



BOGAN SHIRE COUNCIL

Business Paper

22 April 2021



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13 April 2021

COUNCIL MEETING NOTICE

The next Ordinary Meeting of Council will be held in the Council Chambers on Thursday 22 April 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 March 2021
6. Director Engineering Services Closed and Confidential Report
 1. Tender for Off River Water Storage 1B
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.
7. Confirmation of the Ordinary Minutes of the Council Meeting held on 25 March 2021
8. Committee Meeting Minutes
9. General Manager's Report incorporating reports from:-
 - People and Community Services
 - Finance and Corporate Services
 - Engineering Services
 - Development and Environmental Services
10. Correspondence

Your attendance at this meeting would be appreciated.

Yours sincerely

Melissa Salter

Acting Executive Assistant

COMMITTEE MEETING MINUTES

1 MUSEUM COMMITTEE MINUTES

Attached are the minutes of the Nyngan Museum Committee meeting held at the Nyngan Museum on 7 April 2021

1.1 Recommendation

That the minutes of the Nyngan Museum Committee meeting held at the Nyngan Museum on 7 April 2021 be received and noted.

Committee Meeting Minutes to the Ordinary Meeting
of Bogan Shire Council held on 22 April 2021

Nyngan Museum Meeting Date: 7th April 2021

Present:

*Glad Eldridge, Leonie Montgomery, Anna Corby, Collin Pardy, Yvonne Pardy, Anne Quarmby
Val Keighran, Margaret Sibbald, Hugh Sibbald, Vince Wren, Gwen, Abigail*

Apologies:

Ray Donald, Veneta Dutton

Guests:

Minutes last meeting: Move: Anna second: Collin

Business arising from previous minutes:

Canonba visit, - see Leonie's report

Tourism facebook. We need something like Warren Community pages to update and advertise our town for both locals and visitors. Abigail has looked into this, but no further news as estimates committee will review it at their meeting at the end of April.

Treasurers Report attached: read and moved: Collin 2nd: Vince

The taking from the markets will be included in the May report.

**Committee Meeting Minutes to the Ordinary Meeting
of Bogan Shire Council held on 22 April 2021**

General Business and Co Ordinator's Report:

Stewart, Geoff, Andy, Minnie and Leonie went to Canonba to remove some items from the Prince's Wing. They have a wall of pressed tin, some original tongue and groove boarding, a sheet of lino, vanity unit, light sconces and a door handle. Annie has used 3 buckets of water on the lino, and it now needs to be sanded and oiled to bring it back to life.

Thanks to everyone for their help on market day. 20 – 30 locals went through the museum on the day, and all the cooks deserve extra thanks for the donations to morning tea. Val wins the prize for selling \$200.00 worth of books at the markets! Well done Val! The raffle will be drawn for Mother's Day.

Our map has returned to us and will be hung in the foyer of the old entrance. It looks good,

A scythe has been donated by the Murchison family at Grahweed, and Stewart has covered the sharp edge for safety reasons. A wool bale stencil has been donated by them as well.

Annie has brought in a candelabra from Leo and Lola Bell

The Shearing shed has donated a cast iron bottle opener and a large grain scoop

A copy of Jimmy Briggs' Diary has been donated by his family. He was shearing here in the 1890s. A copy has also been given to the Shearing shed.

The urn no longer works, so it will be assessed for repair or replacement.

Microfische is still not able to be fixed despite constant communication and help from the manufacturers in Illinois. If a replacement part is needed, funding will need to be accessed. More meetings are organized, so it may still be able to be solved.

Year 10 Volunteers were a great asset to us over their visits in term 1. They fully cleaned and reorganized the Mid State Shearing Shed with Codge and Anna and Janine. They also researched, photographed, built, painted, cleaned and serviced items in the Museum. They completed all the activities they started and were very helpful and fun to be around. As far as we are concerned, the trial, for us, was a complete success.

The Museum now closes for lunch as the VIC is staffed full time during the week.

Abigail has delivered a new Covid Action Plan. Kate will put up any new signs needed. She will also make sure we have new supplies of surface spray and hand sanitiser.

People were asking why the museum wasn't open over Easter. Tourism funding will be discussed at Estimates Committee meeting at the end of April. We will discuss our options and ideas at the next Museum meeting.

Meeting Closed: 10.20 am



General Managers Report to the Ordinary Meeting of Bogan Shire Council
held on Chambers 22 April 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.

**General Managers Report to the Ordinary Meeting of Bogan Shire Council
held on Chambers 22 April 2021**

	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>
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 & 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>					

**General Managers Report to the Ordinary Meeting of Bogan Shire Council
held on Chambers 22 April 2021**

				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



**General Managers Report to the Ordinary Meeting of Bogan Shire Council
held on Chambers 22 April 2021**

	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
held on Chambers 22 April 2021**

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. 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	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.

**General Managers Report to the Ordinary Meeting of Bogan Shire Council
held on Chambers 22 April 2021**

	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 Aug 2020.</p>	DES	<p>Referred to RMS.</p> <p>UPDATE: Formal application with RMS in progress.</p>



**General Managers Report to the Ordinary Meeting of Bogan Shire Council
held on Chambers 22 April 2021**

8	25/02/2021	041/2021	Hermidale Park	Plans to be drawn up of proposed amenities for Hermidale Park	DES	UPDATE: Plans being drawn up
9	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.
10	26/11/2020	329/2020	Centre of NSW Cairn	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 refers.

**General Managers Report to the Ordinary Meeting of Bogan Shire Council
held on Chambers 22 April 2021**

11	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	<p><u>UPDATE:</u> Letter sent to TfNSW requesting a review of the speed zone.</p> <p><u>UPDATE:</u> 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	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	<p><u>UPDATE:</u> Meetings held with Principals of Nyngan Public and St Joseph's Schools.</p> <p><u>UPDATE:</u> Letter sent to Hon. Bronnie Taylor MLC, Minister for Mental Health, Rural Youth and Women</p>



**General Managers Report to the Ordinary Meeting of Bogan Shire Council
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13	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.
14	25/02/2021	011/2021	Bogan Shire Official Visitors Guide	Council update the Bogan Shire Official Visitors Guide with current information. To be funded from a budget review or included in next year's estimates.	DPCS	Bogan Shire Official Visitors Guide updated with current information. Completed In Progress



**General Managers Report to the Ordinary Meeting of Bogan Shire Council
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15	25/02/2021	012/2021	Nyngan Railway Wool Dump	<p>A colour information sign be erected at the Nyngan Railway Wool Dump on a stand adjacent to the dump.</p> <p>A cement path from the existing walkway to the sign be constructed, with available funding</p>	<p>DPCS</p> <p>DES</p>	<p>Pending commencement of grant – funded works.</p> <p>Pending commencement of grant – funded works.</p>
16	25/02/2021	013/2021	Honour Board	<p>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.</p>	GM	In progress

**General Managers Report to the Ordinary Meeting of Bogan Shire Council
held on Chambers 22 April 2021**

17	25/02/2021	024/2021	<p>Addressing Local Job Vacancies</p>	<p>Council continues to work with local businesses to identify issues and engages Regional Development Australia (RDA) Orana to assist local businesses & industry to address local job vacancies.</p> <p>A report be presented to Council on what steps are required to establish the Hospital Road residential subdivision and any other opportunities that may exist.</p> <p>A meeting be held with Aeris Resources to discuss solutions to the lack of residential accommodation.</p>	<p>DPCS</p> <p>DDES</p> <p>GM</p>	<p>COMPLETED</p> <p>Report to future Council Meeting.</p> <p>UPDATE: Meeting held with Aeris Resources 18.03.2021</p> <p>Completed</p>
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**General Managers Report to the Ordinary Meeting of Bogan Shire Council
held on Chambers 22 April 2021**

17	25/02/2021	025/2021	Addressing Local Job Vacancies	A report be prepared for Council on opportunities to promote Nyngan through Facebook, TV Advertisement, YouTube, including costs.	DPCS	Council staff to investigate use of different media and obtain costs on each to be included in a future report to Council.
18	25/02/2021	040/2021	Nyngan Cenotaph Location	A report be prepared for Council regarding the Nyngan Cenotaph location.	GM	Pending outcome of Nyngan Community Homes grant application
19	25/03/2021	055/2021	Enforcement of Orders - Derelict & Fire Damaged Buildings	Council seek information from the Insurance Council of Australia on relevant insurance details.	DDES	In progress, contacted the Insurance Council of Australia, awaiting information. Contacted other Councils in similar position for feedback.



**General Managers Report to the Ordinary Meeting of Bogan Shire Council
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20	25/03/2021	061/2021	Orana Joint Organisation	<p>Council to resign its membership from the Orana Joint Organisation.</p> <p>Work with other Councils to develop a proposal to re-establish a voluntary regional body for further consideration by Council.</p>	GM	To be discussed at next Orana JO Meeting
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**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**

1.1 Recommendation

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

Derek Francis

General Manager

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

Mayor and Councillors

The following reports are submitted for consideration:-

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.

1.1 Introduction

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

1.2 Background

At the end of each term a report is provided to Council on the activities and statistics of the Bogan Bush Mobile service.

1.3 Discussion

Term 1 Dates

February 1 – April 16, 2021

Statistics:

Total children enrolled: 80 official enrolments, 63 families

Term 1 attendance: 73 children

Term 1 sessions: 55 sessions

KM's travelled: 9,387 km

Current Areas being visited:

Marthaguy, Marra, Hermidale, Trangie, Collie, Collierena, Tottenham, Girilambone, Mungery, and Narromine.

On 29 April BBM will commence play sessions at Duck Creek. Parents and children weren't attending sessions at Girilambone and it was decided that BBM would no longer attend there, however families advised us that they would attend sessions at Duck Creek. In addition to this, there are some new families who have contacted the team and will be attending from next term.

**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
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Term 1 2021 Activities

Bogan Bush Mobile had a busy start to Term 1, however the recent rain hampered the team's travel and access to some areas.

The Marra School have recently agreed to allow the BBM to set up activities in their playground as the yard of the teacher's house at The Marra, which was being used is not suitable or safe.

The Service Leader, Rani Dunn has taken 12 month's leave from 25 March and will return to the service in March 2022. Shianne Wall, one of our long term Children's Services employees who has been working with the BBM team, will be taking on the Service Leader role during this time. Shianne is very familiar with the children and families, building upon her experience and knowledge of the Bush Mobile service.

