



BOGAN SHIRE COUNCIL

Minutes

Date: Thursday, 25 July 2024

Time: 7:00pm

**Location: Bogan Shire Council
Council Chambers
81 Cobar Street
Nyngan**

**Debb Wood
Acting General Manager**



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**MINUTES OF BOGAN SHIRE COUNCIL
ORDINARY COUNCIL MEETING HELD AT THE BOGAN SHIRE COUNCIL,
COUNCIL CHAMBERS, 81 COBAR STREET, NYNGAN
ON THURSDAY 25 JULY 2024 AT 7.00PM**

PRESENT: Cr G Neill (Chairperson), Cr V Boag, Cr K Bright, Cr G Deacon, Cr J Douglas, Cr T Elias, Cr G Jackson, Cr D Menzies, Cr R Milligan

IN ATTENDANCE: D Wood (Acting General Manager), (Director People and Community Services), S Waterhouse (Director Finance and Corporate Services), G Bourke (Director Engineering Services), C Black (Director Development and Environmental Services), M Salter (Executive Officer)

- 1 **OPENING PRAYER**
- 2 **REMEMBRANCES**
- 3 **APOLOGIES - Nil**
- 4 **DISCLOSURE OF INTERESTS**

Cr Douglas

10.1 Checklist, Item 7 Banking Situation

Reason: Due to employment at Commonwealth Bank, Nyngan

A Citizenship Ceremony was Conducted at 7.15pm.

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 25 July 2024:

Resolved 137/24

Moved: Boag
Seconded: Milligan

EXCLUSION OF PRESS AND PUBLIC: Council Moved into A Closed Session Of Council With The Public Excluded, In Accordance With The *Local Government Act 1993* Section 10a(2).

CONFIRMATION OF PREVIOUS MINUTES CONFIDENTIAL COUNCIL MEETING – 27 JUNE 2024

Resolved 138/24

Moved: Douglas
Seconded: Bright

That the minutes of the Confidential Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 27 June 2024, be received and noted.

5.1 ACTING GENERAL MANAGER

Resolved 139/24

Moved: Jackson
Seconded: Douglas

That Mr Graeme Bourke be appointed Acting General Manager for part of the period of the General Manager's absence in August and September 2024, at the discretion of the Mayor and General Manager.

LATE ITEM OF BUSINESS – CONFIDENTIAL

Resolved 140/24

Moved: Boag
Seconded: Deacon

That Council discuss the late item of business – **Tender for the Garbage Truck**

5.2 TENDER FOR GARBAGE TRUCK –

Resolved 141/24

Moved: Menzies
Seconded: Bright

That Council accept the tender of Superior Pak for the supply of an Isuzu FXY240 350 truck with the Superior Pak 24m³ compactor for the amount of \$520,103.00.

Resolved 142/24

Moved: Milligan
Seconded: Boag

INCLUSION OF PRESS AND PUBLIC: That the meeting move into open Council.

5 CONFIRMATION OF PREVIOUS MINUTES

6.1 MINUTES OF ORDINARY MEETING - 27 JUNE 2024

Resolved 143/24

Moved: Jackson

Seconded: Elias

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 27 June 2024, be received and noted.

