



BOGAN SHIRE COUNCIL

Business Paper

25 March 2021



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17 March 2021

COUNCIL MEETING NOTICE

The next Ordinary Meeting of Council will be held in the Council Chambers on Thursday 25 March 2021 at 9.30am.

AGENDA

1. Opening Prayer
2. Remembrances
3. Apologies
4. Declarations of Interest
5. Confirmation of the Closed and Confidential Minutes of the Council Meeting held on 25 February 2021
6. General Managers Closed and Confidential Report
 1. Lease of Council Owned Land
7. Acting Director Development and Environmental Services Closed and Confidential Report
 1. Enforcement of Orders – Derelict and Fire Damaged Buildings

The General Manager is of the opinion that consideration of these items is likely to take place when the meeting is closed to the public for the following reason: in accordance with the Local Government Act 1993, Clause 10A (2) (c) because it is information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
8. Confirmation of the Ordinary Minutes of the Council Meeting held on 25 February 2021
9. Citizenship Ceremony
10. Committee Meeting Minutes
11. General Manager's Report incorporating reports from:-
 - People and Community Services
 - Finance and Corporate Services
 - Engineering Services
 - Development and Environmental Services
12. Correspondence

Your attendance at this meeting would be appreciated.

Yours sincerely

Melissa Salter

Acting Executive Assistant



**Committee Meeting Minutes to the Ordinary Meeting
of Bogan Shire Council held on 25 March 2021**

COMMITTEE MEETING MINUTES

1 MUSEUM COMMITTEE MINUTES

Attached are the minutes of the Nyngan Museum Committee meeting held at the Nyngan Museum on 3 March 2021

1.1 Recommendation

That the minutes of the Nyngan Museum Committee meeting held at the Nyngan Museum on 3 March 2021 be received and noted.



Committee Meeting Minutes to the Ordinary Meeting
of Bogan Shire Council held on 25 March 2021

Nyngan Museum Meeting Date: 3rd March 2021 Venue: Nyngan Museum

Present:

Hugh Sibbald, Margaret Sibbald, Glad Eldridge, Val Keighran, Anna Corby, Stewart MacKenzie, Leonie Montgomery, Veneta Dutton, Anne Quarmby, Vince Wren, Ray Donald, Yvonne Pardy, Collin Pardy, Abigail

Apologies:

Guests:

Minutes last meeting: Move: Yvonne second: Vince

Business Arising from Minutes, and Leonie's report:

- *Ray, Stewart, Leonie and Anna visited the Prince's Wing at Canonbar yesterday. The building is in very sad condition and will be demolished. We have been invited to return and remove anything we are able to use in our display. We have agreed on some pressed tin panelling, a bathroom suite and shower plumbing. Also wall sconces for lights and perhaps some boards and bricks.*
- *Air coolers still don't work.*
- *High School volunteers have attended and seem to enjoy being busy.*

Correspondence In:

Australia Day Ambassador has sent a letter to thank everyone for the wonderful time they had while visiting us.

Correspondence Out:

Response to Joy Hortle re Petersen grave and family story.

Committee Meeting Minutes to the Ordinary Meeting
of Bogan Shire Council held on 25 March 2021

Treasurers Report attached: read and moved: 2nd: Gwen

General Business:

- *The High School volunteers have visited the Museum 3 times. They have tackled research about WW conflicts, and completed lots of maintenance including refilling and relining sandbags and some painting of furniture. The shearing shed group has only attended once but they have planned their activities and have washed Sam the sheep!*
- *Collin has aligned the projectors.*
- *The Shire have built a stand for the hospital cupboard*
- *Stewart and Leonie have installed a new seal on the roller door to keep the weather out. It may still need a bead of silicon to complete the job.*
- *A new basement door has been installed so that the stairs cant be accessed accidentally. Val can now sleep well!*
- *Annie has donated Beryl Phillips chalk ware plaques that were originally purchased from Dukes Store. They were a limited production run.*
- *Wendy Clissold has asked if markets could be held here on April 1st. Outside? Donations Box. 2nd Leonie*
- *Garden club would like to hold a meeting at the Museum in August*
- *Vince suggested updating our promotions on our own Face Book and and upgrade on Shire Website. Veneta has found some reviews of the museum visits, and all are positive. Tourism will be discussed at the next estimates meeting so Abigail, Ray and Veneta will follow that up.*
- *Another idea to raise money was to sell a yearly pass for a cheap price.*
- *The things rescued from Canonbar will be put together as a bathroom with pressed tin background, and will be built next to the jackaroo bedroom.*
- *Estimates committee will review VIC hours.*
- *A meeting was held with the Shire and Anna and Leonie. All the improvements listed on the agenda will be funded as the money becomes available in the budget.*

**General Managers Report to the Ordinary Meeting of Bogan Shire Council
held on Chambers 25 March 2021**

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	28/09/2017	283/2017	Medical Centre	The General Manager in consultation with PHN proceeds to recruit & engage a second doctor for the BSMC.	GM	Recruitment agencies engaged to source locum / permanent second doctor. Locums secured until 30/06/2021. Renewed recruitment effort underway for permanent doctor with the Rural Doctors Network and Local Health District.
2	21/12/2017	392/2017	Increase of train speed through Nyngan	Strong letter of concern & a request to address Council be sent to the relevant rail authorities & a copy to local member.	GM	Letter sent to Minister for Transport & Infrastructure, with copy to Kevin Humphries.

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	21/06/2018	293/2018		<p>Council seek further follow up from the responsible Minister, reiterating Council's safety concerns for pedestrians & road users due to the nature of the crossing & variation of speeds.</p>	<p>DES</p>	<p>406 Petitions received.</p> <p>On-site meeting held with Deputy Premier.</p> <p>Met with Minister for Regional Transport & Roads in Bourke on 25 November 2019.</p>
				<p>The best control measures would be to erect flashing lights at the Hoskins Street Crossing.</p>		<p>Council advised that this crossing is not a priority for John Holland Rail.</p>
	28/05/2020	110/2020		<p>Council engage a Safety Consultant to inspect the Hoskins Street Level Crossing & to provide a report documenting the safety factors of the Crossing which can then be</p>		<p>Safety Consultant has been engaged to inspect crossing at the end of July & will be preparing a risk audit for Council.</p> <p>UPDATE: Report has been received and forwarded. No response.</p>



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				forwarded to the John Holland Rail & Minister for Regional Transport & Roads.		
3	24/04/2019	117/2019	Cobar Water Board	Whilst Council is prepared to have discussion with CWB to explore options for delivery of water to minor users within the Bogan Shire LGA, it does not agree to the Board's proposal at this stage.	GM	Further correspondence sent to CWB. UPDATE: New water supply agreement with CWB currently being drafted.
4	28/11/2019	366/2019	Regional Water Supply Pipe Network	Council supports in principle the investigation of a Regional Water Supply Network servicing the communities currently supplied by the Macquarie River downstream of Burrendong Dam.	GM	Water NSW has advised Narromine/Warren pipeline project is on hold

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	25/02/2021	010/2021		<p>Council seeking urgent clarification from the Minister on:</p> <ul style="list-style-type: none"> - Issuing of the licence for the Nyngan Emergency Bore and licence. - Size of the pipe from this bore to Nyngan - Response to be given to those who lodge objections to the bore. - Cobar emergency water. - What guarantee is there for the \$4.3M funding to be retained for this pipeline. 		<p><u>UPDATE:</u> Awaiting determination from NRAR and direction from NSW Government.</p>
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**General Managers Report to the Ordinary Meeting of Bogan Shire Council
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5	28/11/2019	368/2019	Repairs to Nyngan & Cobar Emergency Water Storage	The General Manager be authorised to procure sufficient quantities Geosynthetic Clay Liner & Geotextile material to complete the remediation works, according to specifications provided by NSW Public Works. The procurement be carried out by way of quotations.	DES	Remediation work postponed due to wet weather and soft floor. UPDATE: Work recommenced on Monday 1/02/21, with rain stopping work again that night.
6	23/07/2020	192/2020	Crown Land to convert the Perpetual Special Lease 78218 (Saleyards) to freehold & transfer title to Council.	1. Council purchase the Nyngan saleyards from the Crown at a cost of \$35,100 funded from Council's reserves. 2. The GM present a report to Council on necessary measures to allow future use of the site, including an RMS heavy vehicle	GM	In progress.

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	25/02/2021	043/2021		<p>uncoupling station, wash bay for trucks & hold over are for livestock.</p> <p>Council do not consider there is sufficient room on the edge of the highway, and that the previously suggested site of Nyngan Saleyards be considered as a much safer location.</p>	DES	<p>UPDATE: Letter sent to Transport for NSW</p>
7	23/07/2020	193/2020	Speed limit in Nyngan CBD	<p>Survey responses received for reducing speed limit in Nyngan CBD to 40km/hr between Terangion & Dandaloo Streets presented to Traffic Committee Meeting August 2020.</p>	DES	<p>Referred to RMS.</p> <p>UPDATE: Formal application with RMS in progress.</p>

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8	22/10/2020	306/2020	Hermidale Park	Further community consultation be carried out by way of a survey which includes a larger plan of the proposed new site, next to the Phillip Dutton Rest Area	DPCS	COMPLETED
	25/02/2021	041/2021		Plans to be drawn up of proposed amenities for Hermidale Park	DES	UPDATE: Plans being drawn up
9	24/09/2020	277/2020	Loop the Levee	A report suggesting locations and costs concerning the levee or parts of it to be a shared pedestrian/cycle path be presented to Council.	DES	In progress UPDATE: Director of Engineering Services Report Refers COMPLETED



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10	24/09/2020	257/2020	Nyngan Golf Club	Council approach the NGC offering them a sign with our logo and other details of Bogan Shire Council to be put on one of the 18 holes	DPCS	UPDATE: Awaiting sponsorship invoice from NGC.
11	26/11/2020	329/2020	Centre of NSW Cairn	<p>1. Council request a meeting with representatives from Lachlan Shire, Collerina Hall Committee and Tottenham Progress Association to further discuss options.</p> <p>2. Signage Option 1 selected, inclusive of large rocks in place to prevent vehicle access.</p>	DPCS	COMPLETED

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			Centre of NSW Cairn	3. Report on final design recommendations, including costs to a further meeting of Council for approval and budget consideration, following meeting of four parties.	DES	UPDATE: Estimates currently being prepared for agreed works. Report to Council in April.
12	17/12/2020	357/2020	Pangee Street Fig Tree	Council introduce measures to monitor the tree's health and stability for a period of time	GM	UPDATE: Awaiting information from Arborist.
13	17/12/2020	363/2020	Hermidale Speed Limit	Council does not accept the RMS decision on the speed limit in Hermidale and refers this back to the RMS	DES	UPDATE: Letter sent to TfNSW requesting a review of the speed zone.



