



BOGAN SHIRE COUNCIL

Business Paper

26 May 2016

Table of Contents

COUNCIL MEETING NOTICE.....	4
REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT.....	6
1 CHECKLIST.....	6
2 COMPOSITION OF INTERVIEW PANELS	18
REPORT TO THE ORDINARY MEETING OF COUNCIL – CORPORATE & COMMUNITY SERVICES	21
1 BANK RECONCILIATION.....	21
2 INVESTMENTS – APRIL 2016.....	22
3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION.....	24
4 FINANCIAL ASSISTANCE TO THE BOBADAH HALL COMMITTEE	25
REPORT TO ORDINARY MEETING OF COUNCIL – MANAGER ENGINEERING SERVICES.....	29
1 OPERATIONAL REPORT	29
REPORT TO ORDINARY MEETING OF COUNCIL – ACTING MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES.....	33
1 DEVELOPMENT APPLICATIONS.....	33
2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM	35
3 OPERATIONAL REPORT - WEEDS.....	36
4 DRAFT CENTRAL WEST AND ORANA REGIONAL PLAN.....	37
5 NSW CONTAINER DEPOSIT SCHEME	39
PRECIS OF CORRESPONDENCE.....	42
1 THE HON. BARNABY JOYCE MP – DEPUTY PRIME MINISTER	42
2 LOCAL GOVERNMENT NSW	42
3 MINISTER FOR LOCAL GOVERNMENT.....	43
4 WEEKLY CIRCULARS	43
GRANTS AND FUNDING	59

19 May 2016

COUNCIL MEETING NOTICE

The next Ordinary Meeting of Council will be held in the Council Chambers, Nyngan on Thursday 26 May 2016 at 9.30am.

At 10.30am, Council will adjourn to the Library for the Biggest Morning Tea.

Lunch will be at the Nyngan High School, prepared by the hospitality class.

At the conclusion of the meeting, Council will inspect the Waste Facility.

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 28 April 2016
6. General Manager's Closed and Confidential Report

1. Organisation Structure

In accordance with the provision of Section 10A (2) (a) of the Local Government Act 1993 the General Manager is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: Recommended to be discussed in a closed session of Council with the public excluded because information provided and discussed involves personnel matters concerning particular individuals (other than Councillors).

2. Sale of Industrial Sites

In accordance with the provision of Section 10A (2) (c) of the Local Government Act 1993 the General Manager is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: because information that would, if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

7. Manager of Engineering Services Closed and Confidential Report

1. Tender for Supply and Delivery of Bulk Fuel

In accordance with the provision of Section 10A (2) (d) (i) of the Local Government Act 1993 the Manager of Engineering Services is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: *commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.*

8. Acting Manager of Development and Environmental Services Closed and Confidential Report

1. Future Rezoning Application

In accordance with the provision of Section 10A (2) (d) (i) of the Local Government Act 1993 the Acting Manager of Development and Environmental Services is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: *commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.*

9. Confirmation of the Minutes of the Council Meeting held on 28 April 2016

10. Confirmation of the Extraordinary Meeting (Estimates) held on 12 May 2016

11. General Manager's Report incorporating reports from:-

- 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

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	Local Heritage Sites	When new VIC commences, signpost heritage sites with heritage colour and erect sign with the history of each location.	GM	VIC accreditation approved. Design of signs underway.
2	13/12/2012 28/03/2013	418/2012 098/2013	Davidson Park Revitalisation Program	Council remove the entire playground, equipment, associated ground cover, fencing & park-bench seating with shelter. Establish paving pathways to the mural.	MDES	Most works completed. Due to completing priorities and need to incorporate Medical Centre planning, majority of remaining works to be reprogrammed. Remaining works to be completed in conjunction with Landscaping of Medical Centre.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016

3	19/12/2013	532/2013	Rezoning of Rural Land Outside the Nyngan Township	Report on estimated cost be provided to February 2014 Council meeting prior to progressing with the proposal	MDES	Deadline for completion of Planning Proposal is August 2016. Following meeting with Council's Flood Engineer contractor in February 2016 on the flooding issues, Planning Proposal is required to be modified and a further report to Council required.
4	24/09/2015	342/2015	Teamster Rest Area	Invite NHS to make suggestions for internal & external painting that the school could undertake.	MDES	Contact made with NHS. Currently not in a position to undertake painting – hope to be able to do so in 3 to 4 months' time.
				Dump point be relocated to Flood Memorial Car Park.	MDES	Further report detailing options and costings to re-locate the dump point will be presented to Council.
5	22/06/2014	209/2014	Tourist Information Bay	On commencement of project, Council advise owners/apparent owners of existing highway signage that existing signs to be removed & may be replaced by signs on the Information Bays. Council charge an annual fee and an initial fee.	GM / ENG	Construction Completed. Information Map design underway. UPDATE: Draft with sign-writer for advice.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**

6	26/09/2014	363/2014	Fire Safety Audit Program	Further report on progress of compliance with Program.	MDES	Fire Safety Audit Reports (FSARs) to all selected properties completed. Meetings held with several owners/Board of Directors.
	26/02/2015	033/2015		Legal proceedings including the issuing of Notices and Orders to commence against the owner/occupier of any premises who fails to confirm their agreement to comply with the findings of the FSAR.		Efforts still being made to have owners upgrade building voluntary.
7	26/02/2015	024/2015	Bogan Shire Early Learning Centre	Loan be raised for Council's contribution to the project.	MC&CS	Will be raised towards the end of 2015/16 financial year.
	25/02/2016	031/2016		Establish a date for the opening & invite the Federal & Local members.		MDES

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**

8	26/02/2015	042/2015	Chinese Portion – Nyngan Cemetery	Repairs to the burner be carried out in the current year's program.	MDES	Three quotes received and preferred consultant to be selected based on budget and inclusions within quotation.	
	25/06/2015	224/2015		Other upgrading matters be considered in 2015/16 estimates.		A Heritage Conservation & Management Report be prepared by a selected Consultant within the allocated budget.	All quotes exceed budget allocation. Grant funding sought from Heritage Office for Emergency Works to the State Heritage Item.
		Send a copy of the MDES report & recommendations from the Heritage Conservation & Management Report to Mr White.		Send a letter to the Chinese Embassy with a copy of the Heritage Conservation & Management Report.		Action pending completion of report.	
9	23/07/2015	269/2015	O'Reilly Park Toilet Facility Upgrade	Upgrades to toilet facility, an access way, ramp and handrail.	MDES	Works underway.	

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**

10	24/09/2015	377/2015	Baby Change Tables	Baby Change Tables be made available in O'Reilly Park & Davidson Park.	MDES	<p>UPDATE: Works scheduled in conjunction with above.</p> <p>Baby Change Stations have been delivered.</p> <p>Davidson Park install to be completed in conjunction with facility upgrade – First Quarter 2016/17.</p> <p>O'Reilly Park install to be completed in conjunction with facility upgrade – currently underway.</p>
11	24/03/2016	406/2015	Maintenance Grading of Logans Road	Advise affected owners to seek legal advice regarding placement of locked gates on a public road.	ENG	<p>Letters written to owners, advising to seek legal advice.</p> <p>COMPLETED</p>
12	26/11/2015	436/2015	Showground	Duck Creek be required to advise Council by end of March 2016 on what crowd control measure they plan to have in place for stage access at the annual race meeting.	ENG	<p>Duck Creek advised.</p> <p>UPDATE: No response received to date.</p>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**

13	26/11/2015	440/2015	Show Day	Joint approach from Nyngan Combined Schools & Council be made to the Dept of Education for schools to have a full day holiday.	GM	Discussions held with schools and Local Member, awaiting feedback prior to sending another letter.
14	26/11/2015	457/2015	Sports Insurance	Council write to Minister for Sport & Minister for Health concerning inadequate reply to Council's enquiry on what local sports insurance fees are spent on.	MCCS	Letters sent. Ongoing.
15	26/11/2015	454/2015	Tree Risk Assessment – Town Streets	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.	MDES	Ongoing as budget permits.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016

			<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>Council has a qualified Arborist attend in 24 months to reassess those trees which have been retained.</p> <p>Manager Development & Environmental Services prepares a street tree planting program, including a diagram of the assessed trees within the next 12 months, ensuring that appropriate mature replacement tree species are included within the future program for Council's consideration.</p>		
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**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**

