Australian Department of Education and training where there will be an opportunity to ask question and put forward scenarios.

I hope this visit will shed some light on how BBM will move forward, there are uncertain times ahead, however I feel we are well positioned with our funding manager and the department to work through the transition period and hopefully retain our wonderful service.

#### **8.4 Recommendation**

That the Bogan Bush Mobile Term 4 Report be received and noted.

**Luke Taberner**

**MANAGER CORPORATE & COMMUNITY SERVICES**

**Manager of Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

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

### **Mayor and Councillors**

I submit the following report for consideration:-

## **1 OPERATIONAL REPORT**

### **1.1 Civil Works**

Work undertaken between the reporting period of the 7 December 2015 to 12 February 2016 consisted of the following:-

- Assisting with the continuing construction of the Early Learning Centre;
- Repairs and maintenance to the Town Hall;
- Installation of a new windsock for the airport;
- Removed Christmas banners from the main street;
- Construction of a new bus shelter at Vange's Park;
- Assisting with the upgrades to the irrigation system at 'Frank Smith' Oval; and
- Assisted with the installation of an automatic gate at the works depot.

### **1.2 Community Facilities**

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

- Repairing the sprinkler system at No.1 and No.2 Ovals;
- Preparation of the ovals and sporting fields including the aeration of Larkin and Junior League Ovals;
- Cleaning of town facilities;
- Preparation of Larkin Oval for Community Hub movie night in January;
- Cleaning and sweeping of the Nyngan CBD;
- Preparing for private functions;
- Preparing for 'Australia Day' function;
- Cleaning and maintenance of town streets and nature strips;
- Cleaning of town streets gutters and culverts; and
- Digging and backfilling of graves.

### **1.3 Roads**

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

**Manager of Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
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<b>No.</b>	<b>Name</b>	<b>Comments</b>
8	Bobadah Road	Maintenance grading completed
20	Murrawombie Road	Maintenance grading completed
92	Colane Road	2km of construction completed
14	Gilgai Road	Re-sheeting completed
	Information Bays, Nyngan	Constructed and sealed
67	Payne's Road	Maintenance grading completed
5	Piesley Road	Maintenance grading continuing
7514	Cockies Road	Maintenance grading completed
10	Pangee Road	Maintenance grading continuing
12	Coffil's Lane	Re-sheeting completed
11	Honeybugle Road	Maintenance grading completed
17	Booramugga Road	Maintenance grading continuing
56	Dickson's Road	Maintenance grading completed
	Girilambone Town Streets	Maintenance grading completed
40	Plummer's Road	Maintenance grading completed
41	Shannonvale Road	Maintenance grading completed
7	Warrah Road	Maintenance grading continuing
92	Colane Road	Culvert repairs completed
26	Old Warren Road	Grid removal completed
48	Ford's Road	Maintenance grading completed
HW8	Barrier Highway	Shoulder grading commenced
HW7	Mitchell Highway (Adavale)	Culvert repairs completed
60	Whiterock Road	Re-sheeting commenced

**Manager of Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

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

- Colane Road;
- Cobar Condo Road;
- Hermidale Nymagee Road;
- Canonba Road;
- Nyngan town streets;
- Mulla Road;
- Mitchell Highway; and
- Barrier Highway.

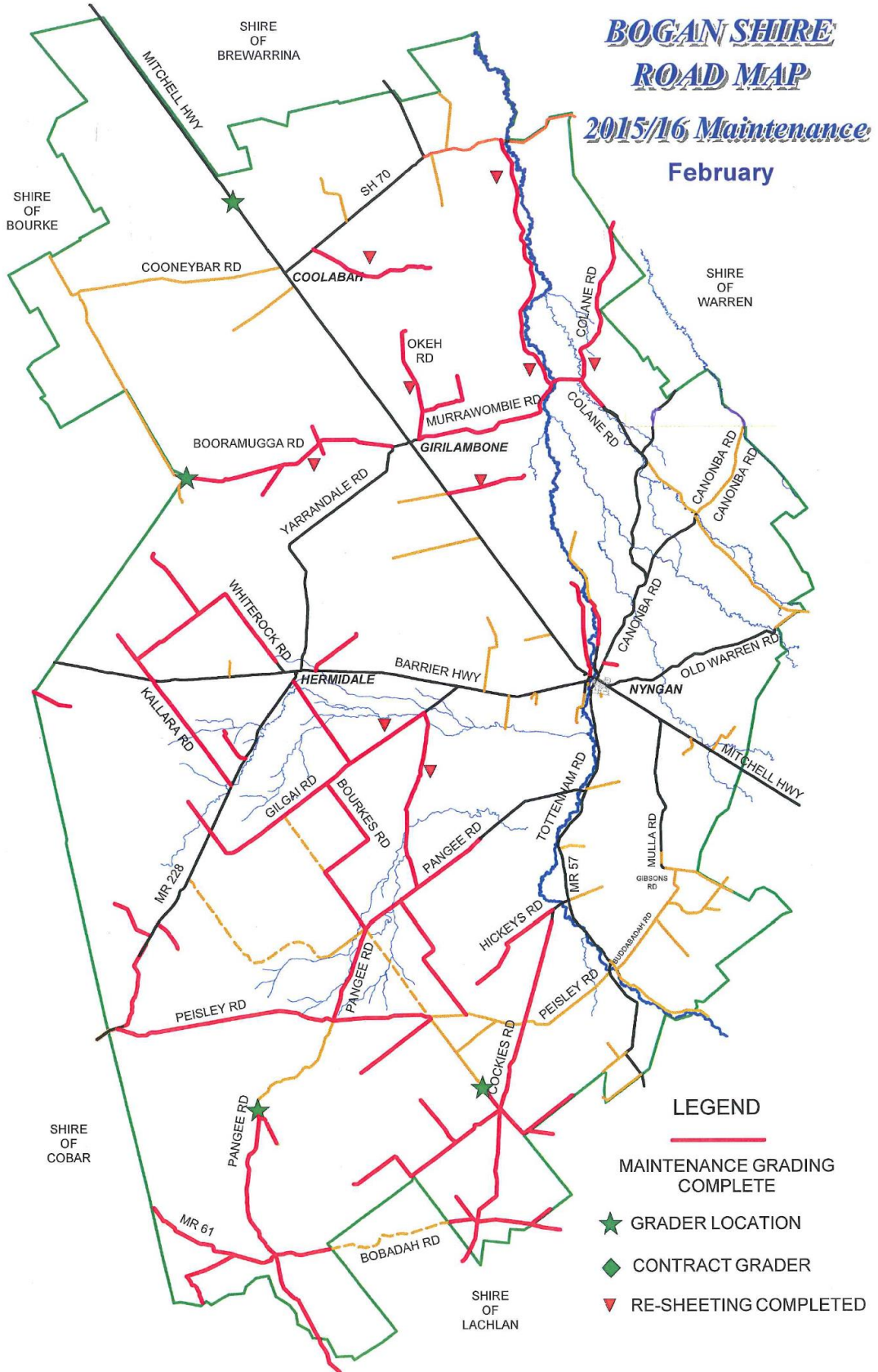
The works program for the remainder of February and March includes but is not limited to the following:-

- Maintenance grading and re-sheeting of the following roads - Elmore Road, Cooneybar Road, Pangee Road, Kallara Road, Whiterock Road, Budgery Road, Glengariff Road and Warrah Road;
- Continuing slashing of its rural road network;
- Resealing segments of the Barrier Highway and Mitchell Highway;
- Rehabilitation of approximately 1.4km of the Mitchell Highway east of Nyngan near the property 'Adevale';
- Construction and installation of signage for the Information Bays along the Mitchell Highway at the eastern and western approaches to Nyngan; and
- Shoulder grading of the Barrier Highway in preparation for resealing.

#### **1.4 Recommendation**

That the Operational Report for the reporting period 7 December 2015 to 12 February 2016 be received and noted.

**Manager of Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**



**Manager of Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

## **2 ALBERT PRIEST CHANNEL PIPING PROJECT**

*Summary:*

- *This report is to advise Council that the Department of Primary Industries, Water has confirmed that \$100,000 funding is available to engage consultants to prepare a Business Case for the Albert Priest Channel Piping Project.*
- *The Manager of Engineering Services has requested proposals from both CPE & Associates (who undertook the previous work for Council on the water security) and NSW Public Works for the preparation of a Business Case*
- *It is proposed to involve both Public Works and CPE and Associates in the process to achieve the best possible Business Case.*

### **2.1 Introduction**

The purpose of this report is to advise Council that the Department of Primary Industries, Water has confirmed that \$100,000 funding is available to engage consultants to prepare a Business Case for the Albert Priest Channel Piping Project.

### **2.2 Background**

The Manager of Engineering Services has requested proposals from both CPE & Associates (who undertook the previous work for Council on the water security) and NSW Public Works for the preparation of a Business Case to support a funding application for the piping of the Albert Priest Channel.

CPE & Associates' initial proposal states:-

*"Before proceeding with a full business case, we recommend that a discussion paper be prepared, and that a workshop be conducted with key stakeholders. We understand that there are a number of questions that all of the parties wish to consider, and that detailed information will need to be analysed. Providing this information to stakeholders and reaching agreement in a workshop forum will then result in a more robust business case.*

*Subject to the outcomes of the workshop, the discussion paper can be expanded into a full business case, suitable for a grant application.*

**Manager of Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
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*Attainment of a government grant to replace the Albert Priest Channel with a pipeline and pumping station requires a business case that builds a complete argument justifying the construction of the pipeline. A critical component of that business case will be the need to explore the costs and consequences of operating and maintaining such a pipeline. The costs and consequences of a pipeline will need to be compared with the "do nothing" scenario of continuing to operate the existing open earth channel".*

### **2.3 Discussion**

After discussions with DPI Water and CPE and Associates, it was agreed to ask NSW Public Works to provide a proposal for the detailed design and estimate for the piping of the Albert Priest Channel. It was felt that Public Works are very experienced in the design while CPE produce high quality Business Cases.

CPE and Associates have provided a proposal for Stage 1 of a Business Case for Piping the Albert Priest Channel – Discussion Paper and Workshop. This proposal does not include detailed design or preparation of the final Business Case.

NSW Public Works has provided the following Scope of Work which includes many of the items in the CPE proposal.

1. Review the previous reports by SKM and WaterBiz in relation to the pipeline options, and incorporate the relevant parts into a new "Discussion Paper".  
Review the work currently being done (interim report) by DPI for sustainable water supply.
2. Inception meeting and inspection of the APC. This would involve two team members travelling to Nyngan to inspect the APC and routes and meet with Council representatives.
3. Further development and review of the preferred pipeline options.  
Undertake preliminary hydraulic analysis for the options.  
Determine if there are other options available including alternate routes, alternatives to laying the pipe next to the Channel, such as laying the pipe within the Channel etc.  
Review crossing and other major features along the route and assess options for the pipeline.  
Develop options for irrigation offtakes.  
Examine issues around water quality deterioration within the pipeline.



**Manager of Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
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Examine the interaction of the preferred option with the proposed new Nyngan Water Storage (currently detailed design by NSW Water Solutions).

Review pumping considerations including civil, mechanical, HV power supply, electrical and telemetry aspects.

Identification of the next steps.

4. Cost Estimating - Prepare strategy level costs estimates for the options.

Determine operational cost for the preferred option and provide input for the development of a Business Case (by others) for the project.

Impact on rate payers and life cycle costing.

Prepare NPV/NPW costing for the preferred options.

5. Prepare a draft version of a "Discussion Paper" for review by the Bogan Shire Council.

6. Participate and facilitate a workshop at Nyngan based on the findings from the options analysis as detailed in the "Discussion Paper" with the stakeholders. The workshop will be half a day in duration and will have the aim of getting consensus from the stakeholders to move forward with the preferred option.

It is proposed to involve both Public Works and CPE and Associates in the above process to achieve the best possible Business Case.

Department of Primary Industries, Water has also advised that the available funds could also be used for further investigation into increasing the size of the proposed water storage in the current water security project.

The \$100,000 funding for the consultants has been included in the current budget review.

## **2.4 Recommendation**

That the Albert Priest Channel Piping Project Report be received and noted.

**Manager of Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

**3 NYNGAN SHOWGROUND AND RACECOURSE IMPROVEMENTS**

*Summary:*

- *This report is to advise Council of the requested improvements to the Nyngan Showground and Racecourse as discussed at the Showground Users Advisory Group Meeting.*
- *At the October 2015 Showground Users Advisory Group Meeting, Council was asked to consider various improvements to the facilities from all users. Council has allocated \$10,000 in this years budget for improvements at the showground and racecourse.*

**3.1 Introduction**

The purpose of this report is to advise Council of the requested improvements to the Nyngan Showground and Racecourse as discussed at the Showground Users Advisory Group Meeting.

**3.2 Background**

At the October 2015 Showground Users Advisory Group Meeting, Council was asked to consider various improvements to the facilities from all users. Council has allocated \$10,000 in this year's budget for improvements at the showground and racecourse.

**3.3 Discussion**

The requested items follow with estimated costs:-

**Racecourse**

Photo box renovations	\$1,000
Track improvements (500m)	\$3,500
Relocate eastern fence and repair track fence	\$2,500
Paint bar area	\$3,000

**Showground**

Paint Photography Room walls	\$2,000	
Upgrade entrance gate signage	\$1,500	
Aluminum Picnic Tables x 15	\$18,000	(\$1,200 ea)

**Manager of Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
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There were a few other requests that are of a minor nature and will be carried out under operational costs.

A recent inspection of the race track has indicated a need to re shape and add sand to an additional 1100 metres of track. If the sandy fill material was taken from the old existing pit in the centre of the course, the estimated cost would be an additional \$4,500 on top of the \$3,500 above.

**3.4 Recommendation**

For Council's Consideration.

**Graeme Bourke**

**MANAGER ENGINEERING SERVICES**

**Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting of  
Bogan Shire Council held on 25 February 2016**

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

**Mayor and Councillors**

I submit the following reports for consideration:-

**1 DEVELOPMENT APPLICATIONS**

**1.1 Introduction**

Eight (8) Development Applications have been approved since Council's December 2015 Meeting.

