



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**22 April 2021**





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**Minutes of the Ordinary Meeting of Bogan Shire Council  
held in the Council Chambers on 22 April 2021**

**PRESENT:** Councillors RL Donald OAM (in the Chair), VJ Boag, WG Deacon, JL Douglas, VJ Dutton, AJ Elias, GN Jackson and GRJ Neill.

Also present were Mr Derek Francis (General Manager), Mr Graeme Bourke (Director Engineering Services), Mrs Debb Wood (Director People and Community Services), Mrs Stephanie Waterhouse (Director Finance and Corporate Services), and Mrs Melissa Salter (Acting Executive Assistant).

**DECLARATION OF INTEREST:**

Councillor GRJ Neill          Precis item 4. Correspondence from Brent Neill

**090/2021 RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 25 March 2021, copies of which have been circulated to Councillors be taken as read and confirmed with the following amendments: **(Neill/Boag)**

**COMMUNITY EVENTS POLICY**

It was **MOVED** that the implementation of the Community Event Policy be delayed pending community consultation and education with a further report to Council in June 2021. **(Neill/ Boag)**

An **AMENDMENT** was **MOVED** that Council contact the organisations that have raised concerns about the Community Events Policy, and include other organisations that may have concerns, and invite them to a Community Meeting to discuss their concerns. **(Douglas/Dutton)**

The **AMENDMENT** was put to Council and lost.

**091/2021 RESOLVED** that the implementation of the Community Event Policy be delayed pending community consultation and education with a further report to Council in June 2021. **(Neill/ Boag)**

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The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 22 April 2021.

**085/2021 APOLOGIES: RESOLVED** that the apology received from Councillor KM Ryan be received, and he be granted leave from both Meetings. **(Boag/Neill)**

**086/2021 EXCLUSION OF PRESS AND PUBLIC: RESOLVED** that Council move into a closed section of Council with the public excluded in accordance with the Local Government Act 1993, Clause 10A (2) I 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. **(Boag/Dutton)**

**087/2021 RESOLVED** that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 25 March 2021, copies of which have been circulated to Councillors be taken as read and confirmed. **(Jackson/Elias)**

**Business Arising: Nil**

**DIRECTOR OF ENGINEERING REPORT**

**TENDER FOR OFF RIVER WATER STORAGE 1B**

**088/2021 RESOLVED** that Council:

1. Accept the tender of Comdain Civil Constructions Pty Ltd at a value of **\$7,721,216.62 (including GST)** for the construction of the Nyngan off river storage 1B.
2. Notify the NSW Government that the contract is awarded based on advice from NSW Public Works that they are satisfied with 0.8% contingency and that BSC does not have additional funds to contribute to this project should they be required. **(Jackson/Deacon)**

**089/2021 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. **(Douglas/Neill)**

**COMMITTEE MEETING MINUTES**

**1 MUSEUM COMMITTEE MINUTES**

**092/2021 RESOLVED** that the minutes of the Nyngan Museum Committee meeting held at the Nyngan Museum on 7 April 2021 be received and noted. **(Dutton/Elias).**

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

**1 CHECKLIST**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	28/09/2017	283/2017	<b>Medical Centre U</b>	The General Manager in consultation with PHN proceeds to recruit & engage a second doctor for the BSMC.	<b>GM</b>	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	<b>Increase of train speed through Nyngan</b>	Strong letter of concern & a request to address Council be sent to the relevant rail authorities & a copy to local member.	<b>GM</b>	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 &amp; road users due to the nature of the crossing &amp; variation of speeds.</p>	<b>DES</b>	<p>406 Petitions received.</p> <p>On-site meeting held with Deputy Premier.</p> <p>Met with Minister for Regional Transport &amp; Roads in Bourke on 25 November 2019.</p>
	28/05/2020	110/2020		<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>
				<p>Council engage a Safety Consultant to inspect the Hoskins Street Level Crossing &amp; to provide a report documenting the safety factors of the Crossing which can then be forwarded to the John</p>		<p>Safety Consultant has been engaged to inspect crossing at the end of July &amp; will be preparing a risk audit for Council.</p> <p><b>UPDATE:</b> Report has been received and forwarded. No response.</p>



