



# **BOGAN SHIRE COUNCIL**

## **Business Paper**

**22 October 2020**





### **Published Recording of Council Meeting**

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## Table of Contents

COMMITTEE MEETING MINUTES.....	9
1 MUSEUM COMMITTEE MINUTES .....	9
REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT.....	12
1 CHECKLIST.....	12
2 PECUNIARY INTEREST RETURNS .....	20
3 CHRISTMAS – NEW YEAR CLOSURE.....	21
4 DECEMBER / JANUARY RECESS .....	22
5 MONSTER GRILL CATERING PTY LTD.....	24
6 NYNGAN LOCAL ABORIGINAL LANDS COUNCIL – .....	26
7 LARKIN OVAL CANTEEN CONSTRUCTION.....	30
REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR PEOPLE AND COMMUNITY SERVICES.....	47
1 NYNGAN SHOW DAY .....	47
2 BOGAN BUSH MOBILE – TERM 3 REPORT.....	54
3 USE OF BIG BOGAN TRADE MARK .....	56
REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR OF FINANCE AND CORPORATE SERVICES .....	59
1 INVESTMENTS SEPTEMBER 2020 .....	59
2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION.....	61
3 FIRST QUARTER 2020/2021 BUDGET REVIEW .....	63
4 ANNUAL FINANCIAL REPORTS .....	68
5 DELIVERY PROGRAM.....	69
6 LEASE FOR PORTION OF BOTTOM DEPOT .....	79
REPORT TO THE ORDINARY MEETING OF COUNCIL – MANAGER OF ENGINEERING SERVICES REPORT.....	81
1 OPERATIONAL REPORT.....	81
2 GRID REMOVAL BOORAMUGGA ROAD GIRILAMBONE .....	85
3 HERMIDALE PARK .....	89
REPORTS TO ORDINARY MEETING OF COUNCIL – DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES REPORT.....	105
1 DEVELOPMENT APPLICATIONS .....	105
2 OPERATIONAL REPORTS .....	106
3 INFRASTRUCTURE CONTRIBUTIONS PLAN .....	108

PRECIS OF CORRESPONDENCE ..... 112

1 KARINA DUNN ..... 112

2 LISA QUINTON..... 112

3 GIRILAMBONE COMMUNITY ASSOCIATION..... 113

**15 October 2020**

## **COUNCIL MEETING NOTICE**

The next Ordinary Meeting of Council will be held in the Engineering Department Training Room on Thursday 22 October 2020 at 9.30am.

At 10.15am Mr Rowen Cleaver will address Council concerning Nyngan's Water Supply and Proposed Bores.

At 12 noon, the audited Financial Reports and Auditor's Report for the year ending 2020 will be presented to the public, in accordance with Section 418 (3) of the Local Government Act 1993.

## **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 24 September 2020
6. General Manager's Closed and Confidential Report
  1. Sale of Land – John Hoare OAM Business Estate  
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: 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 24 September 2020
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

*Cathy Ellison*  
**Executive Assistant**







**Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**COMMITTEE MEETING MINUTES**

**1 MUSEUM COMMITTEE MINUTES**

Attached are the Minutes of the Nyngan Museum Committee Meeting held at the Nyngan Museum on Wednesday 7 October 2020.

**1.1 Recommendation:** That the Minutes of the Nyngan Museum Committee Meeting held at the Nyngan Museum on Wednesday 7 October 2020 be received and noted.

**Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Nyngan Museum Meeting    Date: 7<sup>th</sup> October 2020    Venue: Nyngan Museum

Present:

*Hugh Sibbald, Margaret Sibbald, Glad Eldridge, Val Keighran, Anna Corby, Leonie Montgomery, Anne Quarmby, Vince Wren, Ray Donald, Bay Lovett, Colim Pardy, Yvonne Pardy*

Apologies:

Guests:

Minutes last meeting:    Move: Annie Quarmby    second: Val Keighran

Business Arising:

*Quote for double glass doors for fireplace is \$5,500. A grant for \$2000 has been applied for.*

*All the pots have been planted out and seem to be thriving. There are some succulents that are still to be planted in the garden. Thanks to Di.*

*Bogan Shire council members visited last week for an update tour. They seemed to be supportive of the work that has been completed by the volunteers, and some lovely comments were made during the visit. They were also able to appreciate the jobs still in progress, and those planned for the future.*

*We had a visit from Adam Marshall, Dugald Saunders and Sam Faraday. They are members of the NSW Parliament, and they toured the museum on September 7<sup>th</sup>. They offered their support and promised to come back when we are ready to open.. Photos were taken before they left.*



**Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**Correspondence In:**

*Emails from Meg and Colin Cambell re Prince of Wales visit.  
Louise Loomes re Lamph family  
Vic and Dawn Smith re RRR  
Jai Parkinson re John Inglis burial  
Jeanette Sheridan re Finn family  
Heritage NSW re Town Hall  
Hansen re Kimmorley family*

**Correspondence Out:**

*Answers to all above*

**Treasurers Report attached: read and moved: Colin 2<sup>nd</sup>: Val**

**General Business and Co ordinators Report:**

*The RSL badge found underneath the old Palais Theatre has been put on display in the remembrance Room.*

*The sand bag description in the Palais Theatre will be up dated. Stewart has bought push button audio to play recorded stories from locals about their experience at the theatre.*

*Remembrance room is still under construction. Poppies and manikins have been relocated and are waiting for lighting and maintenance.*

*The rock samples in the mines room have been labelled by a geologist, and Ernie will weigh and measure the native copper.*

*A list of female participants in the wars needs to be collated, to be displayed with the uniforms.*

*The flood book has arrived and is on display on the shelf in the Palais area.*

*The wheelchair donated by the Red Cross has been cleaned and moved upstairs. The wire will be removed and replaced by leather straps that Stewart is making.*

*Thanks to Marg for the lovely fabric, and to Yvonne and Colin for covering the chairs. They look amazing and will be excellent curtesy chairs throughout the museum.*

*Move Annie, 2<sup>nd</sup> Val “That Leonie and Anna be reimbursed for purchases made for renovation purposes.”*

*Vandals have paid us 2 visits that have left us with a broken window upstairs, another downstairs and a bent security screen. Derek has been notified, and Abigail will liase with the Shire and John Holland to repair the recent damage so that is doesn't become worse. Abigail was asked to see if the Shire could do a screen repair today so that the room is safe from further visits. Ray has suggested the police be notified.*

*Abigail will look at expanding the Shire website to include more frequent updates. Visitors have not been happy with the way it is at present.*

*Meeting closed 10.20am.*



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**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	23/07/2020	208/2020	<b>Seniors Living – Rental Units</b>	Council hold & advertise an open day to visit the units.	<b>DPCS</b>	<b>UPDATE: Offers made to applicants to take up tenancy of vacant units. COMPLETED</b>
2	28/09/2017	283/2017	<b>Medical Centre</b>	The General Manager in consultation with PHN proceeds to recruit & engage a second doctor for the BSMC.	<b>GM</b>	Recruitment agencies engaged to source locum / permanent second doctor.  Locums secured until 31/12/2020. Renewed recruitment effort underway for permanent doctor with the Rural Doctors Network.



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

3	21/12/2017	392/2017	<b>Increase of train speed through Nyngan</b>	Strong letter of concern & a request to address Council be sent to the relevant rail authorities & a copy to local member.	<b>GM</b>	Letter sent to Minister for Transport & Infrastructure, with copy to Kevin Humphries.
	21/06/2018	293/2018		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.		406 Petitions received.  On-site meeting held with Deputy Premier.  Met with Minister for Regional Transport & Roads in Bourke on 25 November 2019.
				The best control measures would be to erect flashing lights at the Hoskins Street Crossing.		Council advised that this crossing is not a priority for John Holland Rail.



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

	28/05/2020	110/2020		<p>Council engage a Safety Consultant to inspect the Hoskins Street Level Crossing &amp; to provide a report documenting the safety factors of the Crossing which can then be forwarded to the John Holland Rail &amp; Minister for Regional Transport &amp; Roads.</p>	<p><b>DES</b></p>	<p>Safety Consultant has been engaged to inspect crossing at the end of July &amp; will be preparing a risk audit for Council.</p> <p>In contact with Safety Consultant – awaiting site visit.</p> <p>Consultant has visited site and commenced report.</p> <p><b><u>UPDATE:</u></b> <b>Site inspection complete, report to November 2020 Council Meeting.</b></p>
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**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

4	24/04/2019	117/2019	<b>Cobar Water Board</b>	<p>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.</p>	<b>GM</b>	<p>Further correspondence sent to CWB. Following meeting with CWB held on 11 January 2020, further agreements are to be negotiated.</p> <p>Agreed with Secretary CWB on the need for a further meeting to negotiate arrangements.</p> <p>Meeting on hold in current pandemic circumstances. Preparations for meeting under way.</p>
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**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

5	22/08/2019	264/2019	<b>Stronger Country Communities Fund – Round 3</b>	Council works with community orgs who deliver youth and other community support services to investigate methods of funding for ongoing employment of a part-time Youth Worker & further upgrading to the facility.	<b>DPCS</b>	Discussions yet to commence – reprioritised due to current pandemic circumstances.
6	26/09/2019	292/2019	<b>Garford Fire Engine</b>	Council proceed with the respray of the Garford Fire Engine, with funds to be provided from the Historical Society \$5,224, Community Arts & Culture Fund \$15,362 & Accumulated Funds \$9,414.	<b>DES</b>	Quotes for the Garford to be resprayed and the exterior restored have been requested.



General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

	24/10/2019			Council examine options on the best way forward.		Verbal report to meeting.
7	28/11/2019	359/2019	<b>Burrendong Dam</b>	Council contact the relevant departments to request that as a matter of priority, a system be put in place which would have trigger points as to the level of Burrendong Dam and the release of water for use for fodder crops.	<b>GM</b>	Original letter sent 9 January 2020.  Follow-up letter sent 25 May 2020.  Response from Minister Marshall 25 May 2020 – “Letter is with the Minister’s Office for consideration”.
8	28/11/2019	366/2019	<b>Regional Water Supply Pipe Network</b>	Council supports in principle the investigation of a Regional Water Supply Network servicing the communities currently supplied by the Macquarie River downstream of Burrendong Dam.	<b>GM</b>	Water NSW is progressing investigation for pipeline from Narromine bore fields to Nyngan.  Water NSW investigating bores in the Warren Shire and will notify land owners in the surrounding area.



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

9	28/11/2019	368/2019	<b>Repairs to Nyngan &amp; Cobar Emergency Water Storage</b>	The General Manager be authorised to procure sufficient quantities of Geosynthetic Clay Liner & Geotextile material to complete the remediation works, according to specifications provided by NSW Public Works. The procurement be carried out by way of quotations.	<b>DES</b>	Remediation work in progress.  Remediation work postponed due to wet weather and soft floor.
10	23/07/2020	192/2020	<b>Crown Land to convert the Perpetual Special Lease 78218 (Saleyards) to freehold &amp; transfer title to Council.</b>	1. Council purchase the Nyngan saleyards from the Crown at a cost of \$35,100 funded from Council's reserves.	<b>GM</b>	In progress.



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

				2. The GM present a report to Council on necessary measures to allow future use of the site, including an RMS heavy vehicle uncoupling station, wash bay for trucks & hold over area for livestock.		
11	23/07/2020	193/2020	<b>Speed limit in Nyngan CBD</b>	The survey responses received for reducing speed limit in the Nyngan CBD to 40km/hr between Terangion & Dandaloo Streets be presented to the Traffic Committee Meeting to be held in August 2020.	<b>DES</b>	Verbal update at meeting following Traffic Committee Meeting.  Referred to RMS.  <b><u>UPDATE:</u></b> <b>No response from RMS yet.</b>



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

## **1.1 Recommendation**

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

## **2 PECUNIARY INTEREST RETURNS**

**Summary:**

*Tabling of the Pecuniary Interest Register is a requirement under Section 450A of the Local Government Act.*

### **2.1 Introduction**

The purpose of this report is to table the Pecuniary Interest Register.

### **2.2 Background**

Tabling of the Register is a requirement under Section 450A of the Local Government Act.

### **2.3 Discussion**

For noting.

### **2.4 Recommendation**

That Pecuniary Interest Register in respect of the period 1 July 2019 to 30 June 2020 be received and noted.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

### **3 CHRISTMAS – NEW YEAR CLOSURE**

**Summary:**

- *The purpose of this report is to obtain Council's approval for the closure of Council offices over the Christmas/New Year holiday period.*
- *As a long-established practice in common with other Councils, Bogan Shire Council has closed its Council offices between Christmas and New Year.*
- *Following the past practice, this would mean that the Shire offices would be closed for what would otherwise be normal working days on Tuesday 29 December 2020, Wednesday 30 December, 2020 and Thursday 31 December 2020.*

#### **3.1 Introduction**

The purpose of this report is to obtain Council's approval for the closure of Council offices over the Christmas/New Year holiday period.

#### **3.2 Background**

As a long-established practice in common with other Councils, Bogan Shire Council has closed its Council offices between Christmas and New Year.