6 NOTICE OF MOTION

Nil

7 MAYORAL MINUTES

Nil

8 COMMITTEE MEETING MINUTES

Nil

10 GENERAL MANAGER’S REPORTS

10.1 GENERAL MANAGER'S CHECKLIST

Item	Date	Minute No	Matter	Action Required	Officer	Status
1	23/09/2021	249/2021	Increase of train speed through Nyngan	Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates.	GM	TfNSW has informed Council that it is considering trialing a Rail Active Crossing System at Hoskins Street crossing. This is a solar powered, wireless, flashing lights system. Discussed with Roy Butler 07/06/2023 – followed up 11/08/2023.
	23/11/2023	282/23		That Council respond to Minister Atchison, with a request that the train speed limit be reduced to 20km/hour, as Council is not in a position financially to provide rail crossing lights.		This matter was drawn to the attention of Minister Atchison on 12/01/2024 during her visit to Nyngan. Further letters sent to Minister Atchison and Roy Butler MP.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
						UPDATE: Discussed with Minister Atchison on 15/07/2024 during her visit to Nyngan – precis item refers.
2	27/05/2022	122/2022	Nyngan Emergency Bore	Council seeks advice from the Minister for Water, as to a mechanism for periodic extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage.	GM	Letter written to new Minister for Water, advising them of resolution 122/2022 and seeking clarification on funding. Minister for Water has advised that: <ul style="list-style-type: none"> • Work has begun on amendments to the Water Sharing Plan. • No further funding is available for the bore project.
	23/02/2023	010/2023		Council vote for a 200mm pipe instead of 375mm pipe, on the basis of water consumption.	GM	Public Works have provided an alternative cost estimate of \$5.092M, based on the 200mm pipeline.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
	27/04/2023	081/2023		<p>A decision on the request for a meeting be deferred until Council receives a response from the NSW Government on whether the emergency bore hole project is to be funded.</p> <p>Virginia and Richard Woodlock be requested to provide Council with specific concerns of concerned landholders and rate payers in writing, so that responses can be prepared, and arrangements made for appropriate NSW Government staff to be available.</p>		<p>On hold pending response.</p> <p>Letter sent to Richard and Virginia Woodlock advising them of Council's resolution.</p>

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Item	Date	Minute No	Matter	Action Required	Officer	Status
	24/08/2023	184/23		<p>That Council prioritises remaining available grant funding of \$7,111,871 across the following projects:</p> <ul style="list-style-type: none"> a. Water purchases b. Belaringar Creek Syphon c. Nyngan Emergency Bore pipeline 		DPE advised accordingly.
3	27/05/2021	126/2021	Addressing Local Job Vacancies	Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.	DPCS	Planning for new residential subdivision has commenced.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
	28/09/2023			Council provides a budget of \$25,000 for production of videos for the relocation campaign.		Scheduled for 2024/25. UPDATE: Production of Employment video has commenced.
4	23/06/2022 23/03/2023	126/2022 011/2024	New Water Treatment Plant Site	A further report to Council be considered for location of the New Water Treatment Plant, including the location as presented to Council, as well as other options outside/adjacent to the levy bank. Council request NSW Public Works to provide a report to Council on the relative cost of the proposed substation and existing pump station sites, including relative pros and cons.	DES	Public Works to discuss with Crown Lands use of site adjacent to electricity sub-station at the end of Dandaloo Street. Public Works has been requested to prepare a report on comparing the Dandaloo Street site with the raw water pump station site when the funding deed has been signed. Site investigation in progress.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
	23/04/2024	074/2024		<p>That the General Manager enters into negotiations with the NSW Aboriginal Lands Council for the compensation they require for the new water treatment plant on site 3, with a further report to Council on the outcome of those negotiations as soon as possible.</p>		<p>Correspondence forwarded to the NSW Aboriginal Lands Council.</p> <p>UPDATE: NSW Public Works has submitted a proposal to Council for consultancy services to manage the land acquisition. A budget of \$25,000 will need to be provided for this should Council wish to proceed with the proposal – or seek alternative proposals.</p>

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
5	28/07/2022	171/2022	Hoskins Street Subdivision	<p>Council notes the proposed changes to the design and layout of the Hoskins Street subdivision and that Council staff progress detailed design and development of tender specifications accordingly.</p> <p>The General Manager be authorised to lodge a development application for Stage 1 of the Hoskins Street subdivision.</p>	DES	<p>Development Application in final stages of preparation.</p> <p>UPDATE: Verbal update to be given at meeting.</p>
	23/11/2023	279/23		<p>The General Manager be authorised to proceed to final preparation of tender documents, based on the layout contained in the Concept Plan, attached to report 5.3, with a view</p>		

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Item	Date	Minute No	Matter	Action Required	Officer	Status
	22/02/2024	005/24		<p>to inviting tenders for construction on a “subject to DA” basis.</p> <p>That consideration be given in 2024-2025 budget discussions to cover any shortfall in available grant funding, with this to be recovered from land sales.</p>		
6	23/03/2023	053/2023	Reclassification of Land – 8 Tabratong Street	<p>Council submits a planning proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 from Community Land to Operational Land.</p>	DDES	<p>In progress – Planning proposal is under development. Conversion from Community Land to Operational Land is expected to have an outcome by March 2025.</p>