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				Holland Rail & Minister for Regional Transport & Roads.		
3	24/04/2019	117/2019	<b>Cobar Water Board</b>	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.	<b>GM</b>	Further correspondence sent to CWB.  <b>UPDATE:</b> New water supply agreement with CWB currently being drafted.
4	28/11/2019	366/2019	<b>Regional Water Supply Pipe Network</b>	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.	<b>GM</b>	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"> <li>- Issuing of the licence for the Nyngan Emergency Bore and licence.</li> <li>- Size of the pipe from this bore to Nyngan</li> <li>- Response to be given to those who lodge objections to the bore.</li> <li>- Cobar emergency water.</li> <li>- What guarantee is there for the \$4.3M funding to be retained for this pipeline.</li> </ul>		<p><b><u>UPDATE:</u></b> Awaiting determination from NRAR and direction from NSW Government.</p>
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5	28/11/2019	368/2019	<b>Repairs to Nyngan &amp; Cobar Emergency Water Storage</b>	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.	<b>DES</b>	Remediation work postponed due to wet weather and soft floor.  Work recommenced on Monday 1/02/21, with rain stopping work again that night. Further rain has prevented work.
6	23/07/2020	192/2020	<b>Crown Land to convert the Perpetual Special Lease 78218 (Saleyards) to freehold &amp; transfer title to Council.</b>	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	<b>GM</b>	In progress.

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	25/02/2021	043/2021		<p>uncoupling station, wash bay for trucks &amp; 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><b>UPDATE:</b> Letter sent to Transport for NSW</p>
7	23/07/2020	193/2020	<b>Speed limit in Nyngan CBD</b>	<p>Survey responses received for reducing speed limit in Nyngan CBD to 40km/hr between Terangion &amp; Dandaloo Streets presented to Traffic Committee Aug 2020.</p>	DES	<p>Referred to RMS.</p> <p><b>UPDATE:</b> Formal application with RMS in progress.</p>

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8	25/02/2021	041/2021	<b>Hermidale Park</b>	Plans to be drawn up of proposed amenities for Hermidale Park	<b>DES</b>	<b><u>UPDATE:</u></b> Plans being drawn up
9	24/09/2020	257/2020	<b>Nyngan Golf Club</b>	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	<b>DPCS</b>	<b><u>UPDATE:</u></b> Awaiting sponsorship invoice from NGC.
10	26/11/2020	329/2020	<b>Centre of NSW Cairn</b>	Report on final design recommendations, including costs to a further meeting of Council for approval and budget consideration, following meeting of four parties.	<b>DES</b>	<b><u>UPDATE:</u></b> Estimates currently being prepared for agreed works.  Report to Council refers.

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11	17/12/2020	363/2020	<b>Hermidale Speed Limit</b>	Council does not accept the RMS decision on the speed limit in Hermidale and refers this back to the RMS	<b>DES</b>	<p><b><u>UPDATE:</u></b> Letter sent to TfNSW requesting a review of the speed zone.</p> <p><b><u>UPDATE:</u></b> Letter received from TfNSW advising reduction in speed limit is not recommended as it would not meet current speed zoning guidelines.</p>
12	17/12/2020	373/2020	<b>Lack of Vacation Care/Before and After School Care in Nyngan</b>	<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>	<b>DPCS</b>	<p><b><u>UPDATE:</u></b> Meetings held with Principals of Nyngan Public and St Joseph's Schools.</p> <p><b><u>UPDATE:</u></b> Letter sent to Hon. Bronnie Taylor MLC, Minister for Mental Health, Rural Youth and Women</p>



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13	17/12/2020	362/2020	<b>Installation of Bench Seating in Pangee Street</b>	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	<b>DES</b>	<b>UPDATE:</b> To be completed when grant works commence.
14	25/02/2021	011/2021	<b>Bogan Shire Official Visitors Guide</b>	To be funded from a budget review or included in next year's estimates.	<b>DPCS</b>	In Progress
15	25/02/2021	012/2021	<b>Nyngan Railway Wool Dump</b>	A colour information sign be erected at the Nyngan Railway Wool Dump on a stand adjacent to the dump.	<b>DPCS</b>	Pending commencement of grant – funded works.

