

# **BOGAN SHIRE COUNCIL**

# **Minutes**

Date: Thursday, 22 August 2024

Time: 7.00pm

**Location: Bogan Shire Council** 

Council Chambers 81 Cobar Street

Nyngan

Stephanie Waterhouse Acting General Manager



# **Published Recording of Council Meeting**

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# MINUTES OF BOGAN SHIRE COUNCIL ORDINARY COUNCIL MEETING HELD AT THE BOGAN SHIRE COUNCIL, COUNCIL CHAMBERS, 81 COBAR STREET, NYNGAN ON THURSDAY 22 AUGUST 2024 AT 7.00PM

PRESENT: Cr G Neill (Chairperson), Cr V Boag, Cr K Bright, Cr G Deacon, Cr J

Douglas, Cr T Elias, Cr G Jackson, Cr D Menzies, Cr R Milligan

IN ATTENDANCE: S Waterhouse (Acting General Manager), (Director Finance and

Corporate Services), D Wood (Director People and Community

Services), A Quamby (Works Manager Engineering Services), C Black

(Director Development and Environmental Services), M Salter

(Executive Officer)

- 1 OPENING PRAYER
- 2 REMEMBERANCES
- 3 APOLOGIES
- 4 **DISCLOSURE OF INTERESTS** The following disclosures of interest were declared:

# Cr Douglas

Banking situation in Nyngan. Reason: Due to employment at Commonwealth Bank, Nyngan.

#### Clr Jackson

Nyngan Tennis Club Reason: Due to name listed as secretary of the proposed Nyngan Tennis Club Section 355 Committee.

#### PRESENTATION BY OUTBACK ARTS

Jamie-Lea Trindall Executive Director, Outback Arts invited to present to Council an overview of Outback Arts.

## Resolved 166/24

Moved: Jackson Seconded: Deacon

That Council bring the Checklist item "Outback Arts Membership" forward to this part of the meeting.

					ı	
12	27/06/2024	119/24	Outback Arts	That Council	DPC	UPDATE: Outback
			Membership	continues its		Arts has accepted an
				ongoing		invitation to attend
				membership of		this meeting of
				Outback Arts and		Council.
				the Regional Arts		
				Development		COMPLETED
				Program and		
				invites Outback		
				Arts to the July		
				Council Meeting to		
				present planned		
				events over the		
				next twelve months		
				for Bogan Shire.		

The Mayor thanked Jamie-Lea for presenting to Council.

#### 5 CONFIRMATION OF ORDINARY MINUTES

# 5.1 MINUTES OF ORDINARY MEETING - 25 JULY 2024

#### Resolved 167/24

Moved: Jackson Seconded: Boag

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 25 July 2024, be received and noted.

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 22 August 2024:

#### Resolved 168/24

Moved: Milligan Seconded: Elias

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

# CONFIRMATION OF PREVIOUS MINUTES CONFIDENTIAL COUNCIL MEETING - 25 JULY 2024

#### Resolved 169/24

Moved: Douglas Seconded: Bright

That the minutes of the Confidential Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 25 July 2024, be received and noted.

# 5.1 NETWASTE TENDER FOR COLLECTION AND RECYCLING OF USED MATTRESSES Resolved 170/24

Moved: Menzies Seconded: Deacon

That Council award NetWaste's Tender F4121 for the collection and recycling of used mattresses to JLW Pty Ltd for their tendered price for the initial two year term, with the option of two x 12-month available extensions.

# LATE ITEM OF BUSINESS - CONFIDENTIAL

#### Resolved 171/24

Moved: Douglas Seconded: Deacon

That Council discuss the late item of business – Hoskins Street Subdivision

#### 5.2 HOSKINS STREET SUBDIVISION

#### Resolved 172/24

Moved: Douglas Seconded: Jackson

That Council seek the assistance of Local Member, Roy Butler to approach the Minister for Western NSW / Minister for Regional NSW for an extension of time within which to complete the Hoskins Street Subdivision Project.