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Item	Date	Minute No	Matter	Action Required	Officer	Status
7	22/06/2023 28/03/2024	139/2023 036/24	Banking Situation in Nyngan	<p>Council write to the National Australia Bank regarding the future of the Nyngan Branch of the National Australia Bank.</p> <p>That Council write to the National Australia Bank and follow-up Council's previous correspondence addressing earlier concerns and Council's disappointment in no response to previous request.</p>	GM	<p>Letter written.</p> <p>Further letter written, November 2023. No response.</p> <p>Additional letter forwarded to National Australia Bank, April 2024.</p> <p>COMPLETED</p>
8	27/07/2023	160/23	School Exchange Program	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.	GM	Not yet commenced.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
9	28/09/2023	209/23	Relocation Marketing Campaign – Promotional Videos	Council investigates creating an artwork that acknowledges Country that can be used in the videos and other purposes, with a report to a future meeting of Council.	DPCS	UPDATE: Discussions held with Nyngan LALC regarding their suggestions for suitable artwork. Awaiting response.
10	26/10/2023	247/23	Before and After School Care, Nyngan	That the Before and After School Care matter be further pursued with the Department of Education, and if necessary the Minister.	GM	Verbal update given at Council Meeting 23/11/2023.
	22/02/2024	009/24		Issue of lack of Before and After School Care in Nyngan be referred to Local Member.		Correspondence sent to Local Member.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
11	23/11/2023	278/23	Nyngan Year-Round Fishery	That Council provide in principle support for the development of a Memorandum of Understanding with DPI Fisheries for a managed fishery in the Nyngan off-river storages, with a further report to Council to consider a draft Memorandum of Understanding.	DES	In Progress
12	28/03/2024	046/24	Crown Road Off Cockies Road	That the General Manager, Mayor and Deputy Mayor enter into discussions with the property owners, to determine what if any alternatives they have for accessing the property via Lachlan Shire and whether they have approached Lachlan	DES	Meeting held on 9 May 2024 with property owners, General Manager, Mayor and Deputy Mayor. Property owners are due to meet with Lachlan Shire in the last week of June 2024.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
				<p>Shire Council and have discussed this matter, or have any outcome from those discussions with Lachlan Shire Council.</p> <p>That Council contact Lachlan Shire Council to obtain information on their intention in relation to this matter.</p> <p>That the General Manager provides a report to Council in May or June, confirming:</p> <p>a Options for transferring the unformed Shire road, after transfer from the Crown is complete, into private ownership. Or alternatively if Lachlan Shire could take over the Crown land, either by</p>		<p>UPDATE: Lachlan Shire Council to consider this matter at their meeting on 17 July 2024. A report will be provided to this Council in August 2024.</p>