16	17/12/2015	500/2015	Aged Care Accommodation Retirement Village	Contact John Holland Rail & Dept Planning & Environment regarding zoning & usage of land:- between RSL & Hoskins Street Railway Crossing; & between State Rail Offices & Alamo Motel.	MDES	Other site options in Pangee Street/ Nymagee Street being considered. Application submitted to JHR for option to purchase land and brief has been prepared to Transport for NSW by JHR. Presently awaiting advice from JHR.
	25/02/2016	008/2016	Aged Care Accommodation Retirement Village	Council investigate cost & practically of rezoning the area from the former RSL Bowling Green to Hoskins Street to allow aged care units for a rental scheme to be constructed onsite.	MDES	Planning proposal and application would need to be prepared and submitted to Department for gateway determination if land is still sought by Council. JHR have noted the need for the former Caltex site to have further environmental assessments and contamination clearance undertaken prior to lease extinguishment. This would also be one requirement for the rezoning. Costs are dependent on the number of specialist studies required to be prepared following issue of the gateway determination by the Department.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**

	24/03/2016	056/2016	Aged Care Accommodation Retirement Village	Council do some financial modelling on the cost implications to Council & the community for an aged care unit development.	MC&CS	Not yet done.
17	25/02/2016	021/2016	Library	Investigate the possibility of a Mobile Library.	MC&CS	Not yet done.
18	25/02/2016	022/2016	Bogan Bush Mobile	Delegation is planned to meet with Minister.	GM	Awaiting notification from Mark Coulton regarding suitable date.
19	24/03/2016	058/2016	Dob in a Druggie Campaign	Make available at a number of locations in town, boxes that people can anonymously leave information, about: - suspected drug dealers & information about any dogs.	GM	To be done in liaison with Darling River Command Campaign.
20	24/03/2016	078/2016	Bicentennial Wall & Ceramic Mural	Be reinstated.	MDES	On-site meeting held with Insurance Representative. UPDATE: Council to determine extent of damage to tiles and advise Insurance Company.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**

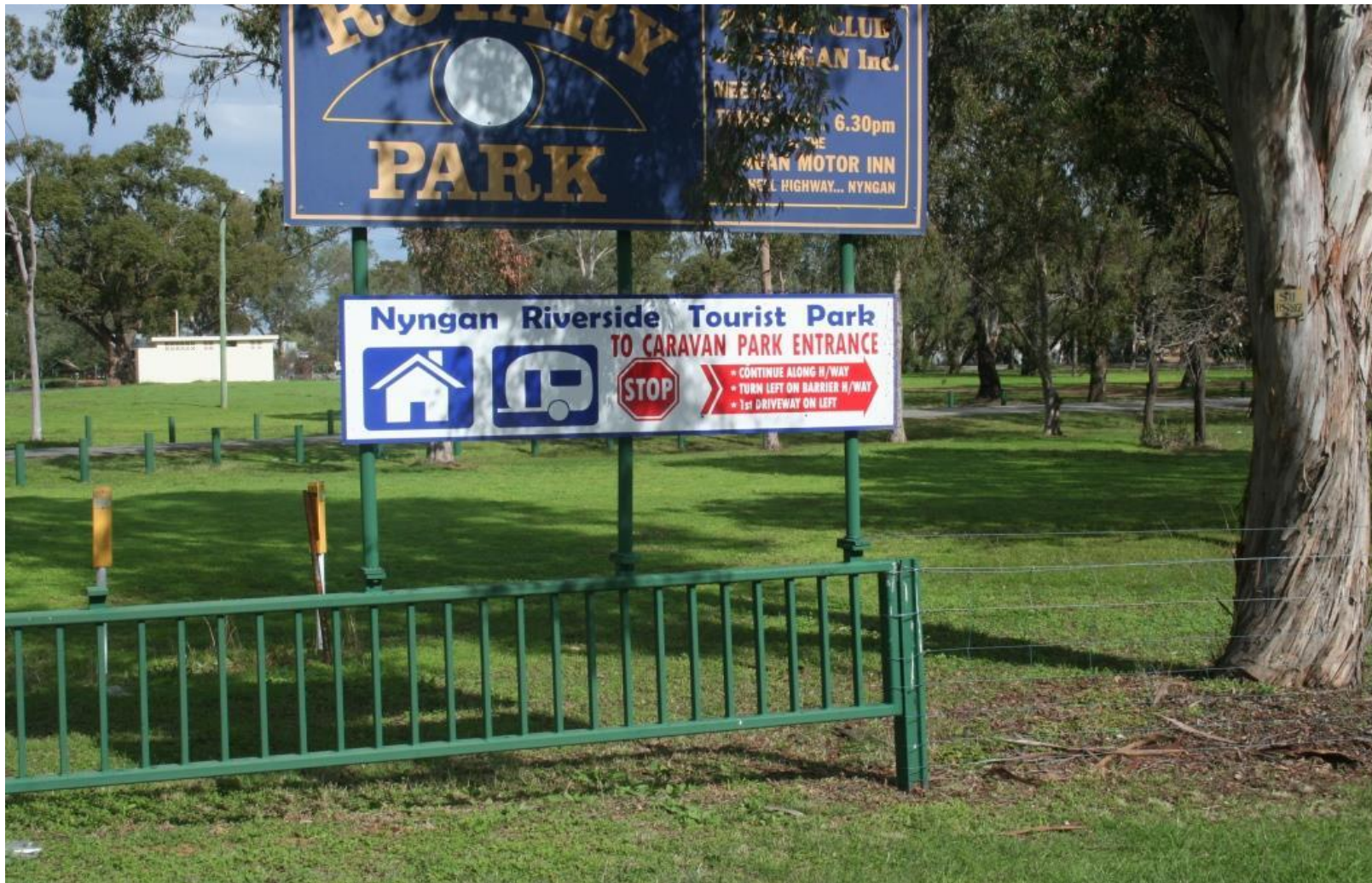
21	28/04/2016	107/2016	Village Tour	Entrance Signs into villages be pursued in conjunction with the villages' communities. Costing to be part funded from village allocation & part funded by Council.	ENG	UPDATE: Not yet started
22	28/04/2016	132/2016	Nyngan Golf Club	Council investigate further the proposal about relocating the free camping area & waste dump to their carpark & as it is Crown Land, where camping is permitted.	MDES	UPDATE: The land which comprises the Golf Club Car Park is Crown Land and Council is the confirmed trustee. The land is zoned RE1 Public Recreation under the Bogan LEP 2011 and a 'camping ground' is not permitted in this zone. Crown Lands also do not support illegal camping or caravanning on Crown Land and all Crown Land used for tourist purposes must be approved with owners consent provided.



General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016

23	28/04/2016	133/2016	Rotary Park, River & Weir	Draw up a program with a report to Council on suggested upgrades to Rotary Park, River & Weir. <hr/> Investigate the entrance sign into Rotary Park.	MDES	<u>UPDATE:</u> Program of works not yet completed. <hr/> Photo attached for Council's information.
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General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016



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 COMPOSITION OF INTERVIEW PANELS

Summary:

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

2.1 Introduction

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

2.2 Background

Council's current policy, which was implemented in 2005 outlines the following:

"The interview panel must consist of a minimum of three and a maximum of four members. Representation on the panel should consist of a HR representative (Corporate Services), a Manager with expertise in the area of operation and another member (internal or external) considered to offer expertise in the selection process."

This amended Council's previous policy from 2000, which stipulated that the third panel member had to be independent of Council.

2.3 Discussion

This Policy serves Council's purpose well and together with established operational procedures ensures transparency, equity and probity in the recruitment process.

These procedures include the following key provisions:

Composition of Panel

- Panel comprises of Manager People and Culture, department Manager, unit Manager or Supervisor and third panel member either internal or external, considered to offer expertise in the position advertised.
- Manager People and Culture and departmental Manager discuss and agree on suitable panel composition relevant to the position.
- Whilst not a mandatory requirement, wherever possible, Council ensures male and female representation on the panel, particularly where there are applicants from both genders, to safeguard against perceived and real discrimination. Where the applicants are all of the same gender, Council may have only that gender on the panel if / where required.