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14	17/12/2020	372/2020	Hera Resources Pty Ltd Donations 2021	<p>Council continue discussions with Aurelia Metals and also meet with Aeris Resources to determine Council's priorities for the whole of the Bogan Shire community</p> <p>Council work in partnership with both companies to obtain financial assistance for identified projects for the long term benefit of the community.</p>	DPCS	UPDATE: Meeting to be held with Aeris Resources 18/3/21. Verbal report to Council.
15	17/12/2020	373/2020	Lack of Vacation Care/Before and After School Care in Nyngan	<p>Council approach both primary schools in Nyngan.</p> <p>Council bring this matter to the attention of local State Member and Hon. Sam Faraway MLC.</p>	DPCS	UPDATE: Meetings held with Principals of Nyngan Public and St Joseph's Schools. Report to Council refers.



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16	17/12/2020	362/2020	Installation of Bench Seating in Pangee Street	Council proceed with the installation of two bench seats in Pangee Street, between Nyngan Rural Agencies and St Marks Op Shop, to be funded by the CBD improvement grant	DES	UPDATE: To be completed when grant works commence.
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1.1 Recommendation

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

2 REMOTE ATTENDANCE BY COUNCILLORS AT COUNCIL MEETINGS

Summary:-

The purpose of this report is to provide Council with information relating to a consultation process underway on proposed changes to the Model Meeting Code which would allow individual councillors to attend a meeting remotely via audio-visual link.

2.1 Introduction

The purpose of this report is to provide Council with information relating to a consultation process underway on proposed changes to the Model Meeting Code which would allow individual councillors to attend a meeting remotely via audio-visual link.

2.2 Background

Temporary amendments were made to the Local Government Act 1993 (the Act) in March 2020 in response to the COVID-19 pandemic allowing councillors to participate in meetings remotely by audio-visual link.

Some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.

2.3 Discussion

The Minister for Local Government, Shelley Hancock, has said that under the proposed changes councillors with carer and work responsibilities will be permitted to attend council meetings virtually as part of addressing the current system under which women have faced a number of barriers from participating as councillors.

The proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.

If adopted by councils, under the proposed new provisions, councils will be able to give approval for individual councillors to attend a meeting remotely by audio-visual link where the councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of



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occasions in each year, because they are absent from the local area due to a prior work commitment.

The Office of Local Government's consultation paper is attached for further information.

Council may wish to make a submission in this regard to the Office of Local Government.

2.4 Attachments

1. Consultation Paper – Remote Attendance by Councillors at Council Meetings

2.5 Recommendation

That this report be received and noted.

Remote Attendance by Councillors at Council Meetings

Consultation Paper

March
2021



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Overview

Temporary amendments were made to the *Local Government Act 1993* (the Act) in March 2020 in response to the COVID-19 pandemic allowing councillors to participate in meetings remotely by audio-visual link. The amendments allowing remote attendance are time limited and will automatically expire on 25 March 2021.

Most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the pandemic. Some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.

The Government agrees that allowing remote attendance by councillors at meetings may serve to remove some of the impediments that currently prevent underrepresented groups from serving on their local councils.

The Government is therefore proposing to amend the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) to include non-mandatory provisions that allow councils to permit councillors to attend council and committee meetings remotely by audio-visual link in certain circumstances.

While councils will be required to resume meeting in person from 26 March 2021, as an interim measure, the *Local Government (General) Regulation 2005* will be amended to allow councils to permit individual (but not all) councillors to attend meetings remotely until 31 December 2021 pending the changes to the Model Meeting Code.

While the Government strongly supports the objective of encouraging greater diversity of representation on councils, this should be counterbalanced by the need to ensure communities are effectively represented by

their elected councillors. The Government believes that to be effective local elected representatives, councillors need to live or work in the area and should exercise their duties diligently. Councillors should not, for example, be permitted to move interstate or overseas and attend every third meeting remotely to collect their fees. Councillors should also not be permitted to attend meetings while at work where their attention may be focussed on matters other than council business.

To ensure this does not occur, the grounds on which councillors will be permitted to attend meetings by audio-visual link will be limited. Under the proposed new provisions, councils will only be able to give approval for individual councillors to attend a meeting remotely by audio-visual link where the councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.

The Government recognises that remote attendance by councillors at meetings by audio-visual link may not be supported by all councils or may pose insurmountable logistical and technological challenges for some councils. For this reason, the proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.

What is being proposed?

✔ **The proposed amendments will allow councillors to attend meetings by audio-visual link with the approval of the council in certain circumstances.**

"Audio-visual" link will be defined as "a facility that enables audio and visual communication between persons at different places".

Under the proposed amendments, a councillor will be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or the committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting in person because of ill health, disability, carer responsibilities or natural disaster.

A councillor will also be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting because they are absent from the local area due to a prior work commitment. However, a councillor will not be permitted to attend an ordinary or extraordinary meeting of the council or a meeting of a committee of the council by audio-visual link on these grounds on any more than three occasions in each year (inclusive of all ordinary, extraordinary and committee meetings attended by the councillor by these means).

Where a councillor is proposing to seek the council's or a committee's approval to attend a meeting by audio-visual link at the meeting concerned, they must first give the general manager at least 5 working days' notice that they will be seeking the council's or committee's approval, to allow sufficient time for the necessary arrangements to be made for them to attend the meeting remotely, should the council or committee give its approval.

Where attending a meeting by audio-visual link, councillors will be required to do so from a location within NSW or within 100km of the NSW border.

✔ **As with decisions to grant a leave of absence under the existing provisions of the Model Meeting Code, the decision to permit a councillor to attend a meeting by audio-visual link is one that will be at the council's or committee's discretion.**

The council or committee will be required to act reasonably when considering whether to grant a councillor's request to attend a meeting by audio-visual link.

However, the council or committee will be permitted to refuse a councillor's request to attend a meeting by audio-visual link, where the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's code of meeting practice on one or more previous occasions when they have attended a meeting by audio-visual link.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 25 March 2021

✔ **When attending meetings by audio-visual link, meeting rules and standards will apply to councillors in the same way they would if the councillor was attending the meeting in person.**

The council's adopted code of meeting practice will apply to a councillor attending a meeting of the council or a committee of the council by audio-visual link in the same way it would if they attended the meeting in person.

Councillors will be required to give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.

Councillors will also be required to be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Where a councillor has attended a meeting by audio-visual link, the minutes of the meeting must record the fact that the councillor attended the meeting by audio-visual link.

✔ **Councillors attending meetings by audio-visual link will be required to disclose and appropriately manage conflicts of interest.**

Councillors attending a meeting by audio-visual link will be required to declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct.

Where the councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the

councillor's audio-visual link to the meeting must be terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

✔ **Councillors attending meetings by audio-visual link will be required to protect the confidentiality of information considered while the meeting is closed to members of the public.**

Councillors attending a meeting by audio-visual link will be required to ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the Act.

✔ **The proposed amendments will contain provisions that allow the chair to enforce compliance with meeting rules by councillors attending meetings by audio-visual link.**

Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson will be permitted to mute the councillor's audio link to the meeting for the purposes of enforcing compliance with the council's code of meeting practice.

If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson will be permitted to terminate the councillor's audio-visual link to the meeting.

Have your say

We now want to hear from you.



Key questions to consider

✔ Do you support the proposed changes to the Model Meeting Code to allow councillors to attend meetings remotely by audio-visual link?

✔ Do you have any concerns about the proposed changes? What are your concerns?

✔ Do you have any suggestions for how the proposed new provisions could be improved?

Submissions may be made in writing by **COB 3 May 2021** to the following addresses.

Further information

For more information, please contact Office of Local Government's Council Governance Team on **(02) 4428 4100** or via email at olg@olg.nsw.gov.au.

POST:
Locked Bag 3015
NOWRA NSW 2541



EMAIL:
olg@olg.nsw.gov.au

Submissions should be labelled 'Remote attendance at council and committee meetings' and marked to the attention of Office of Local Government's Council Governance Team.

3 ORANA JOINT ORGANISATION

Summary:-

The purpose of this report is for Council to consider whether or not to resign its membership of the Orana Joint Organisation of Councils

3.1 Introduction

The purpose of this report is for Council to consider whether or not to resign its membership of the Orana Joint Organisation of Councils

3.2 Background

Joint Organisations of Councils (JOs) were formally instituted through changes to the Local Government Act in 2017 – the Local Government Amendment (Regional Joint Organisations) Act 2017 No 65.

Before the introduction of Joint Organisations Bogan Shire Council had previously been an active member of the Orana Region of Councils (OROC) and had enjoyed a good working relationship with surrounding Councils through this voluntary organisation without excessive membership fees or regulatory burdens.

With the introduction of Joint Organisations the NSW Government created a Far North West JO from former OROC members Cobar, Bourke and Walgett. Other former members, Dubbo, Brewarrina and Coonamble opted not to join any JO. The remaining OROC Councils were formed into the Orana JO.

3.3 Discussion

As time progressed it became clear that the requirements of the Local Government Act are just as stringent. This is in relation to financial management and auditing, integrated planning and reporting as well as newer aspects of legislation such as the formation of Internal Audit, Risk and Improvement Committees. All of these regulatory aspects require significant financial expenditure.

The decision by Dubbo Regional Council to not join the Orana Joint Organisation meant that a significant financial burden fell to the other member Councils.

Despite ongoing representation to the State Government, no appropriate funding model has been presented that is workable for the Council members of the Orana JO. To correctly manage the Joint Organisation in line with the legislation, significant membership fee increases would be required which Board members do not feel is warranted.



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
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The decision has been reached by the Orana JO that it is now time for each Council to consider its position in the JO and to move forward with the process of formally disbanding the Orana JO.

The attached draft letter has been received from the Chairperson of the Orana JO, Cr Craig Davies. Cr Davies is suggesting that this draft letter be used by all Orana JO Councils in communicating this decision to the Minister.

3.4 Attachment

1. Letter from Cr Craig Davies

3.5 Recommendation

That Council

1. Notes the ongoing concerns about the financial sustainability of the Orana Joint Organisation.
2. Resolves to resign its membership of the Orana Joint Organisation.
3. Works with other Councils to develop a proposal to re-establish a voluntary regional body for further consideration by Council.

Derek Francis

General Manager



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021**

Attachment 1

Dear Minister Hancock,

I wish to convey to you the very unfortunate news that our council has decided unanimously to resign from the Orana Joint Organisation of Councils.