#### Resolved 173/24

Moved: Boag Seconded: Milligan

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

#### 5 NOTICE OF MOTION - Nil

# 6 MAYORAL MINUTE - Nil

#### 7 COMMITTEE MEETING MINUTES - Nil

# 10 GENERAL MANAGER'S REPORTS

# 10.1 GENERAL MANAGER'S CHECKLIST

Item	Date	Minute No	Matter	Action Required	Officer	Status
1	23/09/2021	249/2021	Increase of train speed through Nyngan	Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates.	GM	TfNSW has informed Council that it is considering trialing a Rail Active Crossing System at Hoskins Street crossing. This is a solar powered, wireless, flashing lights system.  Discussed with Roy Butler 07/06/2023 – followed up 11/08/2023.
	23/11/2023	282/23		That Council respond to Minister Atchison, with a request that the train speed limit be reduced to 20km/hour, as Council is not in a position financially to provide rail crossing lights.		This matter was drawn to the attention of Minister Atchison on 12/01/2024 during her visit to Nyngan. Further letters sent to Minister Atchison and Roy Butler MP. Discussed with Minister Atchison on 15/07/2024 during her visit to Nyngan – precis item refers.

Item	Date	Minute No	Matter	Action Required	Officer	Status
2	23/02/2023	010/2023	Nyngan Emergency Bore	Council seeks advice from the Minister for Water, as to a mechanism for periodic extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage.  Council vote for a 200mm pipe instead of 375mm pipe, on the basis of water consumption.  A decision on the	GM	Letter written to new Minister for Water, advising them of resolution 122/2022 and seeking clarification on funding.  Minister for Water has advised that:  Work has begun on amendments to the Water Sharing Plan.  No further funding is available for the bore project.  Public Works have provided an alternative cost estimate of \$5.092M, based on the 200mm pipeline.
				request for a meeting be deferred until Council receives a response from		

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

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Item	Date	Minute No	Matter	Action Required	Officer	Status
	24/08/2023	184/23		That Council prioritises remaining available grant funding of \$7,111,871 across the following projects:  a. Water purchases b. Belaringar Creek Syphon c. Nyngan Emergency Bore pipeline		DPE advised accordingly.
3	27/05/2021	126/2021	Addressing Local Job Vacancies	Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.	DPCS	Planning for new residential subdivision has commenced.
	28/09/2023			Council provides a budget of \$25,000 for production of videos for the relocation campaign.		Production of Employment video has commenced.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
4	25/07/2024	144/24	New Water Treatment Plant Site	That Council does not proceed with building the new Water Treatment Plant on the site adjacent to the substation at the end of Dandaloo Street.  That Council constructs the new Water Treatment Plant on the Council owned land at the Raw Water Pump Station at the upper weir.	DES	In Progress
5	28/07/2022	171/2022	Hoskins Street Subdivision	Council notes the proposed changes to the design and layout of the Hoskins Street subdivision and that Council staff progress detailed design and development of tender specifications accordingly.	DES	UPDATE: Development Application submitted to Council. Tender documents to be released shortly.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
				The General Manager be		
				authorised to lodge a		
				development application		
				for Stage 1 of the Hoskins		
				Street subdivision.		
	23/11/2023	279/23				
				The General Manager be		
				authorised to proceed to		
				final preparation of tender		
				documents, based on the		
				layout contained in the		
				Concept Plan, attached		
				to report 5.3, with a view		
				to inviting tenders for		
	22/02/2024	005/24		construction on a "subject		
				to DA" basis.		
				That consideration be		
				given in 2024-2025		
				budget discussions to		
				cover any shortfall in		
				available grant funding,		
				with this to be recovered		
				from land sales.		