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				<p>transfer or purchase from Bogan Shire Council.</p> <p>The costs of clearing timber and forming the road to the minimum acceptable standard.</p> <p>c Mechanisms to ensure current and future owners of “Hopbush Valley” property are aware that Council has no intention of upgrading the road beyond the minimum acceptable standard.</p> <p>That Council defers any decision on this matter until the General Manager’s report comes to Council.</p>		
13	27/06/2024	119/24	Outback Arts Membership	That Council continues its ongoing membership of Outback Arts and the	DPC	UPDATE: Outback Arts has been invited to attend.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				Regional Arts Development Program and invites Outback Arts to the July Council Meeting to present planned events over the next twelve months for Bogan Shire.		
14	27/06/2024	121/24	NSW Governments Holiday Break Program	That Council write to the Minister for Youth, Minister for Regional New South Wales and Western New South Wales, and Member for Barwon: <ul style="list-style-type: none"> • Explaining the impacts on small communities of the changes in the Holiday Break program funding, 	DPC	UPDATE: Letter sent to Minister for Youth, Minister for Regional New South Wales and Western New South Wales, and Member for Barwon.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
				<ul style="list-style-type: none"> • Providing solutions on how the Department of Regional NSW, could better group LGAs based on population/size, • Suggesting the option of single holiday break applications for smaller LGAs, and • Requesting applications to be determined based on merit rather than on a first in first approved basis until funding has been exhausted. 		
15	27/06/2024	127/24	Tottenham Road Condition Assessment Report	That Council prepares a Tottenham Road Rehabilitation Business	DES	Not yet commenced.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
				<p>Case for the Tottenham Road.</p> <p>That Council brings the condition assessment to the attention of the Minister for Roads and Transport for NSW to seek urgent funding to address the issues raised.</p>		
16	27/06/2024	132/24	Nyngan War Memorial Pool Remediation	That Council approves the remediation works required for the Nyngan War Memorial Pool and funds be sourced from budget savings.	DDES	UPDATE: Remedial works scheduled to commence 22 July 2024.
17	27/06/2024	134/24	Nyngan Community Homes	That Council request that Nyngan Community Homes Association presents a satisfactory Business Plan and shows it has the capacity to build	GM	UPDATE: Email forwarded to Nyngan Community Homes with Council resolution and to contact the General Manager if further information is required.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				planned homes on the land, Council will consider an appropriate arrangement to facilitate the provision of the land which was formerly the Palais Theatre, on the basis of that plan.		

Item 10.1

Item 4 on Checklist - New Water Treatment Plant Site**Resolved 144/24**

Moved: Boag
Seconded: Milligan

1. That Council does not proceed with building the new Water Treatment Plant on the site adjacent to the substation at the end of Dandaloo Street.

Moved: Boag
Seconded: Bright

2. That Council constructs the new Water Treatment Plant on the Council owned land at the Raw Water Pump Station at the upper weir.

Moved: Boag
Seconded: Jackson

3. That Council does not contract NSW Public works to provide consultancy services to manage land acquisitions, as Council will no longer be utilising the land in question.

Item 7 on Checklist - Banking Situation in Nyngan

Clr Douglas left the room.

Resolved 145/24

Moved: Boag
Seconded: Deacon

That this item be marked as COMPLETED on The Checklist and the matter of the Banking Situation in Nyngan be readdressed when the new Council is appointed.

Clr Douglas returned to the room.

Item 8 on Checklist - School Exchange Program**Resolved 146/24**

Moved: Milligan
Seconded: Jackson

That Council consider locations that may have economic/industry ties for the School Exchange Program, to enhance the student experience.

Item 10 on Checklist – Before and After School Care**Resolved 147/24**

Moved: Douglas
Seconded: Menzies

That Council request the Local Member to make further contact with the Minister for Education about the lack of Before and After School Care in Nyngan

Resolved 148/24

Moved: Boag
Seconded: Elias

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

10.2 WATER TOWER ART

Resolved 149/24

Moved: Douglas

Seconded: Boag

That Council choose a design Representative of where we have come from and where we are now: Mining/Agriculture/Railway.

Clr Milligan Moved an **AMENDMENT** that Council choose a design Representative of where we have come from and where we are now: Mining/Agriculture/Railway/Aboriginal Heritage.

Resolved 150/24

Moved: Milligan

Seconded: Douglas

That Council choose a design Representative of where we have come from and where we are now: Mining/Agriculture/Railway/Aboriginal Heritage.

Following discussion, the original mover of the motion accepted and moved the following motion which was carried.

Resolved 151/24

Moved: Douglas

Seconded: Menzies

That Council gives direction to an artist to determine the style and subject matter of artwork to be placed on the water tower near the skate park.

Themes that are iconic to Bogan Shire including artwork with aboriginal designs

Theme One: Flood and Evacuation Scene

Theme Two: Mining & Agricultural industries of Bogan Shire

Theme Three: Olympic Gold Medallists

Theme Four: Bogan River & Wildlife/recreation

Carried

11 PEOPLE AND COMMUNITY SERVICES REPORTS

11.1 BOGAN BUSH MOBILE - TERM 2 REPORT

Resolved 152/24

Moved: Douglas

Seconded: Menzies

That the Bogan Bush Mobile report be received and noted.