Along with the other members we have tried to make a go of the situation we found ourselves in following the government breakup of our ROC and the subsequent loss of membership due to Dubbo, Brewarrina and Coonamble not joining the new JO. At the same time the Government allowed Bourke , Cobar and Walgett to form their own JO and funded them to the tune of \$20 mill.

At the time of initiation the JO was given an undertaking that our costs would be the same as under the ROC. Again, with Government intervention, we find the cost of operating the JO is approximately twice that of the ROC and we now have half the membership. We believe this is a recipe for disaster.

We have done all in our power to establish ways and means to remain viable. However, the looming potential of insolvency has persuaded us all of the imperative of abiding by the law and not trading in that manner.

This was not our wish, however, we are left with no alternative. We intend to continue to work collaboratively and positively with our fellow member councils and function as closely as possible to a ROC. Continuing to operate as a JO will see us fall into insolvency and expose council to the associated the legal ramifications. That is not the option any of us should allow.

I therefore ask that you approach Her Excellency, the Governor of NSW to remove the Narromine Shire Council area from the joint organisation area for the Orana Joint Organisation of Councils.

Council notes that the Government has previously supported similar requests, most notably Cobar Shire Council's application to exit the Far North NSW Joint Organisation and therefore expects similar support in this instance.

Sincere regards

Craig Davies

REPORT TO ORDINARY MEETING OF COUNCIL – DIRECTOR PEOPLE AND COMMUNITY SERVICES

Mayor and Councillors

The following reports are submitted for consideration:-

1 BOGAN SHIRE EARLY LEARNING CENTRE

Summary:

The purpose of this report is to advise Council of the activities and statistics of the operation of the Bogan Shire Early Learning Centre.

1.1 Introduction

The purpose of this report is to advise Council of the activities and statistics of the operation of the Bogan Shire Early Learning Centre.

1.2 Discussion

Statistics

- Total children enrolled as at 19/10/2020: 79
- Total children scheduled to attend for the week ending 25/10/2020: 66
- Total children enrolled as at 1/03/2021: 57
- Total children scheduled to attend for week ending 14/03/2021: 67

Usage Capacity

	Monday	Tuesday	Wednesday	Thursday	Friday	Ave.
October	63%	66%	60%	66%	64%	64%
November	58%	68%	63%	67%	64%	64%
December	60%	65%	63%	56%	60%	61%
January	60%	53%	44%	56%	56%	54%
February	70%	67%	60%	63%	58%	64%
March	72%	72%	58%	56%	67%	65%

Whilst the above usage capacity shows that the centre has averaged 62% over the past 6 months, the following considerations need to be factored into these figures:

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- Occupancy statistics are based on maximum total places under the licence conditions.
- Current staffing levels have not been increased since the Centre opened in 2016 and with more 0 to 36 months aged children attending the centre than 36 months to 5 years and an increase in the number of children attending the centre, the staff to child ratios are exhausted in the younger age groups, meaning that the Centre is actually running at 100% capacity for the number of staff we currently have.
- The January period is always quieter with lower numbers as families are away and new enrolments tend to start in early February in line with when schools start back and this skews the average down.
- In the 0 to 12 months age group the Puggles Room can only accept 10 babies due to the maximum number of cots fitting into the nursery being 10.
- In the 3 to 5 years age group, families are continuing to move their children to the Preschool due to the temporary NSW Government's COVID-19 free preschool funding program being extended throughout 2021 to continue to support families with cost of living pressures and to support the ongoing provision of 600 hours of early childhood education in the year before school. The impact that this measure has on Federally-funded facilities like our ELC was raised with the NSW Premier, at her visit to Nyngan on 1 December 2021, as well as with Federal and State Members and Ministers on several occasions.
- Staff have assessed the children in the 24 months to 3 years age groups to determine whether they can be moved up into the Joey's Room to make room for more 12 to 24 months children to fit into the Puggles Room.

The Centre has a current waiting list of 10 children, predominantly in the 0 to 24 months age group which will not be able to be enrolled and attend the Centre unless staffing levels are increased in order to maintain statutory staff to child ratios.

Departmental recommendations

Current COVID-safe requirements still limit the number of visitors who are able to attend the centre, however staff are now able to take the older age group children on low risk excursions, for example to the Library or Larkin Oval for gross motor games and activities.

One performance that is allowable under Departmental Guidelines is a Puppetry performance on 26 March which will be held outdoors in the playground with social distancing requirements and other COVID-safe measures in place.

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Current sustainable practice

Staff are currently collecting bread tags for the “Aussie Bread Tags for Wheelchairs” effort, with the tags being recycled in South Australia and funds raised to buy wheelchairs for disadvantaged people in South Africa. This program recycles the collected bread tags to make bowls, boards, coasters and door knobs with the aim of recycling, re-using and reducing landfill.

These types of actions help to develop programs and activities for the children attending the Centre, with the Joeys Room 3 to 5 years age group currently learning about taking care of our world, reducing rubbish and preventing it from ending up in our waterways, river and oceans, as well as supporting those in need.

1.3 Attachment

Free Preschool for 2021

1.4 Recommendation

That the Early Learning Centre report be received and noted.

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Attachment 1



[Ministerial media releases \(/media-releases\)](#) > [\\$120 million extra for free preschool program to help parents \(/media-releases/120-million-extra-for-free-preschool-program-to-help-parents\)](#)

\$120 million extra for free preschool program to help parents

Published: 8 November 2020

Released by: The Premier

Families and young children in NSW will benefit from an extra year of free preschool with the NSW Government announcing funding for community and mobile preschools in 2021.

Premier Gladys Berejiklian joined Treasurer Dominic Perrottet and Minister for Education and Early Childhood Learning Sarah Mitchell to announce the \$120 million commitment, which will help more than 44,000 three to five-year-olds attending community preschool.

Ms Berejiklian said the free preschool program has been supporting families since the beginning of the pandemic and this funding would provide certainty for parents into the future and help ease hip pocket pressure.

“Support for families and children has been a priority for this Government during the pandemic and I’m committed to see it continue while we recover,” Ms Berejiklian said.

“Initially announced early in our COVID-19 response, the free preschool program has supported countless jobs, and kept children learning and engaged during some of their most important years.”

Mr Perrottet said the funding would provide up to 15 hours of free care per child each week and would allow many parents to continue working and supports them to divert family income into other essentials.

“This is a \$120 million investment in our future, which will remove a layer of financial pressure for many families during this uncertain time. It will also help support more than 7,400 early childhood educators and teachers in their vital roles,” Mr Perrottet said.

“This could save families more than \$2000 per-year per-child and will ease cost of living pressures and help balance work and family life.”

Ms Mitchell said even during the toughest times childrens’ education was the top priority.

“Early childhood education is so important, especially in those critical two years before school,” said Ms Mitchell.

“Families will have certainty moving into 2021, knowing that regardless of their situation their child will be able to continue with their preschool education.”

This funding will be made available to approximately 700 state-funded community preschools and 38 mobile preschool services that provide care for over 44,000 three to five year olds in the critical years before school.

2 VISITOR INFORMATION CENTRE OPERATIONAL REPORT

Summary:-

The purpose of this report is to provide information to Council on the operations of the Visitor Information Centre.

2.1 Introduction

The purpose of this report is to provide information to Council on the operations of the Visitor Information Centre.

2.2 Discussion

As COVID-19 restrictions have continued to lift, the Nyngan VIC has reported an increase in visitor numbers. This has been especially so with the border openings with Queensland and South Australia.

Staff have reported an increase in numbers of visitors and enquiries for this time of year, compared with other years and this is most likely due to the increase in and support for regional travel within NSW during COVID.

There continues to be a strong demand for free camping, as many of these travellers are towing caravans. There is generally two to three caravans every night using the Flood Memorial free camp option.

The VIC is currently operated by Council staff five days a week, Monday to Friday from 9.30am until 4.30pm, with Council not requiring volunteers to resume their pre-COVID weekday morning shifts at this stage, due to ongoing COVID concerns.

The VIC remains closed on weekends for the time being, although The Tourism Group which oversees accreditation, has advised all VICs that from July 2021 they will need to operate in line with their pre-COVID Accreditation Levels.

A report will be provided to Council at the Budget Estimates Workshop for Council to consider the future operations and Accreditation and staffing levels of the VIC.

The VIC's range of merchandise has continued to be popular, especially the Big Bogan stubby holders which have been the highest selling item consistently for years.

A focus this quarter has been to encourage local accommodation providers and tourism operators to take advantage of free programs to make their facility or experience "online bookable", and for accommodation providers to access NSW Government grant funding to improve their facilities from "three star".

Statistics

The total number of visitors through the centre and / or enquiries was as follows:

Visitors: 222

Phone: 102

Email: 57

2.3 Recommendation

That the Operational Report for the Visitor Information Centre be received and noted.

3 COMMUNITY AND ECONOMIC DEVELOPMENT GRANTS

Summary:

The purpose of this report is to provide information to Council on the status of projects funded from various grants in 2019/2020 and to provide notice of Council's eligibility for funding in 2021

3.1 Introduction

The purpose of this report is to provide information to Council on the status of projects funded from various grants in 2019/2020 and to provide notice of Council's eligibility for funding in 2021 so that Councillors can start to give consideration to future grant applications.

3.2 Background

Starting in 2017, Council has been successful in a number of grant applications aimed at community and economic development including from the Stronger Country Communities Fund and Drought Communities Program. These grants have provided a range of projects which are now complete, such as Affordable Seniors Living, Larkin Oval Lights and the Main Street re-vitalisation.

Latest rounds of the community and economic development grants listed below, which Council has been successful in obtaining, are funding a number of projects which are mentioned in this report:

- Stronger Country Communities, Round 3 - \$764,812
- Building Better Regions Fund - \$350,218
- Drought Communities Program, Round 2 - \$1,000,000
- Resources for Regions - \$2,864,029
- Local Roads and Community Infrastructure, Round 1 – \$911,524

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These are in addition to several roads and water infrastructure-specific grants that Council has also obtained for the benefit of our community.

Council has succeeded in other grant applications with similar objectives such as:

- Remote Airstrip Upgrade Program - \$147,841
- Bogan River Nature Trail - \$25,000

All projects are being managed by Council staff with the construction and other works being carried out by a mixture of local contractors and Council staff.