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2014/001	Dr Ryan Heggie	Canonba Road, NYNGAN	Hangar	64,000	General Manager awaiting further advice from Applicant
2014/013	Peter Groeger	'Killawarra' COOLABAH	Extracting sand and gravel	5,000	Still waiting on consent from Crown Land Office 24/7/2014 – a 4 week extension of time to provide consent of CL has been permitted.
2015/004	Tritton Resources Pty Ltd	Mitchell Highway GIRILAMBONE Lot 10 DP 751315 & Lot 3 DP 751342	Underground mine – "Avoca Tank"	20,000,000	Additional Information required from Applicant to satisfy Government Agencies
2015/009	Emma Templeton	93-101 Pangee Street, NYNGAN	Modification to DA 2012/011	250,000	Approved by Council at December 2015 meeting
2015/019	Bogan Shire Council	72,74,76 Pangee Street, NYNGAN	Medical Centre	1,200,000	DA Approved
2015/021	KJ Halal Meats Pty Ltd	Old Warren Road, NYNGAN	Alterations and Additions to Abattoirs	250,000	Stop the Clock Issued – EPA requires more information

**Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting of  
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2013/015/02	Bogan Shire Council	Canonba Road, Nyngan	Section 96 Modification to Operating Hours Approved	Nil	Approved
2016/001	TFB Constructions	15 Pangee Street	Demolition of Single Dwelling	21,450	Approved.
2016/002	Graincorp	Pangee Street	Replacement of Sampling Stand	106,000	Approved
2016/003	S P Steer	22-32 Hospital Road	New Dwelling	328,836	Approved
2016/004	Dale Collins	41 Wambiana Street	Double Garage	9,800	Approved
2016/005	RW Dewhurst	Hermidale Showground	Accessible Amenities	13,500	Approved

**1.2 Recommendation**

That the Development Applications Report since the December 2015 Council Meeting be received and noted.

## **2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM**

### **2.1 Introduction**

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

### **2.2 Discussion**

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

- Routine maintenance duties;
- Undertaking the preparation of landscaping for stage 1 of the Early Learning Centre;
- Assisting contractors with issues relating to the pump at Rotary Park;
- Participated in ATV training;
- Preparation of Rotary Park for the Carp Muster; and
- Assisting in the operation of the Nyngan tip and during fire incident.

### **2.3 Recommendation**

That the Operational Report – Parks and Gardens Team - since the December 2015 Council Meeting be received and noted.

### **3 OPERATIONAL REPORT - WEEDS**

#### **3.1 Introduction**

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

#### **3Discussion**

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

- Spraying of noxious weeds at the Albert Priest Channel;
- Spraying of noxious weeds at Nyngan Cemetery;
- Spraying of noxious weeds at Nyngan Tennis Court;
- Spraying of noxious weeds at the Cobar Highway Overpass;
- Routine property inspections;
- Routine roadside inspections;
- Spraying of noxious weeds at the Mulla Road Edge break;
- Spraying of noxious weeds at the Showground;
- Rail corridor inspections; and
- Spraying of noxious weeds at the Highway 7 edge break

#### **3.3 Recommendation**

That the Operational Report – Weeds – since the December 2015 Council Meeting be received and noted.

## 4 NYNGAN BOWLING CLUB GREEN AND O'REILLY PARK TREES

### Summary:-

- *Council has been requested by the Nyngan Bowling Club to address a problem in regards to shoots occurring within the bowling green area suspected to be from the nearby trees within O'Reilly Park.*
- *It is understood that the Bowling Club has recently upgraded irrigation throughout the greens which is a contributing factor in the shoots now occurring in the club area as the roots seek more water.*
- *It is recommended that Council write to the Nyngan Bowling Club with suggestions in respect to management of the tree shoots within the land and failure to successfully manage the problem, Council consider in a future budget for removal of the trees subject to evidence from the Bowling Club that management options such as a root barrier have failed.*

### 4.1 Introduction

Council has been requested by the Nyngan Bowling Club to address a problem in regards to shoots occurring within the bowling green area suspected to be coming from the nearby trees within O'Reilly Park.

### 4.2 Discussion

The problem identified is seen to be a historic issue with longer shoots from the three mature Poplar Trees situated in O'Reilly Park observed during a site inspection to also be within the concrete bunded area to the right of the existing bowling greens. The trees in O'Reilly Park are noted to be significantly mature species of the *Populus sp.*

It is understood that the Bowling Club has recently upgraded irrigation throughout the greens which is a contributing factor in the shoots now occurring in the club area as the roots seek more water.

Generally, Poplar Trees in groups can be a concern with the plant seeking moisture with roots capable of travelling long distances to seek water, uplifting water pipes and concrete in some instances. In this case, the roots are observed from just below the surface within O'Reilly Park and 'suckers' are located throughout the area.



**Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting of  
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This requires ongoing management to poison or pull the suckers out of the ground, which can easily be achieved.

Additionally, the issue may be combated within the grounds of the bowling greens by placing a root barrier on the end of the greens wall in proximity to the existing mature trees. The root barrier may only need to be 500mm deep to alleviate the problem of shoots occurring within the greens.

#### **4.3 Recommendation**

1. That the report be received and noted.
2. That Council write to the Nyngan Bowling Club with suggestions in respect to management of the tree shoots within the land.
3. Failing to successfully manage the problem, Council consider in a future budget for removal of the trees subject to evidence from the Bowling Club that management options such as a root barrier have failed.

## 5 NYNGAN CEMETERY AND CEMETERIES POLICY

*Summary:-*

- *Following a number of operational concerns noted within the Cemeteries, an updated policy is provided for consideration and adoption by Council.*

### 5.1 Introduction

The purpose of this report is to present to Council an updated Cemeteries Policy for consideration and adoption.

### 5.2 Discussion

In December 2015, Council resolved to consider a future report on the Cemeteries Policy for the Bogan Shire. This was following a number of concerns raised with the operational elements of the Nyngan Cemetery in particular and the number of regular complaints received by Council.

As highlighted within the report to Council in December, it is important that the concerns of the community regarding Council's maintenance activities are clearly identified as well as the responsibilities of individual families/grantees with respect to graves and monuments within the cemetery.

Consequently, an updated version of the Cemeteries Policy is included for consideration.

It is anticipated that once the updated policy is adopted, it will be made publically available and a copy of the policy will be supplied to each applicant applying for a burial permit from Council.

### 5.3 Attachment

Attachment 1 – Updated Cemeteries Policy

### 5.4 Recommendations

1. That the report be received and noted.
2. That Council adopt the updated Cemeteries Policy and the policy is to be effective immediately.



Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting  
of Bogan Shire Council held on 25 February 2016

**DRAFT**

**POLICY DES001**

## **BOGAN SHIRE CEMETERIES POLICY**



Updated February 2016

Adopted by Council ##### 2016

**Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting  
of Bogan Shire Council held on 25 February 2016**

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## **1. PURPOSE**

The policy will assist in the administration, management and maintenance of the cemeteries within the Bogan Shire Council Local Government Area.

It provides effective guidelines that will assist in ensuring the objective functions of the cemeteries are carried out in accordance with statute and common law, regulation and National Standards. It will also ensure the safe and respectful conduct of those entering the cemeteries is in accordance with reasonable and practical standards.

### **1.1 Objective**

The policy aims to balance safe and sustainable cemetery management with sensitivity and respect.

## **2. STATEMENT**

### **2.1 Citation**

This Policy may be cited as "The Policy" or "The Bogan Shire Cemeteries Policy".

### **2.2 Commencement**

This Policy is to commence when adopted by Council.

### **2.3 Application**

2.3.1 This Policy applies to all cemeteries administered, operated and maintained by the Council as listed on the NSW Cemeteries and Crematoria Register being:

- The Nyngan Cemetery
- The Hermidale Cemetery
- The Girilambone Cemetery
- The Coolabah Cemetery
- The Bobadah Cemetery

2.3.2 This Policy does not affect the operation of any Regulations under the Public Health Act 2010 relating to cemeteries.

## 2.4 Definitions

**"Applicant"** means the person making an application –  
for a burial or memorial right;  
for a work permit or other Council consent;  
for burial or cremation.

**"Appropriate fee"** means a fee fixed by Council.

**"Ashes"** means the processed remains recovered from the cremation of a body or pathological samples.

**"Body"** means a human body and any part thereof.

**"Burial place"** means a grave site, vault site, crypt site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.

**"Burial right"** see "Right of burial"

**"Cemetery or cemeteries"** means an area containing one or more burial places. When used as a generic term it can apply to lone graves, family plots and larger collections, such as those under Council's control.

**"Coroner"** means an officer appointed under the Coroners Act (Part1 A &2).

**"Cost"** means the total cost to provide a service. For example, plaque cost includes the time taken to design the plaque, plaque manufacture, transport and fixing.

**"Cost recovery fee"** a fee calculated to recover all of the costs incurred to provide a particular service or function.

**"Council"** means the Bogan Shire Council.

**"Cremated Remains"** means the residue left after a human body has been cremated.

**"Cremated Remains Memorialisation"** Areas or spaces for interment of cremated remains can be located in gardens, freestanding structures, or incorporated into a building within the cemetery grounds. Maintenance of the structure is the responsibility of the cemetery. Maintenance of the plaque is the responsibility of the owner.

**"Crown Land"** land owned by government. In NSW the nominal owner is the Minister for Land and Water Conservation. In this context the lands are allocated to Trusts and Local Councils and dedicated as cemeteries.

**"Exhumation"** means the removal of the remains of a dead person or still-born child from a grave or vault but does not include the removal of remains from a vault in a cemetery for immediate transfer to another vault in the same cemetery.

**"Family Cemeteries"** Small cemeteries located on properties in excess of 2ha which meet special conditions as set out in the Public Health Act.

**"General Manager"** means the General Manager of the Bogan Shire Council.

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**"Grantee"** is the original owner/purchaser of the right of burial. Where there are 2 or more owners these should be registered as "joint tenants". The recognized owner of the right of burial is that person(s), or corporation(s) currently entered in the cemetery's burial register. In the case of Monuments as referred to in 3.16, the grantee refers to a surviving member of that persons family.

**"Lawn Cemetery"** means a lawn area with smaller, matching plaques with burial plots arranged head to head.

**"Licensee"** means a grantee.

**"Masonry lined grave"** means a below ground structure of masonry construction with provision for multiple interments. The structure is back filled and sealed by a stone/concrete slab. Embalming of the body is not required.

**"Manager Health & Development Services"** means the Bogan Shire Council's officer responsible for the administration and control of cemeteries.

**"Monument"** means any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial right.

**"Monument grave"** means a fully or partially enclosed grave with a substantial headstone.

**"Monumental mason"** a tradesman mason or person possessing the skills to carry out monumental masonry work

**"Owner for the Time Being"** is the lawful owner of the right of burial, subsequent to the grantee. Ownership may have been formally transferred or bequeathed by a Will.

**"Policy"** means this Policy

**"Private Land"** areas of land that is used by private enterprise or church groups zoned for use as cemeteries.

**"Register"** means the Council's formal repository of data containing all the required details of a burial, cremation, memorial site, inurnment right or burial right.

**"Reservation"** means a pre-need burial right.

**"Right of burial/burial right"** is the exclusive right to the owner/holder to inter human remains in a burial place. There is no entitlement to any "real estate" or property as such.

**"Shallow Burial"** is to be carried out in accord with Health Department procedures and approval.

**"Transfer of Human Remains"** A transfer involves the removal of remains from an above ground structure in a cemetery for immediate transfer to another above ground structure in the same cemetery.

**"Transfer of Right of Burial"** is the owner/holder for the time being may transfer the right of burial in accord with the by-laws or rules of the cemetery and the transfer takes place when payment is made and details entered into the burial register.

**"Usual fees"** means the fees for specific purposes, as determined by the Council.  
Legislation:



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“Health Regulation” means the Public Health (Disposal of Bodies) Regulation 2012 under the Public Health Act 2010 (NSW), as amended.

“WH&S Act” means the Work, Health & Safety Act 2011 (NSW) as amended and associated Regulations.

“Human Tissues Act” means the “Human Tissues Act – 1983 (NSW)”.

“Coroners Act” means the Coroners Act 2009 (NSW).

“Birth, Death & Marriages Act” means the “Births, Deaths and Marriages Registration Act 1955 (NSW)”.



### 3 MANAGEMENT OF CEMETERIES

#### 3.1 Planning Conduct and Maintenance of Cemeteries

Council will make such provisions as it considers necessary for the following:

- a) the setting aside of sections for different types and classes of burials;
- b) the establishment of standards of construction and design for monuments and structures and conditions of entry for funeral directors, monumental masons, their workmen and contractors and other service providers associated with work in the Cemeteries;
- c) the size, multiple use and location of burial places;
- d) interments;
- e) the erection or installation of structures and the making of inscriptions;
- f) the carrying out of work by monument masons;
- g) the qualifications required by, and the security deposits to be lodged by, monument mason;
- h) the removal, replacement and maintenance of structures;
- i) the improvement and maintenance of cemeteries;
- j) the making of arrangements for the care of burial places on an annual or other basis;
- k) the preservation, conservation and promotion of cemetery sites presently in use as places of community significance in terms of their architectural, heritage, social and genealogical content;
- l) the promotion and interpretation of cemeteries through the installation of signage, brochures and other interpretive materials.

#### 3.2 Right of Burial

3.2.1 Right of Burial is a written undertaking by the Council to grant a licence to occupy a specific grave or burial site without interference once the remains of a deceased person have been placed in it.

3.2.2 The Council may charge a fee to issue a Right of Burial Certificate.

3.2.3 The Right of Burial or any licence issued under its provisions does not transfer any equity or ownership of cemetery land to the owner of the Certificate or a beneficiary of it.

**Note:** *In the matter of the legal status of a "Burial Right", Council relies upon Common Law and a recent NSW Supreme Court Judgment, "Smith v Tamworth City Council" and Appeal Court judgment "Rutherford v Wallace". An important aspect of these judgments is that it confirms the Grantee's exclusive right to the entitlement. The judgment also makes a distinction between the payee (applicant) and the Grantee, protecting the Grantee absolutely. Consequently, Council regards the Grantee's rights as exclusive. Council will only entertain an application to bury or carry out work on an existing burial right if the Grantee's identity and consent has been clearly established.*

### **3.3 Licence of Burial**

3.3.1 The Council will only consider granting a licence to bury or immure the remains of a deceased person in the space described in a Right of Burial when;  
the deceased person is the person named in the Right of Burial Certificate;  
or; the person, or estate of the person, named in the Right of Burial Certificate has given their formal consent.

3.3.2 Licence of Burial once issued by Council is irrevocable.

3.3.3 Additional fees and charges, as determined by Council from time to time, will be charged at the time the Licence of Burial is issued.

### **3.4 Refusal to Grant Exclusive Rights of Memorials**

The Council may refuse to grant an exclusive right of burial to any person if, in the opinion of Council, the grant would create a monopoly or encourage dealings in such Burial Rights as a business rather than as an affordable service to the public, or within the bounds of normal free trading. (Note: the intention of this clause is to prevent anyone purchasing bulk numbers of burial areas in order to "corner the market").