#### **3.3 Discussion**

Christmas Day and Boxing Day fall on a Friday and Saturday, with Monday 28 December 2020 being declared a Public Holiday (Observance of Boxing Day Saturday 26 December 2020).

Normal practice is to close the Shire offices between Christmas and New Year.

Following past practice, this would mean that the Shire offices would be closed for what would otherwise be normal working days on Tuesday 29 December 2020, Wednesday 30 December, 2020 and Thursday 31 December 2020.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

### **3.4 Recommendation**

That Council closes the Shire Offices on Tuesday 29 December 2020, Wednesday 30 December, 2020 and Thursday 31 December 2020 and advises the community accordingly.

## **4 DECEMBER / JANUARY RECESS**

### **Summary:**

- *The purpose of this report is for Council to consider the option of going into recess during December / January.*
- *Council has in the recent past not held an Ordinary Monthly Meeting in January.*
- *It is common for Councils to go into recess over the holiday season.*

### **4.1 Introduction**

The purpose of this report is for Council to consider the option of going into recess during December / January.

### **4.2 Background**

Council has in the recent past not held an Ordinary Monthly Meeting in January.

### **4.3 Discussion**

It is common for Councils to go into recess over the holiday season. At that time of year a number of people, including Councillors and staff take holidays. Generally speaking, this is a quieter period for Government, suppliers and professional advisors as well, resulting in less need for Council decision-making than at other times of the year.



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Not having regular meetings can result in delays in decision-making. Council has previously, subject to the limitations in Section 377 of the Local Government Act 1993, delegated certain Council functions, including making decisions that would otherwise be made by Council, to the Mayor, Deputy Mayor and General Manager for this period – with Councillors to be contacted if practical. These decisions should be reported to the Council at its first meeting in the New Year.

**4.4 Recommendation**

1. Council goes into recess from 24 December 2020 until 31 January 2021 and consequently does not have an Ordinary Meeting during January 2021.
2. Pursuant to and subject to the limitations of Section 377 of the Local Government Act, Council grants authority to the Mayor, Deputy Mayor and General Manager with Councillors to be contacted if practical, to make decisions on behalf of Council during this recess period.
3. Any such decisions are to be reported to the Council at its first meeting in 2020.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

## **5 MONSTER GRILL CATERING PTY LTD**

### **Summary:-**

*This report is to provide Council with information regarding fees paid by Monster Grill Catering Pty Ltd to camp at the Nyngan Showgrounds.*

### **5.1 Introduction**

The purpose of this report is to provide Council with information regarding fees paid by Monster Grill Catering Pty Ltd to camp at the Nyngan Showgrounds.

### **5.2 Background**

In late September, Council received an application from Monster Grill Catering Pty Ltd to install or operate amusement devices for an event at the Nyngan RSL Club. The application stated that the event involved "Operating Browns Carnival Eats family fun day and raising money for local charity in your community". The event was to be held from 8 to 10 October 2020.

### **5.3 Discussion**

Approval was given by Council staff on 1 October 2020 for the operation of amusement devices having given due consideration to Covid-19 safety plans and other documentation supplied by the applicant.

On Tuesday 6 October it was brought to management's attention that the people involved in operating the event had been camped at the Nyngan Showgrounds in six caravans since some point during the long weekend. No notification had been given to Council in the event application or in other discussions that they were seeking to do so.

Council has a policy of not permitting free camping at the Showgrounds. This is partly because of feedback from caravan parks when free camping was first introduced in the Shire and partly because there is a cost to maintain the Showgrounds which Council seeks to recover where possible. In addition, no Covid-19 Management Plan was in place for camping at the Showgrounds and Council had received verbal complaints that Brown's Carnival operators were being allowed to camp there for free.





**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

As a result, Council staff held a meeting with the owner of Monster Grill Catering Pty Ltd to request them to relocate to one of the local caravan parks. The owner responded that they were unable to do so because they had a number of dogs with them that would not be allowed into a caravan park.

Based on this information the General Manager gave permission for the use of the Showgrounds in the interests of ensuring that an advertised public event, which a number of people would enjoy, could still take place subject to provision of a Covid-19 Management Plan and payment of a camping fee.

Monster Grill Catering Pty Ltd were requested to pay camping fees for the week. Council's approved Fees and Charges specified that a fee of \$1,770 (8 nights x 6 caravans x \$37) would be due and payable. In line with Council's Policy, as the event was understood to be commercial in nature, with Monster Grill Catering Pty Ltd charging for amusement rides and food, it was not considered appropriate to waive all camping fees. However, given that there was to be some charity element to the event (it is understood that a voluntary gold coin entrance fee would be donated to Can Assist) an amount of \$270 was waived with Monster Grill Pty Ltd asked to pay \$1,500 including GST.

**5.4 Recommendation**

That the Monster Grill Catering Pty Ltd Report be received and noted.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

## **6 NYNGAN LOCAL ABORIGINAL LANDS COUNCIL –**

### **Summary:-**

*This report is to present certain matters raised in a letter from the Nyngan Local Aboriginal Lands Council for consideration.*

### **6.1 Introduction**

The purpose of this report is to present certain matters raised in a letter (Attachment 1) from the Nyngan Local Aboriginal Lands Council for consideration.

### **6.2 Background**

Nyngan Local Aboriginal Lands Council acquired ownership of Lot 701 DP 1023545, which is the land to the north of the Nyngan Cemetery, from the Crown through an Aboriginal Land Claim process completed in 2018. Attachment 2 shows the extent of Lot 701.

### **6.3 Discussion**

The attached letter sets out the following matters:-

#### **1. Water Infrastructure on Lot 701 DP 1023545**

The letter raises concerns about a “large pump” on the block. It is understood that this refers to the cemetery water meter (shown below) that was installed about six years ago and, perhaps, to the 50mm town water supply main that comes from Titanic Drive to the Cemetery which has been there for many years.



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Council could relocate the cemetery water meter to Council-owned land, noting that Section 191A of the Local Government Act, 1993 gives Council power of entry to enter any premises to carry out water supply work.

2. Provision of Raw Water to Lot 701 DP 1023545

The letter requests provision of free raw water to the block. In the opinion of Council's engineering staff, whilst raw water comes from the showground to the cemetery, it would not be possible to extend this line further as any additional use would affect the effectiveness of the cemetery sprays.

An option for consideration by the Nyngan Local Aboriginal Lands Council is a new, metered, town water supply which can be installed to the block from the existing main on the block which will allow for internal water pipes and taps to run drippers or sprays.

3. Road Access to Nyngan Cemetery

The Nyngan Local Aboriginal Lands Council are seeking to enter into an agreement concerning road access to the Cemetery. Access from Cemetery Road to Nyngan Cemetery has, for many years, been across Lot 701 whilst it was Crown Land. Council staff are investigating options to formalise this access now that the block is in private hands.

4. Unmarked graves

The letter raises concerns about grave sites along the northern fence line. Enquiries amongst staff and in Council records have not provided any information on burials of babies along the fence line. Council may consider shifting the fence line to accommodate the concerns or amending plans to replace it.

5. Illegal dumping

The letter requests that Council picks up waste from a central point on Lot 701 and receives it at the Nyngan Waste and Recycling Facility free of charge.

**6.4 Attachment**

1. Letter from Nyngan Local Aboriginal Lands Council
2. Plan showing Lot 701 DP 1023545

**6.5 Recommendation**

For Council's consideration.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020



22<sup>nd</sup> September 2020

Derek Francis  
Bogan Shire Council  
General Manager  
Cobar St  
Nyngan NSW 2825

Dear Derek,

Nyngan Local Aboriginal Land Council is currently preparing to re-vegetate plant, trees and shrubs on the corner of Titanic Drive and Cemetery Road

We would like to seek pricing on raw water connect to the block, this is to water plants, shrubs and trees when first planting to reach full potential of survival. We have noticed Council has a large pump on our block and was wanting information on why this was put there without consultation or approval. *Maybe we could come to some agreement of free water access to our block from this large pump.*

Also the road entering the Cemetery in part of Nyngan LALC land. We would like you to consider a usage agreement to ensure this access can be maintained and useable by all community.

We have also read that the BSC is replacing the fence between the two blocks, (Our land and the Cemetery) we have been informed that babies have been buried near the fence line in unmarked graves. This is why we only tidied the fence line up and not replaced the fence.

We are also asking if Bogan Shire Council could assist us in the illegal dumping on the site and waive the waste facility fee for this and/ or assist us in a large clean up.

*Our thoughts are: If we put it all into one easy accessible area and Council comes and picks it up for us and take to the waste facility.*

Our CEO has noted a conflict of interest in all Bogan Shire Council matter therefore we ask if you could please call Chairperson Lesly Ryan on 0419 418 851 if you have any concerns.

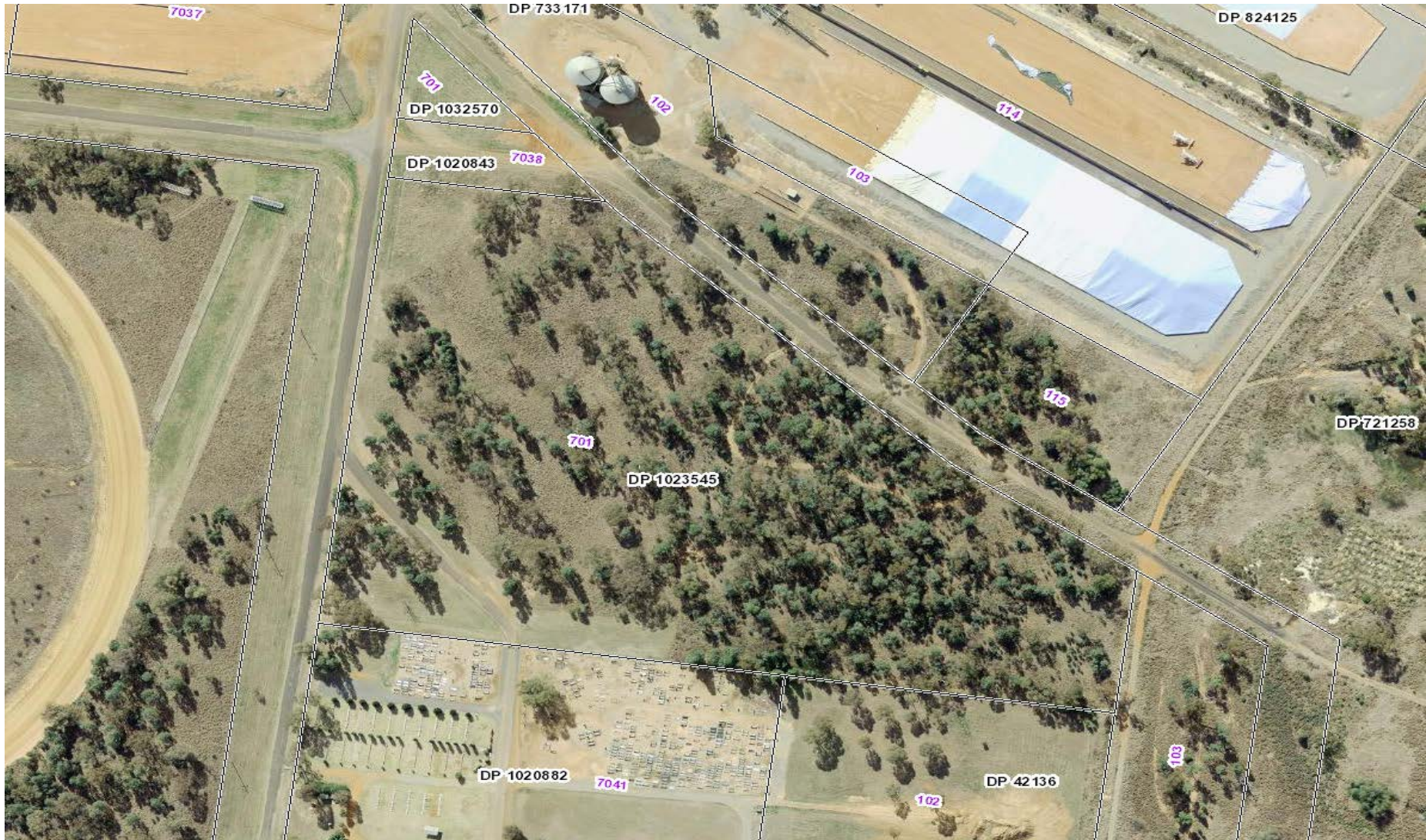
Yours truly,



Mrs Lesly Ryan  
Chairperson  
Nyngan Aboriginal Land Council

*be informed, be involved, be inspired.*

General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020



## 7 LARKIN OVAL CANTEEN CONSTRUCTION

### **Summary:-**

*This report is to present to Council for consideration a request from the builder of the new Larkin Oval Canteen for payment over and above the quoted contract price for the project.*

### **7.1 Introduction**

The purpose of this report is to present to Council for consideration a request from the builder of the new Larkin Oval Canteen for payment over and above the quoted contract price for the project.

### **7.2 Background**

In 2018/19 Council was successful in obtaining grant funding of \$375,862 under the Federal Government's Drought Communities Program for the reconstruction of the Larkin Oval Canteen.