3.3 Discussion

The following table lists current projects from the latest rounds of grant funding:

	Project Name	Project Status
A - Stronger Country Communities - Round 3 - \$764,812		
1	Bogan Shire Youth and Community Centre	Following Council's December 2020 resolution, staff have commenced negotiations with tenderers with a view to entering into a construction contract for a building that is fit for purpose and within Council's budget. Negotiations continue but are expected to be finalised shortly. A further verbal update to be provided to Council at its meeting on 25 March 2021
B - Building Better Regions Fund - \$350,218		
1	Extensions to Bogan Shire Medical Centre	Tenders currently being assessed with a view to making a recommendation to the April Council meeting
C - Drought Communities Program - Round 2 - \$1,000,000		
1	Purchase and installation of solar panels for Bogan Shire Youth and Community Centre	Dependent on A1 above
2	Fit-out for the Bogan Shire Youth and Community Centre	Dependent on A1 above
3	Fit-out to Bogan Shire Medical Centre extensions	Dependent on B1 above
4	Nyngan War Memorial Pool resurfacing	Complete
5	Purchase and installation of training lights at Nyngan Junior Rugby League Oval	Complete
6	Purchase of sonography equipment for the Bogan Shire Medical Centre	Complete
7	Improvements to Collierreina Hall	Complete
8	Public toilet in Hermidale Park	Community consultation complete, modular toilet kit ordered with Council staff to install in the coming months

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D - Resources for Regions - \$2,864,029		
1	Bogan Shire Youth and Community Centre	Dependent on A1 above
2	Nyngan CBD Heritage Precinct (incorporating Vanges Park, Teamsters Rest, Nyngan and Shearing Shed Museums, Flood Memorial Park and Heritage Park)	Precinct plans will be presented to Council for approval at May 2021 meeting
3	Davidson Park	Precinct plans to be presented to Council for approval at May 2021 meeting
4	O'Reilly Park Playground Equipment	Planning underway
5	Nyngan Airport (Resealing, Fuel Tank, Fencing)	Resealing to commence in April 2021, fuel tank ordered for installation in coming months. Fencing still to be sub-contracted
6	Housing – 70 Bogan Street	Demolition underway, construction scheduled to commence in 2022
7	Youth Worker salary	Job requirements currently being assessed prior to recruitment process commencing
E - Local Roads and Community Infrastructure – Round 1 – \$911,524		
1	Nyngan War Memorial Pool Water Slide and additions to Water Play	Slide component construction underway with design based on available funding – Council's electronic procurement system used to ensure best value for money. Construction to commence in winter 2021. Water Play components ordered
2	Netball Courts - Sealing 2 Courts	Project to commence in April 2021
3	Bogan River - Upper Weir (Walking tracks, toilets, bins, recreation facilities)	Project underway, modular toilet kit ordered with Council staff to install in the coming months. Re-planting of native / indigenous plants to occur in April / May
4	Bogan River – Lower Weir (Landscaping, pathway lighting, seating, shelters, aeration fountain)	Project underway, re-planting of native / indigenous plants to occur in April / May
5	Nyngan Cemetery (Perimeter fencing)	Contractor expected to commence in late March / April
6	Frank Smith Oval (Shelter, walkway to Dandaloo Street and sight screens)	Project expected to commence May
7	Hermidale Park Upgrade	Community consultation currently underway
8	Coolabah Toilets	Modular toilet kit ordered with Council staff to install in the coming months
9	Bitumen Reseals (2.5km)	Works programmed for April to June 2021
10	Gravel Re-sheeting (3km)	Works programmed for April to June 2021
F – Drought Stimulus Program - \$1,071,830		
1	Bogan Shire Railway Revitalisation Tourism Project	Works at Nyngan Railway Station complete. Works at Girilambone Railway Station underway

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Council was recently notified that new rounds of the Local Roads and Community Infrastructure and Resources for Regions grants are due to open later in 2021, however no specific details have been officially released as yet.

In determining (at a future Council meeting) which projects to nominate for funding in the 2021 rounds, Council could consider those that were nominated for consideration under the current rounds at the workshop but not prioritised at the Council meeting held in July 2020 to fit within the funding amounts available. These are listed in the table below:

	Project / Program	Indicative Scope	Indicative Cost (\$)
1	Larkin Oval Toilets	Renovations to male and female toilets	200,000
2	Nyngan Showground	General improvements such as building upgrades and fencing	100,000
3	Nyngan Town Streets	General Maintenance and Improvements	200,000
4	Nyngan Truck Stop	Closure of Derrybong Street, designated parking and improvements to truck stop	150,000
5	Pedestrian Access Mobility Plan	Footpaths, accessibility	200,000
6	Council Administration Building	Relocation to make land available	500,000
7	Establish Bakery & new Visitor Information Centre	Several possible CBD locations	250,000
8	Establish Bogan Brewery	Purchase CBD site and fitout	800,000
9	Flashman Road Subdivision	Roads, kerb and guttering, water and sewer	400,000
10	Speech Pathology Services	Three year contract to provide	240,000
11	Targeted Skills Development: Scholarships	<ul style="list-style-type: none"> • Bogan Shire Medical Centre e.g. Registered nurse/ speech pathology/ physiotherapy • Other areas of need e.g. Bakery / Engineering 	<ul style="list-style-type: none"> • 200,000 • 100,000
12	Town Hall Rebuild/Conference Centre	New facility as per architect's plans and Quantity Surveyor's estimate (30/05/2019)	8,700,000
13	Village Water Supply	Water treatment plants	800,000

In addition, consideration could be given to the following projects / activities which have been suggested.

- Pound Paddock residential subdivision
- Bogan Shire Early Learning Centre extensions
- Footpaths, kerb and guttering remediation

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Councillors may of course also wish to propose other eligible projects and activities on behalf of the community at a future Council meeting once funding guidelines are released.

3.4 Recommendation

That this report be received and noted.

4 VACATION CARE AND BEFORE AND AFTER SCHOOL CARE

Summary:-

The purpose of this report is to provide Council with information in relation to the need for before and after school care and vacation care in Nyngan.

4.1 Introduction

The purpose of this report is to provide Council with information in relation to the need for before and after school care and vacation care in Nyngan.

4.2 Background

At its meeting held in December 2020 Council considered representations from a parent requiring before and after school care and vacation care in Nyngan. With this type of care not being available, Council resolved to approach both the primary schools to encourage them to work with parents and the NSW Government to address this need. Council also resolved to bring this matter to the attention of the local State Member and the Hon Sam Faraway MLC.

4.3 Discussion

The need for care was raised in a meeting with the Hon Bronnie Taylor MLC, Minister for Mental Health, Regional Youth and Women and the Hon Sam Faraway MLC during their recent visit to Bogan Shire Council. Both the Minister and the Hon Faraway indicated their support for initiatives that could see this service delivered for our community.

The Mayor, General Manager and Director People and Community Services also met with both primary school principals to discuss the matter. At this meeting, it was agreed that a survey would be distributed to parents of children at the schools and the Early Learning Centre to try and gauge the actual need for before and after school care and vacation care in Nyngan. It was also confirmed that the NSW Government could provide support for construction of buildings to enable provision of before and after school care and vacation care on public school grounds. The Nyngan Public School does not currently have the capacity to staff or run such a service but is supportive of a third party provider doing so on the school grounds.

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The surveys have now been collated with the following results:

Need for the Service	
Number of surveys received	23
Number of families requiring Before School Care	9
Number of children requiring Before School Care	18
Number of families requiring After School Care	20
Number of children requiring After School Care	39
Number of families requiring Vacation School Care	22
Number of children requiring Vacation School Care	45
Reasons for using the Service	
Survey respondents working full time	19
Survey respondents working part time	2
Survey respondents studying	2

It is worth noting that a number of families (83% of respondents) have indicated that they require this service due to parents working full-time.

At follow-up meetings with school principals it was agreed that the Nyngan Public School will submit an application with the Department of Education for funding for construction of a suitable building and that they will pursue opportunities with the Department to engage a suitable provider for the service.

4.4 Recommendation

1. That this report be received and noted.
2. That Council continues to support the efforts of the Nyngan Public School to obtain before and after school care and vacation care in Nyngan.
3. That survey results be communicated to the Minister for Mental Health, Regional Youth and Women and the Hon Sam Faraway MLC with a request for their ongoing support to help achieve this service.

Debb Wood
Director People and Community Services

REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR OF FINANCE AND CORPORATE SERVICES

Mayor and Councillors

The following reports are submitted for consideration:-

1 INVESTMENTS FEBRUARY 2021

Summary:

The report is to outline the performance of Council's Investment Portfolio for the month of February 2021.

At the 28th February 2021 Council had \$14.5 million invested. There has been an increase of \$116,000 due to the third rates instalment falling due

1.1 Introduction

The purpose of this report is to outline the performance of Council's investment portfolio for the month of February 2021.

1.2 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.

1.3 Discussion

The Investment Report for February 2021 is shown below. At the 28th February 2021 Council had \$14.5 million invested. There has been an increase of \$116,000 due to the third quarter rates instalment falling due. There has however been quite a significant decrease in interest rates with offerings between 0.05% and 0.50% which is more than a 1% decrease from interest rates in the past 12 months. This will have a budget effect in 2021/22 on the amount of return on Council's investments decreasing further than in 2020/21.

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

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Investment Movements for February 2021

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						
REF	Source	Maturity	Days	% rate	Bal Jan 21	Bal Feb 21
3204	NAB	08/06/2020	181	1.550%	0	0
4608	NAB	25/02/2021	365	1.450%	2,000,000.00	0
37908808	NAB	02/03/2021	365	1.370%	2,800,000.00	2,800,000.00
6894	NAB - Professional Funds	At Call		0.900%	9,597,924.59	11,714,835.66
	Balance securities held				14,397,924.59	14,514,835.66
	Balance Ledger 19010.8200.8200				14,397,924.59	14,514,835.66
	Summary by institution					
	Commonwealth				0.00	0.00
	NAB				14,397,924.59	14,514,835.66
	BankWest				0.00	0.00
					14,397,924.59	14,514,835.66

1.4 Recommendation

That the Investments Report be received and noted.

2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary:

The report is to provide a comparison of rate collections as at 28th February 2021, with the same period last year.

Total arrears have increased from \$977,751 as at the 28th February 2020 to \$1,112,528 as at 28th February this year.

2.1 Introduction

The purpose of this report is to provide a comparison of rate collections as at 28th February, 2021, with the same period last year.

2.1 Discussion

This report is provided for the information of Councillors.