### **3.5 Register of Burial Places and Interments**

3.5.1 Council shall ensure that:

- a) A register of burial, as required by the Regulations of the Public Health Act 2010, is kept in respect of all burial places and other memorials.
- b) A register of pre-need burial rights (reservations) is maintained.
- c) Each register, which may be kept in written, printed or electronic form, contains sufficient information to allow for simple cross-referencing of entries by -
  - Surname
  - Date of Burial
  - Burial Place location
- d) Each register entry contains the name and address of the owner of the burial right.

e) Each burial is recorded in its respective register immediately after the service.

3.5.2 Registers may be amended to remove or correct inaccuracies.

3.5.3 Upon application made by any person, Council will make available to the person a copy of any entry made in the burial registers.

- a) Such applications shall be made on an approved form;
- b) Each form shall be limited to a single register entry;
- c) A fee per page, as set out in Council's Annual Fees & Chargers - Copying Fee may be charged for each application.

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3.5.4 The registers will be used in any proceedings requiring evidence of the identity of the holder of an exclusive right that has been granted in respect of any burial or memorial site.

### **3.6 Certificates of Exclusive Right of Burial**

3.6.1 The Council will issue to the owner of an exclusive right of burial a certificate, clearly showing:

- The owners name and address;
- The amount paid;
- The date of issue;
- A description of the physical location of the grave;
- The terms and conditions under which the certificate is issued.

3.6.2 The application for a certificate must be made on a form approved by Council.

3.6.3 Any fees relating to the purchase and issue of the certificate must be paid at the time of application.

3.6.4 In the event that reservations are cancelled by notification of the owner or their authorised representative the Council has the discretion to determine if the fees associated with that reservation are to be refunded.

3.6.5 In the event that the Council has conclusive proof that an owner of an exclusive right of burial will have no need for a plot, that plot may be re-allocated.

### **3.7 Hours of Burial and Exhumation**

Burials and exhumations shall take place only during the hours approved by Council between sunrise and sunset, Monday to Friday and until Noon Saturdays.

No burials or exhumations are permitted on Sunday or public holidays.

### **3.8 Permit for Burials**

3.8.1 Burials are not to take place unless an *Application for Burial Permit* has been received and approved by Council with a copy of the Policy provided to the applicant.

3.8.2 An Application for a Burial Permit will be approved when:

- All details have been supplied,
- fees received; and
- death certificate has been sighted. (Note: a facsimile copy of death certificate may be furnished as an interim step).

3.8.3 Burial shall be in accordance with the Regulations of the Public Health Act 2010 and Council's Procedures.

### **3.9 Exhumation**

3.9.1 Exhumations are not to take place unless -

- a) Prior written consent has been obtained from the Director-General of The NSW Department of Health; and
- b) Order for Exhumation has been issued by Council.

3.9.2 This clause does not apply if an exhumation has been ordered by a Court.

### **3.10 Miscellaneous**

3.10.1 A person must not do any of the following (within a cemetery):

- a) damage, deface, interfere with or alter burial places;
- b) damage, deface, interfere with or alter monuments;
- c) bury, inter or exhume any human remains, whether cremated or not;
- d) cause or permit an animal that is under the person's control to enter or remain in a cemetery;
- e) take part in any gathering, meeting or assembly, except for the purpose of religious, research, historical, educational or other ceremony of burial or commemoration;
- f) engage in trade or commerce;
- g) distribute any circulars, advertisements, paper drawn or photographic material without prior Council consent;
- h) erect a commercial sign;
- i) drive a vehicle at a speed of more than 10 kilometres per hour;
- j) drive a vehicle or a vehicle and trailer having an unladen weight of more than 3 tonnes;
- k) drive a vehicle through a cemetery for the purpose of travelling between places outside of the cemetery;
- l) park a vehicle on any known burial place, verge or plantation, or in a manner that is likely to impede traffic;
- m) teach, learn or practice driving a vehicle;
- n) camp or reside on any land;
- o) possess or consume an alcoholic or intoxicating beverage or substance except from that directly associated with a funeral service;
- p) urinate or defecate;
- q) bring into or leave any rubbish, refuse, scrap metal (including remains of vehicles), rock, soil, sand or any other such substances;
- r) kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced; or
- s) plant any tree, shrub, herbage or other plant without prior consent.

**Penalty: Offenders may be prosecuted under Common Law, Statute Law, The Health Act (NSW 1910), The Criminal Code.**

3.10.2 Subsection 3.10.1 e) does not prevent a person from riding a horse or leading or walking a dog on a leash.

3.10.3 Council's written consent is required to legally carry out any act that might otherwise give rise to an offence under this clause.

### **3.11 Requirements for Graves**

3.11.1 The dimensions of a grave shall be a minimum of -

- a) 1000mm x 2400mm for adult graves;
- b) 900mm x 1500mm for children's graves.

3.11.2 The number of interments permitted in a grave shall be in strict accordance with the Regulations of the Public Health Act 2010. For the purpose of this clause:

- a) 3 infants shall be treated as one adult (infant being defined as up to 1 year old);
- b) 2 children shall be treated as one adult (child being defined as from 1 year to 7 years old); or
- c) prior written consent has been obtained from the Director-General of the NSW Department of Health to vary the number of interments.
- d) Where a coffin containing the deceased remains is interred in a grave, the upper surface of the coffin shall be at a depth not less than that required by the Regulations of the Public Health Act 2010.
- e) The maximum number of burials within any General Cemetery in a plot is limited to two (2). However, the depth of the plot will depend on the depth of the first burial and maybe restricted by natural ground conditions (rock, water table, type of soil). The location and/or depth of existing burials can also determine whether confirmation prior to interment, which may involve probing of the plot. a second interment, can be located into an existing plot. This is subject to
- f) The maximum number of burials within the Nyngan Lawn Cemetery in a plot is limited to three (3). However, the depth of the plot will depend on the depth of the first burial and maybe restricted by natural ground conditions (rock, water table, type of soil). The location and/or depth of existing burials can also determine whether a second interment can be located into an existing plot. This is subject to confirmation prior to interment, which may involve probing of the plot.

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3.11.3 Council will allow ashes remains to be placed into a general cemetery plot, at the Interment Fee specified in the Annual Fees and Charges recognising that this is the wish of some families, provided that:

- a) Where ashes remains are placed into a general cemetery plot the first (original interment) shall be at the normal rate for the purchase of a general cemetery plot.
- b) Up to 3 additional ashes remains can be placed or memorialised at the Interment Fee as specified in Council's Annual Fees & Chargers document.
- c) The limits for placement in general cemetery plots shall be:
  - i. 1 burial and 2 ashes memorials, or:
  - ii. No burial and 4 ashes memorials
- d) Prior Council approval is required prior to the interment of ashes.

### **3.12 Monuments and Inscriptions**

3.12.1 A person shall not, in a cemetery:

- a) Construct or install any monument, memorial, foundation, vault, table, headstone, gravestone, kerbing, railing or other structure, unless it is of
  - i) a material and design approved in writing by the Council;
  - ii) carried out to the standard of workmanship required by the Council; and
  - iii) constructed in accordance with AS 4204 – 1994 "Monuments & Headstones"
- b) Make any inscription or carry out any adornment, unless it is approved by the Council and made or carried out to the standard required by the Council.

3.12.2 Application for the approval of the Council in accordance with 3.1.12.1 shall;

- a) be made to the Council in writing;
- b) be accompanied by sketches, drawings and other particulars of the design that may be required by the Council; and
- c) where the application relates to an inscription, be accompanied by a copy of the proposed inscription.

3.12.3 No trade inscription shall be allowed on any masonry work unless approved, in writing, by Council.

### **3.13 Monumental Masons**

3.13.1 A person shall not carry out any work as a monumental mason within a cemetery unless with the written consent of the Council.

3.13.2 The Council may issue approval to undertake work as a monumental mason to any person it considers to be suitably qualified to undertake such work.

3.13.3 Any person may apply to work as a monumental mason in a cemetery, provide the application is in writing.

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3.13.4 The Council may suspend or cancel approval of any person by giving notice in writing.

### **3.14 Removal of Structures**

3.14.1 The Council may;

- a) remove, demolish, alter or require the removal, demolition or alteration of any structure or any adornment; or
- b) erase, correct, or require the erasure or correction of wording of any inscription that has been constructed, installed, made or carried out;
  - i) without the written consent of the Council; or
  - ii) otherwise than in accordance with an approval given by Council.

3.14.2 Where any work that has been approved is not completed within a reasonable time (normally four weeks where there has not been an excess of poor weather) the Council may issue a written notice seeking completion of works within 8 weeks. Where this notification is not complied with, the Council may remove or demolish such partially finished work as it deems necessary to preserve the fabric of the cemetery and public safety.

### **3.15 Removal and Replacement of Structures on Request**

3.15.1 Where notice to open a grave or vault for a lawful purpose is given in accordance with 3.9, the Council may authorise the removal of any part of the structure to enable the safe opening of the grave or vault. Prior to such consent, Council shall require: the lodgement of proof of ownership the payment of the scheduled fees and related costs;

3.15.2 The consent is subject to the requirement that the grantee or applicant to make good the repair of the structure affected within 14 days of the interment or service date.

### **3.16 Maintenance of Structures**

3.16.1 The ownership of monuments or other structures is deemed to be with the person or persons (or their heirs and successors) who caused the monument or structure to be constructed.

3.16.2 The Council shall not be responsible for the upkeep, maintenance, repair etc of any monument or structure.

3.16.3 The owner is responsible for the upkeep, maintenance and repair of the monument.

3.16.4 The Council may act to remove any structure that has become dilapidated or unsightly.

3.16.5 The Council may remove any trees, shrubs or other vegetation from any cemetery where, in its opinion, it is in the interest of the cemetery to do so.

### **3.17 Unsafe Monuments**

#### **3.17.1 Risk Category**

Any monument identified as posing a safety risk will be accorded a category ranking as follows.

##### **Category 1**

Monuments over 1200mm in height that, irrespective of cause (subsidence, deterioration, etc);

*are likely to collapse or fall over at any time; or*

*have significant sections or parts separating from the main monument.*

##### **Category 2**

Monument 1200mm or less in height, that irrespective of cause (subsidence, deterioration, etc);

*are likely to collapse or fall over at any time*

*have significant sections or parts separating from the main monument.*

##### **Category 3**

Monuments that are affected by subsidence and are leaning by more than 10 degrees, but are otherwise deemed to be in sound condition.

#### **3.17.2 Identification and Reporting**

Any identification of unsafe monuments and consequent actions under this clause will be thoroughly documented and supported with photographs. All actions will be recorded against the respective cemetery register entry.

#### **3.17.3 Subsidence**

Where subsidence is evident, Council will fill and compact the ground in the normal manner.

#### **3.17.4 Repair of Monument**

Council will not repair monuments. Council will only act to ensure public and employee safety.

#### **3.17.5 Category 1 Monuments**

The following will be undertaken in the event that a Category 1 Monument presents a risk and is deemed unsafe by Council:

1. The area surrounding the monument is to immediately be secured with suitable barriers and signs.
2. The Council will make reasonable efforts to contact the grantee of the burial right and instruct the grantee to take immediate steps to repair the monument.



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3. Where the grantee cannot be contacted, a public notice will be issued, clearly identifying the grave and; Indicating Council's intent to make the monument safe unless the grantee acts within fourteen (14) days; Reserving Council's right to recover the costs, relating to the handling of the monument, from the grantee.
4. If the grantee has not contacted Council within fourteen (14) days of the public notice, the Council may take steps to make the monument safe.

**Note:** *Making the monument safe will (usually) consist of laying the headstone face down on the ground of the grave. This method, which preserves the inscription, is recommended by the National Trust.*

### 3.17.6 Category 2 Monuments

The following will be undertaken in the event that a Category 2 Monument presents a risk and is deemed unsafe by Council:

1. Same as Category 1 above, except that the notice and action period will be extended from fourteen (14) to twenty eight (28) days.

### 3.17.7 Category 3 Monuments

The following will be undertaken in the event that a Category 3 Monument presents a risk and is deemed unsafe by Council:

1. The Council will make reasonable efforts to contact the grantee to the site and instruct the grantee to take steps to repair the monument.
2. Where the grantee cannot be contacted, a public notice, clearly identifying the grave and indicating to the grantee that he or she should take steps to repair the monument may be issued.
3. Council will continue to monitor the site until such time as the monument is identified as Category 1 or Category 2. The appropriate procedure will then be activated.

## **3.18 Lawn Cemetery Sections and Plaques (Nyngan Cemetery)**

3.18.1 The Council will ensure that;

- a) it maintains, preserves, and repairs lawn cemetery graves;
- b) graves are not enclosed with any railing or kerbing;
- c) all flowers are placed in the receptacle provided and located adjacent to the headstone. Vases are not be placed on or by the grave unless approved by Council and no glass is permitted;
- d) no headstone, statue or other structure is erected or constructed over a grave in a lawn section;
- e) no tree, shrub or other plant is placed or planted on any grave in a lawn section other than by Council at its absolute discretion.

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3.18.2 The Council shall place over each grave headstone in the Lawn Section, as soon as practicable after a burial or interment has taken place in that grave, and upon receipt of written instructions from the grantee, a memorial plaque, of a standard size and type as determined by the Council. The purchase of the plaque is at the full cost of the grantee. The installation of the plaque is provided by Council.

3.18.3 The grantee may apply to privately supply and fix a memorial plaque in Lawn Cemetery Sections provided that;

- a) an application has been lodged with Council;
- b) all fees as scheduled by Council for the lodgement of the application have been paid;
- c) the design and type of plaque is consistent with the requirements determined by Council;
- d) Council has given its written approval.

3.18.4 The grantee is responsible for the ongoing maintenance or cleaning of the memorial plaque in Lawn Cemetery Sections ensuring that;

- a) no cleaning agents, solvents, etc cause any detrimental effect to the plaque, concrete surrounds, neighbouring memorials or grassed areas;
- b) the design and type of plaque remains consistent with the requirements determined by Council; and
- c) the plaque was in good order when received from the supplier and installed.

It is reasonable to expect that any concerns are reported to Council within 60 days of the grantee receiving written notification that installation is complete.

3.18.5 Council will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on a grave in a lawn cemetery under the provisions of 3.18.6 of the Policy.

3.18.6 Council will allow small items of commemoration to be placed or affixed adjacent to the memorial plaques, provided that:

- a) items do not exceed 120mm in height;
- b) items are only placed so they are fully contained on the upper surface of the concrete plinth within the area immediately in front of the memorial plaque;
- c) items are not of glass or any other fragile material; and
- d) items are not likely to offend.

3.18.7 Council reserves the right to remove any items that do not comply with the provisions of 3.18.6 of the Policy and those deemed to be damaged, unsightly, likely to offend, or likely to be potentially harmful to the public or workers.