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				A cement path from the existing walkway to the sign be constructed, with available funding	<b>DES</b>	Pending commencement of grant – funded works.
16	25/02/2021	013/2021	<b>Honour Board</b>	That recipients of National Awards, prior to the 1980's, be recognised on an Honour Board. The board to include all National awards including recipients of the British Empire Medal (BEM), Australian Fire Service Medal (AFSM), and Victoria Cross.	<b>GM</b>	In progress





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18	25/02/2021	040/2021	<b>Nyngan Cenotaph Location</b>	A report be prepared for Council regarding the Nyngan Cenotaph location.	<b>GM</b>	Pending outcome of Nyngan Community Homes grant application
19	25/03/2021	055/2021	<b>Enforcement of Orders - Derelict &amp; Fire Damaged Buildings</b>	Council seek information from the Insurance Council of Australia on relevant insurance details.	<b>DDES</b>	In progress, contacted the Insurance Council of Australia, awaiting information. Contacted other Councils in similar position for feedback.
20	25/03/2021	061/2021	<b>Orana Joint Organisation</b>	Council to resign its membership from the Orana Joint Organisation. Work with other Councils to develop a proposal to re-establish a voluntary regional body for further consideration by Council.	<b>GM</b>	To be discussed at next Orana JO Meeting



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**093/2021 RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.  
**(Douglas/Neill)**

Council adjourned for Morning Tea at 10.13am to attend the Seniors Week Morning Tea at the Nyngan Town Hall, and resumed at 10.50am.

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

**1 BOGAN BUSH MOBILE – TERM 1 REPORT**

**Summary:**

*The purpose of this report is to advise Council on the Term 1 activities of the Bogan Bush Mobile service.*

**094/2021 RESOLVED** that the Bogan Bush Mobile report be received and noted.  
**(Jackson/Douglas)**

**2 BOGAN SHIRE MEDICAL CENTRE**

**Summary:-**

*The purpose of this report is to provide information to Council on the operations and statistics of the Bogan Shire Medical Centre.*

**095/2021 RESOLVED** that the Operational Report for the Bogan Shire Medical Centre be received and noted. **(Boag/Elias)**

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

### 1 INVESTMENTS MARCH 2021

**Summary:**

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

*At the 31st March 2021 Council had \$15.5 million invested. There has been an increase of \$1 million due to Transport for NSW Flood Damage Emergency repairs and Ordered Works claims being received as well as reimbursement from RFS for Capital Works and a Roads to Recovery instalment being received.*

**096/2021 RESOLVED** that the Investments Report be received and noted.  
(Jackson/Neill)

### 2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

*The report is to provide a comparison of rate collections as at 31st March 2021, with the same period last year.*

*Total arrears have increased from \$642,709 as at the 31st March 2020 to \$830,593 as at 31st March this year.*

The Director of Finance and Corporate Services reported at the meeting, that at the date of the meeting, current arrears were \$805,746, the following table documents the updated figures.

Rate Collections	2020-2021	2019-2020
Arrears Prior to 01/07/2020	512,716	340,494
First Instalment in arrears as at 31/3/2021	30,922	43,573
Second Instalment in arrears as at 31/3/2021	105,152	112,574
Third Instalment in arrears as at 31/3/2021	156,956	146,068
Fourth Instalment Outstanding as at 31/3/2021	989,690	987,395
<b>Total Arrears</b>	<b>805,746</b>	<b>642,709</b>
<b>Total Outstanding</b>	<b>1,795,437</b>	<b>1,630,104</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	6,046,697	5,510,714
Add: Adjustments	12,842	37,931
Less: Payments to end of March	-4,182,030	-3,840,723
Less: Rebates	-82,531	-80,847
Add: Postponed	0	3029
<b>Gross Total Balance</b>	<b>1,830,504</b>	<b>1,630,104</b>
<b>Arrears of total amount levied %</b>	<b>13.3%</b>	<b>11.6%</b>