Rate Collections	2020-2021	2019-2020
Arrears Prior to 01/07/2020	520,203	344,028
First Instalment in arrears as at 28/2/2021	67,063	56,010
Second Instalment in arrears as at 28/2/2021	145,201	121,327
Third Instalment in arrears as at 28/2/2021	380,061	456,386
Fourth Instalment Outstanding as at 28/2/2021	1,015,014	1,009,625
Total Arrears	1,112,528	977,751
Total Outstanding	2,127,542	1,987,376
Monthly Transactions		
Amount Levied & B/Fwd	6,046,697	5,510,046
Add: Adjustments	8,190	37,872
Less: Payments to end of February	-3,844,814	-3,482,724
Less: Rebates	-82,531	-80,847
Add: Postponed	0	3029
Gross Total Balance	2,127,542	1,987,376
Arrears of total amount levied %	18%	17%

Total arrears have increased from \$977,751 at the 28th February 2020 to \$1,112,528 as at 28th February this year.

Each instalment amounts to approximately \$1,512,000
(Total Rates, Waste, Water & Sewer Access Charges)

As at the 28th February 2021 Council had collected \$362,090 more than at the same time last year, an additional \$239,181 had been collected at the time of writing this report.

4.4% of rates were unpaid on the first instalment.

9.6% of rates were unpaid on the second instalment.

25% of rates were unpaid on the third instalment. This percentage has improved to 13% at the time of writing this report.

2.2 Recommendation

That the Rates and Annual Charges collection report be received and noted.

3 COMMUNITY EVENTS POLICY

Summary:

The purpose of this report is to adopt the new Bogan Shire Council Community Events Policy AP012.

3.1 Introduction

The purpose of this report is to adopt the Bogan Shire Council Community Events Policy AP012.

3.2 Background

Council allows community organisations and various groups to hold Community Events at Council owned facilities.

This Policy has been developed to assist Council to ensure events being held are conducted using best practice with an aim to ensure the safety of all participants and to provide guidance and assist organisers of these events.

Council has also developed an Application for a Community Event which will be required to be completed by anyone wishing to hold any event at a Council owned facility. This application includes a Facility Hire Agreement including Conditions of Hire, a Risk Management Assessment Template and Matrix and an Event Site Plan as well as stating the need to supply Council with Covid Safe Plans, Traffic Management Plans (as requested), Insurance Certificates, Liquor Licences and Responsible Service of Alcohol Certificates (as requested).

3.3 Discussion

Council staff have developed this Policy, in conjunction with the application, to provide guidance to Council staff on the requirements of event holders and organisers if Council allows a community group to use a Council owned facility. The Policy and application also assist event holders by giving clear and consistent guidelines on Council's expectations prior to an event taking place and to ensure that information is disseminated in the same way that if the Community wish to use a Council owned facility they will be required to adhere to certain conditions and provide the required documentation.

These are not only necessary to meet Council's Risk Management requirements but they assist Council to meet our insurance obligations.

3.4 Recommendation

That Council adopt the attached policy AP012 Bogan Shire Council's "Community Events Policy".

Attachment:

- 1 Community Event Policy

Stephanie Waterhouse
Director Finance and Corporate Service

Attachment 1

COUNCIL POLICY AP012
COMMUNITY EVENTS



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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Policy Outcomes Statement

This policy will assist Council to ensure events being held in the Bogan Shire are conducted using best practice with the aim of ensuring the safety of all participants.

Overview

This policy is to provide guidance and assist organisers of community events that are held on Council land or at Council's facilities in the Bogan Shire area.

It also provides a standardised process in relation to holding street stalls within the Bogan Shire with bookings being co-ordinated via one point of contact with the council.

Applicability

This Policy applies to all Community Events that are held on Council owned land or in Council owned or managed buildings. This Policy does not apply to events on private land.

The policy encompasses events organised by Council, by other government agencies, by businesses, schools and special interest groups or community groups.

Principles

Bogan Shire Council recognises that community events play an important role in fostering community wellbeing and creating local identity. As a result, Council supports community events through the provision of in-kind services, allocation of equipment and strategic advice.

Council does not act in a community event organiser capacity although it may, on occasion, deliver its own events. Council supports Community Events by administratively facilitating the assessment of event applications, issuing associated approvals and providing event organisers with assistance required for planning of events in the shire, including through the following:

- Provision of guidelines and requirements to assist the effective and consistent assessment of event applications detailed in Council's Community Event Application document.
- Applying a cross-organisational approach to the approval phase of all events in the Shire that have an impact on residents and visitors
- Provision of advice and detailed information on appropriate event venues
- Provision of event guidelines to assist event organisers in preparing and submitting event applications
- Provision of a fee structure that adheres to Councils fees and charges and Community event resolution 439/2018.

Policy

- 1. The following conditions shall apply to all community events (except street stalls)**
 - 1.1. All applications for events will only be considered if submitted on the appropriate Council form.
 - 1.2. Applications for events are to be made not less than 2 weeks prior to the proposed date of the event. If road closures are required, the timeframe for notification is 1 month.
 - 1.3. Approval for events are only to be granted on a year-by-year basis
 - 1.4. Reservation of areas for an event on a particular date cannot be confirmed until such time as an application has been approved.
 - 1.5. Where two or more applicants request the same date and venue then preference will be given to the applicant who lodges their application first.
 - 1.6. Event organisers are required to comply with the directions of Council Officers during the course of conducting the event.
 - 1.7. Event organisers are responsible for paying for the removal of all rubbish from the venue site. All banners and signs at the venue and elsewhere in the Council area must be removed after the event. If this does not occur then remedial action will be taken by the Council at the cost to the event organiser.
 - 1.8. Organisers of the events will be responsible for the provision of any temporary toilet facilities in quantities and locations as directed by the Council, and at the expense of the event organiser.
 - 1.9. Event organisers are responsible for damage to Council facilities or infrastructure which occurs during the course of the event, e.g. damage to Council's irrigation system due to spikes being driven into the ground.
 - 1.10. The holding of a public liability insurance policy which notes the event and Council's interest as a named insurer is a required condition of consent. In the case of events the minimum level of cover is twenty million dollars (\$20M). The original policy statement issued by the insurer, or a certificate of currency, or certified copy, must be provided to the Council not less than 7 days prior to the event taking place.
 - 1.11. Prior to, or during the course of the event no signs or other objects are to be attached to trees, street furniture or public utilities, without the written approval of Council.
 - 1.12. No event shall commence prior to 8:00am or continue after 11:00pm without prior approval of Council.

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- 1.13. No glass bottles or glasses are permitted at the event.
- 1.14. Where the event involves the participation of temporary food stalls then they shall comply with the provisions of the relevant Food Acts of NSW and with Council's requirements for temporary food stalls, and may be subject to inspection prior to and during the course of the event.
- 1.15. The organisers of all events are to comply with all environmental protection legislation at all times.
- 1.16. Amusement rides are not permitted without the express permission of Council.
- 1.17. In considering approval of events, the provision of appropriately trained and licensed security staff to assist in the orderly conduct of events is seen as desirable, and may be a requirement of approval at the discretion of Council.

2. The following conditions shall apply to street stalls

- 2.1. Bookings for street stalls are to be administered by Bogan Shire Council via the customer services (front) counter.
- 2.2. The organisation or club holding the stall must display a sign at the stall clearly identifying them.
- 2.3. Only one organisation may hold a street stall on any given day.
- 2.4. Current Public Liability Insurance is required for street stall holders in the same terms as required under paragraph 1.10 above,

Authority

Council resolution no XXXXX dated 25 March 2021.

Policy Owner / Further Assistance

Director Finance and Corporate Services / Governance & Risk Officer

Related Documents

Application for Community Event

Related Information

Council's legislative requirements include, but are not limited to the following instruments of legislation:

- Civil Liability Act 2002
- Work Health and Safety Act 2011

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021**

- Protection of the Environment Operations Act 1997 (as amended)
- Local Government Act 1993
- Environmental Planning and Assessment Act 1979
- Companion Animals Act 1998
- Summary Offences Act 1988

Review Date

March 2023

Revision History

Date	Description of Change	Sections Affected
13/02/2021	New policy drafted	All

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021**

**REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR OF
ENGINEERING SERVICES**

Mayor and Councillors

I submit the following report for consideration:-

1 OPERATIONAL REPORT

1.1 Roads

Road work undertaken for the reporting period 15th February 2021, to 12th March 2021 consisted of the following:

No.	Name	Comments
	Local Roads	
5	Peisley Road	Resheeting completed.
1	Mulla Road	Maintenance grading completed.
3	Buddabadah Road	Maintenance grading completed.
10	Pangee Road	Maintenance grading continuing. Resheeting commenced
78	Okeh Road	Maintenance grading commenced.
48	Ford's Road	Maintenance grading completed.
16	Yarrandale Road	Shoulder Grading Continuing.
30	Eulo Glenn Road	Maintenance grading completed.
92	Colane Road	Tree trimming completed.
92	Colane Road	Heavy patching continuing.
2	Gibsons Road	Maintenance grading completed.
5	Piesley Road	Resheeting completed.
29	Maroobi Road	Maintenance grading completed.
	Rural Roads	Roadside slashing continuing.

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
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	Regional Roads	
461	Condo Cobar Road	Flood damage repairs completed. Maintenance grading commenced.
7514	Cockies Road	Tree clearing completed.
7514	Cockies Road	Maintenance grading commenced.
	State Highways	
HW7	Mitchell Highway	Pothole patching continuing.
HW7	Mitchell Highway	Haulage of material for Mulla Road Project completed.
HW7	Mitchell Highway	Shoulder widening near 'Tonky' commenced.
HW7	Mitchell Highway	Slashing continuing.
HW7	Mitchell Highway	Culvert repairs completed.

Council's jet patching truck has completed work on the following roads.

• Hermidale Nymagee Road	• Town Streets
• Tottenham Road	• Canonba Road
• Mitchell Highway	• Barrier Highway

The upcoming works program for Council's Rural Works teams includes, but is not limited to the following works:-

- Commencing, or continuing maintenance grading, re-sheeting, or flood damage repairs of the following roads:- Coffil's Lane, Cobar Condobolin Road, Honeybugle Road, Moonagee Road, Logan's Road, Yarrandale Road, Pangee Road, Benah Road, Colane Road.
- Continuing 2.6km of shoulder widening, and heavy patching on the Mitchell Highway near the property 'Tonky'.
- Resealing sections of Yarrandale & Colane Roads.
- Commencing tree clearing on the Barrier Highway.