Transition to Assessment and Rating

The Bogan Bush Mobile is now being assessed and rated against the National Quality Standards (NQS) and will continue to provide high quality education and care and are looking forward to having our Assessment and Rating process completed. Tracey Hobday being the Early Childhood Teacher (ECT) for our centre and BBM, will continue to attend the childcare sessions of BBM to make sure they are meeting the requirements of the Australian Children's Education and Care Quality Authority.

1.4 Recommendation

That the Bogan Bush Mobile report be received and noted.

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.

2.1 Introduction

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

2.2 Discussion

Below are the activities and statistics of the Bogan Shire Medical Centre for the January to March 2021 period.

Statistics

Total registered patients as at 17/03/2020:	2,993
Total active patients:	2,127
Total CDM (Chronic Disease Management) patients:	209
Total RAC (Residential Aged Care) patients:	29
Total 75+ Health Assessment patients:	332
Total ATSI (Aboriginal and Torres Strait Islander) Health Assessment patients:	528

The Medical Centre is still consistently registering new patients.

Current waiting periods for a GP is either on the day or 1-2 days maximum, with appointments available for acute complaints (On the Day appointments) daily.

Activities

- Various Allied Health professionals continue to visit weekly.
- We have the Measure Up bus visiting for 3 days in April. They conduct bone density testing for all eligible patients over the age of 70.
- As of the week commencing 5 April, we have started administering COVID-19 vaccinations in line with the Government roll-out for Phase 1b. Staff have undertaken special training to facilitate the COVID-19 vaccine roll-out. A lot of time and research has gone into our planning in readiness.

**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
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- Government funded Flu vaccines will commence mid-April, but we are still waiting on our private supply to arrive for those who do not meet the criteria as high-risk, so are not eligible for a free Government funded vaccine. Flu vaccine availability will be communicated to our patients and the community once all supplies have been received.

Allied Health Services

Allied Health services for the period January to March 2021 are as listed below.

Type of Service	Days	Times	Frequency	Service Accessed by
Cardiologist	Wednesday	9am-5pm	Two Monthly	BSMC Referral
Diabetes Educator	Wednesday	9.30am-3.00pm	Monthly	BSMC Referral
Dietician	Thursday	9am-3pm	Fortnightly	BSMC Referral
Family Planning NSW	Monday	10am-5pm	Monthly	BSMC or Self-Referral
Mental Health Nurse	Wednesday, Thursday & Friday	9am-4pm	Monthly	BSMC Referral
Pathology	Monday to Friday	8.30am - 11.30am	Weekly	Anyone holding a pathology request form – not required to be a patient of BSMC
Podiatrist	Wednesdays & Fridays	9.00am - 2.30pm	Weekly	Referral or Private appt.
Psychiatrist	Monday	9am-3pm	Monthly	BSMC Referral
Sexual Health – NSW Health	Thursday	10am-4pm	Monthly	BSMC or Self-Referral

- Podiatry services continue to be well supported 2 days a week.

Permanent and Locum GP Coverage

Locum doctors have been secured up to the end of June. We also have quite a bit of coverage for the second half of 2021 already. Advertising for recruitment of a permanent GP continues to be undertaken.

**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
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Ultrasound Services

The Ultrasound service has been operating two days per week (Thursdays and Fridays) since 27 November 2020.

Statistics

Pregnancy Entertainment Services

Package	No. Services
Package 1 - \$100.00 (2D, 10-15 minute scan, 2-4 printed images in presentation folder)	1
Package 2 - \$150.00 (2D/3D, 20-30 minute scan, 10 printed images in presentation folder)	3
Package 3 - \$200.00 (2D/3D/4D, 30-45 minute scan, 20 printed images in presentation folder plus all photos and videos on USB)	5

We have also been running a promotion for the merchandise – add \$50 to packages 1 or 2 to receive a heartbeat bear and a keepsake photo box for all of baby's memorabilia or get this for free with package 3 as our gift to patients on our opening.

Feedback on the packages and the quality of merchandise available (heartbeat bears, photos and keepsakes) have all been commented on very positively and are currently generating more and more interest. A number of patients who purchased packages were so happy with their imaging that they posted on social media and have in turn propelled some further positive feedback from their communities.

With the addition of the large screen TV monitor mounted on the wall to watch scans live and the shelf in the ultrasound room with merchandise on display, a larger interest in the packages has recently been generated.

Medical Diagnostic Services

Average daily patients:

December:	10 - 12
January:	10 - 12
February:	6 – 8
March:	8 - 10

**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
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February is generally the slowest month for radiology services as patients return to work, children return to school and other activities begin for the year.

There has been a good mix of medical pregnancy, general ultrasound services and musculoskeletal ultrasound services being performed.

Reports are generated for patients on average within 6 to 12 hours after scans are performed. It is interesting to note that the average time of larger practices can be around 24 to 48 hours after scans to generate reports for patients, so this is a good result for our community.

We have received excellent feedback on this service from both referring doctors and specialists with one of the biggest advocates for our service being Macquarie Women's Health practice in Dubbo and in particular Dr Ajith Samaratunga. Dr Samaratunga, an Obstetrician and Gynaecologist with a special interest in fertility, has been referring all patients outside of Dubbo (and even the occasional Dubbo patient) to Nyngan and recommending our services as very trustworthy and of high medical standards.

The majority of our ultrasound patients are Nyngan locals and Cobar residents. Cobar residents have provided excellent feedback on accessing ultrasound services at a shorter distance and within a reasonable wait time. Patients from Brewarrina, Trangie, Warren, Tottenham, Nevertire and Bourke and even Dubbo (due to lengthy wait times elsewhere) have also been accessing the services on a semi regular basis.

During the quieter time in February, the Sonographer has been liaising with doctors about the service, asking for quality feedback and making improvements to service delivery to ensure continued referring into the future. We have undertaken more advertising for the 3/4D services with more patients now enquiring and booking in for future appointments.

We have also received positive feedback from Alpenglow (our reporting doctors), who report that they are very pleased to provide reports on our ultrasounds because the machine is producing extremely clear and high quality diagnostic images, which makes their jobs easier. The Sonographer has been providing excellent communication and preliminary diagnoses to aid in final diagnosis at the highest standards.

2.3 Recommendation

That the Operational Report for the Bogan Shire Medical Centre be received and noted.

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 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.

1.1 Introduction

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

All funds have been moved from Term Deposits, excluding one for \$2.8m that has been invested with the Commonwealth Bank, to the Professional Funds account with the NAB. The interest rate is relatively the same as a Term Deposit at the moment and this means not having to tie Council's funds up for a long period in case interest rates improve.

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

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**

Investment Movements for March 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 Feb 21	Bal Mar 21
37908808	Commonwealth	02/03/2022	365	0.440%	2,800,000.00	2,800,000.00
6894	NAB - Professional Funds	At Call		0.500%	11,714,835.66	12,753,032.99
	Balance securities held				14,514,835.66	15,553,032.99
	Balance Ledger 19010.8200.8200				14,514,835.66	15,553,032.99
	Summary by institution					
	Commonwealth				0.00	2,800,000.00
	NAB				14,514,835.66	12,753,032.99
					14,514,835.66	15,553,032.99

1.4 Recommendation

That the Investments Report be received and noted.

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.

2.1 Introduction

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

2.2 Discussion

This report is provided for the information of Councillors.

Rate Collections	2020-2021	2019-2020
Arrears Prior to 01/07/2020	516,790	340,494
First Instalment in arrears as at 31/3/2021	38,426	43,573
Second Instalment in arrears as at 31/3/2021	109,040	112,574
Third Instalment in arrears as at 31/3/2021	166,337	146,068
Fourth Instalment Outstanding as at 31/3/2021	999,911	987,395
Total Arrears	830,593	642,709
Total Outstanding	1,830,504	1,630,104
Monthly Transactions		
Amount Levied & B/Fwd	6,046,697	5,510,714
Add: Adjustments	12,842	37,931
Less: Payments to end of March	-4,146,504	-3,840,723
Less: Rebates	-82,531	-80,847
Add: Postponed	0	3029
Gross Total Balance	1,830,504	1,630,104
Arrears of total amount levied %	13.7%	11.6%

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

Each instalment amounts to approximately \$1,512,000

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



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As at the 31st March 2021 Council had collected \$305,781 more than at the same time last year, an additional \$13,386 had been collected at the time of writing this report.

2.5% of rates were unpaid on the first instalment.

7.2% of rates were unpaid on the second instalment.

11% of rates were unpaid on the third instalment.

The final instalment of rates for 2020/2021 is due and payable on the 31st May 2021.

2.3 Recommendation

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

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.

3.1 Introduction

The purpose of this report is twofold:

1. To review actual performance against budget for the first nine months of the 2020/2021 financial year up to 31 March 2021.
2. To adjust the budget in response to changes in the financial landscape and changes to Council's corporate goals.

3.2 Background

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

Referring to Appendix A, the Projected Year End Result has been adjusted to allow for third quarter recommended changes. The third quarter changes are shown in a separate column and discussed below and need to be considered at this meeting. A copy of the updated Capital Budget is shown in Appendix D.

The figures in the Projected Year End Result column are the estimate of income and expenditure at the end of the financial year. It is the sum of the originally adopted budget for 2020/2021, plus or minus approved changes made at the first and second quarter review, plus or minus recommended changes at this third quarter budget review.

3.3 Discussion

Performance Against Budget

The year to date performance against the original budget still shows a \$308,710 change to the original budget. Adjustments for March total zero as all budget changes have been offset against changes in other areas.

Council had originally budgeted for a cash surplus of \$249,939 overall after transferring amounts from cash reserves of \$413,847 in the General Fund and \$35,628 in the Sewer Fund. Changes to the budget for the past three quarters now show a cash deficit of \$58,771 across all funds.

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The general fund shows a cash surplus of \$24,737 and it should again be noted that the surplus is attributable to the Plant Fund and can only be used for these purposes.

All changes in the March Quarter to the budget have been offset against other changes within the budget. The most significant changes in this review are that Council has been successful in securing more ordered works from Transport for NSW and an estimate of this extra funding and expenditure has been included also an amount of \$2,000,000 has been included in addition to the emergency repairs works funding for the Flood Damage funding that is expected to be spent prior to 30th June 2021.

The Sewer Fund has no changes to the original budget.

The Water Fund shows a cash deficit of \$83,508 after the Capital Budget was adjusted in the first budget review by \$270,000. The Water Fund has sufficient Cash Reserves to fund this amount.

The state of the individual funds is shown in Appendix C:

Councillors and staff always need to be aware that the decisions they make may impact Councils budget. It is important that corresponding savings are found when making decisions on additional spending outside the current budget. This is particularly important as Council started the 2020/2021 year with a budget deficit and used cash reserves to fund the budget so if savings cannot be found then cash reserves will decrease further.