Disclosure

- Panel members are required to notify the Manager People and Culture of any conflicts of interest, which can include but not be limited to family or personal relationships, friendships or business relationships.
- Manager People and Culture advises the General Manager of any declared conflicts of interest.

Merit Based Selection and Equal Employment Opportunity (EEO) principles

- Panel members independently assess each application against the key essential criteria based on the written contents of the application, resume and supplied certification / licences / qualifications. Applicants are shortlisted for interview.
- Panel Chair and Manager People and Culture discuss and agree on interview questions, which directly relate to the key essential selection criteria and aim to verify claimed skills, knowledge, attributes and experience, and which can include scenario and practical work skills/knowledge tests, ensuring EEO principles are applied.
- Panel Chair and Manager People and Culture discuss and agree on any supplementary selection methods such as practical work skills tests, literacy and numeracy tests or computer skills assessments.

Integrity and Accountability

- Interview Worksheets contain the pre-prepared and scripted questions and include an area for the panel member to write their comments and record their ratings using the rating scale provided.
- Comparative Assessment Sheets are setup in spreadsheet format and list the question numbers, a space for the panel members' rating for each question and an area for comments about each applicant.
- A Selection Report containing each panel member's recorded information, Applicant's names and ranking according to the panel's ratings, Selection Methods used, Comparative Assessment information, Chair's Recommendation on preferred applicant based on merit according to all selection methods used, Interview Panel sign off and a section for the General Manager to approve or not approve the appointment.
- The Manager People and Culture contacts referees and conducts reference checks based on the key essential selection criteria and verifies information collected during the interview.
- The Manager People and Culture provides documented reference checks and signed Selection Report to the General Manager for final approval or refusal.

2.4 Recommendation

It is recommended that no substantial changes be made to the current policy regarding the composition of interview panels and that Council's policy be:

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

Derek Francis

GENERAL MANAGER

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

Mayor and Councillors

The following reports are submitted for consideration:-

1 BANK RECONCILIATION

Summary:-

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

1.1 Introduction

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

Bank Reconciliation for April 2016

Council General Fund

Bank Statement Balance	\$ 333,495.79cr
Add Deposits not yet receipted	\$ 94,523.03cr
Less Unpresented Payments	\$ 91,278.15dr

Balance as per Council	\$ 336,740.67cr
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Represented by the following in Council Ledgers

Account	\$
19001.8000.8000	336,740.67cr

Difference	\$ 0.00
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1.3 Recommendation

That the Bank Reconciliation Report as at 30 April 2016 be received and noted.

2 INVESTMENTS – APRIL 2016

Summary:-

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

2.1 Introduction

The purpose of this report to is to outline the performance of Council's investment portfolio for the month of April 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 Report for April 2016 is shown below. At the 30 April 2016 Council had \$8.2 million invested. There has been a decrease to Council's investments since the March 2016 report due to the Early Learning Centre, Medical Centre, R2R and RMCC invoices being paid. Loans for the Early Learning Centre and Medical Centre should be drawn down in July 2016 and income from the RMCC and R2R invoices should be received in May 2016.

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.

**Corporate and Community Services Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**

Investment Movements for April 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 April 2016							
REF	Source	Maturity	Days	% rate	Interest	Bal 31/03/2016	Bal 30/04/2016
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-Aug-16	180	3.030%	12,206	800,000.00	807,900.87
4608	NAB	01-Sep-16	180	3.050%	30,249	2,000,000.00	2,000,000.00
	BankWest	10-Aug-16	180	3.000%	14,795	1,000,000.00	1,000,000.00
802	Westpac - Maxi direct	n/a	n/a	Variable		1,560,187.01	911,355.06
	Balance securities held					8,868,087.88	8,219,255.93
	Ledger Balance					8,868,087.88	8,219,255.93
	Summary by institution						
	BankWest					1,000,000.00	1,000,000.00
	NAB					6,307,900.87	6,307,900.87
	Westpac					1,560,187.01	911,355.06
						8,868,087.88	8,219,255.93

2.4 Recommendation

That the Investments Report April 2016 be received and noted.

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary:-

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

3.1 Introduction

The purpose of this report is to provide a comparison of rate collections as at 30 April 2016, with the same period last year.

3.2 Discussion

This report is provided for the information of Councillors.

Rate Collections	2015-2016	2014-2015
Arrears Prior to 01/07/2015	208,589	199,955
First Instalment Outstanding as at 30/04/2016	20,236	23,243
Second Instalment Outstanding as at 30/04/2016	28,546	30,206
Third Instalment Outstanding as at 30/04/2016	46,445	61,344
Fourth Instalment Outstanding as at 30/04/2016	806,126	809,924
Total Arrears	303,816	314,748
Total Outstanding	1,109,824	1,124,672
Monthly Transactions		
Amount Levied & B/Fwd	4,955,755	4,758,514
Add: Adjustments	13,951	53,632
Less: Payments to end of March	-3,779,785	-3,612,095
Less: Rebates	-83,174	-78,418
Add: Postponed	3077	3,039
Gross Total Balance	1,109,824	1,124,672
Arrears of total amount levied %	7%	8%

Total arrears have decreased from \$314,748 at the 30 April 2015 to \$303,816 as at 30 April this year.

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

Council has collected \$167,690 more than at the same time last year.

1.6% of Ratepayers are in arrears for their first instalment.

2.3% of Ratepayers are in arrears for their second instalment.

3.7% of Ratepayers are in arrears for their third instalment.

3.3 Recommendation

That the Rates and Annual Charges Collection Report as at 30 April 2016 be received and noted.

4 FINANCIAL ASSISTANCE TO THE BOBADAH HALL COMMITTEE

Summary:-

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

4.1 Introduction

The purpose of this report is to advise Council of a request for financial assistance in relation to Waste Depot service charge levied on the Bobadah Hall.

4.2 Background

Council has in 2015/2016 levied for the first time a Waste Depot Charge on all rateable parcels of land in the Bogan Shire other than Farmland as per Council Resolution 131/2015 and 132/2015. This resolution was then further clarified in Council resolution 487/2015.

This meant that the Bobadah Hall was levied in 2015/2016 along with many other rateable properties in the Bogan Shire that had previously not been levied with this charge.

The Bobadah Hall is now requesting that the Waste Depot fee of \$276 be waived. Letter and Rates Notice attached.

4.3 Discussion

Under Section 356 of The Act, Council can legally provide financial assistance to Community Organisations if their activities can be linked to outcomes specified in the Operational Plan.

The Bobadah Hall would come under 1.2.5 in the Operational Plan, which is "Provide well maintained community halls and other similar facilities for community use'.

Council has previously provided rate and service charges relief to other community organisations. Granting relief here could create a precedent where other like organisations expect similar treatment.

There are many properties in the Bogan Shire that have been levied these charges for the first time in 2015/2016 and this is the first request for financial assistance.

4.4 Attachment

Letter of request from Bobadah Hall Committee

Annual rate Notice 2015/16 Financial Year

4.5 Recommendation

That Council not provide financial relief of \$276 to the Bobadah Hall for payment of the Waste Depot charge.

Bobadah Hall Committee

C/- Richard Harley

Secretary / Treasurer

Pretty View

Bobadah via Condobolin NSW 2877

Ph: 0268963986

Mobile: 0448821937

Email: pretty.view@bigpond.com

25 April 2016

Bogan Shire Council

PO Box 221

NYNGAN NSW 2825

Dear Sir / Madam

Re: Bobadah Hall Assessment No: 1001789

I am writing on behalf of the Bobadah Hall committee requesting an exemption from the waste depot charge of \$276.

The Bobadah Hall is situated 115 kilometres south of Nyngan and therefore will never use nor receive any benefits from using the waste depot situated in Nyngan.

The Bobadah Hall committee is a voluntary, non-profit committee made up of a handful of local landholders. We have already been forced to make the tough decision of disconnecting the electricity to the hall due to the rising power costs but the Committee will continue to pay the shire rates and building insurance.

Due to the limited opportunity to raise funds for the upkeep of the Bobadah hall, we request the Council waive the waste depot levy.

Kind regards

A handwritten signature in black ink, appearing to read "Richard J Harley", written in a cursive style.