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
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1.2 Works and Services

The work undertaken during this reporting period consisted of the following:

Civil Works

- Commenced installation of bollards lower weir upgrades
- Poured slabs & installed seating upper and lower weirs
- Carried out maintenance on pipe work at levee bank pump stations
- Repainted safety lines spillway and pedestrian path Rotary Park
- Carrying out ongoing vermin (mice) control on council Buildings
- Installed grandstands onto slabs Junior League Oval
- Commenced upgrades Heritage Park No 2
- Assisting in Girilambone railway station restoration
- Re-cladded grandstand at racecourse

Community Facilities

- Mowing and maintenance of ovals, reserves, and highway approaches to Nyngan
- Cleaning of town facilities
- Cleaning and sweeping of the Nyngan CBD
- Cleaning and maintenance of town streets and nature strips
- Cleaning of town streets gutters and culverts
- Ongoing ant poisoning being carried town streets & levee bank
- Installed dripper system to trees on highway opposite drover sculpture
- Painted parking bay lines in Pangee Street
- Assisting in Upper & Lower Weir projects

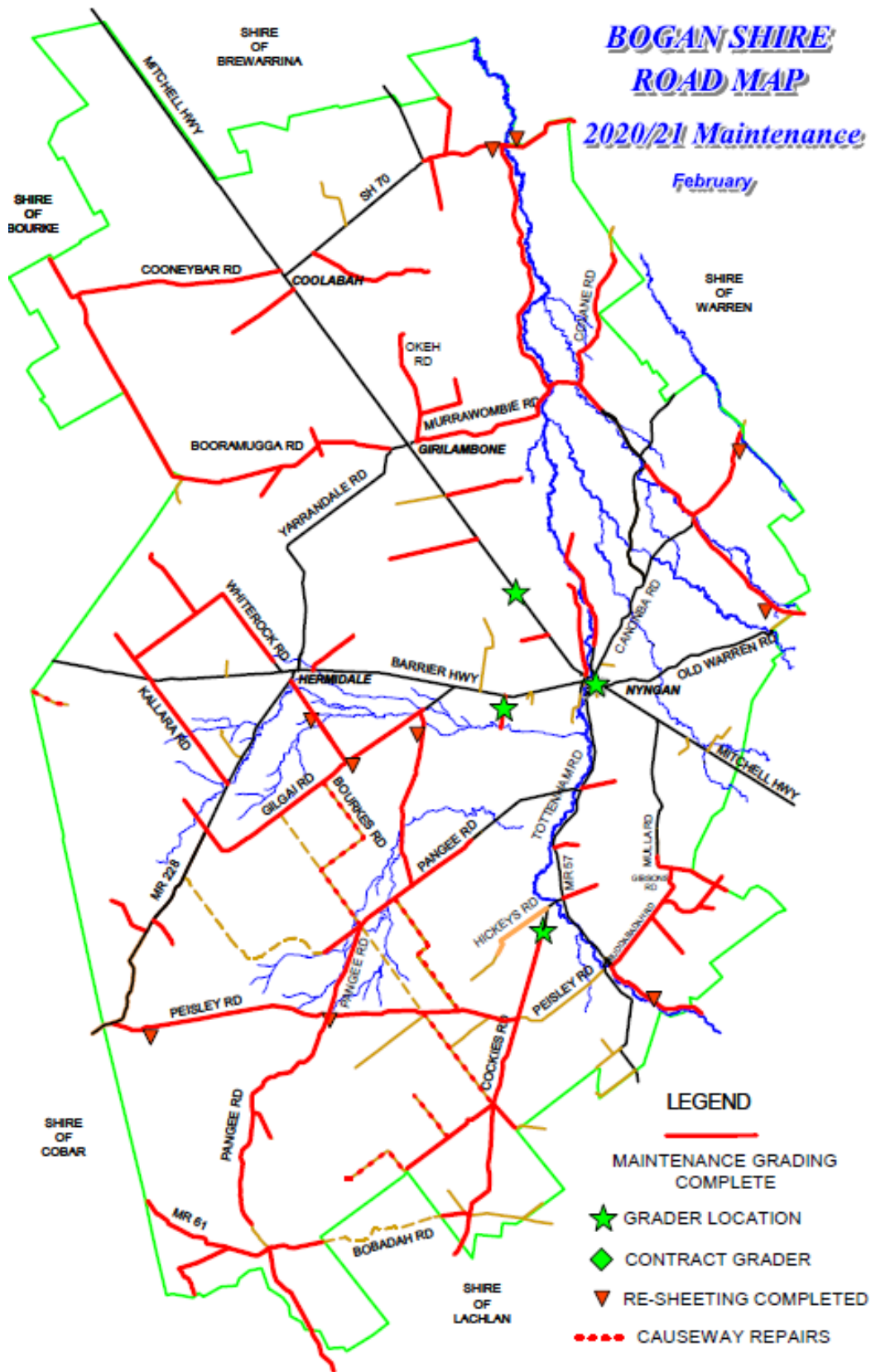
Water & Wastewater

- Slashing carried out full length of APC
- Installed new water service
- APC commenced 15/2/21 & ordered until 5/4/21
- Installed Stop valve into existing reticulation system Hoskins Street
- Repairs carried out on watering system at Nyngan sale yards
- Flushing of mains carried out at Girilambone

1.3 Recommendation

That the Operational Report be received and noted.

Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 March 2021



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021**

2 LOOP THE LEVEE PEDESTRIAN AND CYCLIST PATH

Summary:

The purpose of this report is to present to Council options and costings for using parts of the Nyngan flood levee as a recreational shared pedestrian and cyclist path in accordance with Council resolution 277/2020.

2.1 Introduction

The purpose of this report is to present to Council options and costings for using parts of the Nyngan flood levee as a recreational shared pedestrian and cyclist path in accordance with Council resolution 277/2020.

2.2 Background

The attached letter from Kerrie Cooper which was considered by Council at its meeting in September 2020, suggested using the levee as an extension of existing shared paths, offering the community and visitors an additional exercise option by utilising this asset.

Kerrie provided an example of an opening at boundary fences to allow pedestrians and cyclists access without opening and closing wide vehicle access gates.

2.3 Discussion

Council staff have undertaken an assessment of options for allowing increased use of the levee for walking and cycling. Whilst the width of our levee does not provide adequate space to include a pedestrian/cyclist gate next to the existing vehicle access gate, alternative suggestions have been made in this report for Council to consider, which achieve what Kerrie was suggesting.

Although the levee does pass through some private property, there are many sections that can be accessed without the need to go through closed gates, and with some access improvements, would provide several locations to enter and exit the levee by pedestrians and cyclists.

The attached diagrams show the location of proposed two metre wide crushed rock paths to enable improved pedestrian and cyclist access to the levee.

Figure 1: Shows 420 metres of path at the Southern end of Dandaloo Street that would provide access from the levee, around the electricity sub-station, to allow

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021**

users to access Dandaloo Street or continue onto Hoskins Street where the existing gate could remain open.

Figure 2: Shows 220 metres of path at the Eastern end of Flashman Avenue and Jubilee Streets that would allow access to the levee from either of these locations or from the old warren road, providing another good length of levee for recreational use.

The estimated costs to provide crushed rock paths in the above locations are:

Figure 1	420 metres of path, \$6,500
Figure 2	220 metres of path, <u>\$3,500</u>
	Total \$10,000

If the Golf Club were agreeable, their gates on the levee could be kept open to give uninterrupted walking and riding from Rotary Park via the weir concrete path onto the levee and around to Hoskins street at the showground. This is a distance of 3.4km on the levee and with the proposed paths north of the Old Warren Road, an additional 1.2km of levee is available for use.

Along the total length of 4.6km of levee available to access, there would be seven sections varying in length from 200 metres to 900 metres with new and existing ramps onto and off the levee. This will provide many options of different circuit lengths when accessing the levee from different streets and locations in town.

Whatever works are undertaken, consideration will have to be given to ensuring that these works do not make it easier for prohibited vehicles and motorcycles to access the levee bank. The suggestions made in this report have been made with this consideration in mind and do not facilitate vehicle or motorcycle access.

Another section of levee could also be included for recreational use by adding a 125 metre length of rock path from the concrete weir path North of the railway bridge up onto the levee at the western end of Nymagee Street. This would allow use from the lower weir along the levee behind the Council Depot and the Rural Fire Service to the Moonagee Road. There are then a couple of options to complete a circuit by coming back to the shared path in Nymagee Street and head back to the river. This additional work is \$2,000 and would provide another 0.8km of accessible levee.

2.4 Attachments

1. Hoskins Street Path
2. Jubilee Street Path
3. Letter from Kerrie Walsh from Precis September 2020

2.5 Recommendation

For Councils Consideration.

Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
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Figure 1



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021

Figure 2



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021**

Attachment - Letter from Kerrie Cooper – Loop the Levee

Dear Bogan Shire Council

On the back of a successful Loop the Levee held on Sunday, 30th August 2020 I would like to put forward a proposal to make the levee, or parts of it, a shared pedestrian/cycle path. The levee is unique to our town with an interesting story to go with it.

Many walkers and casual bike riders use the levee to exercise utilizing the new pedestrian/cycle path around the river and the new one down Nymagee Street. This could be an extension. A lot of comments were expressed on Sunday as to making it a more permanent option.

Whilst it was never intended to be used as such, I feel there is a great opportunity to develop it into something the community & visitors could utilise. Visitors staying at the Riverside Caravan Park often have bikes and ride into town. They could ride from the Park, via the new cycle/pedestrian path (when not in flood), access the levee, read about the 1990 flood at key points ie: Bexon's Corner/Showground and finish in town at the Museum/Big Bogan. Simple signage in the form of arrows could direct them around the levee as we did on Sunday.

The gates below are just some examples of what could be used to allow both access for vehicles, by leaving the gates as they are, but adding these gates to the side to enable walkers & cyclists access.

I do not know what funding would be available to do something like this but if there were funding available towards community-based infrastructure perhaps this idea could be explored more.

Everyone enjoyed their bike ride around the levee on Sunday and it may be something we could do again. Thank you for your support and assistance, it was very much appreciated.

I look forward to your reply as to whether this could be an option for our town.

Kind regards

Kerrie Cooper

Examples only



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021

3 UNSEALED ROADS CLOSURE SIGNS

Summary:-

The purpose of this report is to review a recommendation to Council from the February 2017 Council Meeting in relation to Road Closed sign types and locations for wet weather closures. Council has had \$18,600 set aside since the 2017/2018 budget for the installation of wet weather road closed signs.

3.1 Introduction

The purpose of this report is to review a recommendation to Council from February 2017 Council Meeting in relation to Road Closed sign types and locations for wet weather closures.

3.2 Background

At the Ordinary Meeting of Council on the 23rd February 2017 a report was put to Council advising of sign types and locations recommended for wet weather closures.

Council resolved, 025/2017, at that meeting to include \$18,600 for the installation of wet weather road closed signs for consideration in the 2017/18 budget. This amount was then considered in the budget and adopted.