11.2 BOGAN SHIRE EARLY LEARNING CENTRE - TERM 2 REPORT

Resolved 153/24

Moved: Menzies

Seconded: Elias

That the Early Learning Centre report be received and noted.

12 FINANCE AND CORPORATE SERVICES REPORTS

12.1 INVESTMENTS JUNE 2024

Resolved 154/24

Moved: Jackson

Seconded: Douglas

That Council receive and note the June 2024 Investments Report.

12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Resolved 155/24

Moved: Boag

Seconded: Deacon

That Council receives and notes the Rates and Annual Charges Collection Report.

12.3 CARRY FORWARDS AND REVOTES FROM 2023/2024 CAPITAL BUDGET

Resolved 156/24

Moved: Deacon

Seconded: Bright

1. That Council note the Carry Forwards from 2023/2024 to 2024/2025, with the following amendments:

Footpath Repair Program	\$ 23,555
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PC Upgrades	\$ 2,845
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Include the Grant for Open Streets	\$87,184
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2. That Council revoke on items that had not commenced prior to 30th June 2024.

12.4 TREATMENT OF RURAL FIRE SERVICE ASSETS IN COUNCILS FINANCIAL STATEMENTS 2023-2024

Resolved 157/24

Moved: Douglas

Seconded: Jackson

That Council, in considering the risks involved in receiving a qualified report for 2023/2024, does not include Rural Fire Service Red Fleet assets in Bogan Shire Councils annual financial statements, based on the fact that Council does not control, manage, or govern Rural Fire Service assets.

12.5 LICENCE AGREEMENT WITH NYNGAN RUGBY UNION CLUB INC

Resolved 158/24

Moved: Jackson

Seconded: Deacon

That Council note the Licence Agreement With Nyngan Rugby Union Club Inc Report.