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3.18.8 Council will allow ashes remains to be placed into a lawn cemetery plot, recognising that this is the wish of some families, provided that:

- a) Where ashes remains are placed into a lawn cemetery plot the first (original inurnment) shall be at the normal rate for the purchase of a lawn cemetery plot.
- b) Up to 3 additional ashes remains can be placed or memorialised with the payment for each being the Interment Fee as per Council's Annual Fees & Chargers document.
- c) The limits for placement in lawn cemetery plots shall be:
  - i) 1 burial and 2 ashes memorials, or
  - ii) No burial and 4 ashes memorials.

### **3.19 Conservation and Heritage Issues**

3.19.1 The Council recognises that burial grounds and cemeteries are places of significance to the community by virtue of their architectural, botanical, social or genealogical significance, and will:

- a) Provide reasonable assistance to community groups and interested parties who seek to promote or research cemetery issues.
- b) Provide signage and interpretive materials regarding historical information and points of interest regarding the cemeteries in the area.
- c) Actively promote the publication of burial records, collection and publication of other historical information.
- d) Actively promote the repair of monuments within the cemeteries, contacting families where possible, and assisting local groups to facilitate repair of historic features.
- e) At the discretion of each Committee work with persons who may be interested in issues of botanical significance. Such discretion is taken to include the level of cooperation that may be provided to such person(s).

### **3.20 Concluding Remarks**

3.20.1 Anyone wishing to provide input to future revisions of the policy should provide suggestions by contacting the Manager Development & Environmental Services, Bogan Shire Council, P.O. Box 211 Nyngan NSW 2825.

## **4. IMPLEMENTATION**

The Development & Environmental Services Division of Council will administer the Policy.

## **5. REVIEW**

This policy will be reviewed by Council every 2 years.

**6. APPLICATION OF ESD PRINCIPLES**

6.1.1 The policy assists in achieving practical allocation of diminishing resources, primarily rights of burial (graves and burial plots) within the cemeteries and memorial gardens.

6.1.2 It also encourages all new structures (monuments etc) to be built in accordance with the best practices and standards, thereby making them as sustainable as possible.

**Authority**

Council Resolution No. #####

**Policy Owner / Further Assistance**

Manager – Development and Environmental Services

**Related Information**

**Review Date**

February 2018

**Revision History**

<b>Date</b>	<b>Description of Change</b>	<b>Sections Affected</b>
25 July 2013	Minor rewording and inclusion of additional paragraph.	Section 3: 3.1, 3.5.3, 3.7, 3.10, 3.11.2, & 3.18
25 February 2016	Rewording, inclusion of additional information, updating and formatting corrections.	Section 1, 2.3.1, 3.7, 3.8, 3.17, 3.18, 3.20 and 3.21.

## 6 BOGAN SHIRE EARLY LEARNING CENTRE – Monthly Report

*Summary:-*

- *Monthly report on the construction status of the Bogan Shire Early Learning Centre Centre (BSELC).*

### Project Status Summary

On Time?	On Estimate?	Any Scope Changes?	Any Emerging Issues?
Yes	Yes	Yes	No

#### 1. Project Status Summary Explanations and Comments

Works are progressing well since the last report to Council.

The building has reached 'lock-up' stage, meaning all external works to the building have been completed, with exception to a few minor touch-ups.

Internally, all that remains to be completed is painting, joinery installation, tiling, flooring and fit-out (i.e. electrical, plumbing).

The carpark has been formed and is scheduled for bitumen sealing Monday 15/02/2016.

Landscaping to the front portion of the building commence Thursday 11 February. The landscape design has been water conscious, and the potential to utilise the raw water line which travels through the adjacent laneway is currently being considered for irrigation and watering purposes.

It is anticipated that by the March Council meeting, the building will be completed.

## 2. Project Cost Management

Bogan Shire Council\*  
Bogan Shire Early Learning Centre  
For Period up to 15th February 2016

Work Order	Budget	15/16 YTD Actuals (incl Oncosts)	15/16 Commitments	Remaining Budget
<b>Grand Total</b>	<b>735,000</b>	<b>648,562</b>	<b>128,696</b>	<b>-42,258</b>
<b>3170 : Bogan Shire Early Learning Centre</b> <b>Capital Budget - 2015/2016 \$700,000</b>	<b>700,000</b>	<b>633,567</b>	<b>128,696</b>	<b>-62263</b>
<b>3171 : Bogan Shire Early Learning Centre</b> <b>Car Parking Capital Budget - 2015/2016 \$15,000</b>	<b>15,000</b>	<b>1,015</b>	<b>0</b>	<b>13985</b>
<b>3172 : Bogan Shire Early Learning Centre</b> <b>Street Access Capital Budget - 2015/2016 \$20000</b>	<b>20,000</b>	<b>13,981</b>	<b>0</b>	<b>6019</b>

## 3. Project Schedule and Milestones

Week ending 19 February:-

- Painting continue;
- Joinery install completed;
- Carpark bitumen sealing completed; and
- Landscaping (front portion) to commence.

Week ending 26 February:-

- Painting finish;
- Tiling commence ; and
- Landscaping (front portion) to continue.

Week ending 4 March:-

- Tiling finish; and
- Landscaping (front portion) to continue).

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Week ending 11 March:-

- Flooring commence and finish;
- Landscaping (front portion) finish; and
- Landscaping (back portion) commence.

Week ending 18 March:-

- Fit-out – electrical and plumbing;
- Building – internal and external touch ups; and
- Landscaping (back portion) to continue.

### **Project Communication and Engagement**

Nil.

## **4. Project Issues**

### **Resource Management**

As reported to Council in November, Council's Civil Works Team has been heavily involved in many facets in the construction of the building. This has not changed through the months of December, January and February.

Whilst their involvement is coming to end, it shall be noted that their significant contribution to the Early Learning Centre has affected other Capital Project items.

### **6.1 Recommendation**

That the Bogan Shire Early Learning Centre Report for the months of January and February 2016 be received.

## 7 NYNGAN WASTE AND RESOURCE MANAGEMENT FACILITY (NWRMF)

*Summary:-*

- *The report is provided to seek Council adoption of a waste voucher system, EFPOST payment system at the gate for existing waste charges and update Council on the measures to be implemented for the Nyngan Waste and Resource Management Facility over the coming months.*
- *The report also presents the findings of an onsite waste and traffic survey conducted by Council staff.*

### 7.1 Introduction

The purpose of this report is to advise Council of the Nyngan Waste and Resource Management Facility (NWRMF) charges and issuing of vouchers for residents to access the waste facility.

The waste facility is anticipated to be restricted to opening hours from May 2016, once a waste facility operator is successfully recruited in accordance with Council Resolution 131/2015.

### 7.2 Background

In May 2015, Council resolved to comply with the requirements of the Environment Protection Licence and limit access to the site for a total of 45 hours (spread across Saturday, Sunday, Monday, Thursday and Friday) with a total budget of \$102,000 for staffing. Minute Number 131/2015.

As a result of the above Resolution, modification to the Development Consent and Environmental Protection Licence was required as no Sunday trading was previously approved. The modification to the Development Consent was approved on 15 December 2015.

Prior to staffing the facility, construction works and new infrastructure is required to be completed. This includes new security fencing, new site office including toilet and shower (with payment capabilities such as cash and EFTPOS), CCTV cameras and drop off bays for recycling.

Importantly, whilst Council resolved to include an increase to the Waste Management Depot Charge (Minute Number 132/2015) from \$192 to \$276 for residential customers in order to fund the staffing of the facility, farmland customers do not currently pay to access the waste facility.



### **7.3 Discussion**

Firstly, a review of the day to day operations required at the facility to comply with the Licence issued by the Environment Protection Authority identifies significant changes necessary to the current use of the site.

Most recently, a traffic count and waste survey was undertaken by Council's Senior Development and Environment Officer over the course of a Saturday and Sunday (16 and 17 January 2016).

The objective of the survey was to gain data on the number of vehicles accessing the facility during the proposed opening hours on weekends as well as observe the type of waste and how the waste was being disposed of onsite. The following table provides a summary of the survey undertaken.

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**TABLE 1 – WASTE AND TRAFFIC SURVEY NWRMF**

<b>Saturday 16 January 2016</b>		<b>Number and Type of Vehicles</b>		<b>Notes on General Waste Disposal Type / Issues</b>
	<b>Cars</b>	<b>Trucks</b>		
<b>8am to 12 noon</b>				
	15	0		<ul style="list-style-type: none"> <li>• General waste unsorted in Council issued bins/ older green bins and trailer loads (single and dual axel), significant grass clippings noted.</li> </ul>
<b>12 noon to 5pm</b>				
	34	3		<ul style="list-style-type: none"> <li>• Mixed waste unsorted and high number of cans and bottles.</li> <li>• Tipper truck noted with building waste no payment made for disposal.</li> <li>• Council bins used for disposal.</li> <li>• Higher proportion of visitors outside of town limits and high number of scavengers with inappropriate footwear.</li> </ul>
<b>Sunday 17 January 2016</b>				
<b>8am to 12 noon</b>				
	37	0		<ul style="list-style-type: none"> <li>• More unsorted waste observed after leaving site at 5pm Saturday (approximately 4 trailer loads).</li> <li>• High proportion of scavengers.</li> <li>• High amount of cardboard, plastics and cans noted.</li> </ul>
<b>12 noon to 5pm</b>				
	27	2		<ul style="list-style-type: none"> <li>• High amount of cardboard, plastics and cans noted within mixed wasted as well as scrap metal.</li> <li>• Green waste increased and dumped at face of landfill.</li> <li>• High proportion of visitors outside of town limits. Noted WA and VIC number plates on 3 vehicles.</li> </ul>

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Whilst the above provides a summary of the numbers of vehicles using the facility to dispose of waste, it is significantly important to note that a proportion of the visitors to the facility were identified to reside out of town and no limit to the numbers of access times (for example 3 trailer loads in one day from repeat persons) was observed.

Additionally, the issue of not sorting waste and opting to fill a recycling bin issued by Council and place the waste straight into landfill is of great concern. This issue requires greater education of individuals to reduce the likelihood of this occurring at the facility when the need to sort waste will be a priority. This problem, in addition to the need to prevent access to the landfill face by the public will need to be addressed within the next budget. This would also include educational/workshop expenses and purchase of additional second hand plant (such as a hook bin/skip lift truck) to be used for the day to day operation at the facility. Until this can occur, there is no other option but to permit access to the landfill face for mixed solid wastes.

On the basis of the above findings, and the need to comply with the Licence issued, it is proposed to implement the following measures immediately:-

1. Recruit a Waste Operator for the NWRMF under the current budget allowance of \$102,000.
2. Fence and secure the site.
3. Place a new site office with facilities to accept payment (cash and EFTPOS) within the planned capital expenditure.
4. Provide dedicated bins for separation of wastes and include recycling receptacles under the planned capital expenditure.
5. Provide all residential customers (for all rateable properties) currently paying the \$276 waste management charge with 4 vouchers per annum to access the facility with domestic waste only in a car/ute or box trailer. An example of the vouchers is shown below and will coincide with annual rate notices being issued:



**Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting  
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6. All others users (including farmland customers and for wastes outside of the voucher specifications) will not be entitled to vouchers and shall pay the relevant fee at the gate per the waste fee schedule contained within the current Operational Plan and Budget for 2015/2016 (this may be reviewed in the near future subject to Council approval). The current fees from the Operational Plan are provided below:-

<b>FEES &amp; CHARGES</b>	<b>2015/2016 Fee \$</b>	<b>GST</b>
<b>Miscellaneous Waste Disposal</b>		
<b>Tyre Disposal</b>		
Car (Bogan Shire Resident/Business)	<b>\$10.00</b>	<b>Y</b>
Car (Non Bogan Shire Resident/Business)	<b>\$20.00</b>	<b>Y</b>
Light Truck, 4WD (Bogan Shire Resident/Business)	<b>\$25.00</b>	<b>Y</b>
Light Truck, 4WD (Non Bogan Shire Resident/Business)	<b>\$45.00</b>	<b>Y</b>
Truck (Bogan Shire Resident/Business)	<b>\$45.00</b>	<b>Y</b>
Truck (Non Bogan Shire Resident/Business)	<b>\$65.00</b>	<b>Y</b>
Super Single Truck (Wide) (Bogan Shire Resident/Business)	<b>\$55.00</b>	<b>Y</b>
Super Single Truck (Wide) (Non Bogan Shire Resident/Business)	<b>\$75.00</b>	<b>Y</b>

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<b>Domestic Waste (Private Residence Only)</b>		
Green Waste (Lawn Clippings only)	Nil	
Green Waste (Tree cuttings, trailer size up to 1.5m x 2.4m) /1 Tonne Utility)	<b>\$15.00</b>	Y
Wheel bin capacity (240lt)	<b>\$5.00</b>	Y
Box Trailer Load (up to size 1.5m x 2.4m) /1 Tonne Utility (separated material)	<b>\$35.00</b>	Y
Box Trailer Load (up to size 1.5m x 2.4m) /1 Tonne Utility (non-separated material)	<b>\$75.00</b>	Y
Larger than a Box Trailer Load (up to size 1.5m x 2.4m) /1 Tonne Utility (separated material)	<b>\$55.00</b>	Y
Larger than a Box Trailer Load (up to size 1.5m x 2.4m) /1 Tonne Utility (non-separated material)	<b>\$85.00</b>	Y
Recycling Bin	<b>\$66.00</b>	Y
Replacement Bin	<b>\$66.00</b>	Y
<b>Recyclable</b>		
Glass, Paper, Cardboard, Plastic Bottles, Aluminum cans	Nil	
<b>Demolition (Orders or part of DA approval/non-Fire Damage)</b>		
<b>Dwellings and Domestic Sheds</b> <i>(payable PRIOR to commencement of demolition of structure)</i>		
Domestic Shed/additions (separated)	<b>\$500.00</b>	Y
Dwelling - Weatherboard or brick veneer (separated)	<b>\$1,300.00</b>	Y
Dwelling - Weatherboard or brick veneer (non-separated)	<b>\$3,000.00</b>	Y
<b>Commercial &amp; Industrial Buildings</b> <i>(payable PRIOR to commencement of demolition of commercial/industrial)</i>		
Single Storey Brick or Besser block construction ( <b>Separated</b> )	<b>\$2,500.00</b>	Y
Single Storey Brick or Besser block construction ( <b>Non-separated</b> )	<b>\$5,000.00</b>	Y
Minimum fee for higher/complex demolition based on Council Inspection & Quotation and <u>MUST be separated</u>	<b>\$10,000.00</b>	Y

**Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting  
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<b>Asbestos</b>		
<i>(Minimum 48hrs notice required prior to booking required. All asbestos to be double wrapped as per WorkCover requirements)</i>		
Friable & Bonded Asbestos (trailer up to size 1.5m x 2.4m) /1	<b>\$150.00</b>	<b>Y</b>
Friable & Bonded Asbestos (larger than box trailer 1.5m x	<b>\$280.00</b>	<b>Y</b>
Fire damaged/destroyed > than 25m <sup>3</sup> up to 100m <sup>3</sup>	<b>\$4,000.00</b>	<b>Y</b>
Fire damaged/destroyed > than 100m <sup>3</sup> base amount plus per m <sup>3</sup>	<b>\$120.00</b>	<b>Y</b>
<b>Scrap metal</b>		
Corrugated iron, white goods, and other metal products/goods	<b>Nil</b>	
<b>Plastic Chemical Drum</b>		
Drum Muster	<b>Nil</b>	
<b>Commercial Waste (Generated by business or contractors)</b>		
<b>Green Waste</b>		
Lawn Clippings only (trailer up to size 1.5m x 2.4m) /1 Tonne Utility via contractor)	<b>\$15.00</b>	<b>Y</b>
Tree cuttings (trailer up to size 1.5m x 2.4m) /1 Tonne Utility via contractor)	<b>\$35.00</b>	<b>Y</b>
Tree cuttings (larger than box trailer 1.5m x 2.4m) /1 Tonne Utility via contractor)	<b>\$45.00</b>	<b>Y</b>
<b>Waste Generated by Commercial Premises</b>		
Trailer up to size 1.5m x 2.4m) /1 Tonne Utility	<b>\$45.00</b>	<b>Y</b>
Larger than a Box Trailer Load (up to size 1.5m x 2.4m)/1 Tonne Utility	<b>\$65.00</b>	<b>Y</b>

**Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting  
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<b>Clinical Waste Disposal</b>		
Burying of clinical waste	Nil	
<b>Dead Animals Disposal</b>		
Burying Dead Animal Carcass (per carcass)	<b>Actual Cost (Plus 10% On-Costs)</b>	<b>Y</b>
<b>Cooking Oil Disposal</b>		
20lt container	<b>\$84.70</b>	<b>N</b>
<b>Out of Hours Waste Depot Access</b>		
Full day (7hrs)	<b>\$275.00</b>	<b>Y</b>
Half day (min 4hrs)	<b>\$150.00</b>	<b>Y</b>

As a consequence of the above measures, the issue of illegal dumping will be required to be monitored by Council with assistance from the NSW EPA and NSW Police. A high level of media and radio notifications is to commence with the relevant fines being published which are currently up to \$2,000 for individuals and \$4,000 for corporations found to be transporting and dumping illegally within the Shire under the Protection of the Environment Operations Act. It is also proposed to purchase trail cameras to assist in capturing video within problem dumping hotspots for the next budget.

Additionally, it will be imperative to advise local businesses to also “waste less, recycle more” in the instances where cans/bottles/glass/cardboard can be reused and to therefore sort recycling from mixed solid waste to divert this from the landfill. Recycling is therefore encouraged and will be offered free of charge at the facility provided it is correctly separated by the transporter before coming to the waste facility.

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

1. The report be received and noted.
2. Council adopt the following measures for the Waste Facility:-
  - a. Provide all residential customers (for all rateable properties) currently paying the \$276 waste management charge with 4 printed vouchers per annum to access the facility with domestic waste only in a car/ute or trailer.
  - b. All others users (including farmland ratepayers) will not be entitled to vouchers and shall pay the relevant fee via cash or EFTPOS at the gate per the waste fee schedule contained within the current Operational Plan and Budget for 2015/2016.

**Ty Robson**

**ACTING MANAGER OF DEVELOPMENT & ENVIRONMENTAL SERVICES**



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

### 1 CERTIFICATES OF APPRECIATION

Attached are copies of Certificates of Appreciation received by Council:-

- 1 St Joseph's School P & F – for generous donation towards our school fete;
- 2 Nyngan High School – in recognition of Council's valued donation & support to Nyngan High School's Annual Presentation evening for 2015;
- 3 Black Dog Ride – in recognition of Council's valued support towards the 2015 Black Dog Ride to the Red Centre.

**1.1 Recommendation:** That the Certificates of Appreciation be received.

### 2 THANK YOU TO COUNCIL

Attached are copies of "thank you" letters / notes to Council:-

1. Pat Cook, on behalf of the Nyngan Social Dance Group thanking Council for the use of the Town Hall Supper Room.
2. Zoe Sibbald (Year 12 student) thanking Council for the Scholarship awarded to her at the end of 2015.
3. Nyngan Amateur Swimming Club for the generous sponsorship to the recent Swimming Carnival.

**2.1 Recommendation:** That the "thank you" letters / notes to Council be received.

### 3 AERIS RESOURCES

Attached is a copy of correspondence received from Aeris Resources advising that with immediate effect, Straits Resources will be renamed Aeris Resources Limited.

**General Manager's Note:** Councillors would have received same correspondence.

**3.1 Recommendation:** That the correspondence received from Aeris Resources advising that with immediate effect, Straits Resources will be renamed Aeris Resources Limited be received.

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
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#### **4 THE HON NIALL BLAIR MLC – MINISTER FOR PRIMARY INDUSTRIES, MINISTER FOR LANDS AND WATER**

Attached is a copy of correspondence received from The Hon Niall Blair MLC, Minister for Primary Industries and Minister for Lands and Water in reply to Council's letter regarding Weeds Action Program funding for the 2015-2016 Central West WAP1520 Project. The success of the WAP has seen an overall increase in the amounts requested. Consequently, funding for regions was prioritised using an objective process to ensure fairness to all applicants. Funding for these regions was comparable with funding received under the first round of the WAP. The funding amount provided has been calculated to address the unique weed risks faced by each region.

**General Manager's Note:** At the 26 November 2015 Meeting, Council resolved to provide supplementary funding to support the Noxious Weeds Program (WAP1520) in 2015/16 of \$6,678.66 and 2016/17 of \$9,293.08

**4.1 Recommendation:** That the correspondence received from The Hon Niall Blair MLC, Minister for Primary Industries and Minister for Lands and Water in reply to Council's letter regarding Weeds Action Program funding for the 2015-2016 Central West WAP1520 Project be received.

#### **5 THE HON PAUL TOOLE MP – MINISTER FOR LOCAL GOVERNMENT**

Attached is a copy of correspondence received from The Hon Paul Toole MP, Minister for Local Government, dated 18 December 2015 advising the Government has announced merger proposals for NSW Councils and new measures to strengthen the system of Local Government. Council is advised it is not the subject of a merger and the announcement includes a response to the IPART assessment of Councils and changes that will impact on all Councils. Detailed merger proposals are now being finalised for examination and report in accordance with the requirements of the Local Government Act 1993. Delegates will examine and report on the proposals and conduct a public inquiry. This report will go to the Minister and Boundaries Commission for comment and this will allow the Minister to make a decision on the final boundaries. This process will give the community a chance to have a say before the Government makes a final decision.

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
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The Government has announced that it:-

- Has commissioned IPART to review the rating system;
- Will commence consultation on proposed amendments to the Local Government Act;
- Will provide Councils that IPART deemed not Fit for the Future due to not meeting financial benchmarks an opportunity to be reassessed in 2016; and
- Will provide Rural Councils with the option of streamlining Governance arrangements.

**5.1 Recommendation:** That the correspondence received from the Minister for Local Government, The Hon Paul Toole MP concerning merger proposals for NSW Councils and Government announcements be received.

## **6 OFFICE OF LOCAL GOVERNMENT**

Attached is a copy of correspondence received from the Acting Chief Executive, Office of Local Government advising that under delegation from the Minister for Local Government and pursuant to section 294(2)(a) of the Local Government Act 1993, he has determined to order that the casual vacancy in civic office on Bogan Shire Council not be filled. It means Council can dispense with the need to conduct a by-election to fill the casual vacancy created by the resignation of Councillor Dutton.

**6.1 Recommendation:** That the correspondence received from the Acting Chief Executive Office of Local Government advising that Council can dispense with the need to conduct a by-election to fill the casual vacancy created by the resignation of Councillor Dutton be received.

## **7 NSW GOVERNMENT – LOCAL GOVERNMENT REMUNERATION TRIBUNAL**

Attached is a copy of correspondence received from the Local Government Remuneration Tribunal advising it has commenced its review for the 2016 annual determination. The Tribunal notes that on 16 October 2015 IPART provided its assessment of Council proposals under the Fit for the Future reforms to the NSW Government. The Tribunal also notes the Government has identified a number of strategies to strengthen local leadership including a review of Councillor Remuneration during 2016. It is not expected a decision or implementation of any proposed reforms be finalised prior to the Tribunal making its determination on or before 30 April 2016. On that basis the Tribunal will not call for general submissions from individual Councils as part of this annual review.

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
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Should Council amalgamations proceed it will be necessary for the Tribunal to categorise any new Councils for the purposes of determining fees.

**7.1 Recommendation:** That the correspondence received from the Local Government Remuneration Tribunal advising it has commenced its review for the 2016 annual determination and that it will not call for general submissions from individual Councils as part of this annual review be received.

## **8 NYNGAN AG EXPO**

Attached is a copy of correspondence received from the Nyngan Ag Expo inviting Council to support the event 2016. Sponsorship packages are available for \$5,000 Platinum; \$3000 Gold; \$1500 Silver; and \$1000 Bronze.

**General Manager's Note:** Council has in previous years considered the request and continues to provide sponsorship in the form of free use of the showground facilities and other Council resources such as tables and chairs.

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

## **9 THE RETURNED SERVICES LEAGUE OF AUSTRALIA – NEW SOUTH WALES BRANCH INCORPORATED**

Attached is a copy of correspondence received from the Nyngan Sub-Branch of the Returned Services League of Australia advising that at their December Monthly Meeting a motion was passed unanimously objecting to the flying of the Aboriginal Flag at ceremonies commemorating the sacrifices of Australian Service Personnel namely, Anzac Day and Remembrance Day. The Sub-Branch has no objections to the flying of the Aboriginal Flag at other times. The Sub-Branch has stated their reason for objecting is that every member of the Australian Armed Forces is sworn in and fights under the Australian Flag, and respectfully request Bogan Shire to follow the tradition that only the Australian Flag fly at these ceremonies.

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

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## **10 NYNGAN NIGHT CHURCH – PASTOR RICHARD MILLIGAN**

Attached is a copy of correspondence received from Pastor Richard Milligan, Nyngan Night Church advising he is seeking a suitable venue for some Christian Youth Group activities and has recognised the Scouts Hall as a suitable venue. The Church is now requesting Council to reimburse or donate the rates for the property, should the Church be successful in their application for tenure of the Scouts Hall.

**General Manager's Note:** The rates, including services on the property listed as the Nyngan Scouts Hall are \$3424.47.

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

## **11 FAYE MCPHERSON**

Attached is a copy of an email received from Faye McPherson requesting Council to support her letter to the Federal Minister for Agriculture, Mr Barnaby Joyce (letter attached) to slow down or stop the illegal poaching of sheep and goats.

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

## **12 TROY RICHARDS – THE SHED BOXING CLUB**

Attached is a copy of correspondence received from Troy Richards, The Shed Boxing Club requesting the use of the Town Hall and facilities, free of charge to hold a boxing night on Saturday 30 April 2016. They would be using the outdoor area and the two halls. Security guards and Police presence would be in attendance on the evening.

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

## **13 CENTACARE**

Attached is a copy of correspondence received from CentaCare enquiring about the use of the Town Hall to run CentaCare's Playgroup. The playgroup will be run fortnightly on Thursday between 10.00am and 12 noon and will be open to everyone in Nyngan with children under school age. It is also a free playgroup.

**General Manager's Note:** CentaCare is currently renting offices at the Town Hall and paying \$50.00 per week.

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

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
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#### **14 MINISTER FOR REGIONAL DEVELOPMENT**

Attached is a copy of a Media Release from the Minister of Regional Development and Minister for Industry, Resources and Energy advising that regional and rural communities affected by mining can now apply for a share of \$32 million available by the NSW Government through the Resources for Regions Programs. Applications to fund economic and social infrastructure projects are now open to communities in Local Government areas (LGAs) outside the Sydney metropolitan area that have been affected by mining.

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

#### **15 NYNGAN LOCAL ABORIGINAL LAND COUNCIL**

Attached are copies of three letters received from the Nyngan Local Aboriginal Land Council:-

1a. Annual Pruning and Community Clean Up – requesting Council to commence a free annual kerbside cleanup program for items such as furniture, electrical, cars branches and tyres. Included with the letter was a handout from Dubbo City Council.

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

1b. Protecting our Places Grant

Advising that the Nyngan Aboriginal Land Council was successful in a grant in 2013. The Environmental Trust who granted the money have suggested the Aboriginal Land Council use the money to assist in vegetating the area along the Bogan River and the new cycle way Council has constructed last year.

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

#### **16 NYNGAN RSL EASTER RUGBY LEAGUE CHALLENGE COMMITTEE**

Attached is a copy of correspondence received from the Nyngan RSL Easter Rugby League Challenge Committee seeking Council's ongoing support in hosting the event and providing the use of Council's facilities and equipment.

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



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**17 WEEKLY CIRCULARS**

Weekly Circulars 49/15 to 50/15 and 01/16 to 06/16 are tabled for Council's information. Copies of the Circulars Indices and Summary of Items have been dispatched to Councillors.

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

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
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CERTIFICATE OF APPRECIATION

AWARDED TO

**Bogan Shire Council**

For your generous donation towards our school fete.

(Hire, delivery and collection of cool room, tables and chairs and bins)

November 2015

*Kate Unsworth*

St Joseph's School P&F









# Black Dog Ride

## *Certificate of Appreciation*

Proudly presented to:

*Bogan Shire Council*

**In recognition of your valued support towards the  
2015 Black Dog Ride to the Red Centre.**

**Together we have been successful in raising  
awareness, starting the conversation about  
depression and suicide prevention and raising  
vital funds for mental health services.**

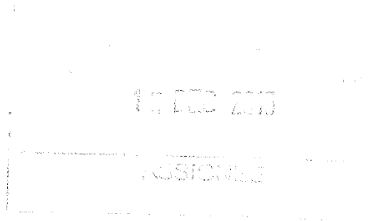
*Steve Andrews - Founder of Black Dog Ride*



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

Pat Cook  
Park View  
Nyngan 2825  
10 December 2015

The General Manager  
Bogan Shire Council  
PO Box 221  
Nyngan 2825



Dear Derek

The Nyngan Social Dance Group would like to thank you and the council for the use of the Town Hall Supper Room.

We have had an enjoyable year and we are very grateful to have had the use of this venue each Monday night throughout the year for our dancing. We have been advised by the RSL that we are able to again make use of the auditorium next year.

The generosity of the council has made it possible for the dance group to donate one thousand dollars to the Nyngan Hospital Auxiliary. They are very appreciative of our donation as there is always a need for new equipment to help make patients more comfortable.