Plans for the reconstruction were prepared by Council's architect. Attachment 1 is a copy of the sheet containing the ground floor plan.

Conditions of the grant included that work had to be done by local builders with a limited timeframe for getting the project completed. These factors led to Council's resolution (397/2019) not to seek formal tenders for the project - but rather to call for quotations - because of extenuating circumstances which are detailed in the relevant report to Council.

Accordingly quotations were sought from local builders by way of an advertisement in the Nyngan Observer on 20 and 27 February and 6 March 2019. Discussions and site visits were held with the two builders who expressed an interest in quoting but in the end only one quote, from Mal Donald Building, was received. This quote, broken into three components which form Attachment 2, totalled \$275,736 and was accepted by Council.

A Master Builders Association Head Contract (Commercial Building BC3) was entered into between Bogan Shire Council and Mal Donald Building for the construction work on 4 April 2019.

### 7.3 Discussion

Following commencement of demolition of the old canteen the builder determined that, whilst the architect’s plans included retention of some of the existing brick walls of the old canteen, this would not be possible due to structural concerns. Council staff agreed with this and so a contract variation, with costings, as provided for in Clause 9 of the Contract was agreed to.

During the course of the project other variations, included in the table below, were also agreed to under Clause 9 such as additional plumbing and electrical work, security shutters and improvements to the design of the external stairs to prevent public access to the roof of the new Canteen.

<b>Total Payments to Mal Donald Building - Larking Oval Canteen Construction</b>	
	<b>\$</b>
Original Quotation	275,736
Project Variation - demolish brick wall, raise footings and install steel frame	34,973
Project Variation - plumbing	18,256
Project Variation - electrical mains	12,982
Project Variation - security shutters	6,750
Project Variation - concrete in front of canteen	4,600
Project Variation - additions to stairs	3,000
Project Variation - Electrical work	1,818
	<b>358,115</b>

Additional project costs, including kitchen fittings and architect’s fees brought the total project cost to \$376,099 which was funded by the Drought Communities Program grant with a minor adjustment of \$237 to the project budget.

In the final stages of the construction process a letter was received from Mal Donald Building on 5 June 2020 raising concerns about additional costs already incurred by him as a result of changes to the design of the cool rooms and seeking reimbursement for these expenses as a project variation. (Attachment 3 refers.)

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Changes to the completed cool room design from the architect's design appear to include:-

1. Installation of sliding door at rear of Bar Cold Room (instead of a single steel clad cold room door)
2. Installation of double doors and shelving at the front of the Bar Cold Room (instead of a single steel clad cold room door and Cold Fridge)
3. Installation of sliding door at rear of Food Cold Room (instead of having no door)
4. Installation of double doors and shelving at the front of the Bar Cold Room (instead of a single steel clad cold room door)

These changes are highlighted on the architect's plans, Attachment 1, in colour referenced to the architect's Door Schedule table. Photos of doors, as installed, are included as Attachment 4.

Following enquiries amongst staff involved in the project, the General Manager responded to Mal Donald Building in a letter dated 17 June 2020. This letter (Attachment 5) sets out Council's response to his claim for additional payment in detail, which is not repeated here.

No written response to Council's letter was received but the General Manager had a further discussion and site visit with Mal Donald to clarify the General Manager's understanding of the changes to the cool rooms, and the additional costs involved. Following this, another letter was received from Mal Donald Building on 16 September 2020 (Attachment 6). This letter seeks payment of \$12,870 for the cool room work and \$1,301 (\$4,601 - \$3,000) for work on the external stairs which appear to have cost Mal Donald Building more than the original quote received from their subcontractor.

This letter also raises the issue, not previously discussed with the General Manager of Council's continued use of temporary fencing at the former Palais Theatre site. Council staff have verified that 28 panels belonging to Mal Donald Building have been in use since the date of final payment to them for that contract.

An email was received from Mal Donald on 5 October 2020 in response to a request for clarification on the reasons for making changes to the cool room layout from what was specified in the architect's plans:-



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

*"The main reason that glass doors were put on canteen was when activities involving no alcohol eg athletic carnivals/junior league/cricket they only had to open one side up (Tony). Also when league was playing they preferred kids not lining up in alcohol side to get can coke"*

Further enquires by the General Manager amongst Council staff, and former staff, involved in the project have not resulted in any confirmation of requests from them to make any alterations to the cool rooms from what was specified in the architect's plans. Confirming statements made to this effect in Council's letter of 17 June 2020.

It would seem that Council is under no legal obligation to pay Mal Donald Building any further sums under the construction contract based on the reasons set out in Council's letter dated 17 June 2020 (Attachment 5).

Notwithstanding all of the above, the current arrangement of the cool room doors arguably offers more flexibility and convenience to users of the Canteen than the original architect's design. Consequently, Council may wish to consider the possibility of some level of ex-gratia payment, made without obligation, to Mal Donald Building.

#### **7.4 Attachments**

1. Architect's ground floor plan
2. Quotations from Mal Donald Building
3. Letter from Mal Donald Building received on 5 June 2020
4. Photographs of doors as installed
5. Council's letter to Mal Donald Building dated 17 June 2020
6. Letter from Mal Donald Building received on 16 September 2020

#### **7.5 Recommendation**

For Council's Consideration.

**Derek Francis  
General Manager**



General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

**Mal Donald Building**  
**ABN 87 541 463 605**  
**Licence Number 214086C**  
**Mobile 0429 321 339**



Member Number 1867466

### Quote

10/03/ 2019

**Bogan Shire Council**  
**Nyngan NSW 2825**  
**Att General Manager**

RE: Quotation for Canteen Redevelopment at Larkin oval Nyngan QUOTE 1  
Building/construction of an extension to the ground floor and second story addition.

All work will be done by subcontractors and licence builder that are rate payers in the Bogan shire.

All materials that can be accessed from local stores will be used.

Work to be done

- Supply all materials, labour and plant to complete construction of new extension of existing canteen facility (slab, internal and external walls) as per plans provided
- Second story addition as per plans provided
- Work to be done in accordance to spec from de beer drafting job no 1815 and engineering plans from Dubbo consulting engineering
- Please note in excavation facilities (phone lines/ sewage etc. ) that are not marked or notified if damaged builder will not be responsible for paying to fix it

**Total amount including GST \$240800.00**  
**Includes GST of \$21890.00**

Thank you for opportunity to quote M.L.Donald



General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

**Mal Donald Building**  
**ABN 87 541 463 605**  
**Licence Number 214086C**  
**Mobile 0429 321 339**



Member Number 1867466

### Quote

10/03/ 2019

**Bogan Shire Council**  
**Nyngan NSW 2825**  
**Att General Manager**

RE: Quotation for Canteen Redevelopment at Larkin oval Nyngan QUOTE 2 Erection of awning of front of canteen

All work will be done by subcontractors and licence builder that are rate payers in the Bogan shire.

All materials that can be accessed from local stores will be used.

Work to be done

- Supply all materials, labour and plant to complete construction of awning as per plan
- Work to be done in accordance to spec from de beer drafting job no 1815 and engineering plans from Dubbo consulting engineering
- Please note in excavation facilities (phone lines/ sewage etc. ) that are not marked or notified if damaged builder will not be responsible for paying to fix it

**Total amount including GST \$33750.00**  
**Includes GST of \$3068.18**

Thank you for opportunity to quote M.L.Donald

**Mal Donald Building**



General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

**ABN 87 541 463 605**  
**Licence Number 214086C**  
**Mobile 0429 321 339**



**Member Number 1867466**

## **Quote**

10/03/ 2019

**Bogan Shire Council**  
**Nyngan NSW 2825**  
**Att General Manager**

RE: Quotation for Canteen Redevelopment at Larkin oval Nyngan QUOTE 3

Fit out commercial kitchen

All work will be done by subcontractors and licence builder that are rate payers in the Bogan shire.

All materials that can be accessed from local stores will be used.

Work to be done

- Supply all materials, labour and plant to complete construction of fit out of commercial kitchen as per plans provided
- Work to be done in accordance to spec from de beer drafting job no 1815

**Total amount including GST \$28760.00**  
**Includes GST of \$2614.55**

Thank you for opportunity to quote M.L.Donald



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**Mal Donald Building  
ABN 87 541 463 605  
Licence Number 214086C  
PO Box 7141, DUBBO GROVE NSW 2830  
Mobile 0429 321 339**



**Member Number 1867466**

4/06/2020

General Manager  
Bogan Shire Council  
Att: Derek Francis  
81 Cobar Street  
Nyngan NSW 2825

**RE: Larkin Oval Canteen Alterations and Additions – Cool Room**

As discussed last week during our phone conversation several issues have arisen regarding the completion of the subject works, in particular the cool rooms and we wish to highlight the following:

1. Please find the original drawing showing cool room details by De Beer attached. The drawing provides a sketch (at best) of the cool room referencing that further details are to be provided by manufacturer. Further the specifications supplied with the drawings makes no reference to the cool room. Therefore, based on these details we allowed in the contract PC items for cool rooms being part of total internal fit out costs of \$50,000 pending further information on client (Council) requirements.
2. Works commenced and consultation with client (Council) on cool room requirements took place. The client (Council) required additional stacking shelving; thickened heated glass doors and general alterations to accommodate the proposed changes. We sought out a specialist refrigerator being Chillrite of Dubbo to undertake the work based on the clients (Council) new cool room requirements. No manufacturer details or specifications were ever produced by the client (Council). Work continued in good faith.



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

3. We were continually reminded of the funding pressures and asked that Chillrite expedite their works to meet clients (Council) expectations. Chillrite sourced motors which doubled in costs to that expected due to insistence that heated glass doors be installed.
4. The new works proceeded and the costs to now deliver this project have increased, including additional costs of motors; stacker shelving and other associated items.

We consider the new works required from the client (Council) represent a significant variation to the contract. We do not disagree that the changes were needed as they provide a more practical solution and better functioning for the canteen operation. However, we cannot be held responsible for the variation costs as they should be attributable to lack of initial details, minus specifications and then no follow up manufacturers details that were to be provided by others.

We request that the matter be resolved soon and our variation be supported. We are happy to provide itemised details of the additional costs to complete new works. We are also happy to complete the works to meet funding arrangement times, as we have committed to throughout the project.

Your sincerely

Mal Donald Building



**Attachment 4**



Bar Cool Room Front – Photograph A



Bar Cool Room Rear – Photograph B



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**



Food Cool Room Front – Photograph C



Food Cool Room Rear – Photograph D

General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020



*"Comfortable Country Living"*

17 June 2020

Mal Donald Building  
PO Box 7141  
DUBBO GROVE NSW 2830

Dear Mal,

**Larkin Oval Canteen alterations and additions – Cool Room construction**

1. Reference is made to:
  - (a) your letter dated 4 June 2020 concerning the completion of the Larkin Oval Canteen cool rooms;
  - (b) the contract dated 4 April 2019 between the Bogan Shire Council as the Owner and you as the Builder (**Contract**);
  - (c) your Quotation for Canteen Redevelopment at Larkin oval Nyngan QUOTE 3 dated 10 March 2019 (**Canteen Quote**); and
  - (d) the Building Drawings for proposed extensions to services buildings, Larkin Oval, Tabratong Street, Nyngan prepared by de Beer Building Design dated 10 February 2019 (**Building Drawings**).
2. The Canteen Quote that you provided to Council, and which was accepted under the Contract, was based on the Building Drawings. We disagree that the Building Drawings provide "a *sketch (at best)*" of the cool room (paragraph 1 of your letter). In addition to relevant dimensions and other building requirements, the Building Drawings provide the following details for the cool room:
  - (a) "STORAGE SHEVLING BY COOL ROOM MANUF."; and
  - (b) in NOTE D: "[...] BUILD IN FRIDGE DOOR AS PART OF COOL ROOM MANUF. DETAILS".
3. On the basis of the Building Drawings, you stated as follows in the Canteen Quote (emphasis added):

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Supply all materials, labour and plant to complete construction of fit out of commercial kitchen as per plans provided

- Work to be done in accordance to spec from de beer drafting job no 1815

4. The total amount you then quoted in the Canteen Quote, including for the cool room, was \$28,760 (including GST).
  5. The Building Drawings were referenced in and form part of the Contract (see Schedule 1), with the cool room being expressly mentioned in Schedule 6 – Special Conditions as follows: “[...] cool room / Fridge / Kitchen items will have to be supplied from out of local area due to not being available locally”. No aspect of the work set out in the contract drawings and specifications was excluded from the work and the contract sum (see clause 2C of Schedule 1).
  6. It is clear from the foregoing that you were obligated to build the cool room in accordance with the dimensions and other building requirements indicated in the Building Drawings. Your obligations in this regard included sourcing and procuring necessary materials (*ie*, storage shelving and fridge door) from a manufacturer. Any details, including in terms of how to build in those materials, were to be provided to you by the cool room manufacturer from whom you contracted to supply you with the necessary materials.
  7. Therefore, contrary to the suggestion in paragraph 2 of your letter, Council was under no obligation to provide you with “*manufacturer details or specifications*”. It was rather your obligation to obtain these from your contracted manufacturer for the cool room.
  8. Reference is made to paragraph 1 of your letter, where you state that you allowed internal fit out costs of \$50,000 “*pending further information on client (Council) requirements*”. However, neither the Canteen Quote nor the Contract specifies that any further information was required to be provided by Council to you in terms of cool room specifications. As explained above, those specifications were to be obtained from your contracted cool room manufacturer. There was no obligation on Council to provide you with further information in the manner you allege.
-