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Item	Date	Minute No	Matter	Action Required	Officer	Status
6	23/03/2023	053/2023	Reclassification of Land – 8 Tabratong Street	Council submits a planning proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 from Community Land to Operational Land.	DDES	In progress – Planning proposal is under development. Conversion from Community Land to Operational Land is expected to have an outcome by March 2025.  UPDATE: Planning proposal proceeding according to schedule.  Site has been valued at \$110,000 to \$125,000.
7	27/07/2023	160/23	School Exchange Program	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.  That Council consider locations that may have economic/industry ties for the School Exchange	GM	Not yet commenced.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
				Program, to enhance the student experience.		
8	28/09/2023	209/23	Relocation Marketing Campaign – Promotional Videos	Council investigates creating an artwork that acknowledges Country that can be used in the videos and other purposes, with a report to a future meeting of Council.	DPCS	UPDATE: Awaiting response from Nyngan LALC regarding their suggestions for suitable artwork. Awaiting response.
9	26/10/2023	247/23	Before and After School Care, Nyngan	That the Before and After School Care matter be further pursued with the Department of Education, and if necessary the Minister.  Issue of lack of Before and After School Care in Nyngan be referred to Local Member.	GM	Verbal update given at Council Meeting 23/11/2023.  Correspondence sent to Local Member.

Item	Date	Minute No	Matter	Action Required	Officer	Status
	25/07/2024	147/24		That Council request the Local Member to make further contact with the Minister for Education about the lack of Before and After School Care in Nyngan		UPDATE: Email sent to Local Member.
10	23/11/2023	278/23	Nyngan Year- Round Fishery	That Council provide in principle support for the development of a Memorandum of Understanding with DPI Fisheries for a managed fishery in the Nyngan off-river storages, with a further report to Council to consider a draft Memorandum of Understanding.	DES	In Progress
11	28/03/2024	046/24	Crown Road Off Cockies Road	That the General Manager, Mayor and Deputy Mayor enter into	DES	Meeting held on 9 May 2024 with property owners, General Manager, Mayor and Deputy

Item	Date	Minute No	Matter	Action Required	Officer	Status
				discussions with the		Mayor.
				property owners, to		Property owners are due to meet
				determine what if any		with Lachlin Shire in the last week
				alternatives they have for		of June 2024.
				accessing the property		
				via Lachlan Shire and		UPDATE: Lachlan Shire Council
				whether they have		considered this matter at their
				approached Lachlan		meeting on 17 July 2024 with the
				Shire Council and have		following resolution:
				discussed this matter, or		"Council uphold previous
				have any outcome from		resolution 2021/65 and decline the
				those discussions with		request to become the road
				Lachlan Shire Council.		authority."
				That Council contact		
				Lachlan Shire Council to		It is recommended that this item
				obtain information on		be marked as completed at this
				their intention in relation		stage with the property owners
				to this matter.		informed that Bogan Shire Council
				That the General		remains open to further
				Manager provides a		discussions if the property owners
				report to Council in May		are able to resolve matters with
				or June, confirming:		Lachlan Shire Council.
				a Options for transferring		
				the unformed Shire road,		COMPLETED

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Item	Date	Minute No	Matter	Action Required	Officer	Status
				after transfer from the		
				Crown is complete, into		
				private ownership. Or		
				alternatively if Lachlan		
				Shire could take over the		
				Crown land, either by		
				transfer or purchase from		
				Bogan Shire Council.		
				The costs of clearing		
				timber and forming the		
				road to the minimum		
				acceptable standard.		
				c Mechanisms to ensure		
				current and future owners		
				of "Hopbush Valley"		
				property are aware that		
				Council has no intention		
				of upgrading the road		
				beyond the minimum		
				acceptable standard.		
				That Council defers any		
				decision on this matter		
				until the General		

Item	Date	Minute No	Matter	Action Required	Officer	Status
				Manager's report comes to Council.		
12	27/06/2024	119/24	Outback Arts	That Council continues	DPC	UPDATE: Outback Arts has
			Membership	its ongoing membership of Outback Arts and the Regional Arts Development Program and invites Outback Arts to the July Council Meeting to present		accepted an invitation to attend this meeting of Council.  COMPLETED
				planned events over the next twelve months for Bogan Shire.		
13	27/06/2024	121/24	NSW Governments Holiday Break Program	That Council write to the Minister for Youth, Minister for Regional New South Wales and Western New South Wales, and Member for Barwon:  • Explaining the impacts on small communities	DPC	Letter sent to Minister for Youth, Minister for Regional New South Wales and Western New South Wales, and Member for Barwon.