13 ENGINEERING SERVICES REPORTS

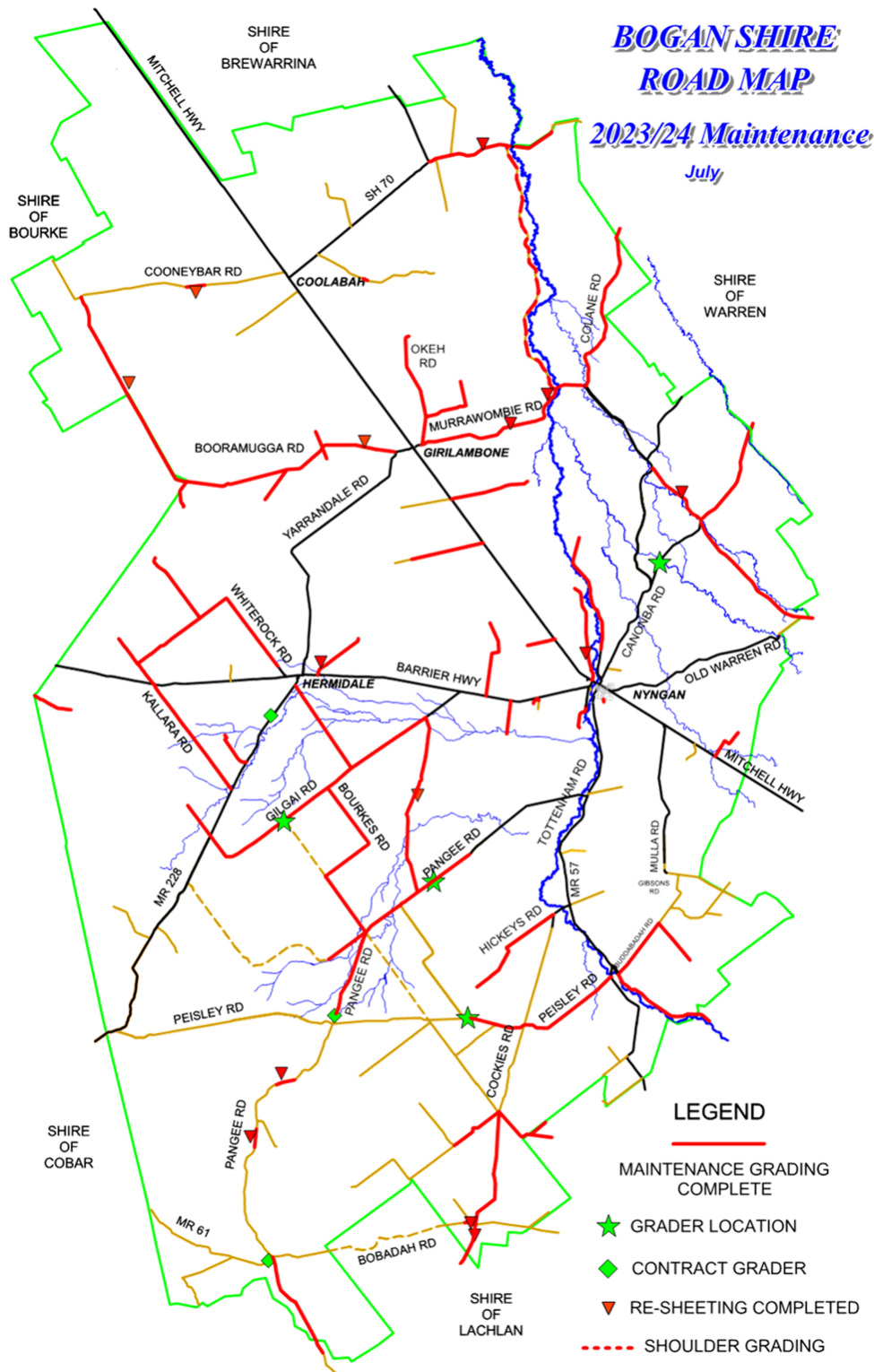
13.1 DEPARTMENTAL REPORT

Resolved 159/24

Moved: Elias

Seconded: Bright

That the Engineering Departmental Activity Report be received and noted.



14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS

14.1 DEVELOPMENT APPLICATIONS REPORT

Resolved 160/24

Moved: Milligan

Seconded: Elias

That the Development Applications Report be received and noted.

14.2 WASTE AND RESOURCE MANAGEMENT REPORT

Resolved 161/24

Moved: Jackson

Seconded: Deacon

That the Waste and Resource Management Report be received and noted.

15 PRECIS OF CORRESPONDENCE**15.1 CORRESPONDENCE FROM THE HON. MINISTER AITCHISON MP MINISTER FOR REGIONAL TRANSPORT AND ROADS****Resolved 162/24**

Moved: Jackson

Seconded: Milligan

That the correspondence from The Hon. Minister Aitchison MP, Minister for Regional Transport And Roads, be received and noted.

15.2 CORRESPONDENCE FROM THE DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER**Resolved 163/24**

Moved: Douglas

Seconded: Jackson

That :

1. Council notes the response from The Department Of Climate Change, Energy, The Environment And Water, but does not believe that the issues raised have been adequately addressed.
2. The General Manager informs The Department Of Climate Change, Energy, The Environment And Water of this, and that these matters will be included with related issues for discussion with The Department Of Climate Change, Energy, The Environment And Water and The Minister for Water.

15.3 CORRESPONDENCE FROM THE NYNGAN GARDEN CLUB**Resolved 164/24**

Moved: Douglas

Seconded: Boag

That Council contact The Nyngan Garden Club to determine what type of space they require, and Council determine if this can be accommodated on the veranda area only, and that the internal walls of the building are not available.

15.4 CORRESPONDENCE FROM DIANNE AND JOHN WYNNE

Resolved 165/24

Moved: Douglas

Seconded: Jackson

That:

1. The Correspondence from Diane and John Wynne be received and noted.
2. Council keep this matter in mind and refer this to the next Budget Review to see if Council can find savings to be considered at that time.

16 MEETING CLOSURE

There being no further business, the meeting closed at 9.10pm.

These minutes were confirmed by resolution at a meeting on and were signed as a true record.

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GENERAL MANAGER

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MAYOR