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

9. Further in this regard, your attention is drawn to clause 1(c) of the Conditions of Agreement in the Contract. That provision applies because here the Owner (*ie*, Council) is responsible for the drawings and or specification documents detailing the work to be under the Contract. If there was a discrepancy or ambiguity in the drawings or between the drawings and the specification (as you now suggest in your 4 June 2020 letter), then you were obligated under clause 1(c) to refer that discrepancy or ambiguity to Council in sufficient time in order to obtain instructions as to how the matter is to be dealt with.
10. Importantly, if that occurs, clause 1(c) requires that: "*the Owner is to provide written instructions on how the discrepancy or ambiguity is to be dealt with*" and "*should the Owner fail to direct the Builder within five (5) days of the reference for directions then the Builder may exercise his own discretion in determining which course he will follow*" (original emphasis).
11. According to Council's records, prior to receiving your 4 June 2020 letter, you never notified Council as to the existence or any discrepancy or ambiguity in the drawings and specification (despite having the Building Drawings since before you provided your Canteen Quote on 10 March 2019). Furthermore, Council has no record of having provided you with written instructions in the terms required under clause 1(c). In the circumstances, Council's warranty as to the accuracy of documents detailing the work under the Contract dated 14 April 2019 was true and correct when given and you agreed to enter into the Contract on that basis.
12. Notwithstanding the foregoing, in paragraph 2 of your letter, you reference certain "*consultation with client (Council) on cool room requirements*" and that Council "*required additional stacking shelving; thickened heated glass doors and general alterations to accommodate the proposed changes*". Council has no record that (a) any such consultation took place, or (b) any such direction was given to you.
13. In the absence of any direction having been given to you by Council in the terms you have alleged, Council is unable to agree that there were any "*new works*" that "*represent a significant variation*" in the terms provided in clause 9 of the Conditions of Agreement in the Contract ("*Variations – how to deal with changes to the work*"). On the basis of Council's records, your 4 June 2020 letter represents the first time you have raised your variation with Council (although you have been in possession of the Building Drawings prior to your Canteen Quote dated 10 March 2019).

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

14. Notwithstanding the foregoing, and while fully and expressly reserving all of Council's rights, in order to assist Council in considering its position given the matters you have raised, please provide Council as soon as possible (and within no later than seven days):
- (a) details of any consultation and/or direction in the terms alleged in paragraph 2 of your letter, including the relevant date(s) on which and representative(s) from Council with whom such consultation took place and/or direction was given by Council, as well as copies of any correspondence between Council and you in these regards; and
  - (b) itemised details of the additional costs you say will be required to complete the works.

Should you require any further information, please contact Derek Francis on (02) 6835 9000 Monday to Friday between the hours of 8:00am and 4:30pm.

Yours sincerely

A handwritten signature in blue ink that reads "Dere Francis".

**Derek Francis**  
General Manager  
Bogan Shire Council



General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

**Mal Donald Building**

**ABN 87 541 463 605**

**Licence Number 214086C**

**PO Box 7141, DUBBO GROVE NSW 2830**

**Mobile 0429 321 339**



Member Number 1867466

04/06/ 2020

General Manager

Bogan Shire Council

Att-Derek Francis

81 Cobar Street

Nyngan NSW 2825

**RE- Extra work completed at canteen and palis fence**

1/The extra work completed was double glazed doors with heating lamps /stacker shelves and large coolroom unit once doors are introduced into cool room

All up the extra costs of installing the system came to \$12870.00

2/The stairs where removed and I was asked to get estimate from giles to make side rails higher which has nothing to do with my quote his estimate was \$3300.00 but once job complete his bill came to \$4601.00 I have been paid the \$3300.00

3/ About 60% of the fencing surrounding old palis theatre site is mine would you be able to give me a rough estimate when you will be finished with it

Sorry to annoy you with this but just think you need this in writing thanks for your time  
Mal Donald

If you have any queries please feel free to contact me on 0429321339.



People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

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

### Mayor and Councillors

The following reports are submitted for consideration:-

#### 1 NYNGAN SHOW DAY

**Summary:**

*The purpose of this report is to advise Council of community response to the declaration of a local event day / public holiday for Nyngan Show Day in 2021, Monday 10 May 2021 and for Council to determine their request to the Minister for Industrial Relations accordingly.*

##### 1.1 Introduction

The purpose of this report is to advise Council of community response to the declaration of a local event day / public holiday for Nyngan Show Day in 2021, Monday 10 May 2021 and for Council to determine their request to the Minister for Industrial Relations accordingly.

##### 1.2 Background

Traditionally Council has requested that the relevant State Minister declare a half-day public holiday for the Bogan Shire area on Monday afternoon of the Nyngan Show.

The NSW Government introduced legislation in 2010 which makes provision for the declaration of local event days as an alternative to local public holidays. Based on information provided by NSW Industrial Relations the potential impacts on business and the community for a public holiday as opposed to a local event day in a designated local government area are:

##### Public Holidays

- Banks are required to close unless they hold specific approval to remain open.
- Shops are free to open without restriction.
- All employees who work in the designated area are entitled to be absent from work.
- Those employees who work may have an entitlement to penalty rates.



**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

### Local Event Day

- Banks and shops are free to open without restriction.
- Entitlements to paid time off work or penalty rates for employees will only arise where they have been agreed at a workplace level.

### **1.3 Discussion**

As part of the standard public consultation process for the 2021 Show Day, Council is required to consult with local banks and schools, Aeris Tritton Operations, Lawlab, and local transport companies, taking into consideration arrangements for students on the day and asking them to advise Council if they would prefer the declaration of a Local Event Day over a Public Holiday.

Council's application for a public holiday is due to the Minister for Industrial Relations by 27 November 2020. Letters were sent to the organisations named above with responses due by 25 September 2020, five of which have been received.

The attached correspondence was received. No other correspondence was received.

### **1.4 Attachments**

1. Letter from Nyngan High School.
2. Letter from St Joseph's School.
3. Letter from Aeris Tritton Operations.
4. Email from Commonwealth Bank.
5. Letter from Girilambone Public School.

### **1.5 Recommendation**

For Council's Consideration.





321004

321769

Principal: B Wright  
Deputy: A Bush

[h.schools@det.nsw.edu.au](mailto:h.schools@det.nsw.edu.au)

## NYNGAN HIGH SCHOOL

PO Box 156  
Telephone 02) 68

Facsimile 02) 68

Email: [nyngan-](mailto:nyngan-)

---

Mrs Debb Wood

Director People and Community Services

Bogan Shire Council

**Re: Nyngan Show Day Holiday**

Dear Debb,

I am writing with regard to the Bogan Shire Council's application for a Public Holiday, coordinated for the Nyngan Show.

Nyngan High School supports the Council's application to the Minister for Industrial Relations, for a Public Holiday to occur on this day.

Our school has many student, staff and parent members who annually take part in Nyngan Show events and as such would be absent from any normal school events to attend their duties at the show. Our school is also a large contributor to stalls and events such as the livestock judging and parading, artistic competitions and culinary commitments. These commitments draw our students and staff away from the normal school day to attend the Nyngan Show.

As such it would be advantageous for a Public Holiday to occur, whereby all school community members can attend the Nyngan Show in support of our local community and there would be no detrimental effect to educational delivery for our students or staff.

Yours Sincerely,

Benn Wright

Principal

Nyngan High School



## St Joseph's School

23 Terangion Street  
P.O. Box 142  
NYNGAN NSW 2825  
Phone: (02) 68321588

Email: [principal.nyngan@wf.catholic.edu.au](mailto:principal.nyngan@wf.catholic.edu.au)

22<sup>nd</sup> September 2020

Debb Wood  
Director People and Community Services  
Bogan Shire Council  
P.O. Box 221  
NYNGAN NSW 2825

Dear Debb,

**RE: 2021 NYNGAN SHOW DAY HOLIDAY**

As per your correspondence dated 8<sup>th</sup> September 2020, we continue to support the council's position regarding the Nyngan Show Day Public Holiday.

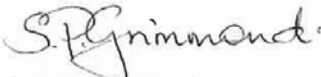
It is our opinion at St Joseph's School that a **full-day public holiday** for our students should be gazetted to enable them to participate in various sections of our local show over the two days. This includes acting as Junior Stewards and competing in Equestrian Events. As you would be aware, many of our parents also act as stewards and general helpers. Members of our teaching staff are also involved in many aspects of the Nyngan Show.

It should also be noted that the half-day holiday is inconvenient for our families and, I would imagine, inconvenient for our local school bus drivers as well. It is compulsory for the children to attend school until 12:00 noon which means they arrive at school at 9:00 am and are collected from school at 12:00 noon, leaving on a school bus or being picked up by their parents. I would imagine that this is also difficult for our farming families who live quite a distance from town – they either wait for their children to arrive home on a school bus before going back to town for the show or they have their child marked absent on the day.

In past years, student attendance on the Monday of the Nyngan Show has been excessively high.

I do hope that the opinions of our school community will be taken into consideration.

Yours sincerely,

A handwritten signature in cursive script that reads "S. Grimmond".

Sharon Grimmond  
Principal



People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020



To Debb Wood,  
Director People and Community  
Bogan Shire

25 September 2020

Re: 2021 Nyngan Show Day

Dear Debb,

Thanks for your communication of 8<sup>th</sup> September giving us the opportunity to express a view about arrangements for the 2021 Nyngan Show Day, and please accept my apology for a late response.

Aeris Tritton Operations recognises the importance of the annual show day in the Bogan Shire calendar and we look forward to support the event in practical ways, including by promotion as well as active representation by our company which I understand has been our custom in previous years.

We intend to encourage attendance by Tritton employees and in order to facilitate this it would be our intention to allow eligible employees who are rostered to work on the day of the Show to work a half-day in order to attend in the afternoon. From our perspective this would align best with the definition of a local event and hence our preference would be for the event to be declared as such.

Yours sincerely

David Hume  
General Manager – Aeris Tritton Operations  
Email: [dhume@aerisresources.com.au](mailto:dhume@aerisresources.com.au)

Tritton Resources Pty Ltd - ABN 88 100 095  
(A subsidiary of Aeris Resources Limited)  
T: +61 2 6838 1100; F: +61 2 6838 110;  
P: PO Box 386, Nyngan NSW 2025  
Registered Office

Level 2, HQ South tower, 520 Wickham Street, Fortitude Valley QLD 4006 Australia  
Post: Box 14, 520 Wickham Street, Fortitude Valley, QLD 4006

E: [info@aerisresources.com.au](mailto:info@aerisresources.com.au) T: +61 7 3034 6200; F: +61 7 3034 6990  
[www.aerisresources.com.au](http://www.aerisresources.com.au)



**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Hi Debb,

Sorry for the late reply. We are happy to continue with the half day public holiday as has been the case in past years.

Regards

Jodi



**Jodi Douglas**

Branch Manager

Customer Service Network

109 Pangee St

Nyngan, NSW, 2825

**Phone** 02 68321120

**Mobile** 0478402856

**Email** [jodi.douglas@cba.com.au](mailto:jodi.douglas@cba.com.au)

People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020



**GIRILAMBONE PUBLIC SCHOOL**

Vega Street  
Girilambone NSW 2831  
Phone: 02 6833 1039  
Fax: 02 6833 1037  
Mobile: 0429 323123  
ABN: 91 563 625 072

16th September 2020

Debb Wood

---

Director People and Community Services  
Bogan Shire Council  
PO Box 221  
NYNGAN NSW 2825

Dear Debb,

As in previous years, we are happy to endorse the Bogan Shire in the application for a public holiday for the Nyngan Show 2021.

Many of our students would be unable to attend the show due to work commitments of their parents if the show were not declared a public holiday. Obviously this would be disadvantageous to our students both socially and emotionally.

We do in fact enter our students in many of the arts and competitions at the Nyngan show so their involvement is crucial to the full learning experience of the units we are involved in at this event.

We all look forward to a happy and successful show in 2021 and wish the Shire and the planning committee all the very best in the organisation of this excellent community event.

Yours sincerely



Noeline Walsh  
School Administrative Manager  
Girilambone Public School



People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

## 2 BOGAN BUSH MOBILE – TERM 3 REPORT

**Summary:**

*The purpose of this report is to advise Council on the Term 3 activities of the Bogan Bush Mobile service.*

### 2.1 Introduction

The purpose of this report is to advise Council on the Term 3 activities of the Bogan Bush Mobile service.

### 2.2 Background

At the end of each term, an operational Bogan Bush Mobile report is provided for the information of Councillors.