Item	Date	Minute No	Matter	Action Required	Officer	Status
				of the changes in the Holiday Break program funding,  Providing solutions on how the Department of Regional NSW, could better group LGAs based on population/size,  Suggesting the option of single holiday break applications for smaller LGAs, and  Requesting applications to be determined based on merit rather than on a first in first approved basis until funding has been exhausted.		

Item	Date	Minute No	Matter	Action Required	Officer	Status
14	27/06/2024	127/24	Tottenham Road Condition Assessment Report	That Council prepares a Tottenham Road Rehabilitation Business Case for the Tottenham Road. That Council brings the	DES	UPDATE: Business Case process commenced.
				condition assessment to the attention of the Minister for Roads and Transport for NSW to seek urgent funding to address the issues raised.		
15	27/06/2024	132/24	Nyngan War Memorial Pool Remediation	That Council approves the remediation works required for the Nyngan War Memorial Pool and funds be sourced from budget savings.	DDES	UPDATE: Remedial works complete. COMPLETED
16	27/06/2024	134/24	Nyngan Community Homes	That Council request that Nyngan Community Homes Association presents a satisfactory	GM	Email forwarded to Nyngan Community Homes with Council resolution and to contact the General Manager if further

Item	Date	Minute No	Matter	Action Required	Officer	Status
				Business Plan and shows it has the capacity to build planned homes on the land, Council will consider an appropriate arrangement to facilitate the provision of the land which was formerly the Palais Theatre, on the basis of that plan.		information is required.  UPDATE: No Business Plan yet received. Nyngan Community Homes have verbally advised that they would like to address a future meeting of Council on this matter.
17	25/07/2024	151/24	Water Tower Art	That Council gives direction to an artist to determine the style and subject matter of artwork to be placed on the water tower near the skate park. Themes that are iconic to Bogan Shire including artwork with aboriginal designs	DES	<b>UPDATE:</b> Preliminary briefing held with artist with the intention of having concept designs presented to the October Council meeting.

Item	Date	Minute No	Matter	Action Required	Officer	Status
				Theme One:		
				Flood and Evacuation		
				Scene		
				Theme Two:		
				Mining & Agricultural		
				industries of Bogan Shire		
				Theme Three:		
				Olympic Gold Medallists		
				Theme Four:		
				Bogan River &		
				Wildlife/recreation		

# Resolved 174 /24

Moved: Boag Seconded: Deacon

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

#### 10.2 NYNGAN TENNIS SECTION 355 COMMITTEE

#### Resolved 175/24

Moved: Menzies Seconded: Milligan

- 1. That the Nyngan Tennis Section 355 Committee be received and noted.
- 2. That Council:
  - (a) Establishes a Nyngan Tennis Section 355 Committee.
  - (b) Adopts the attached Nyngan Tennis Section 355 Committee Instrument of Delegation effective from 23 August 2024.
  - (c) Becomes a member of Tennis NSW.
  - (d) Installs the Tennis NSW booking and locking systems for the Nyngan tennis courts and clubhouse.
- 3. That the General Manager has further discussions with the interim executive of Nyngan Tennis Club about membership, fees and other relevant matters with a further report to Council.

#### 10.3 LGNSW ANNUAL CONFERENCE 2024

#### Resolved 176/24

Moved: Boag Seconded: Milligan

That Council wait until the new council is elected to make a decision on delegates to attend the LGNSW Annual Conference.