The following is the discussion in the report from the 23rd February 2017;

“Erecting “Road Closed” signs on unsealed roads and accessing drop down signs is not economical and is impractical in the wet. Motorists constantly use our unsealed roads in the wet, causing pavement damage, but are currently able to say they didn’t know the road was closed if they did not hear the information on the radio.

It is recommended to install permanent signs at the Shire boundary on through roads to advise road users of the status of the road. The proposed sign would state:-

ROAD CLOSURE INFORMATION
ROADS MAY BE CLOSED DURING,
AND AFTER WET WEATHER.
For current status Ph 0268359000,
www.bogan.nsw.gov.au, or search
Bogan Shire on Facebook.

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021**

The proposed locations of these signs are shown in red on the attached map. The estimated cost of the above sign installed is \$600. The estimated cost of the required 16 signs is \$9,600.

It is also proposed to erect drop down signs at prominent, easily accessible locations on through roads surrounding Nyngan and the villages stating:-

UNSEALED ROADS CLOSED

**WITHIN BOGAN SHIRE
DUE TO WET WEATHER**

For current status Ph 0268359000,
www.bogan.nsw.gov.au, or search
Bogan Shire on Facebook

The proposed locations of these signs are shown in green on the attached map. The estimated cost of the above sign installed is \$900. The cost to install the required 10 signs is \$9,000.

The use of remotely operated electronic signs is becoming more popular with advances in technology but, due to the probability of vandalism and the current cost, this option has not been costed at this time.

If Council wished to pursue the issuing of fines, or seek cost recovery for repairs to damaged roads when used while closed, legal opinion should be sought to ensure these proposed signs are enforceable.

3.3 Discussion

Since the addition of the \$18,600 to the Capital budget in 2017/2018 it has been rolled over each year as options have been considered and further investigated.

It has become apparent that the above signage would not be practical, especially on a weekend, when staff are unavailable to inspect roads, update Councils Facebook page and Website, or to change drop down signs. It is not an economical option to pay staff to complete these tasks or to inspect roads on weekends when rain can be localised at times or vastly spread throughout the Shire at others.

Council also increases its risk when information is not updated when it states on signs that updated information will be available and also damage to its reputation, should a traveller access a road that is open according to the website, but has since become impassable.

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
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It is now considered a better option to place signs in strategic locations on the sealed network to advise that:

UNSEALED ROADS

CLOSED WHEN WET

It would be preferred to select locations in the villages and on higher trafficked roads that lead to several unsealed roads in an area where vehicles can turn around.

Transport for NSW have advised that they would not support an "Unsealed Roads within Bogan Shire Are Closed When Wet" type advisory sign on the highways.

It would also be recommended with the remaining budget to install on the higher use unsealed roads a sign stating:

UNSEALED ROAD

DRIVE TO CONDITIONS

CLOSED WHEN WET

3.4 Recommendation

That Council use the budgeted \$18,600 for the supply and installation of the above signs where required.

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021**

4 NYNGAN LEVEE BANK INSPECTION AUDIT

Summary:

The purpose of this report is to advise Council that Public Works Advisory have conducted an inspection audit of the Nyngan Levee and are updating the "Nyngan Levee Bank Operational & Maintenance Manual".

4.1 Introduction

The purpose of this report is to advise Council that Public Works Advisory have conducted an inspection audit of the Nyngan Levee and are updating the "Nyngan Levee Bank Operational & Maintenance Manual".

4.2 Background

After the 1990 flood and construction of the Nyngan levee bank, NSW Public Works produced an operational and maintenance manual in 1994 for Council to use to ensure the levee is kept in a good serviceable condition.

4.3 Discussion

The Nyngan levee manual was updated in 2012 and is now being updated again with the purpose of documenting current methods in maintaining the levee and operational procedures during a flood event.

Public Works Advisory inspected the levee on 18th & 19th January 2021 and advised verbally that there were no major issues found during the inspection.

A levee gate on the eastern side of town was badly damaged by a vehicle and there are a couple of scours and rabbit holes in the bank that require some attention.

Council conducts inspections in accordance with the levee manual and attends to annual maintenance activities such as greasing drainage gate valves, clearing culverts, repairs of sink holes, and scour repairs. Levee crest surveys are conducted by Public Works Advisory and Council to ensure the levee crest height is as designed along with gravel re-sheeting to maintain the pavement.

The updated manual and Public works levee audit report is not expected to be completed until July 2021. Council has provided a lot of updated information to contribute to the manual relating the closing of flood gates, the procedures and operation of permanent and portable pumps, and installation instructions for installing the railway flood control barriers.



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021**

4.4 Discussion

For Councils information.

**Graeme Bourke
Director Engineering Services**

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 March 2021

**REPORTS TO ORDINARY MEETING OF COUNCIL – DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES REPORT
Mayor and Councillors**

I submit the following reports for consideration:-

1 DEVELOPMENT APPLICATIONS

1.1 Introduction

Four (4) applications have been approved and four (4) applications are under assessment since Council's meeting of 25 February 2021 as indicated in the table below:

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2020/007	ITP Development Pty Ltd	Pt Lot 2 DP 222408 Moonagee Road, Nyngan	5MW Solar Farm	\$6,600,000	Briefing held via teleconference. Final meeting date to be advised.
2020/031	Mr Nicholas Zounis	33 Budther Street, Coolabah	Approval for Unauthorised Building Works	\$20,000	Awaiting Additional Information
2020/032	Nyngan RSL Civic Club	106-122 Pangee Street, Nyngan	Outdoor Gaming Facility	\$46,610	Approved
2021/001	Mr Stewart McKenzie	94 Cannonbar Street, Nyngan	New Transportable Dwelling	\$180,000	Approved
2021/002	Nyngan Community Homes	8 Tabratong Street, Nyngan	Construction of 5 x 2 bedroom Seniors Living Dwellings	\$1,821,000	Awaiting payment of Development Application Fee.
CDC 2021/001	Mrs Elyce Bennett	94 Cannonbar Street, Nyngan	Alertations and Additions, Demolition and New Private Shed	\$160,000	Approved
CDC 2021/002	Tritton Resources Pty Ltd	Pt Lot 62 DP 875925 Yarrandale Road, Hermidale	New Telecommunication Tower	\$20,000	Awaiting Additional Information
CDC 2021/003	Bogan Shire Council	70 Bogan Street, Nyngan	Demolition	\$38,500	Approved

1.2 Recommendation

That this report be received and noted.

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 March 2021

2 OPERATIONAL REPORTS

2.1 Introduction

The purpose of this report is to outline key works undertaken by Council's Operational staff within Development and Environmental Services.

2.2 Discussion

The Gardening Team undertook general routine works that continued at all key areas the team are responsible for including the Nyngan Cemetery, Seniors Living Units, Davidson and Vanges Parks and the Early Learning Centre. Replacement trees have been planted at Flood Memorial Park, Heritage Park and the Early Learning Centre. Despite the recent rain and the slightly milder weather reducing watering demands, all routine watering will still continue so as to maintain the appearance of the lawns and garden areas about town.

Council's Compliance and Waste Officer completed Ranger duties with no dogs being surrendered and no complaints of barking dogs being received. Compliance matters, including swimming pool notices were also dealt with.

The Biosecurity and Weeds Officer's weed spraying duties were completed by the Engineering Department during the reporting period while Council is in the process of recruiting a replacement Biosecurity and Weeds Officer. Weeds spraying was completed at the following: Town Streets, Nyngan Racecourse, Council properties and laneways.

2.3 Recommendation

That this report be received and noted.

3 DERELICT AND FIRE DAMAGED BUILDINGS

Summary:-

The purpose of this report is to bring to Council's attention a process that will shortly commence in relation to managing several derelict and fire damaged buildings (DFDB) in Nyngan and the Shire's villages.

3.1 Introduction

The purpose of this report is to bring to Council's attention a process that will shortly commence in relation to managing several derelict and fire damaged buildings (DFDB) in Nyngan and the Shire's villages.

3.2 Background

Council continues to receive complaints and letters of concern regarding derelict and fire damaged buildings (DFDB) within the Bogan Shire Council area.

These concerns are generally centred on the following issues:

- Unightly nature of the building
- Structural Adequacy of the building.
- The proliferation of vermin
- The building has components manufactured from Asbestos Containing Material (ACM)

Asbestos is a public health issue. In general, asbestos in dwellings is of the bonded type, which is relatively low risk, however the heat of a fire may result in a more friable form of asbestos being present due to the breakdown of the bonded product.

Council has a statutory responsibility to ensure that a DFDB that is or has the potential to become a danger to the public is subject to remedial work which includes repairs and/or demolition.

There are similar provisions in relation to dilapidated buildings that are prejudicial to its occupants or to the neighbourhood more broadly

The legislative framework and procedures for enforcement that support Council's statutory responsibilities are contained in Attachment 1 of this report

3.3 Discussion

Matters for Consideration

Anecdotally it would appear that both Councillors and staff have received questions from concerned community members regarding DFDB and the ability of Council to control and deal with matters associated with this issue.

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 March 2021

Councillors would recall item 5 of the People and Community Services' report to the February 2021 meeting which discussed the issue of attracting skilled workers to the Bogan Shire area and considered options for addressing this matter.

One of the barriers identified was the availability of appropriate accommodation and to this end in accordance with Council's resolution, staff are looking at all opportunities to facilitate the provision of available land for redevelopment.

The issue of civic pride and the presentation of the Nyngan Township along with individual streetscape is also a matter of some concern for Council.

There are also significant risks to Council, both reputational and financial if Council does not act on the DFDB issue as quickly as is legally and practically possible.

State and Regional Perspective

The issue of DFDB is not unique to the Bogan Shire area and is known to be widespread among many NSW shires.

Council officers are aware of a project involving multi state government agencies and the shires of Moree Plains, Central Darling, Blayney, Narromine and Bourke, some Council areas in this project have up to 60 DFDB.

The project is looking to develop a "holistic property survey tool to assist councils and state agencies to better manage Burnt/Derelict Buildings that contain Asbestos and Other Hazards".

The proposed survey tool design works will include site assessment, risk assessment, regulatory procedure and legal pathway. The tool will be based on that used by Public Works Advisory to address the recent bushfires clean-up across the state.

Local Situation

As a starting point Council officers have undertaken a desktop assessment of the DFDB and given them a risk classification of High, Medium or Low. The risk classification is determined based on the following factors:

- Structural Integrity
- Fire Damage
- Friable Asbestos Containing Material
- Non-friable Asbestos Containing Material
- Number of complaints associated with the DFDB
- Prominence of Location

Following completion of the desktop assessment a schedule of properties requiring remedial action in Nyngan has been prepared.