### 2.3 Discussion

Term 3 2020:

20 July-6 October 2020

Statistics

Total children enrolled: 107 - official enrolments, 76 families

Term 2 attendance: 74 children

Term 2 sessions: 56 sessions

Vehicle kilometres: 9,153 km

Current venues visited in term 3:

Marthaguy, Marra, Hermidale, Trangie, Collie, Collierreina, Tottenham, Mungery, Warren and Narromine



**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**TERM 3 ACTIVITIES**

BBM have had a busy Term with new families enrolling and all of our sessions have been very well attended.

We have had 2 of our Long Day Care venues licensed and now waiting for the Assessment and Rating Regulatory process staff to come out for their first visit.

We unfortunately have had to cease our Warren BBM session due to there being no families to access this service. It appears families are using the child care in Warren. Staff have investigated the need for our service in Girilambone, where we stopped visits last year due to having no numbers, and it seems there are now more families in the area wanting to access our service. As a result the Girilambone sessions will start up again on Thursday 15 October and we will continue our play session every fortnight. We look forward to starting this session up and being there to support children and families in the area.

We are continuing our COVID-19 safe practices within our service and at all our venues, following strict cleaning procedures and wearing our masks in the Ute when we travel.

**2.4 Recommendation**

That the Bogan Bush Mobile Report Term 3 be received and noted.

### 3 USE OF BIG BOGAN TRADE MARK

#### **Summary:-**

*This report is to seek Council's approval for the use of the Big Bogan trade mark as part of the masthead for the new Nyngan Weekly.*

#### **3.1 Introduction**

The purpose of this report is to seek Council's approval for the use of the Big Bogan trade mark as part of the masthead for the new Nyngan Weekly.

#### **3.2 Background**

Following the erection of the Big Bogan figure in 2015, with the publicity that it attracted, Council registered a trade mark for the image used to create it:



#### **3.3 Discussion**

Attached is a first page mockup received from the publishers of the Nyngan Weekly with a request to use the Big Bogan image as part of their masthead.

Previous permissions to use the trade mark have been granted on the following conditions:-

- *It is Council's expectation that all imagery is used in a context that is consistent with good taste and the best interests of our community and if, in Council's opinion, this expectation is not met then this permission may be withdrawn.*
- *In addition, please note that Bogan Shire Council does not charge a fee for use of the image, however reserves the right to do so in the future.*





**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**3.4 Attachment**

Nyngan Weekly first page mockup.

**3.5 Recommendation**

For Council's consideration.

**Debb Wood  
Director People and Community Services**



People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

*The Nyngan Weekly*

Thursday, October 22, 2020

Established  
2020

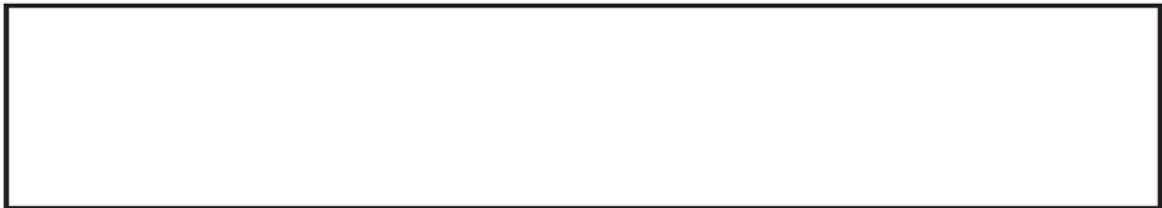


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TELEPHONE (02) 6847 2022 FAX (02) 6847 1266  
EMAIL [editor@nynganweekly.com.au](mailto:editor@nynganweekly.com.au)

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# FIRST EDITION





Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

## 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 SEPTEMBER 2020

#### **Summary:-**

*The report is to outline the performance of Council's Investment Portfolio for the month of September 2020.*

*At 30 September 2020 Council had \$13.3 million invested. There has been a decrease of \$1.3 million due to expenditure on Grants with income still outstanding and purchase of the new Roller and Grader from Capital Plant Purchases.*

#### **1.1 Introduction**

The purpose of this report is to outline the performance of Council's Investment Portfolio for the month of September 2020.

#### **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 September 2020 is shown below. At 30 September 2020 Council had \$13.3 million invested. There has been a decrease of \$1.3 million due to expenditure on Grants with income still outstanding and purchase of the new Roller and Grader from Capital Plant Purchases. 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 October 2020**

**Investment Movements for September 2020**

It is hereby certified that these investments have been made in accordance with the Local Government Act 1993 and the Regulations thereto.

REF	Source	Maturity	Days	% rate	Bal Aug 20	Bal Sep 20
3204	NAB	07/12/2020	182	0.950%	2,000,000.00	2,000,000.00
4608	NAB	25/02/2021	365	1.450%	2,000,000.00	2,000,000.00
3994	NAB	2/03/2021	365	1.370%	2,800,000.00	2,800,000.00
9467	NAB	11/01/2021	182	0.850%	1,000,000.00	1,000,000.00
6894	NAB - Professional Funds	At Call		0.650%	6,821,792.74	5,499,492.03
	Balance securities held				14,621,792.74	13,299,492.03
	Balance Ledger 19010.8200.8200				14,621,792.74	13,299,492.03
	<b>Summary by institution</b>					
	Commonwealth				0.00	0.00
	NAB				14,621,792.74	13,299,492.03
					14,621,792.74	13,299,492.03

**1.4 Recommendation**

That the Investments Report for the month of September 2020 be received and noted.

## 2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

### **Summary:-**

*The report is to provide a comparison of rate collections as at 30 September 2020, with the same period last year.*

*Total arrears have increased from \$502,873 as at 30 September 2019 to \$803,445 as at 30 September this year.*

### 2.1 Introduction

The purpose of this report is to provide a comparison of rate collections as at 30 September, 2020, with the same period last year.

### 2.2 Discussion

This report is provided for the information of Councillors.

<b>Rate Collections</b>	<b>2020-2021</b>	<b>2019-2020</b>
Arrears Prior to 01/07/2020	622,548	382,915
First Instalment in arrears as at 30/9/2020	180,897	119,958
Second Instalment in arrears as at 30/9/2020	1,025,606	991,598
Third Instalment Outstanding as at 30/9/2020	1,073,605	1,027,607
Fourth Instalment Outstanding as at 30/9/2020	1,083,205	1,037,516
<b>Total Arrears</b>	<b>803,445</b>	<b>502,873</b>
<b>Total Outstanding</b>	<b>3,985,861</b>	<b>3,559,594</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	6,051,011	5,444,492
Add: Adjustments	20	16,207
Less: Payments to end of September	-1,986,501	-1,825,137
Less: Rebates	-78,669	-78,987
Add: Postponed	-	3,019
<b>Gross Total Balance</b>	<b>3,985,861</b>	<b>3,559,594</b>
<b>Arrears of total amount levied %</b>	<b>13%</b>	<b>9.2%</b>



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Total arrears have increased from \$502,873 as at 30<sup>th</sup> September 2019 to \$803,445 as at 30 September this year.

Each instalment amounts to approximately \$1,513,000 (Total Rates, Waste, Water & Sewer Access Charges)

As at 30 September 2020 Council had collected \$161,364 more than at the same time last year. At the time of writing this report an additional \$32,665 had been collected.

Arrears of total amount levied is 13% as at 9 October 2020.

Arrears on the first instalment is 12% on the 9 October 2020.

### **2.3 Recommendation**

That the Rates and Annual Charges Collection Report for the month of September 2020 be received and noted.

### 3 FIRST QUARTER 2020/2021 BUDGET REVIEW

**Summary:-**

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

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

#### 3.1 Introduction

The purpose of this report is to:-

1. To review actual performance against budget for the first three months of the 2020/2021 financial year up to 30 September 2020.
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. It is with this in mind that this report is presented within one month of the end of the first quarter.

Referring to Appendix A, the Projected Year End Result has been adjusted to allow for carry forward items and first quarter recommended changes. The items in the carry forward column are prior year capital projects and have already been approved by Council at previous meetings. The first quarter changes are shown in a separate column and discussed below and need to be approved 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/spending at the end of the financial year. It is the sum of the originally adopted budget for 20/21, plus items carried forward from 19/20, plus or minus recommended changes made at this first quarter review.



Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

### 3.3 Discussion

#### ***Performance Against Budget***

The year to date performance against budget shows a \$314,816 change to the original projected balance. Council budgeted for a cash surplus of \$249,939 overall and the changes to the budget now show a cash deficit of \$64,877 across all funds. An amount of \$413,847 was transferred from cash reserves to balance the General Fund and \$35,628 to balance the Sewer Fund in the original budget.

The General Fund now shows a cash surplus of \$18,631 which is a reduction from a surplus of \$63,447 due to adjustments by the Federal Government to the Financial Assistance Grant (FAG). It should be noted that the surplus is attributable to the Plant Fund and can only be used for these purposes.

Where possible budget changes have been offset against changes in other areas. Most of the changes have been due to additional grant funds being received in the first quarter of 2020/2021 due to both drought and Covid 19 Stimulus Funding. Council has not received what was budgeted for the Financial Assistance Grant and this has resulted in an adjustment of \$44,816 to the income received. Funds to offset this adjustment have not yet been identified due to the size of the adjustment and being early in the budget year however staff are confident an offset to this can be made within the next two budget reviews.

The Sewer Fund has no changes to the original budget.

The Water Fund now shows a cash deficit of \$83,508. This is due to Council needing to contribute \$270,000 of its own funds towards the construction of a pipeline to improve Nyngan water security as a condition of the draft funding agreement from the NSW Government bringing the original surplus of \$186,492 into a deficit. The Water Fund does have sufficient Cash Reserves to fund this amount.

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

As always Councillors and staff need to be aware of decisions made and their impact on Council's budget. It is always important that corresponding savings are found when making decisions on additional spending. As discussed Council will need to find some adjustments in the following two quarters to offset changes in the first quarter.

Council has a net unfavourable adjustment of \$44,816 to its FAG after initially budgeting for a 2.8% increase overall for both components of the grant. The General Purpose component of the grant Council received a reduced amount to the budget of \$9,065 and the Rural Roads component received a reduced amount of \$35,751. This decrease has been adjusted in the budget however no offset has been found in this review.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Council has received additional grant funding in other areas however these are all for specific purpose grants and cannot be used to offset the adjustment to the FAG.

Some of the additional grant funding includes Drought Communities Extension funding for \$1,000,000 and offset by the projects to be undertaken with these funds such as the resurfacing of the Nyngan Pool, fitout of the Medical Centre extension, Sonography equipment at the Medical Centre, Collierreina Hall improvements, Hermidale Park, training lights Junior Rugby League oval and fit-out of Youth and Community Centre.

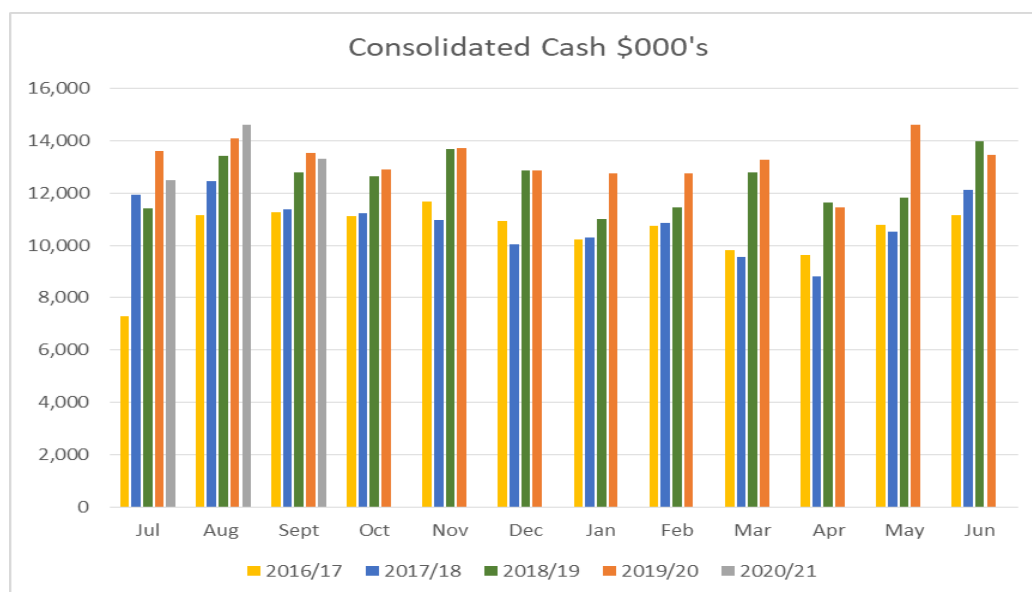
Grants have also been received for the extension to the Bogan Shire Medical Centre and for resealing the runway at the airport.

The first 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, 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 have been summarised in Appendix B.

**Cash**





**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Council is holding significant cash balances once again due to prepayment of 2020/2021 Financial Assistance Grant (FAG) as well as receiving the first quarterly instalments of FAG, Block Grant, Roads to Recovery (R2R) and the first instalment of rates being paid. Consequently the cash balance is expected to decrease over the next nine months.

At \$13 million the 2019/20 year end cash balance has come in below Council's Long Term Financial Plan projection of \$14million.