Richard Harley
Secretary / Treasurer
Bobadah Hall

**Corporate and Community Services Report to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**



81 Cobar Street
PO Box 221
NYNGAN NSW 2825

Telephone: (02) 6835 9000
Facsimile: (02) 6835 9011
admin@bogan.nsw.gov.au

www.bogan.nsw.gov.au
ABN: 68 886 242 083

Trustees Bobadah Hall
C/- RICHARD HARLEY
PRETTY VIEW
BOBADAH NSW 2877

ASSESSMENT
1001789
DATE PRINTED
21/07/2015
DUE DATE
31/08/2015

ANNUAL RATE NOTICE 2015/2016 FINANCIAL YEAR

In accordance with the Local Government Act 1993 Notice is hereby given that the undermentioned land has been rated by the Council as shown hereunder.

LOCATION AND DESCRIPTION OF LAND	
Parish Of Cameron Nyngan NSW 2825, LOT 2 DP 758230 Section 9	
VALUATION INFORMATION	
BASE DATE 01/07/2011	VALUATION AMOUNT 100

PARTICULARS OF RATES & CHARGES	VALUE FOR RATING	RATE IN THE \$	AMOUNT
Business	100.00	0.01101928	\$270.00
Other Waste - Dept	1.00	276.00	\$276.00
PENSION REBATE (IF APPLICABLE)			\$0.00
ARREARS BROUGHT FORWARD			\$0.00
TOTAL DUE			\$546.00

INTEREST ACCUES AT A RATE OF 8.5% PER ANNUM CALCULATED DAILY ON ALL OVERDUE RATES AND CHARGES

INSTALMENT NUMBER	DUE DATE	AMOUNT DUE
1 st Instalment	31/08/2015	\$138.00
2 nd Instalment	30/11/2015	\$136.00
3 rd Instalment	28/02/2016	\$136.00
4 th Instalment	31/05/2016	\$136.00

Please deduct any payments after 20/07/2015 that do not appear on this notice

Derek Francis
GENERAL MANAGER

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 18 April 2016 to 13 May 2016 consisted of the following:-

- Repairs to vandalism at Larkin Oval canteen building;
- Repairs and maintenance to the Town Hall;
- Repairs and maintenance at the Nyngan Racecourse including painting the photo finish room and repairs to running rail;
- Installed signs at Vanges Park;
- Installed new seating at Larkin Oval;
- Painting office space at the Nyngan Town Hall;
- Assisting with the continuing construction of the Early Learning Centre;
- Repairs and maintenance to the Nyngan Museum;
- Continuing the installation of the Liberty Swing in O'Reilly Park;
- Maintenance of headwalls at Nyngan Cemetery;
- Repairs to Council offices in Cobar Street; and
- Installed signs at showground.

1.2 Community Facilities

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

- Preparation and clean up for the annual Nyngan Show;
- Preparation and clean up for the Anzac Day Races;
- Assisted with the installation of watering system at No.2 Oval;
- Mowing and maintenance of ovals and reserves;
- Cleaning of town facilities;
- Cleaning and sweeping of the Nyngan CBD;
- Preparing for private functions;

**Manager of Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 26 May 2016**

- 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:-

No.	Name	Comments
1	Mulla Road	Maintenance grading commenced
19	Cooneybar Road	Maintenance grading completed
92	Colane Road	1.25km of rehabilitation completed
24	Canonba Road	800m of rehabilitation completed
HW7	Mitchell Highway	Shoulder grading continuing
MR424	Monkey Bridge Road	Maintenance grading commenced
67	Paynes Road	Re-sheeting continuing
HW7	Mitchell Highway	Adavale rehabilitation completed
15	Kallara Road	Re-sheeting completed
84	Budgery Road	Re-sheeting completed
HW7	Mitchell Highway	Heavy patching continuing
MR57	Tottenham Road	Resealing 1km completed

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

- Mitchell Highway;
- Nyngan town streets; and
- Barrier Highway.

**Manager of Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 26 May 2016**

Due to the recent wet weather only minor works have been completed on our unsealed rural or regional roads. The rural crews have been focusing on work in town such as:-

- Cleaning of and around of culverts in town;
- Tree trimming at town intersections and lanes;
- Cleaning of gutters; and
- Levee bank maintenance.

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

- Maintenance grading and re-sheeting of the following roads Monkey Bridge, Merryanbone Road and Canonba Road;
- Construction and sealing of 1km of Pangee Road;
- Tree trimming along the Barrier Highway west of Nyngan;
- Resealing of Nyngan Airport apron and taxiway;
- Additional heavy patching on the Mitchell Highway east of Nyngan; and
- Additional shoulder grading and drainage works on Mitchell Highway east of Nyngan.

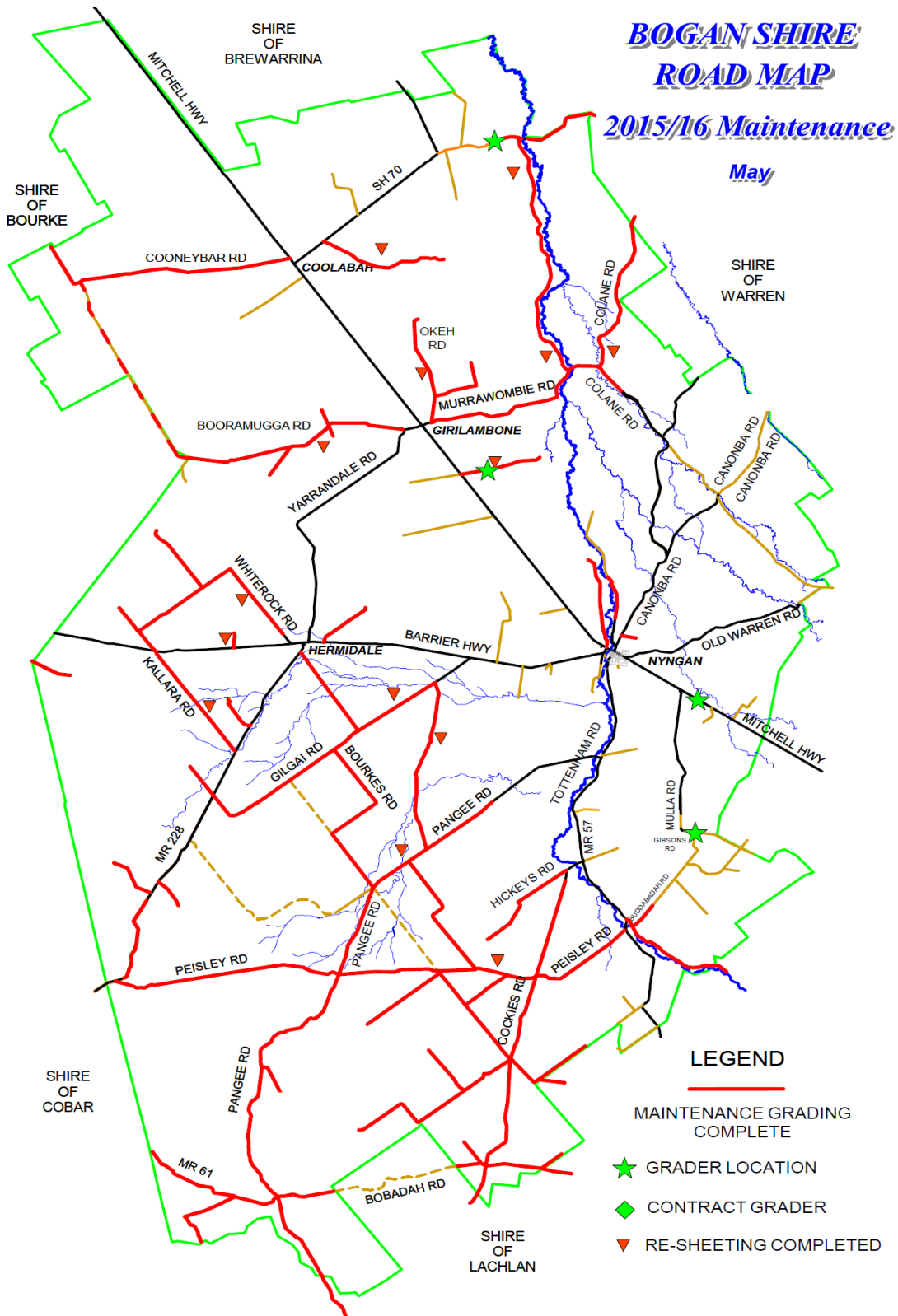
1.4 Recommendation

That the Operational Report for the period 18 April 2016 to 13 May 2016 be received and noted.