The third quarter adjustments are divided into favourable and unfavourable and explained below:

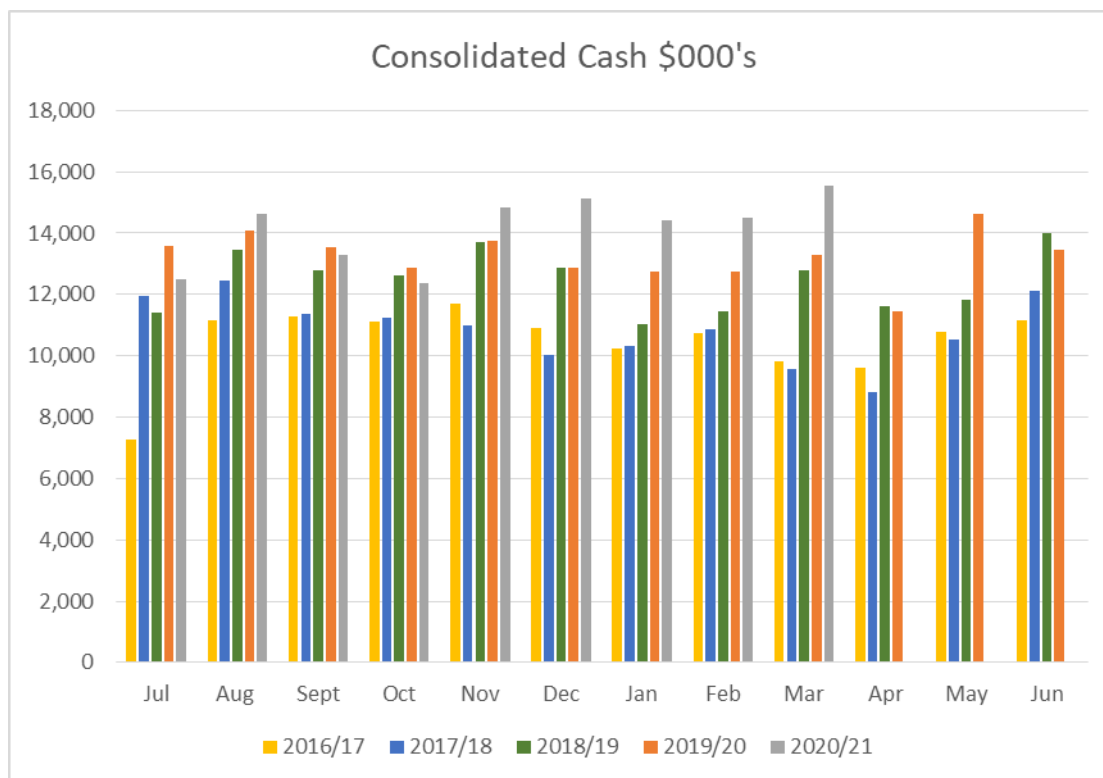
Favourable adjustments are where Council has found that it is going to get more income than budgeted or expects to spend less than originally budgeted. Unfavourable adjustments are the reverse. These are where the program is going to cost more than originally budgeted or income is going to be less or Council has resolved to spend additional funds to the original budget. The budget is therefore adjusted accordingly to reflect these changes.

These changes have been summarised in Appendix B.

Cash

Council is holding significant cash balances at the moment due to the prepayment of Grant Funds including Roads to Recovery, Fixing Local Roads and Resources for Regions funding. The cash balance has increased since the last review due to these reasons however the cash balance should decrease over the next three months as Grant Funding is expended. Council is however expecting another advance payment of the Financial Assistance Grant for 2021/2022.

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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Consulting and Legal Expenses

The budgeted and actual spending on consultants and legal expenses is shown below. The consultancy expenditure has been spent on ELC, Library, Medical Centre, IT, WH&S, Town Planning, Development Control, Water, and other Engineering and Environmental services.

Additional consultant expenditure of \$73,000 has been transferred from Council wages costs to consulting costs in Environmental Services to cover the contractors Council is using to cover staff long term leave in the department.

CONSULTING & LEGAL EXPENSES			
Expense	Budget \$	Expenditure YTD \$	Revised
Consultancies	349,695	357,985	558,395
Legal	55,000	5,372	53,000

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Bogan Shire Council for the quarter ended 31/3/2021 indicates that Council's projected financial position at 30/6/21 will be *satisfactory* at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

A handwritten signature in black ink that reads "Stephanie Waterhouse". The signature is written in a cursive, flowing style.

Signed: _____ date: 12/04/2021
Stephanie Waterhouse
Responsible Accounting Officer, Bogan Shire Council

3.4 Recommendation:

1. That this report be received and noted.
2. That Council adopts the budget amendments shown on the Budget Review Statement (Appendix A) for the 2020/2021 Operating and Capital Budgets.

Attachments:

- Appendix A – 2020/2021 Third Quarter Budget Review Summary
- Appendix B – 2020/2021 Budget Review Statement of Adjustments
- Appendix C – 2020/2021 Cash Position of Funds Projected Operating Result
- Appendix D – 2020/2021 Capital Budget Updated



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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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.

4.1 Introduction

The purpose of this report is to provide information regarding progress with respect to the principal activities detailed in Council's adopted Delivery Program.

4.2 Background

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.

4.3 Discussion

A full Delivery Program Report listing each strategy and activity in the Delivery Program is available on request from the General Manager or on Council's website. Attached to this report, however, is an extract of the full Delivery Program Report showing those activities which are marked as:-

- Not started
- Not progressing
- Progressing with issues
- Completed

All other activities are marked as "Progressing – No Issues".

The Report mirrors the layout of Council's Delivery Program and 2020/2021 Operating Plan and Budget. Directors responsible for each of the activities listed under the Strategies and Outcomes have indicated the current status of the activity and, where appropriate, have included comments.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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4.4 Attachment

Extract of Delivery Program Report – 2020/2021 Activities.

4.5 Recommendation

That the Delivery Program Report be received and noted.

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.

5.1 Introduction

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. This comes in light of the release by the NSW Information and Privacy Commission of Guideline 1: *For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons developed under the Government Information (Public Access) Act 2009 (NSW).*

5.2 Background

Part 4 of the *Model Code of conduct for Local Councils in NSW (2018)* (Model Code) requires a Councillor or a designated person to complete and lodge with the General Manager a return disclosing his or her pecuniary interests. That return may contain personal information about each Councillor and designated person, including his or her name, address and signature, as well as information about property and share holdings, gifts received, debts owed, other sources of income, and positions held in a trade union or business or professional organisation.

Clause 4.21 of the Model Code requires that Councillors and designated persons prepare and submit written returns of interest within three months after:

- becoming a Councillor or designated person, and
- 30 June of each year, and
- becoming aware of an interest they are required to disclose.

The Guideline provides that the requirement in Clause 1(2)(a) of Schedule 1 of the GIPA Regulation, that returns of Councillors and designated persons be released as part of local councils' open access information, and should be interpreted as follows:

- The returns should be made publicly available on the council's website free of charge unless there is an overriding public interest against disclosure or to do so would impose unreasonable additional costs on the council

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- The fact that a return of interests is open access information is a factor in favour of disclosure in balancing the public interest
- In the circumstances where council decides that there is an overriding public interest against disclosure of the return, consideration should then be given to whether it is practicable to release an edited copy of the return (for example redacting the individual's signature or residential address) in accordance with section 6(4) of the GIPA Act
- If it is practicable to do so, then the information should be deleted from a copy of the return and the remainder of the return made available on the council's website
- Where information is deleted from a return, council should keep a record indicating, in general terms, the nature of the information redacted in accordance with section 6(5) of the GIPA Act
- Copies of publicly available information about returns may be made in accordance with clause 5(1) (b) of the GIPA Regulation. Releasing the information contained in the returns of Councillors and designated persons in this manner facilitates the legitimate public interest in having access to the information, while protecting the individual's right to privacy and safety.

5.3 Discussion

Councillors have always been required to complete a Return of Pecuniary Interests that has been held at Council. Under the Australian Accounting Standard AASB 124 Councillors and Key Management Personnel have also been required to complete related party disclosures that are compiled and reported in Councils Annual Financial Statements. Council is now required to publish on its website disclosures of pecuniary interest by Councillors and designated persons as part of open access information under the GIPA Act.

Under clause 4.8 of the Model Code of Conduct, designated persons include:

- The General Manager
- Senior staff of councils for the purposes of section 332 of the Local Government Act 1993
- Any other member of staff or delegate of the council who holds a position identified by the council as the position of a designated person because it involves the exercise of a function that could give rise to a conflict of interest,
- A member of a committee of the Council identified by the Council as a committee whose members are designated persons because the functions of the committee involve the exercise of functions that could give rise to a conflict of interest.

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The requirement to publish returns of interests is designed to operate as a transparency mechanism to ensure that key decision makers in councils appropriately disclose and manage pecuniary interests they may have in matters they are dealing with.

Council should keep in mind when identifying a position as the position of a designated person or a committee as a committee whose members are designated persons, that the consequence of this is that the council will be required to publish personal information about those persons on their website.

Council should weigh this consequence against the risk that the requirement to publish returns of interests is designed to address, to ensure that this is a proportionate mitigation of that risk. This assessment should be based on a consideration of the nature, responsibilities and functions of a role or a committee and the type and level of delegations it exercises. Positions or committee memberships involving the performance of low-level administrative or regulatory functions that carry limited or no discretion or financial delegations, should not be identified as positions of designated persons. The types of positions or committee memberships that should be identified as designated persons are those that exercise functions or decision-making that involve the potential for significant risk to the council, including of damage to the council's reputation, where conflicts of interest are not disclosed and appropriately managed.

Clause 4.1 of the Model Code defines a 'pecuniary interest' as one involving a "reasonable likelihood or expectation of appreciable financial gain or loss to the person".

Clause 4.2 provides that a person "will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6" (which are interests that do not have to be disclosed).

5.4 Attachment

1. Guideline 1

5.5 Recommendation

That Council discusses and identifies, at this meeting, designated persons at Council, in addition to the Councillors, General Manager and Directors that Council believe should be included in the Register of Pecuniary Interest and published on Council's website.