### **Consulting and Legal Expenses**

The budgeted and actual spending on consultants and legal expenses is shown below. The consultancy expenditure has been spent on Library, Early Learning Centre, Medical Centre, Engineering Services, Environmental Services, Compliance Management, IT Services, Water and Sewer services.

Additional consultant income of \$100,000 has been moved from Council wages costs to consulting costs in Environmental Services and an amount of \$44,145 was also carried forward from 2019/2020 for a consultant at the Early Learning Centre where funds obtained were from a specific purpose grant and cannot be used for any other purpose.

<b>CONSULTING &amp; LEGAL EXPENSES</b>			
<b>Expense</b>	<b>Budget</b>	<b>Expenditure YTD</b>	<b>Revised</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Consultancies	349,695	199,617	493,840
Legal	55,000	599	55,000

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 30/09/2020 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.

Signed: \_\_\_\_\_ date: 12/10/2020

Stephanie Waterhouse

Responsible Accounting Officer, Bogan Shire Council



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

### **3.4 Attachments**

Appendix A – 2020/2021 First Quarter Budget Review Summary

Appendix B – 2020/2021 Budget Review Statement

Appendix C – 2020/2021 Cash Position of Funds Projected Operating Result

Appendix D – 2020/2021 Capital Budget Updated

### **3.5 Recommendation**

That Council:

1. Note the report on Actual compared to Budget for the quarter ended 30 September 2020.
2. Adopt the adjustments to the 2020/2021 budget as shown in the Budget Review Statement at Appendix A to this report.

## 4 ANNUAL FINANCIAL REPORTS

### Summary:-

- *The purpose of this report is to table the 2019/2020 Financial Statements.*
- *In accordance with Section 418 Council is required to hold a public meeting in order to present the Financial Reports.*
- *Notification of the meeting was advertised on Council's website and Council's Facebook page on the 8th October 2020 and the presentation of the audited financial reports is to occur at this meeting.*

### 4.1 Introduction

The Financial Reports for the year ended 30 June 2020 have been completed. The Council's auditors conducted their final audit and Council has received their Audit Report.

A full set of the Financial Reports including the Auditor's Report is tabled at this meeting and is also available on Council's website. They will also be available for inspection from the Director Finance and Corporate Services prior to the meeting.

Consideration of this report means that Council is complying with the *Local Government Act 1993*.

### 4.2 Background

The Financial Reports for the year ended 30 June 2020 have been prepared in accordance with the *Local Government Act 1993* and the Regulations made there under, the Australian Accounting Standards and Professional Pronouncements and the Local Government Code of Accounting Practice and Financial Reporting.

### 4.3 Discussion

Section 418 to Section 421 of the *Local Government Act 1993* outlines the procedures that Council must follow with regards to the presentation of its Financial Reports.

In accordance with Section 418 Council is required to hold a public meeting in order to present the Financial Reports. Notification of the meeting was advertised on Council's website and Facebook page on 8 October 2020 and the presentation of the audited financial reports is to occur at this meeting.

In accordance with section 420 "any person may make submission to the Council with respect to the Council's audited financial statements". ***At the time of writing this report, no submissions had been received.***

#### **4.4 Recommendation**

That the Financial Reports and Auditor's Report for the period 1 July 2019 to 30 June 2020 be presented to the public and be received and noted.

### **5 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.*
- Managers responsible for each of the activities listed under the Strategies and Outcomes have indicated the current status of the activity.*

#### **5.1 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.

#### **5.2 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.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

### **5.3 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 2020/21 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.

### **5.4 Attachment**

Extract of Delivery Program Report – 2020/2021 Activities.

### **5.5 Recommendation**

That the Delivery Program Report be received and noted.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**Key - Status**

**NS:** Not Started

**NP:** Not Progressing

**PNI:** Progressing no Issues

**PWI:** Progressing with Issues

**C:** Completed

**Only add a very brief comment for activities that have the following status:**

(NS), (NP) or (PWI).

**No comment is required for C (Completed) or PNI (Progressing no Issues) activities.**

**Strategy 1.1.1**

**Continue to support and create opportunities for community festivals, events and cultural activities through planning, marketing, direct involvement and various forms of assistance.**

Activities 2020/21		Status	Action Comments	Council Lead
ii	Seek sponsorship and organise the Christmas Lights and Rural Mailbox Competitions	NS	Due to commence shortly	Director People and Community Services
iii	Provide facilities for community events at the Nyngan Showgrounds and racecourse including the Nyngan Show, Ag Expo, Nyngan Easter Challenge and Duck Creek	PWI	Community Events now on hold or severely restricted under COVID-19 Public Health Order	Director Engineering Services



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

<b>Strategy 1.1.2</b>				
<b>Support all local communities, heritage and cultural groups to reconnect to, preserve and share our Shire's heritage and social history, and continue to promote the attractions that contribute to the cultural and economic development of the Shire.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
ii	Conduct citizenship ceremonies	PWI	Ceremonies now to be held online under COVID-19 Public Health Order	General Manager
iii	Promote annual events calendar via website and council column (e.g. WSPA End of Year Concert, ANZAC Day Events etc.)	PWI	Community Events now on hold or severely restricted under COVID-19 Public Health Order	Director People and Community Services
iv	Continue to promote the Nyngan Museum and Mid-State Shearing Shed Museum	PWI	Museum and Mid-State Shearing Shed have been closed to the public under COVID-19 Public Health Order. Nyngan Museum also closed due to extensive renovations.	Director People and Community Services
<b>Strategy 1.1.3</b>				
<b>Identify, respect and preserve sites and items of historical significance.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
iii	Undertake a review of the Community Heritage Study	NS	Dependent on available resources - deferred until 2021	Director Development and Environmental Services
<b>Strategy 1.1.4</b>				
<b>Develop and support volunteer groups to carry out functions and projects for the benefit of the community and volunteers.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
ii	Support National Tree Day	C	Ongoing annual event. Event was cancelled due to Covid 19 however Council planted 25 trees at the eastern entrance to town to continue the program.	Director Development and Environmental Services
<b>Strategy 1.2.2</b>				
<b>Maintain and improve our parks, gardens and playgrounds to promote their use and enjoyment by the whole community and our visitors.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
i	Investigate the establishment of a Community Street Tree Planting Program	NS	Dependent on available resources - deferred until 2021	Director Development and Environmental Services



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

<b>Strategy 1.2.4</b>				
<b>Provide well maintained community halls and other similar facilities for community use.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
i	Develop progressive M&R program for all Shire halls and community facilities capital works	NS	A review of Shire Halls and community facilities is currently underway by Councils Asset Manager and Property Manager. Once this has been undertaken a program of M&R will be developed by the Engineering Department to complete M&R and ascertain budgets required for larger works.	Director Engineering Services
iii	Undertake a review of community halls and develop a plan of management with the view to support community activities	NS	Dependent on available resources - deferred until 2021	Director Engineering Services
<b>Strategy 1.2.5</b>				
<b>Provide well maintained Shire showground and equestrian facilities for community use.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
iv	Extend irrigation system to provide coverage of all operational areas at the showground	NS	Not allowed for in the current budget	Director Engineering Services
<b>Strategy 1.2.6</b>				
<b>Support development of a youth centre that is maintained for recreational, educational and cultural activities.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
i	Work with schools and community organisations to identify needs, opportunities and funding options for a dedicated youth centre	C	Community Consultation took place in August 2019, Stronger Country Communities Funding Round 3 grant application submitted 27 September 2019. Council successful with Grant funding.	Director People and Community Services
<b>Strategy 1.2.7</b>				
<b>Provide and promote quality Library services.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
i	Provide and promote well maintained facilities and access to printed and online information and other resources.	PWI	Library activities impacted by COVID-19 Public Health Order	Director People and Community Services



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

<b>Strategy 1.3.1</b>				
<b>Provide childcare facilities, preschools, after hours care and playgroups that meet the needs of the whole community.</b>				
<b>Activities 2020/21</b>		<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
i	Operate Bogan Shire Early Learning Centre	PWI	Covid-19 affected attendance and revenue	Director People and Community Services
ii	Continue to provide the Bush Mobile playgroup service.	PWI	Covid-19 affected attendance and revenue	Director People and Community Services
<b>Strategy 1.3.2</b>				
<b>Provide opportunities for young people to be actively engaged in the development, design and planning of educational and other programs, services and infrastructure in which they are a stakeholder or user group.</b>				
<b>Activities 2020/21</b>		<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
iv	Source funding for Youth Week activities and/or events including StormCo	NS	Youth Week cancelled due to COVID-19 Public Health Order	Director People and Community Services
<b>Strategy 1.3.5</b>				
<b>Identify and support a range of recreational, sporting and other opportunities for personal development, interaction and healthy lifestyle for seniors through education, support networks and facilities.</b>				
<b>Activities 2020/21</b>		<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
i	Work with community organisations to develop a program of workshops and/or events in Seniors Week, depending on funding.	NS	Seniors Week postponed due to COVID-19 Public Health Order	Director People and Community Services
ii	Sponsor and organise Senior Citizen of the Year Awards, Morning Tea and Concert in Seniors Week	NS	Seniors Week postponed due to COVID-19 Public Health Order	Director People and Community Services
<b>Strategy 1.3.6</b>				
<b>Identify and support the social services needs of older people and active seniors in the community and provide infrastructure to support assisted and independent living and social interaction.</b>				
<b>Activities 2020/21</b>		<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
i	Investigate housing options for seniors, including grants for building funding	C	Senior Living Development completed.	Director Development and Environmental Services

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

<b>Strategy 2.1.1</b>				
<b>Efficient local and regional transport networks that meet community and business needs.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
v	Design and construct bikeways and footpaths incorporating tree shade cover	PWI	Funding has been applied for through the RMS to update PAMP and bike plan	Director Engineering Services
vi	Implementation of identified projects to construct pedestrian kerb ramps as identified in Pedestrian Access Mobility Plan subject to continuing RSM grant funding	PWI	Funding has been applied for through the RMS to update PAMP and bike plan	Director Engineering Services
<b>Strategy 2.2.1</b>				
<b>Encouraged increased use of rail for transporting agricultural and mining products.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
ii	Work with John Holland Rail, the RMS and NSW Police to ensure current standards of rail and crossing safety are maintained and promoted within the community	PWI	Speed of trains and eastern level crossing remain an unresolved issue	General Manager
<b>Strategy 2.4.1</b>				
<b>Provide a financially viable and efficient sewerage system that meets best practice and has sufficient capacity for current and projected growth requirements.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
i	Monitor and review the development of a database of all sewerage management systems within the Local Government Area	NS	Dependent on available resources - deferred until 2021	Director Development and Environmental Services



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**Strategy 3.1.1  
Conduct periodic reviews of Council's planning instruments to ensure that land use planning supports the long term sustainability of our local communities and our economy.**

Activities 2020/21		Status	Action Comments	Council Lead
i	Review of LEP 2011	C	Reviewed - no amendments required, suitable for current needs.	Director Development and Environmental Services
iv	Review DCP 2012, including provisions of heritage controls	NP	The Shire has 4 local heritage items all managed by Council. Heritage Development Controls are only effective when developments are undertaken to Heritage Listed Items (which do not presently exist in the Shire). A Heritage Review and adoption of heritage listed items under the Bogan LEP 2011 is required in this regard. Review of setback planning controls have resulted in amendment to the DCP.	Director Development and Environmental Services
v	Establishment of Rural Residential Strategy	NS	Dependent on available resources - deferred until 2021	Director Development and Environmental Services

**Strategy 3.1.3  
Ensure our community's buildings are safe, healthy and maintained.**

Activities 2020/21		Status	Action Comments	Council Lead
i	All essential services measures to be inspected and the register maintained	NS	Dependent on available resources - deferred until 2021	Director Development and Environmental Services

**Strategy 3.1.4  
Develop and implement flood management plans for all urban flood plain areas.**

Activities 2020/21		Status	Action Comments	Council Lead
i	Maintain stormwater management infrastructure	PWI	Additional funding required to replace growing amount of damaged kerb and gutter	Director Engineering Services
ii	Review requirements under LEP and DCP for Flood Management	NS	Dependent on available resources - deferred until 2021	Director Development and Environmental Services



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

iii	Develop, review and implement Flood Risk Management Plan in accordance with NSW Government Guidelines	NS	Dependent on available resources - deferred until 2021	Director Development and Environmental Services
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**Strategy 3.2.1  
Provide efficient and cost effective kerbside collection of solid and recyclable waste.**

	Activities 2020/21	Status	Action Comments	Council Lead
ii	Review and monitor kerbside recycling service in order to reduce contamination rates	PWI	Ongoing contamination of recycling – Education and strategies are being developed with NetWaste to help reduce contamination rate.	Director Development and Environmental Services

**Strategy 4.1.1  
Support and promote our local business and industry, to identify gaps and develop initiatives for sustainable economic growth and local employment opportunities.**

	Activities 2020/21	Status	Action Comments	Council Lead
iv	Implement the Economic Development Plan for Bogan Shire	NS	Grant applications have been a focal point for Council in Q1, which relate directly to economic development.	Director People and Community Services

**Strategy 4.2.1  
Develop and implement a tourism strategy which includes the identification of potential opportunities for growth and new tourism products through consultation with stakeholders.**