Graeme Bourke

MANAGER ENGINEERING SERVICES

**Manager of Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 26 May 2016**



**Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 26 May 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

Three (3) Development Application have been approved since Council's April 2016 Meeting.

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2014/001	Dr Ryan Heggie	Cannonbar Road, NYNGAN	Hangar	64,000	General Manager awaiting further advice from Applicant
2014/013	Peter Groeger	'Killawarra' COOLABAH	Extracting sand and gravel	5,000	Crown Land Consent being processed by Authority. Determination cannot be made until this is received
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 two Government Agencies
SUB2016/001	M, N and H Wass	Pangee Road, Honeybugle	Subdivision of Land	5,000	Bushfire Referral Outstanding.
2016/008	G & D Smith	24 Tottenham Road, Nyngan	Shed	20,000	Approved
2016/009	NSW Fire and Rescue c/- Geolyse	Lot 1001 Lawlor Street, Nyngan	2 Lot Subdivision and New Fire Station	850,000	Approved

Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 26 May 2016

2016/010	Rod Fitzpatrick C/- Sheds Out West	21 Hoskins Street, Nyngan	Shed	21,000	Approved
2016/011	Lee Jeffery	Lot 7 Flashman Ave, Nyngan	Dwelling	288,000	Under Assessment
2016/012	Bogan Shire Council	Oxley, Dandaloo and Derrybong Streets, Nyngan	4 Lot Subdivision and new dwellings	400,000	Under Assessment
2016/013	Peter Giles	11 Cobar Street, Nyngan	Shed	10,000	Under Assessment
2016/014	Lee Jeffery	Lot 7 Flashman Ave, Nyngan	Shed	18,000	Under Assessment

1.2 Recommendation

That the Development Applications Report since Council's April 2016 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 April 2016 meeting by the Parks and Gardens Team.

2.2 Discussion

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

- Routine maintenance duties including whipper snipping, mowing, weeding (as required), tree branch and litter removal (as required), and edging of Teamsters Rest Area, O'Reilly Park, Moonagee Park, Lions Park, Davidson Park Heritage Park, Vanges Park, Centennial Park, and Rotary Park;
- Re-planting and re-barking completed at Nyngan Heritage Park;
- Re-barking of some Pangee Street garden beds;
- Team completion of three (3) day chainsaw usage course in Nyngan; and
- Completed the edging and barking of the garden beds at the front of the Nyngan Library.

2.3 Recommendation

That the Operational Report – Parks and Garden Team be received and noted.

**Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 26 May 2016**

3 OPERATIONAL REPORT - WEEDS

3.1 Introduction

The purpose of this report is to outline the key works undertaken since Council's April 2016 meeting by the Noxious Weeds Officer.

3.2 Discussion

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

- Spraying of Woody Weeds along the Bourke Highway;
- Routine road inspections for Macquarie Valley Weeds Committee;
- Hosted the Macquarie Valley Weed Advisory Committee meeting at the Nyngan Riverside Caravan Park;
- Attended the Central West Regional Weeds Committee meeting in Dubbo; and
- Spraying of San Pedro Cactus at Girilambone.

3.3 Recommendation

That the Operational Report – Weeds be received and noted.

4 DRAFT CENTRAL WEST AND ORANA REGIONAL PLAN

Summary:-

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

4.1 Introduction

The NSW Government has released a Draft Plan for the Central West and Orana which is described as the first ever Consolidated Strategic Plan for all 20 Local Government areas. The Plan is currently on exhibition until 4 July 2016 and submissions can be made online by all members of the community.

4.2 Discussion

The Plan outlines a vision to grow and diversify the Central West and Orana economy over the next 20 years by supporting jobs, growth and strengthening the region's cities, towns, and villages.

The Draft Plan outlines 4 key goals for the region including:-

- Goal 1: A growing and diverse regional economy.
- Goal 2: A region with strong freight transport and utility infrastructure networks that support economic growth.
- Goal 3: A region that protects and enhances its productive agricultural land, natural resources and environmental assets.
- Goal 4: Strong communities and livable places that cater for the region's changing population.

**Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 26 May 2016**

The Draft Plan focuses on:-

1. Encouraging greater investment, innovation and diversification in agribusiness – a key regional strength;
2. Transforming the region's manufacturing sector by developing advanced and value-adding manufacturing opportunities;
3. Identifying and protecting the region's productive agricultural lands;
4. Sustainably managing mining and renewable resource use;
5. The importance of the region's freight and logistics network and capitalising on its pivotal location on national freight corridors to leverage greater productivity across the region's agribusiness, mining and manufacturing sectors, and to increase access to markets outside the region;
6. Strengthening regional cities (Bathurst, Orange and Dubbo), regional centres (Mudgee, Lithgow and Parkes) and surrounding towns and villages by improving transport connections and providing more housing choice and services; and
7. Protecting and managing the region's environment and building resilience to natural hazards (e.g. bushfires and drought) and climate change.

It is noted that the vision and goals of the Plan are sought to be achieved by a shared responsibility including Councils and a new 'Coordination and Monitoring Committee' will be established to oversee the implementation of the final Plan consisting of the Department of Planning and Environment (being chair) and of a number of stakeholders including Joint Organisations of Councils and Regional Organisation of Council.

4.3 Attachment

Copy of Draft Regional Plan will be tabled at the meeting and is available on request.

4.4 Recommendation

That the Draft Central West and Orana Regional Plan Report be received and noted.

5 NSW CONTAINER DEPOSIT SCHEME

Summary:-

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

5.1 Introduction

To help meet the Premier's goal of reducing the volume of litter in NSW by 40 per cent by 2020 the NSW Government is introducing a refund Container Deposit Scheme (CDS). The CDS will commence from July 2017 and a briefing session for Council staff is also proposed on Tuesday 17 May 2016 at Dubbo.

5.2 Discussion

Under the CDS, anyone who returns an empty eligible beverage container to an approved NSW collection depot or reverse vending machine will be eligible for a 10-cent refund. A network of depots and reverse vending machines will open across NSW to receive the empty containers.

Information which has currently been announced includes:-

- All NSW beverage containers between 150ml and 3 litres in volume will be eligible for a refund with some exceptions. These exceptions are similar to the exceptions in the South Australian and Northern Territory Container Deposit Schemes, to aid consistency;
- Beverage suppliers (manufacturer, importer, wholesaler or retailer) that bring eligible containers into NSW will be responsible for funding the refund as well as associated costs;

**Acting Manager of Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 26 May 2016**

- The NSW scheme coordinator is responsible for delivering state-wide coverage through a network of collection depots and reverse vending machines. The full list of collection depots will be available on the EPA's website before the scheme's launch; and
- From the commencement of the scheme in NSW all beverage suppliers and retailers must sell eligible beverage containers that display the required EPA approved CDS labelling. The labelling will be developed in the coming months.

Those containers that are not included in the scheme and, therefore, do not qualify for a refund includes:-

- plain milk (or milk substitute) containers;
- flavoured milk containers 1 litre or more;
- pure fruit or vegetable juice containers 1 litre or more;
- glass containers for wine and spirits;
- casks (plastic bladders in boxes) for wine and casks for water – 1 litre or more;
- sachets for wine 250ml or more;
- containers for cordials, concentrated fruit/vegetable juices; and
- registered health tonics.

It is currently understood that Councils can apply to operate a collection depot or alternatively Councils can opt for the collection depot to be made available for others such as community groups or charities to run for fundraising opportunities.

5.3 Attachments

Attachment 1 – EPA Released Fact Sheet on NSW CDS.

5.4 Recommendation

1. That the report be received and noted.
2. Council investigate the establishment and operation of a CDS collection depot as more information is announced and the cost implications of this.

Ty Robson

ACTING MANAGER OF DEVELOPMENT & ENVIRONMENTAL SERVICES

NSW Container Deposit Scheme



Councils

Under the NSW Container Deposit Scheme (CDS), people will be able to return eligible beverage containers for recycling in exchange for a 10-cent refund. A network of collection depots and reverse vending machines will open across NSW to receive empty beverage containers and deliver the 10-cent refund.

When will the scheme commence?

The CDS will commence from July 2017.

What will councils be required to do?