#### 11 PEOPLE AND COMMUNITY SERVICES REPORTS

#### 11.1 BOGAN SHIRE LIBRARY TERM 2 OPERATIONAL REPORT

#### Resolved 177/24

Moved: Jackson Seconded: Elias

That the Bogan Shire Library Term 2 Operational Report be received and noted.

Item 11.1 Page 24

#### 12 FINANCE AND CORPORATE SERVICES REPORTS

#### 12.1 INVESTMENTS JULY 2024

#### Resolved 178/24

Moved: Jackson Seconded: Milligan

That Council receive and note the investments report for July 2024.

#### 12.2 SUMMARY OF RATE AND ANNUAL CHARGES COLLECTION

#### Resolved 179/24

Moved: Douglas Seconded: Elias

That Council receive and note the Rate and Annual Charges collection report for July 2024.

#### 12.3 AUDIT OF 2023/2024 FINANCIAL ACCOUNTS

#### Resolved 180/24

Moved: Douglas Seconded: Deacon

That Council refer the 2024 Annual Financial Statements for Audit and that the necessary elected members and staff be authorised to sign the Statement by Councillors and Management on the General Purpose and Special Purpose Financial Statements for the year ended 30<sup>th</sup> June 2024.

## 12.4 LEASE FOR 76A PANGEE ST, NYNGAN

#### Resolved 181/24

Moved: Menzies Seconded: Elias

That Council authorises the General Manager to enter negotiations for renewing the lease with the current lessee for a three-year period.

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#### 12.5 FEES AND CHARGES - CWA HALL

It was **MOVED** that Council extends its current policy for hire of function facilities to the CWA Hall and introduces the following fees and bond for hire:

- CWA Hall (includes use of kitchen, chairs, tables, crockery and cutlery) \$150
- Bond \$400

Moved: Milligan Seconded: Bright

A vote for the **MOTION** was lost.

Councillor Boag **MOVED** an **AMENDMENT** that Council extends its current policy for hire of function facilities to the CWA Hall and introduces the following fees and bond for hire:

- CWA Hall (includes use of kitchen, chairs, tables, crockery and cutlery) \$250
- Bond \$400

#### Resolved 182/24

Moved: Boag Seconded: Elias

That Council extends its current policy for hire of function facilities to the CWA Hall and introduces the following fees and bond for hire:

- CWA Hall (includes use of kitchen, chairs, tables, crockery and cutlery) \$250
- Bond \$400

The **MOTION** was put to Council and **CARRIED**.

# 12.6 355 COMMITTEE MEMBERS FOR THE NYNGAN MUSEUM SUPPORT GROUP

#### Resolved 183/24

Moved: Douglas Seconded: Jackson

That Council confirms the nomination of the following members of the Nyngan Museum Section 355 Committee for 2024/25 for the purposes of Council's delegations to that Committee:

Anna Corby	Anne Quarmby	Colin Cluderay	Collin Pardy	Colleen Edwards
Denice Simpson	Dianne Donald	Donna Pumpa	Gwen Mathews	Hugh Sibbald
Jean Lovett	Leonie Montgomery	Margaret Dunn	Margaret Snodgrass	Ray Donald
Vicki Cluderay	Stewart MacKenzie	Vincent Wren	Wendy Clissold	Yvonne Pardy

## 13 ENGINEERING SERVICES REPORTS

#### 13.1 DEPARTMENTAL ACTIVITY REPORT

#### Resolved 184/24

Moved: Elias Seconded: Menzies

That the Engineering Departmental Report be received and noted.

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#### 13.2 ROADS TO RECOVERY PROGRAM 2024-2025

#### Resolved 185/24

Moved: Jackson Seconded: Bright

That the Roads to Recovery Program 2024-2025 Report be received and noted.