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**097/2021 RESOLVED** that the Rates and Annual Charges collection report be received and noted. **(Jackson/Deacon)**

### 3 THIRD QUARTER 2020/2021 BUDGET REVIEW

**Summary**

*Council remains in a sound financial position and is broadly on budget.*

*Cash Balance is strong although expected to decrease over the next three months as income received in advance is expended.*

**098/2021 RESOLVED:**

1. That this report be received and noted and that Staff involved in the preparation of the financial reports be commended.
2. That Council adopts the budget amendments shown on the Budget Review Statement (Appendix A) for the 2020/2021 Operating and Capital Budgets.  
**(Douglas/Boag)**

### 4 DELIVERY PROGRAM

**Summary:**

*This report is to provide information regarding progress with respect to the principal activities detailed in Council's adopted Delivery Program.*

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

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

*Directors responsible for each of the activities listed under the Strategies and Outcomes have indicated the current status of the activity.*

**099/2021 RESOLVED** that the Delivery Program Report be received and noted.  
**(Dutton/Neill)**



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## 5 RETURNS OF PECUNIARY INTEREST

**Summary:**

*The purpose of this report is for Council to identify the positions at Council of a designated person or a committee as a committee whose members are designated persons at Council.*

**100/2021 RESOLVED** that:

- 1 For the purpose of completing Pecuniary Interest returns only Councillors, the General Manager and Directors be considered designated persons. **(Deacon/Neill) Unanimous**
- 2 The General Manager reviews the extent of the information to be published, and advises Council accordingly. **(Jackson/Dutton)**

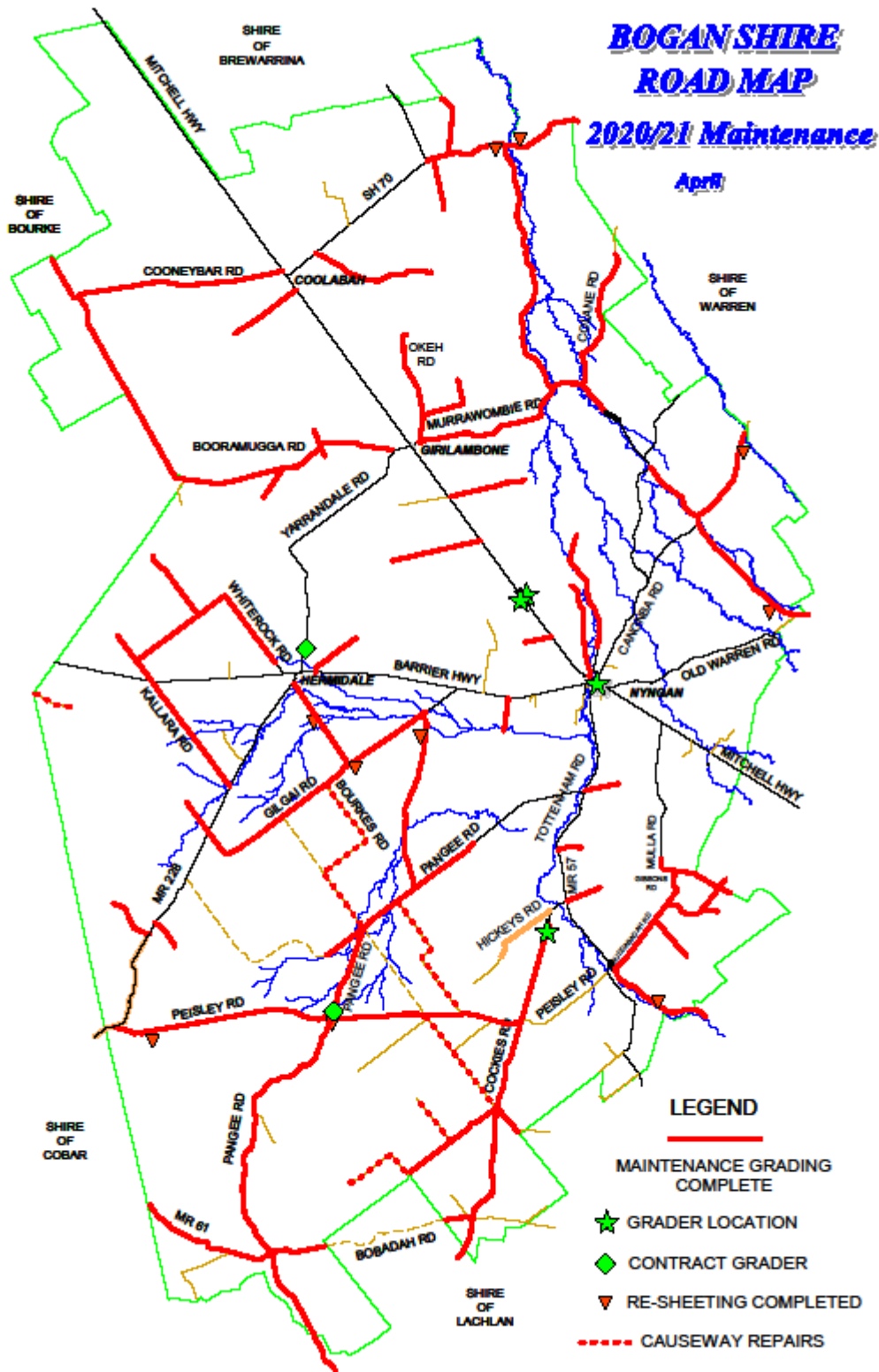
Cllr AJ Elias left the meeting at 11.32am.