	Activities 2020/21	Status	Action Comments	Council Lead
ii	Provide and maintain a quality Visitor Information Centre which encourages and supports growth across many sectors of the local economy.	PWI	COVID-19 affecting operations - now open Monday to Friday with limited hours - no volunteers, only paid staff to operate	Director People and Community Services
iii	Continue to update, produce and distribute the Official Tourist Guide to local businesses and VICs in neighbouring shires	PWI	Recent COVID-19 Public Health Orders restricting movement and travel have impacted tourism to the region and therefore the need to distribute guides	Director People and Community Services
iv	Continue to advertise Nyngan and Bogan Shire in print media, on appropriate websites and via relevant social media platforms.	PWI	No local print media as Nyngan Observer has been non-operational since March 2020	Director People and Community Services



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

<b>Strategy 5.1.2</b>				
<b>Provide accountability to the community by regularly reporting on Council activities through the publication of statutory reports, business papers, meeting minutes and general information.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
iv	Complete statutory financial accounts	C	Completed in September 2020	Director of Finance and Corporate Services
<b>Strategy 5.1.4</b>				
<b>Maintain effective partnerships through regional and industry bodies to collaborate on matters of mutual interest and lobby collectively on behalf of the community.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
i	Maintain regional partnerships including OROC, LMWUA	PWI	Future of Orana Joint Organisation uncertain due to funding.	General Manager
<b>Strategy 5.2.4</b>				
<b>Manage Council's operations effectively and on business-like principles to maximise service delivery for the community.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
vi	Manage Council's communication with the community through a variety of media including electronic	PWI	Strategy being developed to improve internal and external communication	General Manager
vii	Manage Council's ICT resources including disaster recovery to support our business	PWI	Council is identifying ways to improve ICT with limited resources	Director of Finance and Corporate Services
<b>Strategy 5.2.5</b>				
<b>Implement Council's Fit for the Future Action Plan to ensure that we retain our autonomy as a financially viable independent Council.</b>				
	<b>Activities 2020/21</b>	<b>Status</b>	<b>Action Comments</b>	<b>Council Lead</b>
iv	Undertake Services Reviews for more efficient service provision	NS	Resourcing to be reviewed for 2021	General Manager
v	Refocus expenditure on asset renewals	NS	Requires review of strategy.	General Manager

## 6 LEASE FOR PORTION OF BOTTOM DEPOT

### **Summary:-**

*This report is for Council to consider the lease of a portion of the "Bottom Depot" in Pangee Street.*

*Council has leased a portion of this land since 2014 and the current Lessee wishes to continue with the lease for a further two years.*

### **6.1 Introduction**

The purpose of this report is for Council to consider whether or not to continue leasing a portion of the "Bottom Depot" in Pangee Street.

### **6.2 Background**

Council at its Confidential Meeting held 27 February 2014 resolved to advertise its intention to lease a portion of the "Bottom Depot" and to pursue negotiations with intended parties and report back to Council.

Advertising was undertaken and the outcome was discussed at the Confidential Meeting held on 27 March 2014 to which Council resolved to lease the portion of the bottom depot to the one applicant that had applied for a two year term with the option to extend the lease prior to it expiring.

### **6.3 Discussion**

The current lease has been rolling over every two years, for the last six years, with the option to renew being taken up. The current lessee overlooked the date for taking up another option and has sent a letter to request a new lease for a further two years.

Council has the following options of granting a new lease to the current lessee, advertise the lease of the property again or to no longer lease the property.

Council has had a good relationship with the current lessee with no reason to terminate the lease and the lessee has met all the terms and conditions of the current lease.

Council could choose to advertise the lease however with limited options to what activities can occur on the property and the fact Council only had one applicant the first time this could be an unnecessary cost.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Council has no reason to use the depot any more than it already does and the reasons that they decided to lease the portion of the premises in the past have not altered.

**6.4 Recommendation**

That Council authorises the General Manager to enter negotiations of renewing the lease with the current lessee for a two year period with an option to renew.

**Stephanie Waterhouse**  
**Director Finance and Corporate Services**





**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

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

**Mayor and Councillors**

I submit the following report for consideration:-

**1 OPERATIONAL REPORT**

**1.1 Roads**

Road work undertaken for the reporting period 14 September 2020 to 9 October 2020 consisted of the following:

No.	Name	Comments
	<b>Local Roads</b>	
5	Piesley Road	Maintenance grading & flood damage repairs to Cockies Road completed.
46	Drummy's Road	Maintenance grading in progress.
14	Gilgai Road	Maintenance grading & flood damage repairs completed.
13	Bourkes Road	Patch Maintenance grading & causeway repairs completed.
17	Booramugga Road	Maintenance grading completed.
18	Elmore Road	Maintenance grading in progress.
51	Curran's Road	Maintenance grading and re-sheeting & in progress.
25	Merryanbone Road	Flood damage repairs completed.
10	Pangee Road	Causeway repairs completed.
12	Coffil's Lane	Causeway repairs completed.
40	Plummers Road	Maintenance grading in progress.
	<b>Regional Roads</b>	
7514	Cockies Road	Maintenance grading completed.
MR 424	Monkey Bridge Road	Maintenance grading completed.

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

	<b>State Highways</b>	
HW7	Mitchell Highway	Pothole patching continuing.
HW8	Barrier Highway	Safety Barrier at Wilgaree Project completed, pothole patching continuing.

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

• Tottenham Road	• Town Streets
• Pangee Road	• Hermidale Nymagee Road
• Mitchell Highway	• Barrier Highway
• Old Warren Road	• Hermidale Nymagee Road

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

- Continuing maintenance grading, re-sheeting or emergency repairs of the following roads:- Coffill's Lane, Honeybugle Road, Glengarriff Road, Shannonvale Road, Dandaloo Road, Merryanbone Road, Canonba Road, Benah Road, Colane Road.

## **1.2 Works and Services**

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

### **Civil Works**

- Repairs to tennis court fence.
- Maintenance at Heritage and Flood Memorial Park.
- Assisted with light installation at Junior League Oval.
- Removal of asbestos contaminated soil at the Palais Theatre site.
- Assisted with building maintenance.
- Carried out footpath and kerb and gutter repairs.
- Continued with showground and racecourse projects.
- Completed concrete slab at pool.
- Assisted with Girilambone Railway Restoration.



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

### **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.
- Painting of disabled parking symbols.
- Assist in town pool restoration.
- Tree planting Mitchell Highway eastern entry to town.
- Tree trimming and removal.

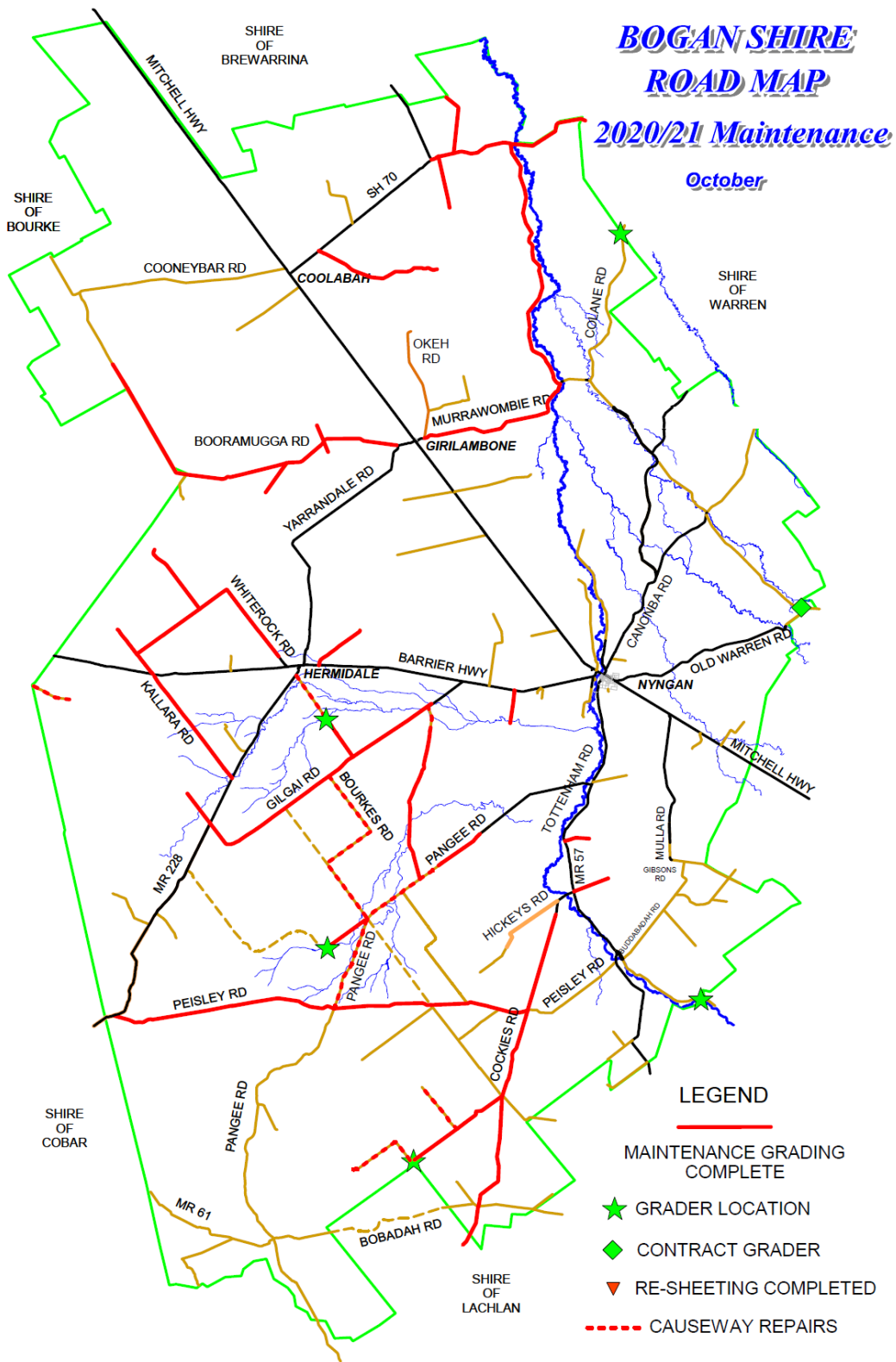
### **Water & Wastewater**

- Repaired sewer rising main in Rotary Park.
- Connected water and sewer to car wash site.
- Installed sprinkler system on nature strip for Senior Living.
- Renewed Davidson Park water service.
- Repairs of Council's water reticulation system carried out.
- Repairs carried out on Council's sewer network.
- Slashing and spraying on the Albert Priest Channel.

### **1.3 Recommendation**

That the Operational Report for the reporting period 14 September 2020 to 9 October 2020, including Roads, Civil Works, Community Facilities and Water and Wastewater be received and noted.

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**



## 2 GRID REMOVAL BOORAMUGGA ROAD GIRILAMBONE

### **Summary:-**

*The purpose of this report to advise Council on the letter received from Margaret Morley of "Keeley" Girilambone requesting to keep a stock grid on the Warego Road and replace a grid on the Booramugga Road.*

### **2.1 Introduction**

The purpose of this report to advise Council on the letter received from Margaret Morley of "Keeley" Girilambone requesting to keep a stock grid on the Warego Road and replace a grid on the Booramugga Road.

### **2.2 Background**

The grid that Mrs Morley referred to in her letter as on her property is on a Crown Road Reserve that is a public Council road known as Warego road. This road is currently in the process of being transferred to Council following a recent request to Crown Lands to have the road closed.

### **2.3 Discussion**

The grid is narrow, badly damaged and does not have a fence adjoining it with all traffic driving around the grid. This grid is only a short distance from the Booramuga Road and not in use. As it is on a Council road, the intention was to remove it and improve the road.

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**





**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

The Warego Road also has sections of formation where timber regrowth has narrowed the pavement and has limited the ability to get wide farm equipment in and out of the adjoining property. The intention is to remove this timber to improve large vehicle access.

The small grid on the Booramugga Road that is mentioned in the letter is adjacent to the Warego Road and it is on the boundary of Mrs Morley's property and a neighbouring property to the west.

This grid is on the road to benefit the two properties only and Council has a grid removal policy to assist property owners with the cost of fencing out road reserves to allow the removal of grids. The payment of the maximum subsidy, if paid to both landowners, would cost more than the replacement of the grid.

The estimated cost of replacing a small 4 metre wide grid is \$9,000 while the cost of a 6 metre wide grid, which would be recommended for the Booramugga Road is \$12,000. Mrs Morley would be responsible for the cost of replacing the grid on the Warego Road and half the cost of the grid on the Booramugga Road.

#### **2.4 Attachment**

Letter received from Margaret Morley.

#### **2.5 Recommendation**

That the property owners be advised of the estimated cost to replace the grids and be requested to pay the appropriate proportion.