Stephanie Waterhouse
Director Finance and Corporate Service

Attachment 1



information
and privacy
commission
new south wales

**Guideline 1: For local councils on the
disclosure of information contained in the
returns disclosing the interests of
councillors and designated persons
developed under the *Government
Information (Public Access) Act 2009 (NSW)***

September 2019





**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
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Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons developed under the *Government Information (Public Access) Act 2009 (NSW)*

The Information Commissioner is empowered under sections 12(3) and 14(3) of the *Government Information (Public Access) Act 2009 (NSW)* ("GIPA Act") to issue guidelines to assist agencies regarding the public interest considerations in favour of, or against, disclosure.

These Guidelines, made pursuant to those sections of the GIPA Act, are made to assist local councils to determine the public interest considerations for and against disclosure of information contained in the returns disclosing the interests of councillors and designated persons as required by clause 1(2)(a) of Schedule 1 of the *Government Information (Public Access) Regulation 2018 (NSW)* ("the GIPA Regulation").

These Guidelines supplement the provisions of the GIPA Act. Agencies must have regard to them in accordance with section 15(b) of the GIPA Act.

The Guidelines have been developed in consultation with the Office of Local Government, and the Privacy Commissioner.

The operation and effectiveness of the Guidelines will be reviewed after two years or as required by any intervening developments relevant to the Guideline.

Elizabeth Tydd

IPC CEO, Information Commissioner
NSW Open Data Advocate

September 2019

Overview

Part 4 of the [Model Code of conduct for Local Councils in NSW \(2018\)](#) (Model Code) requires a councillor or a designated person to complete and lodge with the general manager a return disclosing his or her pecuniary interests. That return may contain personal information about each councillor and designated person, including his or her name, address and signature, as well as information about property and share holdings, gifts received, debts owed, other sources of income, and positions held in a trade union or business or professional organisation. The form of the return is set out in Schedule 2 of the Model Code.

Mandatory proactive release, also known as open access information, is one of the four information access pathways under the GIPA Act. Proactive release advances the object of the GIPA Act to "maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective ...". The GIPA Act contributes to the building of an integrity culture through the establishment of a framework based around the principles of pro-active disclosure and a presumption in favour of public interest disclosure.

The mandatory proactive release provisions of the GIPA Act and the GIPA Regulation apply to the disclosure of information contained in returns disclosing the interests of councillors and designated persons. The combined effect of the GIPA Act and the GIPA Regulation is that the information in the returns needs to be disclosed on the website of each local council, unless to do so would impose unreasonable costs on the council, or if the council determined there was an overriding public interest against disclosing the information.

In order to decide whether there is an overriding public interest against disclosure, councils need to apply the public interest test, and weigh the public interest considerations in favour of and public interest considerations against disclosure.

This Guideline recognises that disclosing the information in the returns furthers openness, transparency and accountability in local government. It also facilitates the identification and management of potential conflicts of interest that might arise where councillors and other staff participate in decisions from which they may derive, or be perceived to derive, personal or financial benefit.

However, the returns may contain personal information about the person concerned, and, potentially, about third parties such as family members. This is information which individuals may have concerns about disclosing publicly on a website and may object to publication following consultation under the GIPA Act.

[Section 6\(4\)](#) of the GIPA Act requires agencies to "facilitate public access to open access information contained in a record by deleting matter from a copy of the record to be made publicly available, if inclusion of the matter would otherwise result in there being an overriding public interest against disclosure of the record, and it is practicable to delete the matter".

The fact that information is open access information is an important factor in favour of disclosure which must be balanced against any applicable considerations against disclosure, as was noted by the NSW Civil and Administrative Tribunal Appeal Panel in two recent cases¹. In *Webb v Port Stephens Council (No. 3)* [2018] NSWCATAP 286, the Appeal Panel stated at paragraph 77:

Where the information in issue is in fact open access information, as noted by the Appeal Panel in McEwan, this is an "important factor in favour of disclosure" (in addition to other relevant factors in favour of disclosure, including the general public interest in favour of disclosure provided for in s12(1) of the GIPA Act) when it comes to determining whether the balance lies between a public interest consideration against disclosure and the public interest in favour of disclosure.

Open access information should be available free of charge on a website maintained by the relevant agency. Open access information can also be made publicly available in other ways, however at least one of the ways in which the information is accessible must be free of charge.²

Consequently, this Guideline provides that the requirement in Clause 1(2)(a) of [Schedule 1](#) of the GIPA Regulation, that returns of councillors and designated persons be released as part of local councils' open access information, should be interpreted as follows:

- The returns should be made publicly available on the council's website free of charge unless there is an overriding public interest against disclosure or to do so would impose unreasonable additional costs on the council
- The fact that a return of interests is open access information is a factor in favour of disclosure in balancing the public interest
- In the circumstances where council decides that there is an overriding public interest against disclosure of the return, consideration should then be given to whether it is practicable to release an edited copy of the return (for example redacting the individual's signature or residential address) in accordance with [section 6\(4\)](#) of the GIPA Act
- If it is practicable to do so, then the information should be deleted from a copy of the return and the remainder of the return made available on the council's website
- Where information is deleted from a return, council should keep a record indicating, in general terms, the nature of the information redacted in accordance with section 6(5) of the GIPA Act
- Copies of publicly available information about returns may be made in accordance with [clause 5\(1\)\(b\)](#) of the GIPA Regulation.

Releasing the information contained in the returns of councillors and designated persons in this manner facilitates the legitimate public interest in having access to the information, while protecting the individual's right to privacy and safety.

¹ *McEwan v Port Stephens Council* [2018] NSWCATAP 211, *Webb v Port Stephens Council (No. 3)* [2018] NSWCATAP 286

² GIPA Act sections 6(2);6(3)

Part 1: Returns disclosing the interests of councillors and designated persons

What is a return?

- 1.1 Part 4 of the [Model Code](#) establishes the requirements for the disclosure of pecuniary interests by councillors and designated persons. This includes disclosures of interests in written returns (returns of interests) and disclosures of pecuniary interests at meetings. This Guideline deals only with requirements in relation to written returns of interests and does not affect the obligations of councillors or committee members to disclose pecuniary interests at meetings.
- 1.2 The Model Code is made under section 440 of the *Local Government Act 1993 (NSW)* (LGA) and Part 8 the *Local Government Regulation 2005*. Part 4 of the Model Code replicates and replaces the requirements previously set out in sections 441- 449 of the LGA.
- 1.3 Clause 4.21 of the Model Code requires that councillors and designated persons prepare and submit written returns of interest within three months after:
 - becoming a councillor or designated person, and
 - 30 June of each year, and
 - becoming aware of an interest they are required to disclose.
- 1.4 A 'designated person' is defined in clause 4.8 of the Model Code as:
 - *the general manager*
 - *other senior staff of the council*
 - *a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under the LGA or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest*
 - *a person who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*
- 1.5 Clause 4.1 of the Model Code defines a 'pecuniary interest' as one involving a "reasonable likelihood or expectation of appreciable financial gain or loss to the person". Clause 4.2 provides that a person "will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6" (which are interests that do not have to be disclosed).

- 1.6 For the purposes of the Model Code, a pecuniary interest is one held by the councillor and designated person, or his or her spouse, de facto partner, relative, partner or employer, or a company or other body of which the person, or a nominee, partner or employer of the person, is a shareholder or member.³ However, a person is not taken to have a pecuniary interest in a matter:
- if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or*
 - just because the person is a member of, or is employed by, a council or a statutory body or is employed by the Crown; or*
 - just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.⁴*
- 1.7 The returns are designed to promote openness and transparency in local government, and to avoid a conflict of interest on the part of councillors and senior council staff who exercise decision-making functions.

What information do the returns contain?

- 1.8 Part 2 of Schedule 1 of the Model Code sets out the matters that must be disclosed in the returns of interests in the following categories:
- interests in real property: clauses 5 - 8
 - gifts: clauses 9-11
 - contributions to travel: clauses 12-14
 - interests and positions in corporations: clauses 15-18
 - interests as a property developer or a close associate of a property developer: clauses 19-20
 - positions in trade union and professional or business associations: clauses 21-22
 - dispositions of real property: clauses 23-25
 - sources of income: clauses 26-30
 - debts: clauses 31 - 33
 - discretionary disclosures: clause 34 (A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of the Schedule).
- 1.9 The form of the return is provided in Schedule 2 of the [Model Code](#).

³ Clause 4.4 of the Model Code

⁴ Clause 4.5 of the Model Code

Disclosure under the LGA now replaced with the GIPA Act and Regulations

- 1.10 The LGA previously required that the current version of the return of interests of councillors and designated persons was to be made available for public inspection free of charge.
- 1.11 In 2009, the GIPA Act replaced section 12 of the LGA with the mandatory proactive release provisions in [sections 6](#) and [18](#) of the GIPA Act, and the GIPA Regulation (see [Part 2](#)).

Part 2: Disclosure requirements under the GIPA Act and the public interest test

Mandatory disclosure requirements

- 2.1 [Section 6](#) of the GIPA Act requires agencies to make certain information publicly available. This information is known as open access information. [Section 18](#) contains a list of the open access information that all agencies must make publicly available. Schedule 1 to the GIPA Regulation lists additional open access information relevant only to local councils. This includes the returns of the interests of councillors and designated persons (see [clause 1\(2\)\(a\)](#) of Schedule 1).
- 2.2 The GIPA Act requires under section 6 that open access material must be made publicly available unless there is an overriding public interest against disclosure. Section 6(2) provides that the information is to be made publicly available free of charge on a website maintained by the agency (unless to do so would impose unreasonable additional costs on the agency) and can be made publicly available in any other way that the agency considers appropriate.
- 2.3 Section 6(4) requires agencies to facilitate public access to open access information by deleting matter (content) if it is practicable to do so. This facilitates the release of open access information by enabling any matter subject to an overriding public interest against disclosure to be deleted so that the remainder of the information can be released. In circumstances where council determines that there is an overriding public interest against disclosure of open access information, section 6(4) may operate to require public release of the remaining open access information which is not subject to the overriding public interest against disclosure. Where information is deleted in accordance with section 6(4), the agency is required to keep a record indicating, in general terms, the nature of the information that has been redacted (see section 6(5)).
- 2.4 [Part 2](#) of the GIPA Regulation also provides that local councils must provide a copy of a record containing the information (or providing the facilities for making a copy of a record containing the information) to any person either free of charge or for a charge not exceeding the reasonable cost of photocopying.
- 2.5 The combined effect of these provisions is that information in the returns of the interests of councillors and designated persons needs to be made available on a council's website, unless there is an overriding public interest against such disclosure, or if placing it on the web would impose unreasonable costs on a council.