#### 13.3 NYNGAN RAILWAY FENCING

#### Resolved 186/24

Moved: Deacon Seconded: Elias

That Council write to UGL Regional Linx with a copy to local member Roy Butler with a request that the existing 65 metres of Colorbond fence urgently be replaced, in the interest of public safety, with black Palisade fencing and that repairs be made to damaged sections of chain-wire fencing.

#### 13.4 VERMONT HILL ROAD

#### **Resolved 187/24**

Moved: Boag Seconded: Douglas

That a decision on Vermont Hill Road is deferred until a future Council meeting, when more information is available.

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#### 14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS

#### Resolved 188/24

Moved: Jackson Seconded: Bright

That the Development Applications Report be received and noted.

#### 14.2 BIOSECURITY REPORT

#### Resolved 189/24

Moved: Menzies Seconded: Elias

That the Biosecurity Report be received and noted.

#### 14.3 DAVIDSON PARK SHADE TREES

#### Resolved 190/24

Moved: Menzies Seconded: Douglas

- 1. That deciduous trees be planted in the areas identified as 1 and 2, and evergreen trees be planted in the areas identified as 3 and 4 at Davidson Park.
- 2. That Council support that Chinese Pistache and/or Pacific Sunset Maple be planted in areas 1 and 2, (preference of Chinese Pistache, if available)
- 3. That Council support that Bella Donna Pink Flowering Kurrajong and/or Cape Chestnut be planted in areas 3 and 4, (preference of Cape Chestnut, if available).



Davidson Park shade trees – Proposed planting areas

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## 14.4 BOGAN RIVER BUSHCARE REPORT

## Resolved 191/24

Moved: Deacon Seconded: Jackson

- 1. That the Bogan River Bushcare Report be received and noted.
- 2. That Council approve the logo design for the Bogan River Bushcare Group.



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#### 15 PRECIS OF CORRESPONDENCE

# 15.1 CORRESPONDENCE FROM THE DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE

#### Resolved 192/24

Moved: Douglas Seconded: Elias

That the correspondence from the Department of Planning, Housing and Infrastructure regarding League Table Publication be received and noted.

#### 15.2 CORRESPONDENCE FROM THE BIG BOAR BONANZA

#### Resolved 193/24

Moved: Jackson Seconded: Douglas

Carried

That Council waive the fee of \$271.70 for disposal of rubbish from the Big Boar Bonanza.

# 15.3 CORRESPONDENCE FROM NYNGAN BOWLING CLUB Resolved 194/24

Moved: Deacon Seconded: Elias

That Council provide sponsorship to the Nyngan Bowling Club under Councils Financial Assistance Policy, for the amount of \$1000.

#### 15.4 CORRESPONDENCE FROM IMOGEN WARDMAN

#### Resolved 195/24

Moved: Menzies Seconded: Douglas

That the matter of safer crossings for Nymagee Street be taken to the Traffic Committee, with Councils support.

#### 15.5 CORRESPONDENCE FROM P & A PARTNERSHIP

#### Resolved 196/24

Moved: Milligan Seconded: Bright

That Council advise P & A Partnership, that Council has a Road Construction Program in place and at this stage this particular road is not under consideration.

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## 15.6 CORRESPONDENCE FROM MR VINCENT WREN

#### Resolved 197/24

Moved: Douglas Seconded Boag

This correspondence from Mr Wren is received and noted, and Mr Wren has been advised of his options in regard to his driveway.

# LATE ITEM OF BUSINESS - Precis Item Mullengudgery School Bus Run

#### Resolved 198/24

Moved: Douglas Seconded: Jackson

That Council discuss the late item of business – Mullengudgery School Bus Run

#### Resolved 199/24

Moved: Milligan Seconded: Douglas

That Council write to Transport for NSW advising them that this is an urgent matter and of total detriment to our children and schools by the loss of the bus service of the Mullengudgery School Bus Run.

## 16 MEETING CLOSURE

There being no	further busi	ness, the r	meetina d	closed at	9.02pm.
		<b>,</b>			

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