Councils are an important partner in waste management and litter prevention. Councils will have the opportunity to participate in the operation of collection depots and in helping to inform the community about the scheme.

How will the CDS affect councils?

The scheme's objective is to reduce litter. Councils should therefore see a reduction in drink container litter once the scheme is introduced. Councils that administer kerbside recycling services are also likely to see a change in the content of kerbside recycling bins.

Householders will have a choice to either continue disposing of their eligible beverage containers using their domestic recycling bins or return them to a collection depot or reverse vending machine to claim the 10-cent refund.

How will councils benefit?

Eligible containers in the kerbside recycling will be able to be redeemed. The redemption mechanisms and the distribution of the refund and handling fees will be determined by the Implementation Working Group, which will be established by the NSW Environment Minister. This will result in savings that are likely to help councils improve their waste services and pass reduced council rates on to householders.

Can councils run collection depots or reverse vending machines?

Yes, councils can apply to operate collection depots. Alternatively, councils might choose to make their facilities available for others – such as charities, community groups or social enterprises – to run, for fundraising opportunities or to help provide a service to their local community.

For more information, visit
epa.nsw.gov.au/waste/container-deposit-scheme.htm

EPA 2016/0276 May 2016



PRECIS OF CORRESPONDENCE

1 THE HON. BARNABY JOYCE MP – DEPUTY PRIME MINISTER

Attached is a copy of correspondence received from The Hon. Barnaby Joyce MP, in answer to Council's letter of support of Ms Faye McPherson's letter regarding the use of a National Livestock Identification System (NLIS) to reduce goat poaching. Council is advised this system was not designed to control the theft or poaching of individual animals, and that livestock theft is a matter for the Police. The goat industry does not support using NLIS devices to identify all non-domesticated harvested goats. More information about the changes to goat depot requirements is available from the NSW Department of Primary Industries.

1.1 Recommendation: That the information received from the Deputy Prime Minister, The Hon. Barnaby Joyce MP concerning the use of a National Livestock Identification System (NLIS) to reduce goat poaching be received and noted.

2 LOCAL GOVERNMENT NSW

Attached is a copy of correspondence received from Local Government NSW advising the Board had approved an application made by Bathurst Regional Council for legal assistance under the LGNSW Legal Assistance Policy & Guidelines in August 2015. The matter has now been resolved in the Courts. Bathurst Regional Council defended the matter before the NSW Court of Appeal. The proceedings challenged Council's jurisdiction to fix fees for services under long-term contracts. The NSW Court of Appeal found against Bathurst Regional Court, identifying that:

"even when the Local Government Act confers a power in terms upon Councils to reach an agreement or arrangement with a landowner, the price it can charge for work performed by it remains subject to Part 10 of Chapter 15. To that extent at least, the 'general power to contract' cannot permit a Council to escape the statutory restrictions upon it".

Council's contribution to Bathurst Regional Council's legal assistance is \$436.16.

2.1 Recommendation: For Council's Consideration.

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016

3 MINISTER FOR LOCAL GOVERNMENT

Attached is a copy of correspondence received from the Minister for Local Government, Paul Toole MP with the NSW Government's responses to the findings and recommendations of the Inquiry into Local Government in NSW by the General Purpose Standing Committee No. 6.

3.1 Recommendation: That the NSW Government's responses to the findings and recommendations of the Inquiry into Local Government in NSW by the General Purpose Standing Committee No. 6 be received and noted.

4 WEEKLY CIRCULARS

Weekly Circulars 16/16 to 19/16 are tabled for Council's information. Copies of the Circulars Indices and Summary of Items have been dispatched to Councillors.

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

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**



The Hon. Barnaby Joyce MP

**Deputy Prime Minister
Minister for Agriculture and Water Resources
Leader of The Nationals
Federal Member for New England**

Ref: MC16-003384

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

BOGAN SHIRE COUNCIL	
FILE	R/N
27 APR 2016	
ASSIGNEE	

19 APR 2016

Dear Cr Donald 

Thank you for the letter received from Mr Derek Francis, General Manager, dated 4 March 2016, regarding the resolution of the Bogan Shire Council in support of Ms Faye McPherson's letter to me regarding use of National Livestock Identification System (NLIS) devices to reduce goat poaching. I responded to Ms McPherson on 22 March 2016.

The NLIS (Sheep and Goats) is Australia's system for identifying and tracing sheep and goats for biosecurity, food safety, product integrity and market access purposes. It is a mob based system and while it is possible NLIS may assist with investigations, the system was not designed to control the theft or poaching of individual animals. Livestock theft is a matter for the police.

I have consulted frequently with industry regarding the NLIS. The goat industry does not support using NLIS devices to identify all non-domesticated harvested goats. Some members of the goat industry have expressed concerns, to me and publicly, about the practical limitations, occupational hazards and animal welfare issues associated with tagging non-domesticated harvested goats. Harvested goats are able to move tag-free from a property of capture to a depot, from a property of capture to an abattoir and from a depot to an abattoir. All goat movements in New South Wales must be accompanied by a National Vendor Declaration or Transport Stock Statement.

While goats can be moved without NLIS identification, Safemeat (which is an industry-government partnership) and the Goat Industry Council of Australia (GICA) recently announced changes to the requirements for goat depots (properties that are used to aggregate goats prior to sale and/or slaughter). These changes are designed to strengthen the traceability of harvested goats. From 1 February 2016, all goat depot operators wishing to move harvested goats without NLIS identification must register their depots with the NLIS.

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**

For information about the changes to goat depot requirements you can contact Mr Rick Gates, President of GICA on 08 8091 9464 or at gatesgoats1@bigpond.com. Further information about the NLIS identification requirements for goats in New South Wales (NSW) is available from the NSW Department of Primary Industries on 1300 720 405 or at enquiries.nlis@dpi.nsw.gov.au.

Thank you for informing me of the Council's support for the concerns raised by Ms McPherson. I trust this information is of assistance in understanding measures being promoted by the goat industry.

Yours sincerely

A handwritten signature in blue ink, appearing to read "B. Joyce", is written over a light blue horizontal line.

Barnaby Joyce MP

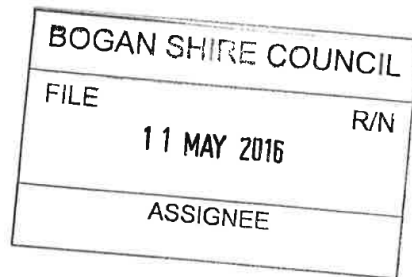
Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016



Our ref: Out - 24746

6 May 2016

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



Dear Mr Francis

Request for Legal Assistance approved

The Local Government New South Wales (LGNSW) Board approved an application made by Bathurst Regional Council for legal assistance under the LGNSW Legal Assistance Policy & Guidelines in August 2015. The matter has now been resolved in the courts. The LGNSW Board considered the matter to be of importance to local government throughout the State, as the proceedings related to the ability of councils to enter into contracts that include fees for services.

Bathurst Regional Council defended the matter before the NSW Court of Appeal. The proceedings challenged Council's jurisdiction to fix fees for services under long-term contracts. The NSW Court of Appeal found against Bathurst Regional Council, identifying that:

'even when the Local Government Act confers a power in terms upon councils to reach an agreement or arrangement with a landowner, the price it can charge for work performed by it remains subject to Part 10 of Chapter 15. To that extent at least, the 'general power to contract' cannot permit a Council to escape the statutory restrictions upon it'.

LGNSW is considering the implications of this decision for NSW councils, and is likely to seek feedback from councils in the future to enable the issue to be adequately addressed in the next phase of the review of the *Local Government Act 1993*.

Financial contributions are now sought from councils as the costs of the proceedings have been determined as set out in the **enclosed** invoice.

You are reminded that there is no obligation for a council to provide assistance.

Please do not hesitate to contact me on (02) 9242 4125 if you have any questions on this matter.