The public interest test

- 2.6 The GIPA Act provides that there is a presumption in favour of disclosure of government information unless there is an overriding public interest against disclosure (section 5). In order to determine if there is an overriding public interest against disclosing information in the returns of the interests of councillors and designated persons, councils need to apply the public interest test under [Part 2](#) of the GIPA Act.
- 2.7 The fact that a return of interests is open access information is an important factor in favour of disclosure which must be balanced against any applicable considerations against disclosure. In balancing the public interest decision makers should have regard to the intent of the legislature and apply the Act consistent with the objects of section 3(2) of the GIPA Act.
- 2.8 The public interest test is described in [section 13](#) of the GIPA Act as "[t]here is an overriding public interest against disclosure of government information for the purposes of this Act if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure".
- 2.9 In applying the public interest test factors such as privacy may be considered. While the note to [section 12](#) provides a non-exhaustive list of examples of factors that may be considered in favour of disclosing information, only those considerations listed in the Table in [section 14](#) may be taken into account in deciding that information should not be disclosed. The considerations against disclosure must be such that they outweigh those in favour, overturning the general presumption in the GIPA Act in favour of disclosure (see [section 5](#)).
- 2.10 The Information Commissioner has published the following resources to assist agencies to apply the public interest test:
- [Guideline 4: Personal information as a public interest consideration under the GIPA Act](#)
 - [What is the public interest test?](#)

Part 3: How the information on returns should be disclosed

Public interest considerations in favour of disclosure

- 3.1 The note in [section 12](#) of the GIPA Act contains a number of factors that favour disclosure of information, including the following:
- Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance.*
 - Disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public.*
 - Disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds.*
 - The information is personal information of the person to whom it is to be disclosed.*
 - Disclosure of the information could reasonably be expected to reveal or substantiate that an agency (or a member of an agency) has engaged in misconduct or negligent, improper or unlawful conduct.*

- 3.2 Disclosure of the returns of the interests of councillors and designated persons promotes some of these public interest considerations in favour of disclosure (see (a), (b), (c) and (e)). It furthers openness, transparency and accountability in local government. Disclosing the returns also protects the integrity of councils' decision-making processes by allowing scrutiny of potential conflicts of interests that would arise where councillors or staff participate in decision making from which they or their close associates may derive, or be perceived to derive, personal or financial benefit.
- 3.3 To assist members of the public to have confidence that potential conflicts of interest are avoided, they should have sufficient information about the areas of conflict. In this respect, disclosure of the information contained in the returns is an important element in promoting public accountability.

Public interest considerations against disclosure

- 3.4 Councillors and designated persons may be required to disclose personal information in the returns. In addition to their names and addresses, the returns include details about each of their property and share holdings, debts and family business interests, as well as their signatures.
- 3.5 Clause 3 in the Table in [section 14](#) of the GIPA Act lists as a consideration against disclosure the fact that information may reveal someone's personal information, or would contravene an information privacy principle under the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIP Act). An individual has a right to protect the privacy of their personal information. Given the amount of personal information that may be contained in the returns, special care should be taken to protect this right.
- 3.6 The balancing of public interest considerations may necessitate consideration of privacy protection principles and the interaction between the GIPA Act and the PPIP Act is well established within both statutes. While a return may reveal personal information, which is a public interest consideration against disclosure, this is not a conclusive presumption against disclosure. It is just one of the relevant factors that need to be weighed against other factors for and against disclosure. In this regard the considerations must be weighed in conducting the public interest test and this balancing should be informed by section 5 and section 20(5) of the PPIP Act which provide that the GIPA Act is not limited by the PPIP Act.
- 3.7 A further consideration against disclosure listed in clause 3 of the Table in [section 14](#) is where release of the information may expose a person to a risk of harm or of serious harassment or serious intimidation. It is foreseeable that disclosing the type and combination of information contained in the returns on a council's website could expose a person to harassment and intimidation, and potentially serious harm or identity theft.
- 3.8 In *Pallier v NSW State Emergency Service* [2016] NSWCATAD 293, the NSW Civil and Administrative Tribunal indicated that the intimidation or harassment needs to be heavy, weighty or grave and not trifling or transient.⁵ The risk needs to be considered objectively. Any evidence of the risk should be as it currently stands, rather than evidence of past actions.⁶

⁵ *Pallier v NSW State Emergency Service* [2016] NSWCATAD 293, paragraph 81

⁶ *Ibid*, paragraph 85.

Application of section 6(4) of the GIPA Act

- 3.9 In circumstances where council determines that there is an overriding public interest against disclosure of a return of interest, council may still be required to release an edited copy of the return.
- 3.10 [Section 6\(4\)](#) of the GIPA Act requires agencies 'must facilitate public access to open access information contained in a record by deleting matter from a copy of the record if disclosure of the matter would otherwise be prevented due to an overriding public interest against disclosure, and it is practicable to delete the matter'.
- 3.11 The type of matter which might be deleted from a return in these circumstances will vary depending on the public interest considerations applied. However, examples might include the signatures or residential address of the individual making the return.
- 3.12 Where information is deleted from a return, council should keep a record indicating, in general terms, the nature of the information redacted in accordance with section 6(5) of the GIPA Act

Conclusion

- 3.13 Disclosure of information contained in the returns of the interests of councillors and designated persons is an important public accountability measure. Open access information should be treated as a special class of information when determining information access. Accordingly, the threshold to displace Parliament's intent that it is open access is set at a high level.
- 3.14 The requirement in clause 1(2)(a) of [Schedule 1](#) of the GIPA Regulation that returns of councillors and designated persons be released as part of local councils' open access information should be interpreted as follows:
- The returns should be made publicly available on the council's website unless there is an overriding public interest against release or to do so would impose unreasonable additional costs on council.
 - The fact that a return of interests is open access information is a factor in favour of disclosure in balancing the public interest.
 - In the circumstances where council decides that there is an overriding public interest against disclosure, consideration should then be given to whether it is practicable to release an edited copy of the record (for example redacting the individual's signature or residential address) in accordance with [section 6\(4\)](#) of the GIPA Act.
 - If it is practicable to do so, then the information should be deleted from a copy of the record and the remainder of the return made available on the council's website.
 - Where information is deleted from a return, council should keep a record indicating, in general terms, the nature of the information redacted.
 - Copies of publicly available information about returns may be made in accordance with [clause 5\(1\)\(b\)](#) of the GIPA Regulation.
- 3.15 Releasing the information contained in the returns of councillors and designated persons in this manner facilitates the legitimate public interest in having access to the information, while respecting other considerations against disclosure including privacy.

Document information

Title:	Guidelines for local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons developed under the Government Information (Public Access) Act 2009 (NSW)
Business centre:	IPC
Author:	Legal Counsel and Regulatory Advice
Approver:	Information Commissioner
Date of effect:	26 September 2019
Next review date:	30 June 2024
File reference:	18/6401/DJ
Keywords:	Guidelines, local government, GIPA Act, disclosures, elected officials, councillors, pecuniary interests,

1. Document history

Version	Date	Reason for amendment
1.1	July 2014	Accessibility update
2	May 2019	Review of content

Disclosures by councillors and designated persons return

OFFICE USE ONLY

Date received: _____

Received by: _____

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS BY

Morven Cameron _____ as at 10-09-2020 _____
full name of councillor or designated person return date

In respect of the period from 01 July 2019 to 30 July 2020

Councillor's or designated person's signature Morven Cameron Digitally signed by MORVEN CAMERON
DN: cn=MORVEN CAMERON, o=BOGAN SHIRE COUNCIL date: 10-09-2020

A. REAL PROPERTY		N/A
Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest	
Redacted	Own home and primary residence	
Redacted Killara	Previous home (now rented) Shareholder in Co. title	



Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 April 2021

B. SOURCES OF INCOME

1. Sources of Income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June
Sources of Income I received from an occupation at any time since 30 June N/A

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Chief Executive Officer	Lake Macquarie City Council	

2. Sources of Income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June
Sources of Income I received from a trust since 30 June N/A

Name and address of settlor	Name and address of trustee
NIL	

3. Sources of other Income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June
Sources of other Income I received at any time since 30 June N/A
[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

Rental income from Redacted	Killara

C. GIFTS N/A

Description of each gift I received at any time since 30 June	Name and address of donor

D. CONTRIBUTIONS TO TRAVEL N/A

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
NIL		

E. INTERESTS AND POSITIONS IN CORPORATIONS N/A

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
Hunter Resource Recovery	Nil	Director	Waste diversion
Dantia	Nil	Director	Economic Development
Hunter Joint Organisation	Nil	Director	Government Services
Strategic Services Australia	Nil	Director	Government Services
Shareholder in Redacted Killara	Shareholder		Company Title



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**

F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?	N/A
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS	N/A
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
Australian Institute of Company Directors	Member
Local Government Professionals	Member

H. DEBTS
Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June
Home loans on both properties

I. DISPOSITIONS OF PROPERTY
1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time <input type="checkbox"/> N/A
NIL

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property <input type="checkbox"/> N/A

J. DISCRETIONARY DISCLOSURES	N/A

20/07 8/2020

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 22 April 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	
1	Mulla Road	Maintenance grading completed.
92	Colane Road	Reseals completed.
10	Pangee Road	Resheeting continuing.
10	Pangee Road	Maintenance grading continuing.
78	Okeh Road	Maintenance grading continuing.
11	Honeybugle Road	Maintenance grading commenced.
16	Yarrandale Road	Resealing completed.
16	Yarrandale Road	Shoulder Grading Continuing.
92	Colane Road	Heavy patching continuing.
2	Gibsons Road	Maintenance grading continuing.
5	Piesley Road	Resheeting completed.
	Regional Roads	
461	Cobar Condo Road	Maintenance grading continuing.
7514	Cockies Road	2km of construction commenced.

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**

	State Highways	
HW7	Mitchell Highway	Pothole patching continuing.
HW7	Mitchell Highway	Shoulder widening near 'Tonky' continuing.
HW7	Mitchell Highway	Slashing completed.
HW7	Mitchell Highway	Dewatering Mulla Road stockpile site.

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

Yarrandale Road	Town Streets
Mitchell Highway	Canonba Road
Barrier Highway	

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

- Commencing, or continuing maintenance grading, re-sheeting, or flood damage repairs of the following roads:- Coffil's Lane, Cockies Road, Cobar Condobolin Road, Honeybugle Road, Bobadah Road, Moonagee Road, Logan's Road, Yarrandale Road, Pangee Road, Benah Road, Colane Road.
- Completing 2.6km of shoulder widening, and rehabilitation of the Mitchell Highway near the property 'Tonky'.
- Completing construction and sealing of 2km of Cockies Road.
- Commencing 2km of construction on Tottenham Road.
- Commencing tree clearing on the Barrier & Mitchell Highways.