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

### 1 OPERATIONAL REPORT

**101/2021 RESOLVED** that the Operational Report be received and noted. **(Boag/Jackson)**

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## 2 CENTRE OF NSW CAIRN UPGRADE

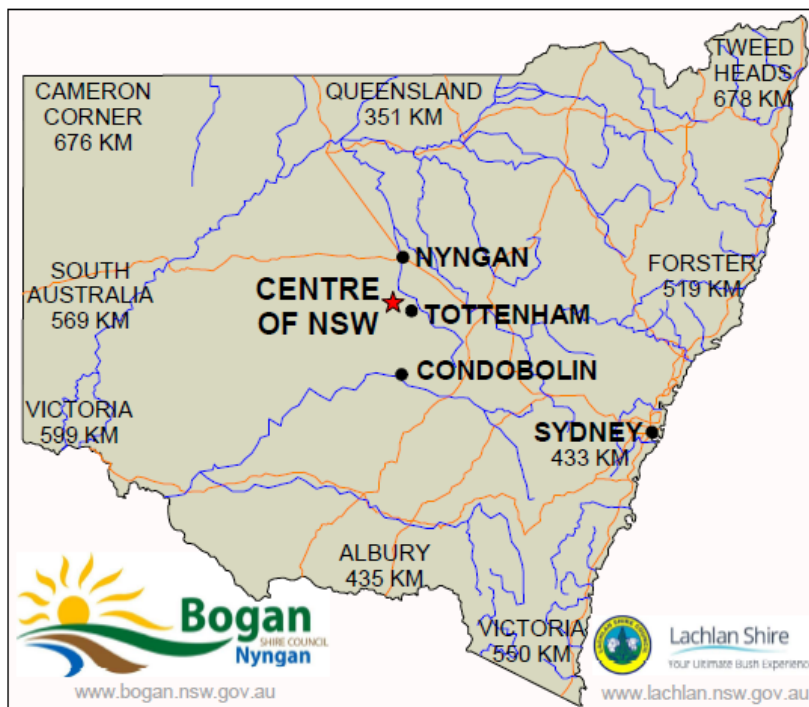
**Summary:**

*The purpose of this report is to provide Council with an estimate of cost to upgrade the Centre of NSW Cairn on Cockies Road.*

Tabled at Meeting – Cairn Sign Options – diagram Options A, B & C.