We were also able to support the Tour de OROC bike ride with a donation of one hundred dollars.

Thank you once again for your support.

Kind regards

A handwritten signature in cursive script that reads "Pat Cook". The signature is written in dark ink and is positioned below the typed name.

Pat Cook  
On behalf of the Nyngan Social Dance Group.



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

To whom it may concern,

I would like to express my gratitude for receiving the School Leavers Scholarship, which I was awarded at the end of 2015.

This is a great contribution to my studies and will assist me in completing my course with less financial strain. Thank you for the opportunity of being able to receive this award.

Yours Faithfully,

*Zoe Sibbald*

Zoe Sibbald

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016

Nyngan Amateur  
  
Swimming Club

P O Box 208  
NYNGAN NSW 2825

16<sup>th</sup> January 2016

Dear Derek,

On behalf of the Nyngan Amateur Swimming Club, I would like to thank you for your generous sponsorship for our recent club carnival.

The carnival attracted in excess of 200 swimmers and was a great success.

Without the ongoing support from our members and local businesses, the carnival would not have been so successful.

Many thanks for your ongoing support and sponsorship, it is greatly appreciated.

Kind Regards

A handwritten signature in black ink, appearing to read "Mandy Martin", is written in a cursive style.

Mandy Martin  
Club Secretary

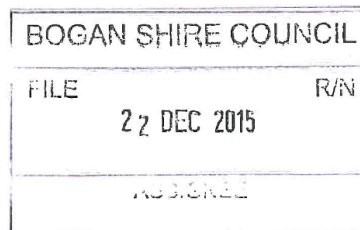
BOGAN SHIRE COUNCIL	
FILE	R/N
09 FEB 2016	
ASSIGNEE	

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



18 December 2015

Mr D Francis  
Shire of Bogan  
General Manager  
P.O. Box 221  
Nyngan NSW 2825



Dear Mr Francis

**A NEW NAME IN COPPER**

It gives me great pleasure to advise you that with immediate effect, Straits Resources (ASX: SRQ) will be renamed Aeris Resources Limited (ASX: AIS).

Our shareholders approved the name change at an Extraordinary General Meeting on 15<sup>th</sup> December, where they also voted for a longer-term debt structure with the Company's major lender and the introduction of a new strategic partner, Special Portfolio V Limited (PAG SPV).

The resolutions passed at the recent meeting, by the shareholders of Aeris mark the culmination of a three-year corporate and financial restructure and the start of a new chapter for the Company. With a strengthened financial outlook, we believe it is appropriate to continue forward under a new brand.

Already one of Australia's largest established copper producers, with multiple mines and a 1.6Mtpa processing plant at our flagship Tritton operations near Nyngan in New South Wales – we have a clear vision to become a mid-sized, multi-mine company delivering stakeholder value through an unwavering focus on operational excellence.

We have taken some difficult but necessary decisions in the past few years, and worked diligently to turn the business around. We divested non-core assets, exited our former Indonesian operations, reduced corporate overheads and focussed on returning the Tritton operations to reliable production and positive cash flows.

As a result, the Tritton operations are delivering a solid performance and we continue to be a major employer in the region, with 73 per cent of our 343-strong workforce employed locally.

We will continue to pursue growth both from regional exploration around Tritton to leverage our existing infrastructure in a proven copper region, and by considering appropriate merger and acquisition opportunities in the sector.

Aeris Resources Limited ABN 30 147 131 977  
Level 2, HQ South Tower, 520 Wickham Street, Fortitude Valley QLD 4006 Australia  
Post: Box 14, 520 Wickham Street, Fortitude Valley, QLD 4006  
E: [info@aerisresources.com.au](mailto:info@aerisresources.com.au) T: +61 7 3034 6200 F: +61 7 3034 6290  
[aerisresources.com.au](http://aerisresources.com.au)

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

In time, we trust the name Aeris will become synonymous with operational excellence, responsible corporate citizenship, sustainable growth and the delivery of shareholder value.

We look forward to continuing to work with you in the years ahead to cement this reputation. If you have any questions regarding our name change or our operations, please do not hesitate to contact my office directly on 07 3034 6200 or email at [info@aerisresources.com.au](mailto:info@aerisresources.com.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read "A. Labuschagne", with a horizontal line extending to the right.

**Andre Labuschagne  
Executive Chairman  
Aeris Resources Limited**

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



**The Hon Niall Blair MLC**

Minister for Primary Industries  
Minister for Lands and Water

IM15/35095

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

BOGAN SHIRE COUNCIL	
FILE	R/N
10 DEC 2015	
ASSIGNEE	

Dear Mr Francis *Derek*

Thank you for your letter of 9 November 2015 regarding Weeds Action Program (WAP) funding for the 2015-2016 Central West WAP1520 Project.

The NSW Government is committed to weed management in NSW and Regional WAP partners have received approximately \$500,000 extra funding in this year's allocation.

The success of the WAP has seen an overall increase in the amounts requested. Consequently, funding for regions was prioritised using an objective process to ensure fairness to all applicants. Funding for these regions was comparable with funding received under the first round of the WAP.

The WAP provides funding to address the NSW Government's key objectives from the NSW Invasive Species Plan 2015-20. The funding amount provided has been calculated to address the unique weed risks faced by each region. The funding model used by the NSW Department of Primary Industries (DPI) was subject to extensive consultation and each region was consulted individually. In June 2016, DPI staff met with Mr Bryson Rees Chair of the Macquarie Valley Noxious Weeds Advisory Committee (MVNWAC) to discuss the model and the proposed funding for each region. The data used in the model is readily available.

A key finding of the NSW Weed Review was that the standard of weed management across the State was inconsistent. The NSW Government is responding to this issue by objectively assessing the risk across regions and funding appropriately. Central Tablelands Local Land Services region has received an allocation according to its level of risk and DPI will work with project proponents to ensure that the project addresses the risks needs of the region.

On 29 October 2015, DPI staff met with members of MVNWAC to address the Committee's concerns. During this meeting the funding model was explained in

.../2



Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016

Mr Derek Francis

-2-

The Hon Niall Blair MLC

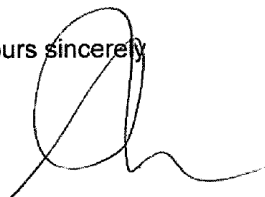
detail. It was also discussed how MVNWAC could adjust its project to deal with budgetary constraints. Feedback from the meeting was very positive and amicable.

The NSW Government's commitment to reforming weed management will present many challenges for regional partners. Arrangements have been put in place to assist affected regions and DPI staff will work closely with local government to help this transition.

If you wish to discuss this matter further, Mr Philip Blackmore, Regional Invasive Species Officer at DPI, can be contacted on (02) 6938 1911.

Thank you for bringing this matter to my attention. I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized initial 'N' followed by a series of loops and a long horizontal stroke extending to the right.

**The Hon Niall Blair MLC**  
**Minister for Primary Industries**  
**Minister for Lands and Water**

16 DEC 2015

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**



**The Hon Paul Toole MP**  
Minister for Local Government

Clr Ray Donald  
Mayor  
Bogan Shire Council  
PO Box 221  
NYNGAN NSW 2825  
[admin@bogan.nsw.gov.au](mailto:admin@bogan.nsw.gov.au)  
[admin@bogan.nsw.gov.au](mailto:admin@bogan.nsw.gov.au)

18 December 2015

Dear Clr Donald

Today the Government has announced merger proposals for NSW councils and new measures to strengthen the system of local government. While your council is not the subject of a merger proposal, the Government's announcement includes a response to the IPART assessment of councils and changes that will impact on all councils.

The Government's position has been informed by four years of consultation involving every council in NSW, independent assessments (including IPART's recent report on the health of councils across NSW), merger preferences submitted by councils to the Government last month, and feedback from communities and stakeholders.

Detailed merger proposals are now being finalised and will be referred to the Chief Executive of the Office of Local Government for examination and report in accordance with the requirements of the *Local Government Act 1993*.

The Chief Executive will delegate this function to other people (Delegates). In examining and reporting on merger proposals the Delegates will conduct a public inquiry (which is a public meeting at which members of the public can express their views on the proposals), call for written submissions, and prepare a report against the criteria in the Act.

The report from the Delegate will go to myself as Minister, and also to the Boundaries Commission for comment. The Boundaries Commission will provide me with their comments that, along with the report from the Delegate, will allow me to complete the process and make a decision on final boundaries.

This process will provide an objective assessment of the merger benefits and impacts, and give the community a chance to have a say before Government makes a final decision.

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

The Government has announced today that it:

- has commissioned IPART to review the rating system, and has asked IPART to advise on the best way to achieve the policy commitment on freezing rates as part of the rating review. IPART will provide its report to the Government by the end of 2016;
- will commence consultation on proposed amendments to the Local Government Act, including previously announced changes such as two year terms for mayors and new financial intervention powers;
- will provide councils that IPART deemed Not Fit due to not meeting the financial benchmarks with an opportunity to be reassessed in 2016; and
- will provide rural councils with the option of streamlining governance arrangements.

Further details on the Government's announcement and what it means for each council can be found at [www.fitforthefuture.nsw.gov.au](http://www.fitforthefuture.nsw.gov.au)

The NSW Government is implementing changes to local councils that will deliver benefits to local communities for generations into the future. On behalf of the Government, I thank you for your input into this process.

Yours sincerely

A handwritten signature in black ink that reads "Paul Toole". The signature is written in a cursive, slightly slanted style.

Paul Toole MP  
**Minister**

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



Office of  
Local Government

5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A451842  
Your Reference:  
Contact: Susan Hartley  
Phone: 02 4428 4214

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

Dear Mr Francis

Thank you for your letter of 4 December and your email of 17 December 2015, seeking an order regarding the casual vacancy in the office of a councillor created by the resignation of Councillor Leo Dutton.

I understand Council at its meeting of 16 December 2015 resolved to seek an order from the Minister for Local Government that the casual vacancy in the office created by Councillor Dutton's resignation not be filled.

Under delegation from the Minister for Local Government and pursuant to section 294(2)(a) of the *Local Government Act 1993*, I have determined to order that this casual vacancy in civic office on Bogan Shire Council not be filled.

This means Council can dispense with the need to conduct a by-election to fill this casual vacancy. I have advised the NSW Electoral Commissioner of my decision by email on today's date.

I trust my decision is of assistance.

Yours sincerely



Tim Hurst  
Acting Chief Executive  
Office of Local Government

25/1/16

BOGAN SHIRE COUNCIL	
FILE	R/N
29 JAN 2016	
ASSIGNEE	



Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



## Local Government Remuneration Tribunal

Clr Ray Donald  
Mayor  
Bogan Shire Council  
PO Box 221  
NYNGAN NSW 2825

20 January 2016

Dear Mayor

I write to advise that the Local Government Remuneration Tribunal has commenced its review for the 2016 annual determination.

Pursuant to s. 243 of the *Local Government Act 1993* (LG Act), the Tribunal is required to make an annual determination, by no later than 30 April 2016, on the fees payable to Councillors and Mayors to take effect from 1 July 2016.

As is the usual practice the Tribunal will review the minimum and maximum fee levels for each Category. In accordance with s. 242A of the LG Act the Tribunal is required to apply the Government's public sector wages policy to the determination of ranges of fees for Councillors and Mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.

The Tribunal notes that on 16 October 2015 the Independent Pricing and Regulatory Tribunal (IPART) provided its assessment of council proposals under the Fit for the Future reforms to the NSW Government. The Minister for Local Government has referred merger proposals to the Chief Executive of the Office of Local Government for examination and report under the LG Act. The proposed mergers have been informed by four years of consultation with NSW councils, independent assessment, council merger preferences, and feedback from communities and stakeholders.

Delegates have been appointed to examine and report on merger proposals. Delegates will conduct a public inquiry, call for written submissions, and prepare a report with due regard to the factors in s. 263(3) of the LG Act. The factors in the LG Act include financial considerations, communities of interest, elected representation, employment of staff, services and facilities, and the attitude of residents and ratepayers. The reports of the Delegates will go to the Minister for Local Government as well as the independent Local Government Boundaries Commission for comment.

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

The Tribunal also notes that in the *Fit for the Future Progress Report – Stronger Councils, Stronger Communities* the Government has identified a number of strategies to strengthen local leadership. These include a review of councillor remuneration during 2016.

It is not expected that a decision on, or implementation of, any proposed reforms will be finalised prior to the Tribunal making its determination on or before 30 April 2016. On that basis, and given the limitations placed on the Tribunal in respect of determining increases in fees, the Tribunal will not call for general submissions from individual councils as part of this annual review.

However, the Tribunal will seek to meet with Local Government NSW, as it does each year, to receive a sector wide view on the future direction for local government in NSW.

Should Council amalgamations proceed it will be necessary for the Tribunal to categorise any new councils for the purposes of determining fees. If required the Minister for Local Government may direct the Tribunal to make any such determination(s) in accordance with s. 242 (Special Determinations) of the LG Act.

If you require any further information please email [sarah.bradshaw@psc.nsw.gov.au](mailto:sarah.bradshaw@psc.nsw.gov.au) or telephone me on 02 9272 6006.

Yours sincerely

A handwritten signature in black ink, appearing to read "S Bradshaw", written in a cursive style.

Sarah Bradshaw  
**Principal Advisor**  
**Local Government Remuneration Tribunal**

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



**NynganAgExpo**  
Inform Educate Promote

## Become a Sponsor/Event Partner

### 2016 AGL Nyngan Ag Expo Saturday 6<sup>th</sup> August 2016

Each year, the AGL Nyngan Ag expo receives generous support from a range of corporate sponsors and is a major source of revenue for the volunteer committee to coordinate one of the most successful events held in the western area of NSW

We thank all our past sponsors for their support and community spirit. Your involvement has made a huge difference to the community groups and associations the Nyngan Ag Expo Committee financially supports and we invite you to again support our event in 2016.

This is an important opportunity for you to align your business with our event. By taking up one of our sponsorships/Event Partnerships, you will maximise your visibility with the thousands of visitors expected at this important rural and regional farming region and in return we will promote your company/organisation within our comprehensive regional advertising and promotional campaign.

In 2015 some 4000 people attended this 1 day event and in excess of 380 companies and organisation were represented. This combined with a strong advertising and promotional program put together by the committee, creates the ideal opportunity for your company to showcase the best in Australian farming, from services to the farming community, animal health and husbandry, farm machinery, tools and equipment or services that make provisions for those looking for lifestyle changes.

With our commitment to **"inform, educate and promote"** we encourage any new and innovative products that will assist in making the day to day living of both the farmer and the community at large an easier lifestyle.