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 March 2021

Next Steps

The next stage of this process will be to commence the procedure for enforcement as described in Attachment 1.

As part of this process the owners of the properties identified will be invited to provide a response to Council's Notice, with a view to determining their intentions in relation to any proposed order that may be issued.

3.4 Attachments

Legislative Framework for DFDB

3.5 Recommendation

That information regarding managing derelict and fire damaged buildings be received and noted.

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 March 2021

Attachment 1

Legislative Framework

Council can only manage derelict and fire damaged buildings under the statutory authority conferred on Council under the Environmental Planning and Assessment Act 1979 (the Act). Specifically, Council uses Demolition Works Orders under the Act, this is an enforcement tool to require owners to address the risks that these buildings pose to public and neighbouring properties.

Council's actions are also guided by Council's adopted Asbestos Code, which addressed Council WHS obligations as well as identifying owner and Council obligations and responsibilities.

Relevant Acts are:

NSW Local Government Act 1993 and associated regulations

NSW Protection of the Environment Operations Act 1997 and associated regulations

NSW Environmental Planning and Assessment Act 1979 and associated regulations

NSW Fire and Rescue Act 1989

Procedure for enforcement

1. Council completes a detailed investigation of a building;
2. If the building is deemed to pose a risk to public or is prejudicial to neighbouring properties, Council will issue a 'Notice of Intention to Issue a Demolition Order'. This is an opportunity for an owner of a property to provide representations to Council as to why the order should not be issued
3. If there is no submission or if there is a submission without merit, Council will issue a Demolition Order. This will require the owner to remove the derelict or fire damaged building;
4. If the Demolition Order is not complied with, Council is legally required to meet the requirements of the Order.
5. Council will issue the owner a Compliance Cost Notice which will seek to have the owner pay all or part of costs incurred by Council in adhering to the Order.
6. Council may decide to commence proceedings in the NSW Land and Environment Court to recover costs incurred in discharging its obligations under the Order.

Council is required to follow the abovementioned 'procedure of enforcement' as outlined under the Environmental Planning and Assessment Act 1979.

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 25 March 2021

4 ALCOHOL FREE ZONES

Summary:-

This report is submitted for Council to consider the continuation of alcohol free zones in the Nyngan township.

4.1 Introduction

The purpose of this report is for Council to consider the continuation of alcohol free zones in the Nyngan township in accordance with section 644A of the Local Government Act as the current zonings expired on 28 February 2021.

4.2 Discussion

The existing alcohol-free zone covers the following in accordance with the previous Council resolution from 23 February 2017:

“all roads, laneways, footpaths, public car parks, parks and reserves, with the levee bank”.

The current alcohol free zone proposal expired on 28 February 2021. A public notice erected under the Local Government Act (Section 632) can deal with drinking alcohol in public places and an 'alcohol-free zone' applies for a 24 hour period for a maximum time frame of 4 years to roads, laneways, footpaths, public car parks and parks in the designated area. It allows a police officer or an authorised officer of Council to seize and dispose of alcohol in immediate possession, or issue a warning, or charge with obstruction if uncooperative.

4.3 Recommendation

That Council continue the current alcohol free zones in all roads, laneways, footpaths, public car parks, parks and reserves, within the levee bank and update all notices with the date of March 2025.

Jim Boyce

Acting Senior Manager Development and Environmental Services

PRECIS OF CORRESPONDENCE

1 CAN ASSIST NYNGAN BRANCH

Attached is correspondence received from Can Assist, Nyngan Branch, with appreciation for donation.

1.1 Recommendation: Correspondence be received and noted.

2 PETER ABBOTT, MAYOR COBAR SHIRE COUNCIL

Attached is correspondence received from Councillor Peter Abbott, Mayor Cobar Council, with appreciation for message of condolences on the passing of Mayor Lilliane Brady OAM

2.1 Recommendation: Correspondence be received and noted.

3 NYNGAN RSL SPLASHERS

Attached is correspondence received from Nyngan RSL Splashers requesting a financial donation to host the A.I.F Swimming Carnival on 13 February 2022.

3.1 Recommendation: For Council's Consideration.

4 NYNGAN AMATEUR SWIM CLUB

Attached is a copy of correspondence received from Nyngan Amateur Swim Club, with appreciation for donation.

4.1 Recommendation: Correspondence be received and noted.

5 DUCK CREEK PICNIC RACE COMMITTEE INC.

Attached is a copy of correspondence received from Duck Creek Picnic Race Committee Inc, seeking approval to hold the Duck Creek Picnic Races at the Nyngan Showground on 3 July 2021.

5.1 Recommendation: For Council's Consideration.

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021



*The Councilors
Bogan Shire Council
Cobar st,
NYNGAN NSW 2825*

Dear Councilors,

On behalf of Can Assist Nyngan, I would like to say thank you for your generous donation, it is very much appreciated.

As you are aware all monies raised remain in the Bogan Shire, to help make life that little bit easier for those who are suffering from cancer.

Our aim is to continue fundraising for the Nyngan community and support as many people as we can. Your kind donation is helping Can Assist achieve that.

Thank you again for your support.

Regards



Sharyn Martin

CAN ASSIST NYNGAN BRANCH

BOGAN SHIRE COUNCIL	
FILE	R/N
02 MAR 2021	
ASSIGNEE:	

*Hi,
Could you please pass this
letter on so it goes to the
next Council Meeting
Thanks
Sharyn*

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021**

The Office of the Mayor

PO Box 223
COBAR NSW 2835

Telephone: (02) 6836 5888
Facsimile: (02) 6836 5889

Email: mail@cobar.nsw.gov.au
Website: www.cobar.nsw.gov.au

In your reply please quote:
M2-1
PA:rg



Cobar Shire Council Offices
36 Linsley Street
COBAR NSW 2835

ABN: 71 579 717 155

"Regional Centre in Western NSW"

Friday, 12 March 2021

RE: THANK YOU

On behalf of Cobar Shire Council Councillors and staff I would like to express my deep appreciation for the many messages of condolences received by Cobar Shire Council on the sudden loss of Mayor Lilliane Brady OAM.

Cobar Shire Council has been overwhelmed by the outpouring of support and condolences that have been received. The many cards, letters, phone messages and emails has meant a great deal. We are sincerely grateful for the support shown at this time.

For those of you who were able to attend or watched the State Funeral for Mayor Lilliane Brady OAM, you will agree that it was a fitting tribute to a woman who has over the past 40 years worked tirelessly for the Cobar Community and Local Government. She will forever be remembered as the matriarch of Local Government.

Cobar Shire appreciates the efforts of everyone who committed to traveling to attend the Service in Cobar on Friday 19th February 2021 and we are extremely grateful.

Again, I would like to thank you for your support at this difficult time.

Yours faithfully,



Peter Abbott
MAYOR

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021

NYNGAN RSL SPLASHES

PRESIDENT
Mr Ron Lovett
17 Cannonbar St
Nyngan NSW 2825



SECRETARY/TREASURER
Mr Col Cluderay
14 Oxley St
Nyngan NSW 2825

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

22nd February 2021.

Dear Mr Francis,

On behalf of the Nyngan RSL Splashes Swimming Club, I am writing to request if Council would consider making a financial donation to our Club to allow us to host the A.I.F. Swimming Carnival on 13th February 2022. If Council could contribute \$1500 it would be very much appreciated and would go a long way to making the day successful and memorable. Our Club only hosts the A.I.F. Carnival once every six years.

The A.I.F. Carnival was originally started by the Return Servicemen, as a social day, to reinforce mateship many years ago.

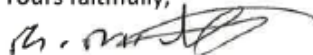
Currently we have approximately 10 financial members and this makes it difficult to raise funds to host the Carnival. There will be five Clubs invited to swim on the day with approximately 100-120 swimmers participating in the Carnival in over 50 events/heats. The cost of the trophies will be between \$3000 and \$3500. The Club has started and will continue to conduct their own fund activities leading up to the Carnival to cover all other expenses related to the Carnival.

If we were successful in securing a donation from Council, any money would be spent locally where possible on trophies, including towels and shirts plus the embroidery. Following the Carnival, the Swimmers have lunch at the RSL Club. Many Carnival participants stay at least one night in Nyngan if not two, purchase fuel and spend money in our town during their visit.

Worth mentioning is the "Setts Swim" event to remember Ian and Margaret Settree, who were fundamental members of the Nyngan Splashes before moving to Cobar and died tragically in December 2014.

I look forward to hearing from you at your earliest convenience.

Yours faithfully,



Ron Lovett,
President.

BOGAN SHIRE COUNCIL	
FILE	R/N
23 FEB 2021	
ASSIGNEE	

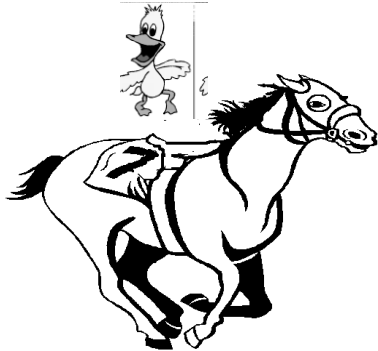
**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 25 March 2021**

From: Clare Carter [mailto:nynganswimmingclub@gmail.com]
Sent: Monday, 15 February 2021 10:31 PM
To: Bogan Shire Council <Administrator@bogan.nsw.gov.au>
Subject: Receipt

Nyngan Amateur Swim Club would like to thank you for your kind and generous sponsorship of the Nyngan Amateur Swim Club annual Christmas carnival. Your generous support has allowed our local kids the opportunity to swim, compete and have fun! The carnival was attended by 140 swimmers from across western region and beyond and was a great success. Our swim club has had a great year, with many new members competing in carnivals for the first time, for many of these, our local carnival has provided a great platform to go on and swim proudly for Nyngan in other local and regional meets. Without your support this would not have been possible. Below are some pictures of our Nyngan kids in action!

THANKYOU!!





12/3/2021

Duck Creek Picnic Race Committee Inc.

duckcreekpicnics@hotmail.com

PO BOX 105
NYNGAN NSW 2825



Bogan Shire Council
The General Manager
Mr Derek Francis
Nyngan NSW 2825

Dear Derek,

The Duck Creek Picnic Races are seeking approval from the Bogan Shire Council to have the Duck Creek Picnic Races at the Nyngan Racecourse on the 3rd July, 2021.

The Committee are happy to liaise with the Bogan Shire Council to adhere to all necessary Covid requirements.

Yours Sincerely,

Rowen Cleaver

Duck Creek Picnic Race Committee President