**102/2021 RESOLVED** that:

- 1 Council consider including \$6,000 for the upgrade of the Centre of NSW Cairn in the 2021-2022 budget and request a similar amount from Lachlan Shire Council, forwarding plans to Lachlan Shire Council.
- 2 That the plans for the Cairn improvements be forwarded to Lachlan Shire with a request for an equal contribution.
- 3 Councils preferred sign is shown below **(Boag/Dutton)**







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**REPORTS TO ORDINARY MEETING OF COUNCIL – DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES’ REPORT**

**1 DEVELOPMENT APPLICATIONS**

**103/2021 RESOLVED** that the Development Applications Report be received and noted. **(Douglas/Jackson)**

**2 OPERATIONAL REPORTS**

**104/2021 RESOLVED** that the Operational Report be received and noted, and that Staff involved in the maintenance of the Cemetery be commended. **(Neill/Deacon)**

**3 MANDATORY LODGEMENT OF APPLICATIONS – NSW PLANNING PORTAL**

**Summary:-**

*The purpose of this report is to bring to Council’s attention that as of 1 July 2021 throughout the state, Development Applications (DA’s), Complying Development Certificates (CDC’s) and Post Consent Certificates such as Construction Certificates along with Occupation Certificates will be required to be lodged electronically through the Online Service provided by the NSW Planning Portal.*

**105/2021 RESOLVED** that:

1. The Mandatory Lodgement of Applications NSW Planning Portal Report be received and noted.
2. Council lodges a grant application through the Regional Digital Planning Program to assist with the digital transition to application processing. **(Boag/Deacon)**



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#### 4 EXHIBITION OF DRAFT FIXED LEVY LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

**Summary:-**

*The purpose of this report is to provide information to Council on the results of the public exhibition of the draft Section 7.12 Development Contributions Plan (draft plan).*

**106/2021 RESOLVED** that Council adopt the Section 7.12 Development Contributions Plan, with effect from 1 July 2021. **(Douglas/Dutton)**

#### PRECIS OF CORRESPONDENCE

**1 KEITH WHITE – GARFORD ENGINE**

**107/2021 RESOLVED** that Council approach the Nyngan Men's Shed to see if they are able to polish the Garford Engine, with Council supplying the polish/products. **(Neill/Boag)**

**2 NSW STATE EMERGENCY SERVICES – WEAR IT ORANGE WEDNESDAY**

**108/2021 RESOLVED** that Council "Light up the Big Bogan" orange on the evening of Tuesday 18 May 2021 for the SES National "Wear it Orange" campaign and that SES be notified. **(Neill/Deacon)**

**3 JANET ADAMS**

**109/2021 RESOLVED** that Council proceed with the request from Janet Adams for a seat to be placed in front of the Commonwealth Bank in memory of Ted Bartle, with a contribution to cover Council's costs being made by his estate. **(Dutton/Deacon)**

Cllr GRJ Neill declared an interest and left the room at 12.08pm

**4 BRENT NEILL**

**110/2021 RESOLVED** that Council supports the installation of a weather camera system by Mr Brent Neill and agrees to cover the cost of data to access the network. **(Jackson/Deacon)**



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Cllr GRJ Neill returned to the room at 12.15pm

**5 DEMENTIA AUSTRALIA**

**111/2021 RESOLVED** that Council note the correspondence received from Dementia Australia seeking Councils response to the Final Report, Care, Dignity and Respect of the Royal Commission into Aged Care Quality and Safety, and that a letter of support be forwarded. **(Jackson/Douglas)**

**6 JOINT STANDING COMMITTEE ON ROAD SAFETY (STAYSAFE) PARLIAMENT OF NEW SOUTH WALES**

**112/2021 RESOLVED** that correspondence from The Joint Standing Committee on Road Safety (Staysafe) Parliament of New South Wales, be received and noted. **(Deacon/Boag)**

There being no further business, the meeting closed at 12.20pm.

These Minutes were confirmed by resolution at a meeting held on

..... and were signed as a true record.

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GENERAL MANAGER

MAYOR