The 2016 AGL Nyngan Ag Expo will celebrate 24 years as an event for the community beginning with 4 exhibitors in 1992; the growth rate particularly in the past 7 years has been exceptional, growing from 70 exhibitors in 2008 to in excess of 380 in 2015.

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**



All funds raised by our dedicated volunteer committee are distributed back into community groups of the Bogan Shire, the ongoing success of our event and the further development of the "Max Tremain – Nyngan Country Education Foundation Scholarships".

The organising committee is asking for your commitment for sponsorship to be received no later than the 13<sup>th</sup> January 2016 to allow us to commence our advertising and promotional program.

Upon your commitment you will immediately be added to our website, advertising and promotional program which ensures, in excess of 12 months promotion for your company

I have enclosed the benefits available to our sponsors for your consideration, should you have any further queries please contact me on 0428 376 068.

Yours Sincerely

Robyn Harris  
Administrator/Event Organiser



Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



THE RETURNED SERVICES LEAGUE

OF AUSTRALIA  
New South Wales Branch Incorporated  
"The Price of Liberty is Eternal Vigilance"

President: Mr D. Francis

Hon Sec: Mr P. Giddy

Hon. Tres: Mr P. Keighran

Correspondence to: 9 Mudal St, NYNGAN NSW 2825

Ph: 02 68 321 017

Email: [peterg@netxp.com.au](mailto:peterg@netxp.com.au)

The Mayor and Councillors,  
Bogan Shire Council  
Nyngan NSW 2825

BOGAN SHIRE COUNCIL	
FILE	R/N
15/385	16/188
07 JAN 2016	
ASSIGNEE	
Mayor	

Dear Sir

*cc: callh.*

At the December monthly meeting of the Nyngan Sub-Branch of the RSL, a motion was passed unanimously objecting to the flying of the Aboriginal Flag at ceremonies commemorating the sacrifices of Australian Service Personnel, namely Anzac Day and the 2 hours of Remembrance Day from 10am till 12 noon.

It also must be stated that the Sub-Branch members have no objection to the Indigenous Flag flying at any other time. Our reason for objecting is that every member of the Australian Armed Forces is sworn in and fights under the Australian Flag. This applies to Indigenous Australians and many immigrant recruits that hold dual citizenship.

The tradition is that only the Australian Flag should fly for these ceremonies, with the exception of flying an allies national flag for an official guest. The Sub-Branch respectfully request that the Bogan Shire Council follow this tradition for these important ceremonies.

*Peter Giddy*

Peter Giddy

Hon. Secretary

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



# Nyngan Night Church

## Nyngan Baptist Fellowship



PO Box 178 NYNGAN NSW 2825  
B:(02) 6832 2762 M: 0401 612 768  
E: [nyngannightchurch@gmail.com](mailto:nyngannightchurch@gmail.com)  
ABN: 69199715436

### For the consideration of Bogan Shire Councillors:

I have recently sought information about the disused Scout Hall on the corner of Derribong and Canonbar Street. Together with several volunteers from our church, and with student volunteers from the High School, I am seeking a suitable venue for some Christian Youth Group activities. We recognised that the disused Scout Hall would be a suitable venue and believe it would be of value to the community to see this venue restored and used for youth activities.

#### This proposal will outline:

- 1) Our request for council to reimburse or donate the rates for the property should we be successful in our application for tenure.
- 2) Why the council should support this project in relation to this project meeting outcomes in the "Bogan Shire- Community Strategic Plan 2026".
- 3) Why our organisational capacity, leadership experience and volunteer capacity are likely to ensure the success of this project.
- 4) Why our strategy will achieve immediate short term success and be structured to ensure the longevity of the youth group.

#### 1) Our request for council to reimburse or donate the rates for the property should we be successful in our application for tenure.

In conversations with representatives from Scouting and Crown Lands I have been advised to pursue negotiations with Bogan Shire Council prior to making application for tenure. In particular, we seek a rebate or donation from Council to cover the Council rates for the property.

It is necessary to apply for tenure because under the current laws governing the use of the land, the only activities that can be conducted are those related to 'Boy Scouts'. This would be altered in any future tenure agreement. We will not apply for tenure unless we can be assured that council will assist us with this request for the donation of rates.

Nyngan Night Church currently does not receive any rates concession from Bogan Shire Council for our Manse (which is rented out) and we do not own a church building as we share the Uniting Church.

BOGAN SHIRE COUNCIL	
FILE	R/N
08 FEB 2016	
ASSIGNEE	

## **Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 25 February 2016**

### **2) Why the council should support this project in relation to this project meeting outcomes in the "Bogan Shire- Community Strategic Plan 2026".**

Outcome 1.2.8 on page 18 of the Strategic Plan states: "Provide a youth centre that is maintained for recreational, educational and cultural activities." The Scout Hall is an existing community resource that we would restore and utilise regularly to provide valuable programs for our young people. This would contribute to the goals of the strategic plan. The venue would allow us to serve young people with regular youth activities. Council's role is identified in the plan as 'partnership'. Council would partner with us in this service by reducing the financial burden of having this property in use by the community.

Outcome 1.4.3 on page 19 states: "Improve the education, health, employment, and economic development opportunities for young people". Our project is clearly aligned with this goal because we offer the opportunity for young people to build community, participate in healthy recreational activities in a supervised environment, and build leadership and community service capacity through deliberate coaching of young leaders.

Outcome 1.4.4 states: "Provide opportunities for young people to be actively engaged in the development, design, and planning of programs, services and infrastructure in which they are a stakeholder or user group." Our project makes provision for young people to actively participate in leadership through a deliberate strategy to coach and utilise older teenagers in leading their junior peers. These young people will take an active role in designing and implementing the programs under experienced supervision.

### **3) Why our organisational capacity, leadership experience and volunteer capacity are likely to ensure the success of this project.**

I will be the primary supervisor for this project and our team is capable of this project. I have 15 years experience working with young people through church youth groups and in schools. 10 of those years have been in the Nyngan High School as a teacher and subsequently in my youth work capacity through school chaplaincy over the last three years. I have good knowledge of the community and of the young people with whom I work; I effectively build rapport and trust with young people ; I have extensive experience running various youth projects such as the Duke of Edinburgh's Award, Peer Support programs, and various other youth projects especially within the school.

Over the past couple of years I have run a 'low key' youth group which met first at the Ducks Nutz café and subsequently in the Uniting Church Hall. Through that group I have developed leadership capacity in some recently graduating high school students who will form part of the initial leadership team. Volunteers will also be recruited among senior students at the school. The leadership team will also include adults from our church who already have experience working with young people.

As a church organization we have the existing procedural requirements for Child Protection, indemnity insurance, WHS and other protocols and procedures for carefully conducting youth activities with adequate supervision.

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

**4) Why our strategy will achieve immediate short term success and be structured to ensure the longevity of the youth group.**

Some councilors will be aware that I was previously part of a team of church volunteers which ran a successful community youth group in Nyngan over 2007-2009. This youth group had over 100 young people involved at various times, with attendance on most youth nights ranging between 40 and 60 young people, and occasionally more. It was very successful and well-regarded by the community. The main reason the youth group did not continue was because of a lack of volunteers as well as volunteer exhaustion. Part of the reason for this was that we had too many participants for the leaders to enjoyably manage (the age range was school years 5-10). We also had no clear strategy for creating new volunteer capacity. For this reason, we have planned carefully for the structure of this new youth group to deliberately build capacity in new leadership and to be structured sustainably.

In brief, the new group will:

- Be limited for attendance by young people who are in High School years 7-9.
- Leadership will be provided by suitably qualified adults who will mentor young leaders (in grades 10 and above) to run many of the activities and offer peer leadership.
- Young leaders will be identified and nurtured as they attend in years 7-9 and become apprentice leaders when they hit year 10.
- The group will be held every week during school term but with a varying fortnightly program. On one week we will have 'Limelight' which will involve more energetic games and creative activities. On the other week we will have 'Insight' which will be more focused on low-key activities.
- Effort will be made to utilise and invite participation by various community volunteers, especially from local churches.

**Conclusion**

I look forward to council making a recommendation about this application, especially by committing to reimburse or donate the rates charged on the property.

**Yours Faithfully,**

A handwritten signature in black ink, appearing to read "R. Milligan", written in a cursive style.

**Pastor Richard Milligan**

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016

Dear Mr Joyce,

I am writing to you with regards to the situation regarding the poaching of Goats, As you are possibly aware there are now allegations of property owners shooting at poachers and shooting poachers dogs.

Now whilst I am in favour of dogs not directly under the control of a person I am not in favour of farmers being accused of shooting at poachers, however this will not be an isolated case as farmers in drought conditions or those who are farming goats find these poachers, many of whom have jobs whilst a few are on centerlink benefits and do not declare their illegal earnings, taking away the farmers livelihood

There is however a way to stop a lot of the poaching of goats,

I am aware of the regulations in the Pasturers protection Act of 1981 which confers on goats farmed the same immunity as sheep but this does not stop illegal poaching (stealing) of farmed goats I have been earmarking and tagging goats since 1976 and this has not stopped the practise of my goats being fair game for poachers.

The Government has a weapon against poaching and that is the NLIS tags

What government needs to do is make it compulsory for all goats whether going for sale to dealers, to market, or direct to slaughter to have an NLIS tags and the person taking the goats to these places if not the owner to have a note /letter or other authorisation by the property owner to say they are legally in possession of these animals.

National Parks and other government controlled lands, forestry ectra can be issued with their own PIC which they could charge for when issueing permits for goats to be trapped or killed

At present goats are mainly sold to dealers with or without NLIS tags and no check is made to insure that the NLIS and earmarked goats belong to the person bringing them in.

As NLIS does not confirm ownership of an animal but is supposed to be a trace back weapon which is really of no real use if an animal cannot be traced, which untagged animals cannot, also if the NLIS had to be placed on the bill of sale when an animal changes ownership it would be possible for these animals to be accurately traced

I have in the past brought Boar cross billy goats direct from the meat works and they were not earmarked or otherwise identified and so could not be traced.

I therefore urge you as minister for agriculture to have the NLIS tags for sheep and goats to be implemented right across the board no exceptions

Dealers who are trying to work legally will not they tell me be put out of business if this becomes a law right across the board only those dealers who are not doing the right thing will excite the industry.

Yours sincerely

Faye mc Pherson

Brookside Station

Byrock

NSW 2831

Ph 02 68747880

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016

TO THE BOGAN SHIRE COUNCIL

GENERAL MANAGER

I am writing this letter hoping that the Bogan Shire Council will be just as supportive and helpful they have been for the last two boxing nights we have held here in town.

I cannot thank the Shire enough for their support they have given the Shed Boxing Club in running these events.

I would like to hold this year's boxing night at the Nyngan Town Hall, I'm sure the facilities there are more than adequate to hold this event.

We would be using the outdoor area and the two halls we would not require the use of the kitchen.

The main front door of the town hall would be used for the entry point. The back lane and the side gate could be used as exit areas if needed. We would need use of the men's and ladies toilets. Parking would be available out the front of the town hall in Cobar Street.

There will be five security guards supplied and also there will be Nyngan Police present during the course of the night.

It would be a massive help and greatly appreciated if the hire of the town hall and the use of the shire chairs, table and small grand stands and the presentation of the town hall could be donated to help with another successful boxing night in Nyngan.

If you have any questions about the boxing night please contact me on 68321040 or 0474 822 794.

Yours sincerely

Troy Richards

The Shed Boxing Club

BOGAN SHIRE COUNCIL	
FILE	R/N
10 FEB 2016	
ASSIGNEE	

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



Meagan Giddy  
Family Worker  
CentaCare  
PO Box 22  
NYNGAN NSW 2825

8<sup>th</sup> February, 2016

The General Manager  
Bogan Shire Council  
Cobar Street  
NYNGAN NSW 2825

Dear Sir,

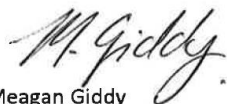
**Re: Town Hall**

I am writing to you to enquire about the possibility of using the Town Hall to run CentaCare's Playgroup. We were hoping to run the playgroup fortnightly on Thursdays between 10am - 12noon. The playgroup will be open to everyone in Nyngan with children under school age. CentaCare provides a free playgroup that not only provides a place for children to play, but also facilitates the interaction of parents with their children. The main feature of CentaCare's playgroup is to start the parent/child learning interaction, with parents participating with their children in activities. This type of interaction at an early stage of the child's life can then continue through the learning years of school, encouraging more parents to play an active role in their child's education.

I do understand that the Town Hall is used for certain events and I would of course be happy to work around any events that required the use of the hall. The tentative date I had in mind would be Thursday 10<sup>th</sup> March and continuing fortnightly. I am however, flexible with any arrangements, and look forward to hearing from you on this matter.

Please feel free to contact me on 0427 813 278, if you require any further details.

Yours faithfully,



Meagan Giddy  
Family Worker  
CentaCare

BOGAN SHIRE COUNCIL	
FILE	R/N
09 FEB 2016	
ASSIGNEE	

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



**John Barilaro**

Minister for Regional Development  
Minister for Skills  
Minister for Small Business

**Anthony Roberts**

Minister for Industry, Resources and Energy

**MEDIA RELEASE**

Thursday, 11 February 2016

**\$32 MILLION AVAILABLE FOR MINING COMMUNITIES**

Regional and rural communities affected by mining can now apply for a share of \$32 million made available by the NSW Government through the Resources for Regions Program.

Minister for Regional Development John Barilaro is encouraging local communities to work together to develop strong applications for funding.

“Applications to fund economic and social infrastructure projects are now open to communities in local government areas (LGAs) outside the Sydney metropolitan area that have been affected by mining,” Mr Barilaro said.

“Mining is an important contributor to the NSW economy, but it puts extra pressure on community infrastructure.

“The NSW Government is working hard to relieve that pressure to ensure long term economic viability for regional communities and the Resources for Regions Program is just one way we are doing that.

“Since 2012, over \$207 million has been allocated to mining affected communities throughout the State and the NSW Government will continue to support economic growth and productivity in the regions.”

Minister for Industry, Resources and Energy, Anthony Roberts, said Resources for Regions recognises the important contribution mining makes to regional NSW.

“Mining not only contributes significant royalties to the State to help build our roads, schools and hospitals, it supports more than 100,000 jobs in NSW,” Mr Roberts said.

“The Resources for Regions Program is another great example of regional communities benefiting from mining activities that take place in their area.”

Expressions of interest will close on 7 April 2016.

For more details about the Resources for Regions Program, please visit [www.industry.nsw.gov.au/resourcesforregions](http://www.industry.nsw.gov.au/resourcesforregions)

**Kailee Shaw | Minister Barilaro | 0408 389 549**  
**Tim Potter | Minister Roberts | 0417 822 957**



Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



Bogan Shire Council  
PO BOX 221  
Nyngan NSW 2825

12<sup>th</sup> February 2016

Dear Mayor Donald and Councillors,

**RE: Annual Pruning and Community Clean up**

Nyngan Local Aboriginal Land Council would like to request that Bogan Shire Council commence a free annual kerbside cleanup program for items such as furniture, electrical, cars, branches, tyres etc.