1.2 Works and Services

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

Civil Works

- Installed dish drain corner of Flashman Avenue & Derrybong St
- Carried out repairs & upgrades to 25 Ellen St
- Carried out maintenance on drainage Tottenham Road / Golf club
- Removed old diesel tanks from Depot & transported to Pickles
- Carrying out ongoing vermin (mice) control on Council Buildings
- Removed fencing from Tennis courts in preparation for commencement of Youth & Community Centre

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**

- Continued upgrades Heritage Park No 2
- Assisting in Girilambone railway station restoration

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.
- Removed dead trees in Pangee St & corner of Mudal & Warren Streets.
- Ongoing ant poisoning being carried out on town streets & levee bank.
- Assisted mowing & clean-up of Hermidale sports ground & Village in preparation for Easter Gymkhana
- Mowed Girilambone cemetery
- Assisting in Upper & Lower weir projects

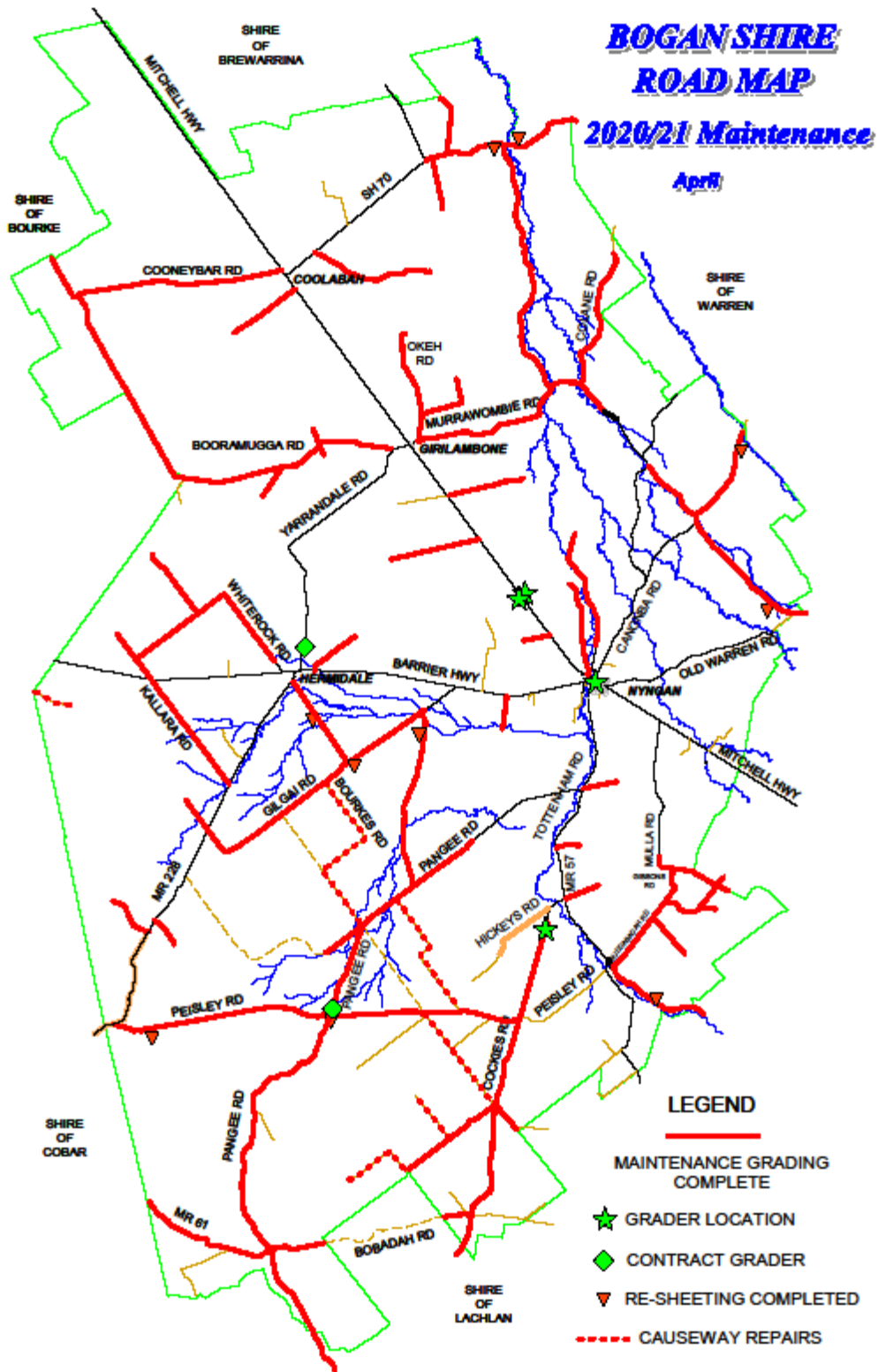
Water & Wastewater

- Replaced Overhead tanks at Coolabah
- Repairs carried out on APC to fix flood damage
- Completed Quarterly water meter reads
- Replaced stop valve in Moonagee Street
- Repairs carried out on watering system at showground cattle yards
- Carried out maintenance on sewer system at Flood Memorial Park
- Flushing of mains carried out in Pangee Street

1.3 Recommendation

That the Operational Report be received and noted.

Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021

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.

2.1 Introduction

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

2.2 Background

Council was requested by Tottenham Welfare Council Inc. to consider the upgrading of the Cairn and surrounds and following a meeting on site with representatives from Bogan Shire Council, Lachlan Shire Council, Tottenham Welfare Council, and the Collierreina Hall Committee, an estimate has been prepared to carry out the agreed proposed works.

2.3 Discussion

It was agreed at the onsite meeting to combine the refurbishment of existing infrastructure with some additional new minor items to improve the overall area at the Cairn.

A plan of the site is attached and the proposed works consist of the following items:

Shape existing surface and provide a crushed rock pavement	\$2,500
Install steel bollards with chain to boundary of pavement	\$ 800
Supply and install new information signage	\$2,200
Repair and repaint steel shelter, table and seating	\$3,500
Install concrete border around the base of the cairn	<u>\$3,000</u>
	\$12,000

It was also suggested at the meeting that a QR Code be provided on a sign at the site with a link to tourist information.



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**

A couple of options have been proposed for the large signage and they will be tabled at the meeting for council's consideration.

2.4 Attachment

1. Proposed Upgrade Cairn Centre of NSW

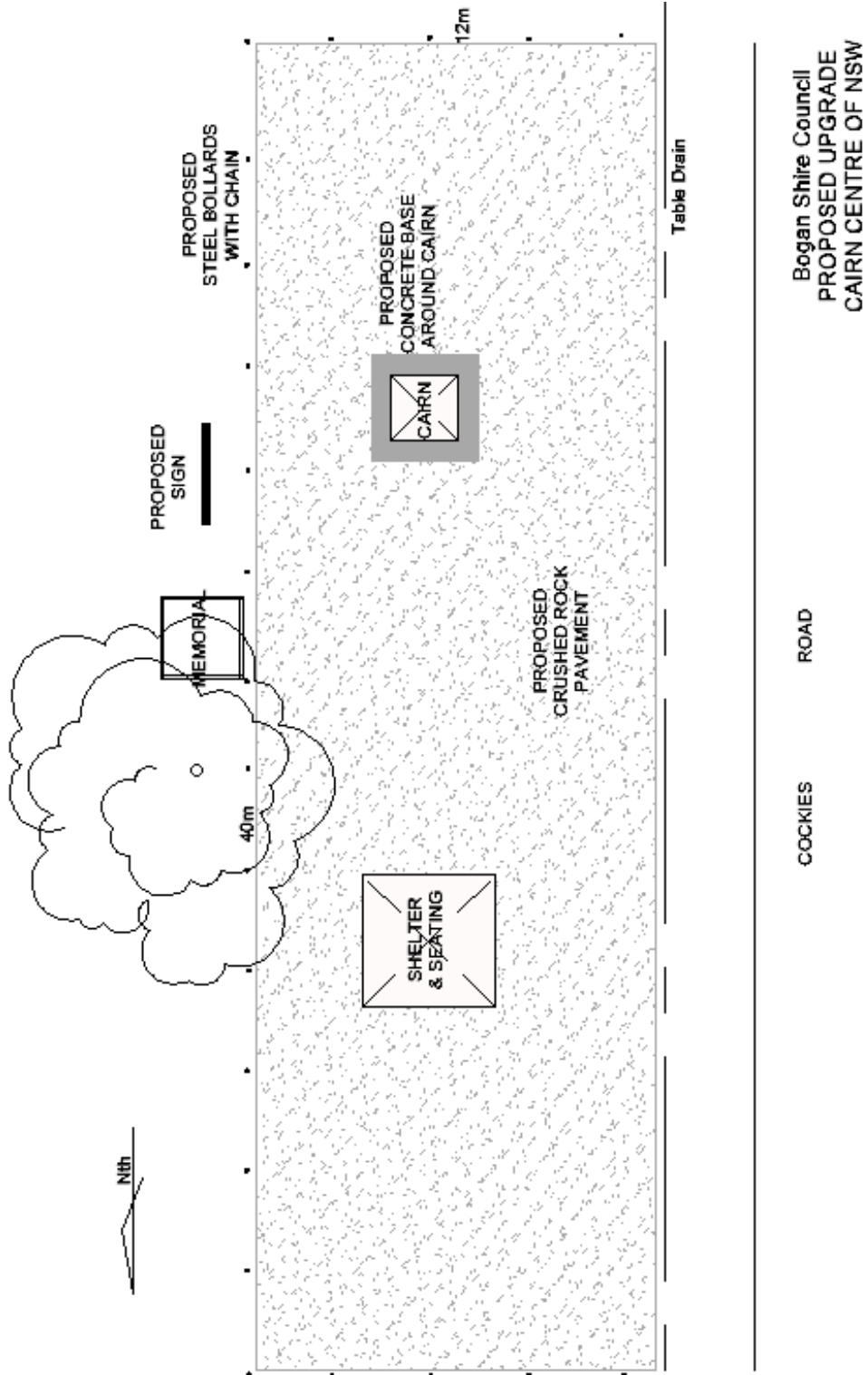
2.5 Recommendation

That Council consider including \$12,000 for the upgrade of the Centre of NSW Cairn in the 2021-2022 budget.