Yours sincerely



Donna Rygate
Chief Executive

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016



TAX INVOICE

ABN Number: 49 853 913 882

Date: 6/05/16

Invoice Number: 74014

Invoice To:

Bogan Shire Council
PO Box 221
Nyngan NSW 2825

Attn: The General Manager

Item Description	Amount	GST	Total
Legal Assistance Bathurst Regional CI for legal costs incurred in an appeal to the Supreme Court of NSW (please refer to attached letter)	\$ 396.51	\$ 39.65	\$ 436.16

Total Due: (Inc GST)	\$ 436.16
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Terms: 30 days from date of invoice

Payment to: Local Government NSW BSB No. 062005 Account No. 00090198

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016



The Hon Paul Toole MP
Minister for Local Government



Ref:
MIN:
Doc ID: A478162



Mr David Blunt
Clerk of the Parliaments
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blunt

Please find attached, for tabling in the Legislative Council, the Government response to the report entitled Local Government in NSW which was prepared by the General Purpose Standing Committee No. 6 and released on 29 October 2015.

I am pleased to advise that following the release of the report, the Government has commenced the next phase in local government reform in NSW. This builds on the consultation, research and independent reviews that have been conducted by the Government and others since 2011, and focusses on:

- Creating stronger councils;
- Improving performance and governance of local councils; and
- Strengthening the system of local government.

The findings and recommendations from the Local Government in NSW report were considered by the Government in developing the current phase of reform.


Attached is the Government response to each of the 17 recommendations in the Standing Committee's report. Also attached is the Fit the Future Progress Report, released on 18 December 2015, which provides an update on implementation of *Fit for the Future* initiatives as well as new reform priorities. The Report addresses many of the issues raised by the Inquiry.

I would like to thank the General Purpose Standing Committee No. 6 for undertaking the inquiry and contributing to the continued reform of local government in NSW.

Yours sincerely



Paul Toole MP
Minister

Received at 4.15 pm
Friday 29 April 2016


**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**



Response to the findings and recommendations of the Inquiry into Local Government in NSW by the General Purpose Standing Committee No.6

The Government notes that a key focus (Findings 1-2 and 4-6) for the Inquiry was on the *Fit for the Future* process, including the assessment of council's *Fit for the Future* proposals by the Independent Pricing and Regulatory Tribunal (IPART) and the merits of the Fit for the Future assessment criteria.

The *Fit for the Future* assessment criteria was informed by the recommendations from NSW Treasury Corporation's analysis of local government, the Infrastructure Audit of NSW Councils, and the Independent Local Government Review Panel. Each of these reviews involved extensive engagement with the local government sector.

The NSW Government is committed to rebuilding NSW, creating jobs and providing better services. Reforming local government, so it is able to deliver quality services, better infrastructure and greater value for money, is essential to this work.

Ultimately, the aim of *Fit for the Future* is to strengthen councils in NSW to deliver a strong future for the state. It is pleasing that the Inquiry found that a positive outcome from the *Fit for the Future* process was that it encouraged local councils across the state to review their performance and consider options for systematic improvement.

The Inquiry finding (Finding 8) regarding the adequacy of NSW Government consultation with councils and the community on local government reform is not supported. The *Fit for the Future* reform program built on the consultative approach of Destination 2036, as acknowledged by the Inquiry, and was developed taking into account extensive community consultation, undertaken by both the Independent Local Government Review Panel and Government.

Over a three year period, the Panel held face to face discussions across the State with councils, community organisations, businesses and local ratepayers and residents about their councils.

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016



The *Fit for the Future* process was designed to continue an open dialogue with the community to ensure the local government sector is well placed to meet their needs as residents and ratepayers in future. Other examples of the NSW Government working in partnership on local government reform include the development of the Regional Joint Organisation model through the Joint Organisation pilot process and the consultative approach to streamlining the legislation that governs councils in NSW.

In relation to the findings concerning council mergers (Findings 7 and 9) it is noted that since the report from the Inquiry into Local Government in NSW was released, the Government has referred merger proposals to the Chief Executive of the Office of Local Government for examination and report under the *Local Government Act 1993*.

The Chief Executive delegated the function of examining and reporting on the proposals to Delegates who are required to prepare reports that consider the factors in the legislation, including financial matters, communities of interest, elected representation, employment of staff, service and facilities, and the attitude of residents and ratepayers.

The Delegates' reports will go to the independent Local Government Boundaries Commission, which will comment on each report. The Minister for Local Government will consider the reports of the Delegates and Boundaries Commission before making a final decision.

Independent analysis of the merger proposals shows significant financial benefits for NSW of up to \$2 billion that can be invested in new infrastructure, improved services or keeping rates stable.

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016



Rec. No	Inquiry Recommendation	Government response
1	That the Premier and NSW Government withdraw the statements that 71 per cent of councils in metropolitan Sydney and 56 per cent of regional councils are 'unfit'.	<p>The Government appointed the Independent Pricing and Regulatory Tribunal (IPART) as the Expert Panel to assess <i>Fit for the Future</i> proposals.</p> <p>The terms of reference for assessing <i>Fit for the Future</i> proposals were developed in consultation with the Fit for the Future Ministerial Advisory Group and required the Expert Panel to develop a methodology to assess proposals.</p> <p>The Independent Pricing and Regulatory Tribunal provided an assessment methodology consultation paper on 27 April 2015 and received 174 submissions over a 4 week public consultation period. 300 people attend forums across NSW as part of this consultation.</p> <p>The methodology was based on the <i>Fit for the Future</i> criteria which in turn came from the recommendations from Treasury Corporation's analysis of local government, the Infrastructure Audit of NSW Councils, and the Independent Local Government Review Panel. Each of these reviews involved extensive engagement with the local government sector. IPART also reviewed the criteria.</p> <p>IPART provided an independent assessment against the <i>Fit for the Future</i> criteria and ensured a consistent, fair and impartial assessment of all council proposals. The outcomes of these assessments are contained in the reports published by IPART and available at www.ipart.nsw.gov.au.</p>

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**



Rec. No	Inquiry Recommendation	Government response
2	<p>That the NSW Government provide all local councils in New South Wales access to the proposed Fit for the Future incentives, regardless of the Independent Pricing and Regulatory Tribunal's assessment of whether a council is 'fit' or 'unfit'.</p>	<p>The Government will provide those councils that were assessed as "not fit" because they did not meet financial criteria, with the opportunity to revise their <i>Fit for the Future</i> proposals and resubmit them for assessment.</p> <p>The Office of Local Government will work with these councils to support them through this process and, if deemed "fit" following this assessment, those councils will have access to the benefits such as access to the TCORP borrowing facility and the Innovation Fund.</p> <p>Councils that have met the financial criteria are considered to have a greater capacity to repay loans obtained at a cheaper rate through the NSW TCorp, as a result of the NSW Government AAA credit rating.</p> <p>The opportunity to participate in this process will also be available to the councils of the Far West region, who did not participate in the original <i>Fit for the Future</i> assessments.</p>
3	<p>That, as part of its planned review of the rating system the NSW Government evaluate the option of the removal of rate pegging and allow councils to determine their own rates conditional on the delivery of a local works plan outlining the expenditure associate with any proposed rate increases and demonstrated community support.</p>	<p>The NSW Government's response to the Independent Local Government Review Panel reiterated its commitment to a system of rate-pegging that protects ratepayers from unfair rate rises.</p> <p>On 18 December 2015 the Government engaged the Independent Pricing and Regulatory Tribunal (IPART) to undertake a review of the rating system and provide a final report to the Minister for Local Government within 12 months. As part of the review, IPART has been asked to provide an interim report within six months with recommendations on a legislative or regulatory approach to support the Government's policy of freezing existing rate paths for a period of four years for councils that merge.</p>

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**



Rec. No	Inquiry Recommendation	Government response
4	That the Minister for Local Government work cooperatively with the NSW local government sector to petition the Australian Government to reverse its decision to freeze the indexation of Financial Assistance Grants.	The NSW Government has raised concerns about the impact of a range of Commonwealth budgetary decisions, including the decision to freeze the indexation of Financial Assistance Grants.
5	That the Minister for Local Government work cooperatively with the local government sector to petition the Australian Government to seek to redistribute Financial Assistance Grants in order to direct additional funding to councils with the greatest needs, provided councils with the capacity to raise additional local revenue are able to do so.	The distribution of Financial Assistance Grants across NSW is undertaken by the NSW Grants Commission. The NSW Government is continuing to work with the NSW Grants Commission to redistribute Financial Assistance Grants to those councils most in need.
6	That the NSW Government eschews future cost shifting and commits to providing adequate funding to local government for any new services, assets or regulatory functions that it devolves to local councils.	<p>The NSW Government is committed to addressing concerns about cost shifting through a strong partnership with local government. The NSW Government has engaged the Independent Pricing and Regulatory Tribunal (IPART) to undertake an independent review into regulatory and reporting requirements for local government, to identify more ways of cutting burden for councils. IPART is consulting with councils and stakeholders as part their review and will provide a final report to Government in April 2016.</p> <p>Despite the Government's commitment to addressing concerns about cost shifting, it is also noted that the Independent Local Government Review Panel found that cost-shifting has been overstated relative to other factors.</p>