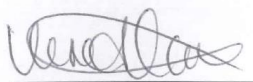
Nyngan Local Aboriginal Land Council currently has residential properties and we find that tenants cannot access the tip due to lack of access to trailers, cars with tow balls and the rubbish such as tree branches pile up in the yard, which creates a hazard for snakes.

Recently we have noticed Bogan Shire Council staff monitoring the local tip and feel this would be a benefit the Council in the controlling separation of the specific dumping areas.

I have attached the handouts from Dubbo City Council, as feel this is one way we could keep our Community clean as well as assist Bogan Shire Council concerns with the local tip.

If you require further information please contact the CEO Veneta Dutton on 02 68 322 639

Yours sincerely



Veneta Dutton  
CEO  
Nyngan LALC

*be informed, be involved, be inspired.*

## Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 25 February 2016

### Annual Prunings and Tree Trimmings Clean-up

The next free Annual Kerbside Cleanup for Prunings and Tree Trimmings will be conducted during March 2016.

Only residences located within the built-up areas of Dubbo, Brocklehurst and Wongarbron will receive this service. The area receiving the service has been split up into three zones. The clean-up collections will be conducted in each zone in turn allowing one week for each zone.

Residences located within the Dubbo built-up area (50 kph speed zone) are in Zone 1, 2 or 3 as follows.

- **ZONE 1** - East of the Macquarie River and north of the Dubbo - Wellington railway line – place trimmings and prunings out by Sunday 28 February 2016.
- **ZONE 2** - West of the Macquarie River in Dubbo **AND** the villages of Wongarbron and Brocklehurst– place trimmings and prunings out by Sunday 6 March 2016.
- **ZONE 3** - East of the Macquarie River and south of the Dubbo -Wellington railway line in Dubbo – place trimmings and prunings out by Sunday 13 March 2016.

Materials placed out for collection after the appropriate day for your zone will not be collected.

Remember that only trees trimmings, prunings and (unpainted and untreated) timber off-cuts up to 1.8 metres (6') long and up to 100 mm (4") in diameter will be collected. Large tree stumps must be cut into smaller pieces. Loose green waste such as lawn clippings and leaves will not be collected.

Note that there is a limit of the equivalent of one heaped box trailer load (4 m<sup>3</sup>) per residence. Quantities in excess of this amount will only be removed if requested and at the residents full cost.

For information about this service please contact Council's Customer Service Centre on 6801 4000.

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016

Dubbo City Council will be conducting the Annual Kerbside Cleanup for the collection of bulky rubbish and green waste during August and September this year.

The area normally receiving this service will be split into three urban zones and one rural zone. The clean-up collections will be conducted over one week in each zone.

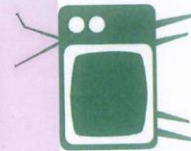
### What zone are you in?

Residences located outside Dubbo's 50 kph speed zone that receive a weekly garbage service are in the rural zone. The rural zone includes the estates of Richmond and Firgrove and the villages of Brocklehurst, Eumungerie, Ballimore, Mogrigny and Wongarbron.

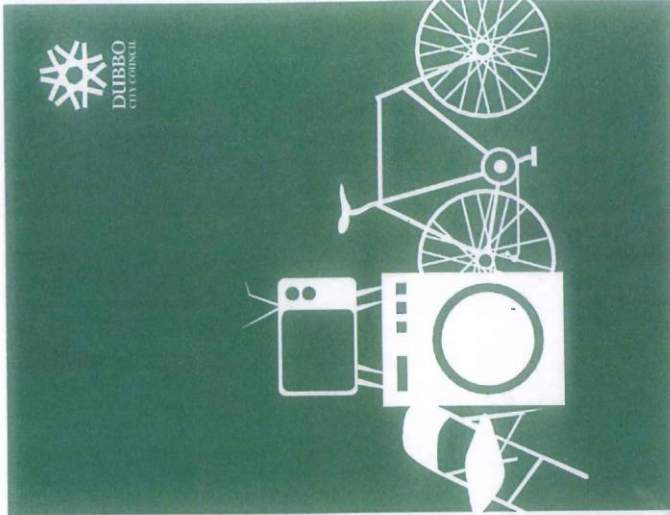
Residents located within the Dubbo built up area (50kph speed zone) are in Urban zones 1, 2 or 3 as follows.

The day when you will be required to place bulky rubbish on the footpath can be selected from the following table:

ZONES	Place bulky waste out by:
Rural Zone outside Dubbo's 50 kph speed zone	Sunday, 16 August 2015
Urban Zone 1 east of the Macquarie River and north of the Dubbo – Wellington railway line	Sunday, 23 August 2015
Urban Zone 2 west of the Macquarie River	Sunday, 30 August 2015
Urban Zone 3 east of the Macquarie River and south of the Dubbo-Wellington railway line	Sunday, 6 September 2015



The householder

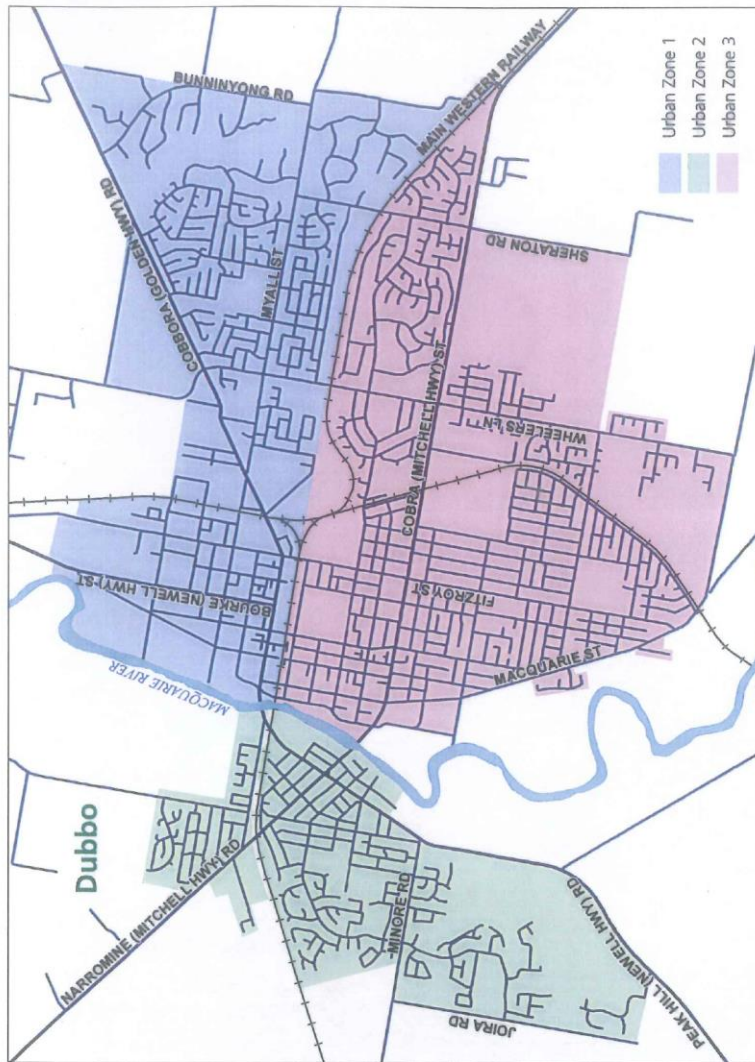


### 2015 CLEANUP SERVICE

## Bulky rubbish

Dubbo City Council will be conducting the Annual Kerbside Cleanup for the collection of bulky rubbish and green waste during August and September this year.

## Zones for collection



### Rural zone

The rural zone includes the estates of Richmond and Firgrove and the villages of Brocklehurst, Eumungerie, Ballimore, Mोगriguy and Wongaribon.

For information about this service please contact Council's Customer Service Centre on 6801 4000.

Please place your bulky waste out for collection close to the date set for your zone. This reduces the possibility of rubbish being scattered by wind, passers-by, etc while awaiting collection. Any bulky rubbish placed out for collection after the appropriate day for your zone will **NOT** be collected.

### Rural zone

Place bulky rubbish and garden waste next to where you normally position your garbage bin for collection.

### Urban zones

Place bulky rubbish and garden waste on the footpath, making sure it does not obstruct people using the footpath.

### Guidelines for collection:

✓	Old TVs and domestic e-waste should be placed separately for collection.
✓	There is a limit of the equivalent of one level box trailer load or one (1) cubic metre (m <sup>3</sup> ) of garbage per residence. <b>Quantities in excess of this amount will only be removed if requested by the resident and at a cost of \$150.00/m<sup>3</sup> to the resident.</b>
✓	Green waste should be separated from other garbage. The prunings into bundles with string or rope and place loose garden waste such as lawn clippings and leaves in cardboard boxes.
✓	Whitegoods and other metal items should be placed in a separate heap for collection.
✓	Place loose garbage in boxes or bags.
✓	Remove doors from old freezers and fridges.
✗	Household hazardous waste and liquids (such as chemicals, poisons, oil, paint and batteries) will <b>not</b> be collected.
✗	Commercial properties are <b>not</b> eligible for this service.
✗	Truck and tractor tyres will <b>not</b> be accepted.

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



Bogan Shire Council  
PO BOX 221  
Nyngan NSW 2825

12<sup>th</sup> February 2016

Dear Mayor Donald and Councillors,

**RE: Protecting our places Grant**

Nyngan Local Aboriginal Land Council was successful in a grant in 2013 for the property of Warrigal in developing cultural gardens.

We have faced many struggles in this project such as water quality in very salty, the water tank is cracking, and ground is very sandy, and does not hold moisture.

We have been talking to the Environmental Trust who granted the money and they have suggested we used the money to assist in vegetation the area along the Bogan River and the new cycle way Bogan Shire Council installed last year.

On the left side of the bridge opposite the mine village over the level bank there is a large tree, shaded area where we would like to place a table and chair setting and some Cultural plants.

I have met with Kayla and Graham Bourke in December 2015 and discussed the area and the plans Bogan Shire Council had for planting.

I feel this may assist in helping to prevent people from diving all over it and well as protect the land and soil around it.

If permission is granted by Bogan Shire Council, we then are required to take this back to the Environmental Trust for approval and final figures of the money.

If you require further information please contact the CEO Veneta Dutton on 02 68 322 639

Yours sincerely



Veneta Dutton  
CEO  
Nyngan LALC

*be informed, be involved, be inspired.*

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016

Bogan River- Revegetation Project 2015/16

The red cross in the photo below is where Nyngan LALC would like to place seating and a plaque which acknowledges the Environment trust, Nyngan LALC, BSC and acknowledge the land. And to revegetate and provide planting or shrubs and trees along cycle/walking path.



Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**



NERLC Committee  
C/- Col Wright  
24 Cannonbar Street  
NYNGAN NSW 2825

10th February 2016

General Manager  
Mr Derek Francis  
Bogan Shire Council  
P O Box 221  
Nyngan NSW 2825

Dear Derek

For the 10th consecutive year Nyngan will host the Nyngan RSL Easter Rugby League Challenge (NRERLC) held over the Easter Long Weekend 25<sup>th</sup> – 27th March 2016. The tournament has become a major activity on the calendar of the Far West region and for the NRL junior development sides, attracting over 250 players, coaches, staff and parents to Nyngan.

The Challenge committee is seeking the ongoing support of the council in hosting the event. As in previous years we would like the council to support the event through the following:

- Use of Larkin Oval including amenities and change rooms (includes marking of grounds and preparation of field, amenities and change rooms)
- Use of the Showground facilities including amenities, pavilions, kitchen and grounds
- Cleaning of all showground facilities pre and post event (including picking up rubbish etc during the weekend)
- Table and chairs for 250 people (including delivery to the showground)
- Cutlery for 250 people (including delivery to the showground)
- 100 plates and bowls (including delivery to showground)
- Access to the swimming pool for teams to do a recovery session
- Printing of approximately 400 programs for the event

The Challenge Committee appreciates the support provided by the council and hopes the level of support will continue in 2016.

If you require any further information please contact Col Wright on 0428 419 426. We look forward to your reply.

Yours sincerely

Nyngan Easter Rugby League Challenge Committee

The tournament is supported by the following organisations:





**Grants and Funding to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

**GRANTS AND FUNDING**

**LG Weekly 49/15 – 11 December 2015**

**Fixing Country Roads Funding Deadline Extension**

The NSW Government has extended the closing date for Expressions of Interest from Councils applying for Fixing Country Roads Funding (Round 2).

**Finance for Energy Projects**

The Clean Energy Finance Corporation is offering tailored finance to help Councils invest in clean energy technologies that reduce energy costs for lower emissions.

**LG Weekly 50/15 – 18 December 2015**

**Multicultural NSW Unity Grants**

Grants of between \$5,000 and \$30,000 are available from the Multicultural NSW Unity Grants Program to promote social cohesion by bringing culturally diverse communities together.

**Multicultural NSW Celebration Grants**

Grants of between \$1,000 and \$5,000 are available from the Multicultural NSW Celebration Grants Program for festivals and events promoting cultural diversity. Councils are encouraged to apply.

**LG Weekly 01/16 – 08 January 2016**

**Extension of Funding for Family Programs**

The NSW Government has announced that funding will be extended for Targeted Earlier Intervention (TEI) and intensive programs for one year.

**LG Weekly 04/16 – 29 January 2016**

**Murray-Darling Basin Funding Available**

The Australian and NSW Governments have announced further funding of \$14.1 million through the Murray-Darling Basin Regional Economic Diversification Program.

**Applications Open for 2016-17 Floodplain Management Grants**

The Office of Environment and Heritage is inviting applications for funding under the Floodplain Management Program for the 2016-17 financial year.

**Grants and Funding to the Ordinary Meeting of Bogan Shire Council  
held on 25 February 2016**

**LG Weekly 05/16 – 05 February 2016**

**Applications Open for \$4 million Innovation Fund**

The NSW Government is calling for applications from eligible Councils to develop new solutions to challenges faced by small regional and rural communities.

**LG Weekly 06/16 – 12 February 2016**

**Accessible Arts Small Grants Program**

Accessible Arts is offering a second year of funding through its 2016 Small Grants Program. Councils are eligible to apply.

**Protecting National Historic Sites Funding Program**

Applications are now open for \$11.5 million funding provided by the Protecting National Historic Sites program.

**Grants Open For Before and After School Care Fund**

Applications are open for Phase 2 of the \$20 million grants program for schools and Councils to increase out-of-school-care facilities.