Graeme Bourke
Director Engineering Services

Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021

Attachment 1. Proposed Upgrade Cairn Centre of NSW



Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 April 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

Three (3) applications have been approved, three (3) applications are under assessment and two (2) applications require additional information to be provided for assessment since Council's meeting of 25 March 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 Rd, Nyngan	5MW Solar Farm	\$6,600,000	Final briefing to be held via teleconference on 26 April 2021
2020/031	Mr Nicholas Zounis	33 Budther St, Coolabah	Approval for Unauthorised Building Works	\$20,000	Awaiting Additional Information
2021/002	Nyngan Community Homes	8 Tabratong St, Nyngan	Construction of 5 x 2 bedroom Seniors Living Dwellings	\$1,821,000	Under Assessment
CDC 2021/002	Tritton Resources Pty Ltd	Pt Lot 62 DP 875925 Yarrandale Rd, Hermidale	New Telecommunication Tower	\$20,000	Approved
2021/003	Mr Brendan Wykes	110 Terangion St, Nyngan	New Single Storey Dwelling	\$370,000	Awaiting Additional Information
2021/004	Mr Mark Castelletti	74 Oatley St, Nyngan	Subdivision	-	Under Assessment
2021/005	Mrs Wendy Robb	49 Flashman Ave, Nyngan	New Verandah	\$20,000	Approved
2021/006	Mrs Emily Stanton	505 Barrier Hwy, Nyngan	New In-Ground Swimming Pool	\$19,500	Approved

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 April 2021

Council's Development and Environment Officer has taken a number of pre-Development Application enquiries during the reporting month on proposals including subdivision, transportable dwellings, swimming pools and private sheds.

1.2 Recommendation

That the Development Applications Report be received and noted.

2 OPERATIONAL REPORTS

2.1 Introduction

The purpose of this report is to outline key works undertaken by Council's Gardening Team, Ranger and Biosecurity and Weeds Officer.

2.2 Discussion

The Gardening Team has undertaken general works including maintenance and repairs, and replacement planting of flowers due to vandalism. Routine works were carried out at all key areas the team are responsible for including the Medical Centre, Doctor and staff houses, Davidson and Vanges Parks, Seniors Living units and the Early Learning Centre. Soft trimming of trees was carried out at the Flood Memorial Park, the Nyngan Cemetery and in the Main Street. With the commencement of upgrades at Heritage Park Stage 2, ongoing maintenance of this area has also been carried out. The team also attended to numerous customer requests for attention to subsidence issues associated with the recent heavy rain of approximately forty (40) graves at the Nyngan Cemetery. In preparation for ANZAC celebrations, and as the warmer weather starts to abate, all routine watering will continue as required so as to maintain the appearance of the lawns and garden areas.

Council's Ranger completed a range of duties throughout the reporting period including ranger duties with no dogs being surrendered and no complaints of barking dogs being received, one (1) dog was seized and after the regulatory period, was rehomed with Rural Outback Animal Rescue.

Council's Ranger continued to assist with waste operations to ensure conditions of the Environmental Protection Licence are met on days when the Waste Facility is closed.

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 April 2021

Some of the Biosecurity and Weeds Officer's duties were completed by the Team Leader Community Facilities during the reporting period, pending recruitment of a new Biosecurity and Weeds Officer.

2.3 Recommendation

That the Operations Reports be received and noted.

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.

3.1 Introduction

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.

3.2 Discussion

Following amendments to the *Environmental Planning and Assessment Regulation 2000*, it was announced that as of 1 July 2021 all Councils and registered certifiers in NSW are to process all of the following applications via the NSW Planning Portal:

- Development Applications (DA's)
- Complying Development Certificates (CDC's)
- Post Consent Certificates

In a joint media release the Ministers for Planning and Local Government respectively announced that a grant of \$50,000 is available to assist with the transition to the Planning Portal. The funding is designed to help regional Councils acquire new or upgrade existing IT systems, software and infrastructure in order to provide Council staff with the resources and knowledge required to use the system.



Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 April 2021

It is likely that this grant will allow Council to provide better support for residents who may have limited digital literacy or access to the internet.

Council's Development and Environmental Services Department has a computer set up in the front foyer made available to community members to use for lodging of the above mentioned applications with staff on hand to provide assistance where necessary.

It is planned to encourage all applicants to lodge these applications via the NSW Planning Portal in the Bogan Shire as of May 2021.

3.3 Recommendation

1. That this report be received and noted.
2. That Council lodges a grant application through the Regional Digital Planning Program to assist with the digital transition to application processing

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire
Council held on 22 April 2021

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).

4.1 Introduction

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).

4.2 Background

At its Ordinary Meeting held on 25 February 2021 Council resolution 036/2021 states:

- The draft Section 7.12 plan in the attachment to this report be placed on public exhibition for a period of 28 days with a brief Executive Summary included.
- Following the completion of the exhibition period a further report be presented to Council outlining the content of submissions received and a suggested course of action regarding the adoption or otherwise of the draft plan.

In accordance with Council's resolution the draft plan was placed on public exhibition from 11 March 2021 to 9 April 2021 at Council's offices, on Council's website and in the local newspaper.

There were no submissions received.

4.3 Discussion

If adopted by Council, the draft plan authorises the Council or Registered Certifier, to impose conditions on Development Consents or Complying Development Certificates requiring payment of the s7.12 levies for certain development where the proposed cost is in excess of \$500,000.

Generally, existing infrastructure throughout the Bogan Shire area, provides a level of service that meets the current demands of the community. In the current budgetary environment there is little or no capacity for this infrastructure to be

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 April 2021

enhanced so as to cater for demand that is likely to be generated by new development within this area.

It is anticipated that the draft plan would collect contributions for a number of public and community infrastructure projects which may include:

- Community and Cultural Facilities
- Local Parks and Facilities
- Local Roads

Infrastructure upgrades identified in Schedule 1 of the draft plan are contingent on applicable development being undertaken. If there are no additional development projects to which the draft plan applies, then therefore there will be no Development Contributions and similarly no need to increase the capacity of the infrastructure network. To clarify, industrial, commercial, and all other non-residential developments with a value of greater than \$500,000 are subject to the draft plan, if adopted by Council.

The infrastructure identified in Schedule 1 of the draft plan has been developed and refined through internal consultation with the General Manger and Directors of other Council Departments. In addition Council and senior staff discussed the composition of Schedule 1 at the Budget Estimates Workshop on 8 April 2021.

The provision of a Contributions Plan is an industry accepted and contemporary practice in Local Government and is legitimately used as a vehicle for Council to improve its Community infrastructure framework whilst not discouraging development in the area.

Given there were no submissions received during the public exhibition phase of process it is reasonable to assume that the community accepts the concept of developer contributions and that Council is at liberty to consider adoption of the draft plan.

4.4 Recommendation

That Council adopt the Section 7.12 Development Contributions Plan with effect from 1 July 2021.

Jim Boyce

Acting Senior Manager Development and Environmental Services

PRECIS OF CORRESPONDENCE

1 KEITH WHITE – GARFORD ENGINE

Attached is correspondence received from Keith White

General Managers Note:

In September 2019 Council took a resolution (292/2019) to proceed with the respray of the Garford Fire Engine at a cost of approximately \$30,000.

Subsequently Council determined to examine options on the best way forward which resulted in a decision to polish the Engine before proceeding with the respray. This was communicated to Mr White following receipt of his letter dated 14 March 2021. Since then Mr White has asked that Council proceed with the respray as the Engine is not painted in its original colour

1.1 Recommendation: For Councils consideration.

2 NSW STATE EMERGENCY SERVICES – WEAR IT ORANGE WEDNESDAY

Attached is correspondence received from NSW Emergency Services regarding Wear it Orange Wednesday 19 May 2021, including a request to light up the Big Bogan, evening of Tuesday 18 April 2021

2.1 Recommendation: For Councils consideration

3 JANET ADAMS

Attached is correspondence received from Janet Adams requesting permission for a Bench Seat to be placed in Pangee Street, in memory of Ted Bartle.

3.1 Recommendation: For Council's Consideration.

4 BRENT NEILL

Attached is a copy of correspondence received from Brent Neill seeking Councils approval to install Weather Cameras at Nyngan Airport.

4.1 Recommendation: For Council's Consideration.

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**

5 DEMENTIA AUSTRALIA

Attached is a copy of 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.

5.1 Recommendation: For noting

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

Attached is a copy of correspondence received from The Joint Standing Committee on Road Safety (Staysafe) Parliament of New South Wales requesting Council make a submission to the inquiry into support for rural and regional learner drivers.

6.1 Recommendation: For noting

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021

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

Keith White
73 Warren Street
Nyngan NSW 2825

The General Manager
Bogan Shire Council

Dear Derek,

Word has it that the Council has viewed the Quote I provided for the restoration of the 1924 Garford. I also understand that you are seeking a Quote from someone in Narromine.

As I have put in a lot of research effort I would like to have access to whoever to advise them to arrive at a genuine result.

I trust that you will insist that the person quoting does the same amount of research from the Museum of Fire for paint colours and Signwriting. Three are also certain mechanical matters that must be completed so that the Garford complies for use as a Parade Vehicle.

You have some relevant paper work that I have accumulated over the years for this Project including Photos of what Jim Marr and I envisaged the result would be.

Also enclosed are photos of some of the Captains who commanded the Garford. I haven't been able to find one of Frank Power. I intended that they be sized to be A4 and installed somewhere near a Sign, yet to be designed, on the Eastern Wall, internally, to tell its, the Garford Story, in Nyngan

Yours Faithfully

Keith



14/3/2021

Note, no photos enclosed, 14/3/21
Prley

From: NSW SES Media [<mailto:media@ses.nsw.gov.au>]

Sent: Thursday, 1 April 2021 1:40 PM



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**

To: Admin <admin@bogan.nsw.gov.au>

Subject: Lighting the Big Bogan orange for NSW SES Volunteers

Hi Bogan Shire Council,

My name is Ilana Pender-Rose, I work with the NSW State Emergency Service.

As you may be aware, the NSW State Emergency Service is made up of volunteers who respond to floods, storms, tsunamis, car crashes, search and rescue as well as support the Rural Fire Service during bushfire season.

Every year, we hold 'Wear Orange Wednesday' or WOW Day during National Volunteer Week to encourage the public to say thank you to our volunteers for all they do. I was hoping to chat with someone about lighting the Big Bogan orange on the evening of Tuesday 18 May to celebrate WOW Day.

Feel free to give me a call on 0438 737 005 if it's easier to respond over the phone.

Cheers,



Ilana Pender-Rose

Internal Organisational Communications Advisor | Media and Communications

NSW State Emergency Service - State Headquarters

P 1800 067 234 M 0438737005 E ilana.penderrose@ses.nsw.gov.au

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021



11 March 2021

Councillor Ray Donald
Mayor
Bogan Shire Council
admin@bogan.nsw.gov.au

Dear Cllr Donald

Wear it Orange Wednesday, 19 May 2021

I hope you and your Council have been keeping safe and well through these difficult times.