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**



Rec. No	Inquiry Recommendation	Government response
7	<p>That the NSW Government ensure that those water utilities that are currently operated by local councils remain under the control of those councils.</p>	<p>As noted in the Government response to the recommendations from the Independent Local Government Review Panel, the future management of local water utilities will be addressed in the process of developing the final Regional Joint Organisation model for councils.</p>
8	<p>That the Office of Local Government, in consultation with the Audit Office of New South Wales and local government representatives, develop guidelines to ensure greater consistency across councils in the treatment of assets, including:</p> <ul style="list-style-type: none"> • a depreciation methodology that more closely correlates with the actual condition of deterioration and considers the councils' priorities for the condition of the infrastructure • quantifying the useful life of an asset • determining the realistic residual values of assets • the componentisation of assets. 	<p>Over the last decade, the NSW Government has provided councils with significant funding and training to improve asset management. Ultimately, councils are responsible for reporting on infrastructure by consulting their communities about service standards.</p> <p>The Office of Local Government provides guidance through the accounting code and the Integrated Planning and Reporting (IP&R) framework on how councils report on infrastructure and how to determine a satisfactory standard with the community.</p> <p>The 2013 OLG infrastructure audit found that the quality of asset data had improved since the introduction of IP&R, with 50% of audited councils having adequate assessments, processes and procedures. The OLG is continuing to work with the Auditor-General and key stakeholders to further improve consistency where possible.</p> <p>From 2017, councils will report on assets against revised Special Schedule 7. In the future Special Schedule 7 data will be audited to check whether the data is reasonable.</p> <p>The Government also is committed to revising IP&R Guidelines to embed the principle of fiscal responsibility and improve financial and asset planning ahead of the next IP&R cycle.</p> <p>In light of the recommendation from the Inquiry, the Government will give further consideration to strategies for improving consistency across councils in the treatment of assets.</p>

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**



Rec. No	Inquiry Recommendation	Government response
9	<p>That the NSW Government implement the Independent Local Government Review Panel's recommendations to strengthen the independence of the Boundaries Commission and ensure a robust and consultative process is in place to consider council amalgamation proposals before any further steps are taken by the government in relation to council amalgamations.</p>	<p>In announcing <i>Fit for the Future</i> in September 2014, the Government responded to each of the 65 recommendations made by the Independent Local Government Review Panel. In response to the Panel recommendation regarding the Boundaries Commission, the Government noted a commitment to ensuring transparency and public confidence in any boundary review process. The process for examining and reporting on council merger proposals is detailed in the <i>Local Government Act 1993</i> and is currently underway.</p>
10	<p>That the NSW Government implement a program to assist and support senior staff affected by amalgamations, particularly those staff in regional areas who may need to relocate if their position is lost through an amalgamation.</p>	<p>The NSW Government, through regulatory amendments, has committed to:</p> <ul style="list-style-type: none"> • provide general managers and senior staff employed by councils affected by amalgamations the same portability of accrued leave entitlements as non-senior staff where they are employed by the new council and where there is no break in continuity of service; and • deem the termination of general managers and senior staff employment as a result of an amalgamation (other than through the expiry of their contracts on the termination date) to be due to reasons of redundancy to ensure that termination payments are taxed beneficially as a redundancy.

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**



Rec. No	Inquiry Recommendation	Government response
11	<p>That the NSW Government commit to a policy of no forced amalgamations of local councils, except in circumstances where it can be established that a council is severely financially unsustainable to the point of bankruptcy or unable to maintain an acceptable level of service provision.</p>	<p>On 6 January 2016, the Minister for Local Government referred council merger proposals to the Chief Executive of the Office of Local Government for examination and report under the <i>Local Government Act 1993</i>.</p> <p>The merger proposals identify significant benefits for the local community. Proposals have been informed by four years of consultation with NSW councils, independent assessment, council merger preferences, and feedback from communities and stakeholders.</p> <p>The Local Government Act clearly sets out the merger process. This process allows councils and their communities to have their say through public inquiries (public meetings) and written submissions.</p>
12	<p>That the NSW Government consider amending the Local Government Act 1993 to allow for a period of transition between a decision to merge councils and the creation of the new council, to ensure effective planning, consultation, implementation and ongoing service delivery to communities.</p>	<p>On 6 January 2016, the Minister for Local Government referred council merger proposals to the Chief Executive of the Office of Local Government for examination and report under the <i>Local Government Act 1993</i>.</p> <p>No decision has been made on any merger proposal.</p> <p>The Government is committed to effective implementation of any merger. The Department of Premier and Cabinet has provided councils with guidance on preparing for change, to assist those councils that want to start preparing for a possible merger.</p> <p>The Government has announced unprecedented funding for merger implementation, including up to \$10 million towards the costs of merging and up to \$15 million for improved services and infrastructure.</p> <p>The Government remains committed to allowing councillors that are supportive of making the new council a success the opportunity to shape the future of the new council.</p>

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**



Rec. No	Inquiry Recommendation	Government response
13	That the Minister for Local Government encourage local councils with council-elected mayors to initiate a referendum on whether the mayor should be popularly elected or elected by councillors.	Under the current provisions of the <i>Local Government Act 1993</i> , it is a matter for councils to initiate referenda for election of mayors.
14	That the NSW Government seek to amend the <i>Local Government Act 1993</i> to increase to two years the period a mayor elected by the councillors is to hold office.	The Government is currently consulting on amendments to the <i>Local Government Act 1993</i> , including a proposal to increase to two years the period a mayor elected by the councillors is to hold office.
15	That the NSW Government consider amending the electoral legislation to introduce donation and spending caps for candidates at local government elections.	Election funding and expenditure requirements are prescribed under the <i>Election Funding, Expenditure and Disclosures Act 1981</i> . The Joint Standing Committee on Electoral Matters (JSCEM) is considering the Final Report of the Expert Panel on Political Donations. The Government is awaiting the JSCEM's report and will consider its recommendations.
16	That the NSW Government make Joint Organisations available to all councils in New South Wales.	The NSW Government will implement Joint Organisations across regional NSW, with the exception of the Far West region, following the next local government elections.

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**



Rec. No	Inquiry Recommendation	Government response
17	<p>That the NSW Government work with local government on a statutory model for Joint Organisations based on the Hunters Hill, Ryde and Lane Cove Council model as a cooperative and consensus model for local council reform in Metropolitan Sydney.</p>	<p>From September 2014, the NSW Government has been working collaboratively with the local government sector to develop the Joint Organisation model. This has involved working with five regions of councils in the Joint Organisation Pilot program and broader consultation with the sector on key elements of the model.</p> <p>During 2016, further consultation will be undertaken with the sector to consolidate and finalise the Joint Organisation model.</p> <p>The Government notes the Hunter's Hill, Lane Cove and Ryde Councils Joint Regional Authority model proposed by the councils indicated benefits of \$0.5 million over five years. In contrast the Government merger proposal for these councils has a total financial benefit of \$86 million over 20 years.</p>



**Grants and Funding to the Ordinary Meeting of Bogan Shire Council
held on 26 May 2016**

GRANTS AND FUNDING

LG Weekly 18/16 – 6 May 2016

Investing in Women Funding Program

Councils are invited to apply for \$200,000 as part of the Women NSW Investing in Women Funding Program.

LG Weekly 19/16 – 13 May 2016

Multicultural NSW Celebration Grants

Councils are encouraged to apply for grants of up to \$5,000 from the Multicultural NSW Celebrations Grants program to celebrate cultural diversity.

Social Housing Community Improvement Fund

Councils are encouraged to apply for Social Housing Community Improvement Fund grants of \$50,000 to create better and stronger social housing communities by improving local amenities on or near social housing.

Country Passenger Transport Infrastructure Grant Scheme

Transport for NSW (TfNSW) has announced that the 2015-17 round of the Country Passenger Transport Infrastructure Grant Scheme will open in July.