Firstly, I would like to thank you for your support of your local State Emergency Service Unit. Without the support from your Council the NSW SES would not be able to do the extraordinary things that help keep your community safe and secure all year round. Volunteers are the vital connecting thread that binds the community and we are seeking your assistance to demonstrate your thanks for the contribution they make.

I write to invite your Council to participate in NSW State Emergency Service's upcoming Wear it Orange Wednesday on 19 May 2021.

Wear it Orange Wednesday, or WoW Day is a day for us to celebrate our volunteers. While our service's primary focus is to protect local communities from storms, floods, and tsunamis, our volunteers also make invaluable contributions by supporting other emergency services agencies in road crash rescues, vertical rescues, and even as first responders.

To commemorate WoW Day this year, we have arranged several landmarks across the state to be lit up the colour orange on the night of Wednesday 19 May.

I want to invite you to join us by lighting up one of your buildings to mark the day. It may be your administrative building, your Council Chambers, or your local library. Whichever you decide, I am sure your local SES unit will thoroughly appreciate you joining in on the day, as will I.



STATE HEADQUARTERS
OFFICE OF THE COMMISSIONER
93-99 Burrelli Street, Wollongong NSW 2500
PO Box 6126, Wollongong DC NSW 2500
P (02) 4251 6503
F (02) 4251 6500
www.ses.nsw.gov.au
ABN: 88 712 649 015

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**



Should you and your fellow Councillors wish to help us celebrate WoW Day, please feel free to have your Council contact our NSW State Emergency Service Media and Communication's Team via media@ses.nsw.gov.au.

I look forward to hearing about your Council's participation and helping us celebrate our NSW State Emergency Service volunteers.

Yours sincerely

A handwritten signature in black ink that reads "Carlene York". The signature is written in a cursive, flowing style.

**Carlene York APM
Commissioner
NSW State Emergency Service**



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**

9/04/2021

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

Dear Derek,

I Janet Adams am seeking permission from Council to have a Bench Seat placed in Pangee Street (in front of the Commonwealth Bank) in memory of my late brother Ted Bartle. Ted has left available funds in his estate to pay for this project.

Yours Sincerely,


Janet Adams
0419 321 032

BOGAN SHIRE COUNCIL	
FILE	09 APR 2021 R/N
ASSIGNEE:	



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**

Email from Brent Neill bjneill@bigpond.com

Attention Derek Francis.

Hi Derek,

I wish to Seek Council's Approval to Install Weather Cameras at Nyngan Airport.

You May already be Aware of the Weather Camera System used by "Oz Runways" which gives Pilots Access to Virtually Real Time Vision of the Weather Conditions at Airports Equipped with this System.

I have already Purchased the Cameras which I will put to Use elsewhere if Council Decides against using them at Nyngan.

I will Forward to You an Email Sent to Me by the System Developer which Outlines How the System is Used.

The Developer suggested to Me that if Council Approved of Using the Cameras they Might consider Providing a SIM Card to Access the Cellular Network which the System operates through. Apparently Some Councils have Contracts in Place with Network Providers and Support the Cameras off that. I will Access a Cellular Service myself if Council decides against it but do Approve the use of the System.

Thank You for Your Consideration of this Matter.

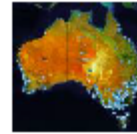
Yours Faithfully,
Brent Neill.

My Mobile; 0419802299

Sent from my iPhone

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 22 April 2021

MY WEBCAMS AUSTRALIA



Hello and thank you for your interest in joining the Aus Web Cams network.

Starting in 2018, the Aviation Weather Camera network began humbly at the Tooradin airport, south-east of Melbourne as a single camera. It was immediately identified by local and visiting pilots, that the weather camera network was an incredibly valuable asset and once the word spread, orders started to come in from far and wide.

The cameras used are WiFi IP camera of varying megapixels that connect to the internet via ADSL, NBN or 4G connections, usually leveraging existing Internet connections provided by airport operators, security systems, flying schools or clubs. The cameras are sourced direct from the manufacturer to keep costs low and are configured at the distribution point and shipped out requiring minimal configuration once they reach the site. As a result, the Aus Web Cams aviation network has increased to over 430 cameras across 150 airport sites across Australia, New Zealand and Papua New Guinea. We are on Lady Elliott Island, Flinders Island Tasmania and even Lord Howe Island in the Tasman sea.

Key to the success of the network, has been the willingness of camera hosts to come on-board and fund the installation of the cameras. In most cases the cameras cost as little as \$70-\$80 each when Internet is already available, or if not, only around \$65 for a router and approximately \$160 a year for Telstra internet data. In many cases a flying club, business or individual will make the capital purchase of the equipment and the local council or airport operator will assist by providing Internet data by utilising their available Telstra data pool.

Feedback on the network has been no less than amazing. We regularly get feedback from pilots and aircraft operators on how the network has not only contributed to safety, but also how it has saved them significantly on costs. A particular offshore helicopter operator has suggested savings of \$7,000 an hour in situations where a flight has not departed due to conditions shown on the cameras at their destination; a significant saving for them and the environment. Safety based decisions are being made to not fly, due to the weather conditions shown on the cameras.

Our regular camera users include:

- Over 20,000 pilots that subscribe to OzRunways and AvPlan Electronic Flight Book apps
- 15,000 hits per month on the <https://myairportcams.com> website
- The Police Air Wing
- Royal Flying Doctor Service
- Flying schools, private operators and charter organisations
- Bureau of Meteorology
- Australian Transport Safety Bureau (ATSB)
- Australian Maritime Safety Authority (AMSA)
- The general public

Upon joining the network you'll get the following:

- A dedicated FTP storage area for the images with username and password to access
- 6 minute snapshot uploads to the network
- Image storage for no less than 7 days
- Automatic publishing to OzRunway and AvPlan EFB's
- Appearance on the <https://myairportcams.com> interactive map
- Technical support to get up and running and ongoing advice

Contact us any time for more information: info@auswebcams.com or visit <https://mywebcams.com.au>



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 22 April 2021**

From: Office of the CEO [<mailto:OfficeoftheCEO@dementia.org.au>]

Sent: Wednesday, 7 April 2021 1:39 PM

Subject: If we can get it right for people living with dementia, we can get it right for everyone

Dear Councillors,

Dementia Australia is calling on the Australian Federal Government to act with urgency in response to the *Final Report, Care, Dignity and Respect* of the Royal Commission into Aged Care Quality and Safety.

I am asking you to support our call through your stakeholders on behalf of the half a million Australians living with dementia in 2021 and the 1.6 million people involved in their care.

Dementia is one of the largest health and social challenges facing Australia and the world. As well as being the chronic condition of the 21st century it is a debilitating, progressive and ultimately terminal disease and the second leading cause of death of Australians annually and the leading cause of death of women.

Many Australians living with dementia require care, whether this is in their own home, or in an aged care setting - 68 per cent of people living in care have dementia. This of course includes your own residents.

Since September 2018 people living with dementia, their families and carers have entrusted the Royal Commission into Aged Care Quality and Safety with their views, personal experiences and often traumatic stories. The Royal Commission's Final Report captures the essence of those issues and demonstrates that the Commissioners have listened.

Now it is time for the Australian Government to act.

We have shared Dementia Australia's [Roadmap for Quality Dementia Care](#) with all sides of government in the lead up to the release of the Royal Commission's Final Report and the 2021-22 Federal Budget.

The Roadmap is the product of extensive consultations with people living with dementia and reflects all of the recommendations in relation to dementia made in the Royal Commission's final report. We encourage you and your stakeholders to ask the Federal Government to implement this much required Roadmap.

For any of your stakeholders that may need guidance on how to call on the Government to implement the Roadmap, please refer them to Dementia Australia's webpage, [Engaging your local Member of Parliament, Senator or political candidate](#).

Easily accessible via the Dementia Australia website, the webpage includes information on how anyone can contact a political leader and confidently discuss dementia, including aged care and the action required in the wake of the Royal Commission.

The page features draft social media posts and tiles, letter and email templates, scripts and guides for calls and meetings and many more resources.

The reforms Dementia Australia and the Royal Commission have identified are well overdue. We have seen twenty years of reviews and reports that say the same thing: we *can* and *must* do better.

If we get care right for people living with dementia, we get it right for everyone.

Thank you in advance for any support you can provide and should you have any questions please contact my colleague Alex Shaw – 03 9816 5731 or Alex.Shaw@dementia.org.au

Yours sincerely,

Maree McCabe CEO **OfficeoftheCEO**

Dementia Australia

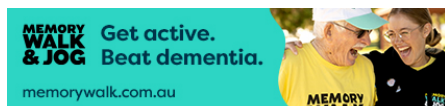
Endeavour House, Level 3, 2-10 Captain Cook Crescent, Griffith ACT 2603

Phone +61 3 9816 5731 | Fax +61 3 9816 5733

Email OfficeoftheCEO@dementia.org.au

dementia.org.au

Follow Dementia Australia on:



For information about dementia, advice or support phone the National Dementia Helpline 1800 100 500

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

From: StaySafe [<mailto:StaySafe@parliament.nsw.gov.au>]
Sent: Friday, 26 March 2021 11:44 AM
To: Admin <admin@bogan.nsw.gov.au>
Subject: Staysafe Committee - Invitation to make a submission

Dear Clr

The Joint Standing Committee on Road Safety (Staysafe) is conducting an inquiry into [support for rural and regional learner drivers](#). The inquiry [terms of reference](#) are on the Committee's [website](#).

On behalf of the Committee, I would like to invite Bogan Shire Council to make a submission to the inquiry. The closing date for submissions is 14 May 2021.

You can make a submission via:

- The Committee's [submission](#) webpage
- Email to staysafe@parliament.nsw.gov.au
- Mail to The Chair, Staysafe Committee, Parliament House, Macquarie Street, Sydney NSW 2000.

You can view information about [making a submission](#) to Legislative Assembly committee inquiries at the Parliament's [website](#).

If you would like further information about the inquiry or making a submission, please contact the Committee staff on (02) 9230 2521.

The Committee would greatly appreciate your contribution to this inquiry.

Yours sincerely
The Hon. Lou Amato MLC
Committee Chair



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

E staysafe@parliament.nsw.gov.au
Parliament House
6 Macquarie Street, Sydney, NSW 2000 AUSTRALIA

www.parliament.nsw.gov.au

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