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

The General Manager  
Bogan Shire council  
Cobar Street  
NYNGAN

30.09.20  
"KEELEY"  
GIRILAMBONE  
N.S.W. 2831

Dear Sir/Madam

**RE: Grid Removal,**

On the morning of 16/09/2020 I received a phone call from Bogan Shire Council to say that "the Shire planned to remove a small grid and fill in the hole on our property". This is a division fence. At no circumstances do we grant permission to remove the grid. Our property is free hold which we converted to freehold some twelve years ago. The road which runs runs along our Western division boundary, the lands department claims does not exist and the shire put a "no through road" sign up some years ago. To my knowledge the road has not been graded or maintained by council for many years. We have never received an account for crown rent.

The Booroomugga road is part of the "FIDO ROAD" between Cobar and Girilambone and has wide grids till the road reaches the Western division boundary where there is a small grid (which the shire filled in some years ago despite it being a boundary.) Many large trucks use this road and more than a few have come to grief on each side of the gap.

Ideally, the better solution to this problem would be a "wide" grid on the Western division boundary and a division fence along the South Eastern side two chain off the Booroomugga road.

Could you please put this proposal to the council meeting for their consideration.

Many thanks,

Sincerely,

Margaret Morley.

BOGAN SHIRE COUNCIL	
FILE	R/N
03 OCT 2020	
ASSIGNEE:	



### 3 HERMIDALE PARK

**Summary:-**

*This report is to present to Council comments from Hermidale residents concerning the proposal to relocate the park in Hermidale.*

#### 3.1 Introduction

The purpose of this report is to present to Council comments from Hermidale residents concerning the proposal to relocate the park in Hermidale.

#### 3.2 Background

Following the Hermidale Village Meeting on 12 August 2020 the suggestion was made that Council considers relocating the park and toilets to the Phillip Dutton area. At its meeting in August Council resolved (227/2020) to ask for comments from residents on this proposal, to be received by the end of September 2020.

#### 3.3 Discussion

Attachment 1 is a plan showing a possible layout of the new park. Also attached is a copy of Council's Facebook post, with comments, used to inform local residents about the proposal. Lastly, Attachment 3 contains the letters and emails received in response to Council's invitation for comments.

Suggestions have also been made for alternative sites within Hermidale for a park which Council may wish to investigate further.

#### 3.4 Attachment

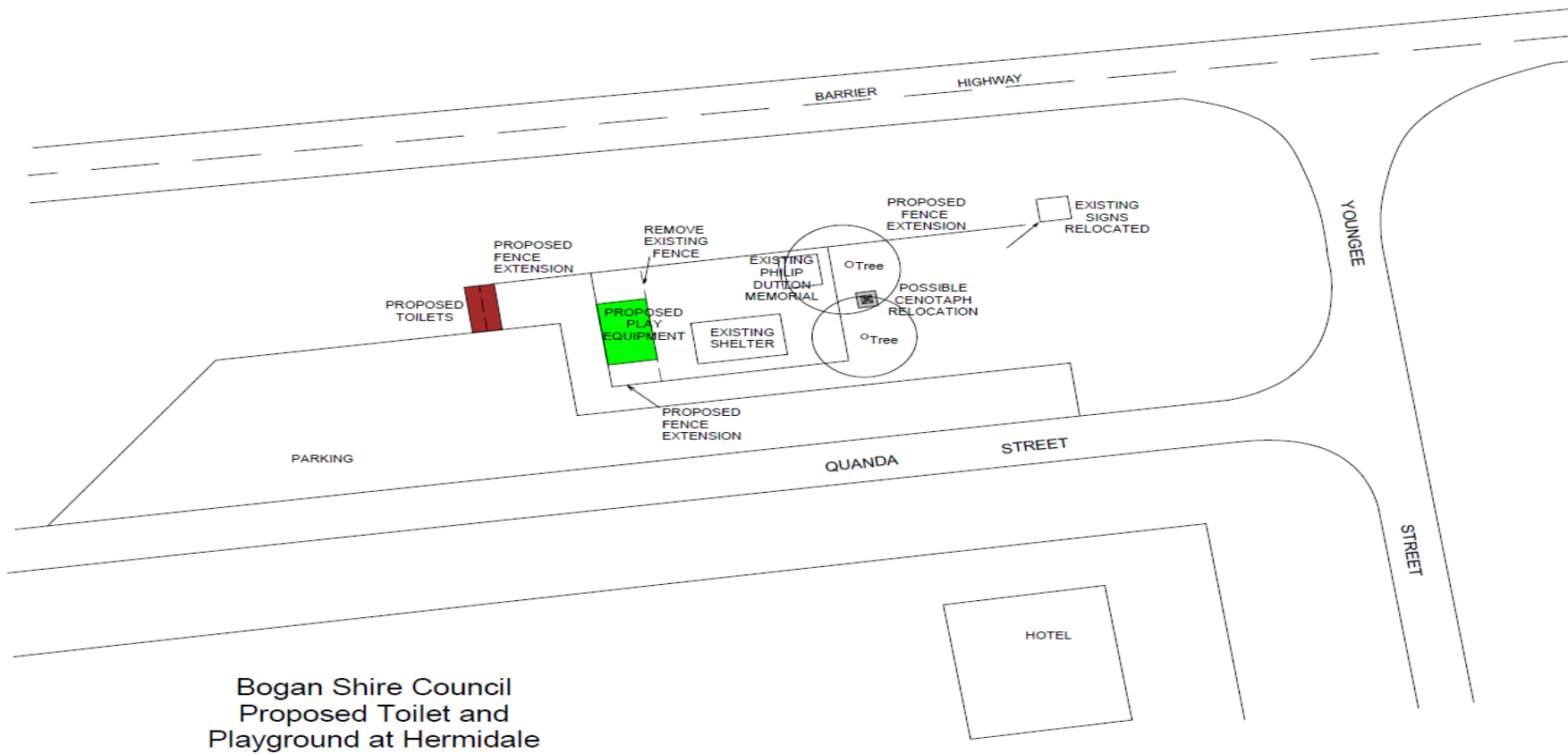
1. Proposed layout of new park
2. Council's Facebook post with comments to 10/10/2020
3. Emails and letters received from residents and ratepayers

#### 3.5 Recommendation

For Council's Consideration.

**Graeme Bourke**  
**Director Engineering Services**

Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020



Bogan Shire Council  
Proposed Toilet and  
Playground at Hermidale

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Send Message Like



**Bogan Shire Council**

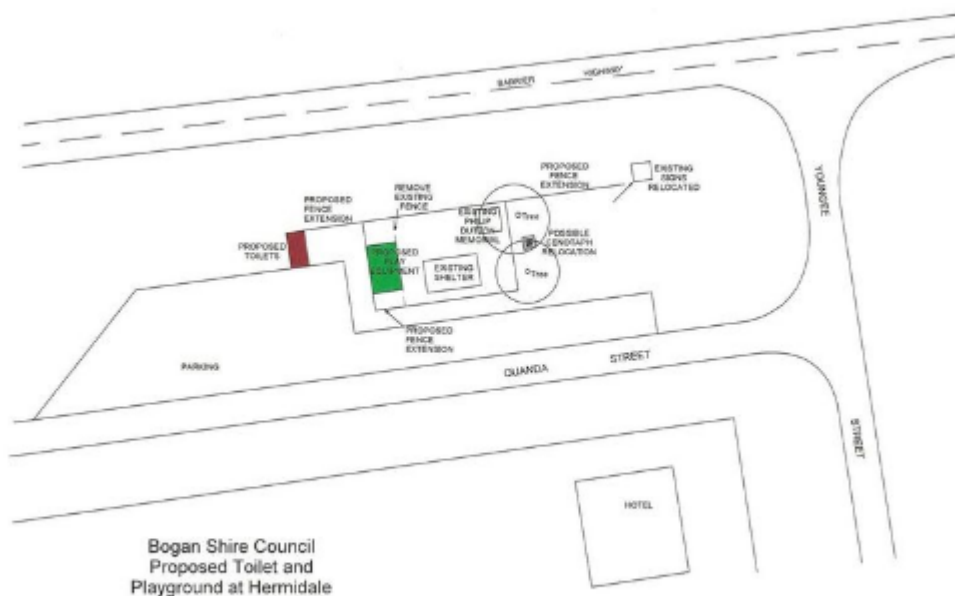
8 September · 🌐

**To All Hermidale District Residents**

At a recent meeting in Hermidale between Shire and Village representatives the upgrade of the Hermidale park was discussed. The Shire has been successful in obtaining some grant funding towards the construction of a toilet block and expects to receive additional grant funding shortly for new playground/park equipment.

Following this meeting it was suggested that instead of doing works at the site of the existing park, the park be relocated to a site alongside the existing Phillip Dutton Rest Area in front of the Hermidale Hotel. Council considered this suggestion at its recent meeting and, whilst broadly supportive, wanted some feedback from the Hermidale community.

Below is a sketch plan showing the proposed new location of the play area and toilet. Please provide any comments to the General Manager, Bogan Shire Council on [admin@bogan.nsw.gov.au](mailto:admin@bogan.nsw.gov.au) by the end of September.



Bogan Shire Council  
Proposed Toilet and  
Playground at Hermidale

👍 5

10 comments 2 shares

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Press Enter to post.



 Author

**Bogan Shire Council**

Don't forget to send your feedback to the email address [admin@bogan.nsw.gov.au](mailto:admin@bogan.nsw.gov.au) and addressed to the General Manager

Like · Reply · 4 w



**Stacey Hedges**

I lease the hotel and i have small children ... who has suggested this? As it wasn't me if this was to happen the council would definitely need to look at very high fencing incapable to climb so it's child friendly

Like · Reply · 4 w



**Greg Moody**

If the park had a secure 1.8 m high pool fence around it , it would attract more people , not only passers by but locals who could have a cold drink while the kids play . On the night of the Xmas tree it would be a much used feature , allowing parents to enjoy the evening. Has my full support

Like · Reply · 4 w



**Jacinta Edge**

I think it's great we're finally going to get toilets and a playground. I think current location is great. I would never put a child's playground that close to a major highway. That's asking for trouble!

Like · Reply · 4 w



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020



Denise O'Malley

There has to be a better location 😞 I think it's a good spot close to the pub as both customers in the pub can watch the kids play while having a beer/meal but I wouldn't be comfortable with kids so close to any highway 😞😞😞



Like · Reply · 4 w



Nikki Garnham

Definatly not at that location given the fact that its right beside the busy highway. Recipe for disaster for sure. Current location is alot better idea

Like · Reply · 4 w



Gladys Thompson

Beside a busy highway is not a good idea



Like · Reply · 4 w



Karen Knee

It would be a good to have near the pub so the children have somewhere to play but it's a bit to close to the highway

Like · Reply · 4 w



Patricia Taylor

Right beside a busy highway, what are you thinking?????



Like · Reply · 4 w

"Most relevant" is selected, so some comments may have been filtered out.

Write a comment...



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Emails and letters received from residents and ratepayers

Tony Smith

Hermidale CWA

Andrew and Trish McLeod

Gladys Thompson

Karen Knee

Alma Cooney

Bill and Fay Dewhurst

Christine Miles

Michael and Jodie O'Neill

Tammara Wells



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

-----Original Message-----

From: Karen Knee [<mailto:karenk1987@icloud.com>]

Sent: Wednesday, 23 September 2020 12:36 PM

To: Admin

Subject: Playground area for hermidale

To whom it may concern.

I disagree with the proposed park and toilet location due to the proximity of the main highway.

I wouldn't allow my children to play there.

An upgrade at the existing park area I think would be more suitable.

Regards

Tony Smith

Sent from my iPhone



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

POBox 134  
Nyngan 2825  
15<sup>th</sup> September 2020

BOGAN SHIRE COUNCIL	
FILE	R/N
16 SEP 2020	
ASSIGNEE:	

Dear Mr Francis,

Re: Playground at Hermidale Memorial Park

We appreciate and are grateful for your agreement and willing support to improve and spend money on our Hermidale Playgound.

While in some points the proposed location next to the highway does have its positives it will also be a big liability for the Shire with danger and insurances.

The park was originally a Memorial Park built for the community.

Some objections from our members are as follows

It is to close to the highway and we consider it to be a dangerous location for the following reasons

- Danger of vehicles which are travelling at 110km p/h
- Paedophiles and kidnappers passing by
- Trucks and busses that park at the Hotel parking area will block the view to the park
- It is to dangerous for little children
- Balls may be kicked over the fence and onto the highway
- The play equipment and toilets will be more vandilised that close to the highway.

We have had a discussion at our CWA meeting and the overall conclusion and feeling is the following -

The Hermidale school students march to the park (Centopath) for the Anzac service. If it was to be moved to near the Hotel the children will not be able to march as they will need to cross the railway line and march near a busy highway.

Another suggestion to create a new park and public toilet at the Tennis Courts near Hermidale Community Centre was made.

- Tall fencing is already in place
- The Community Centre is regularly used
- It is in close proximity to the highway but is still safe
- Signage on the highway would be required

Leaving the Centopath in the current location. Making a park and garden of rosemary hedge/roses. Fence around the Centopath area and allow space for seating.

The Centopath needs to stay where it is currently due to the school children being unable to march across the railway tracks.

We hope that we can work together on this urgent matter. Many thanks. My no is 0409467928.

Yours Sincerely

*Melanie Cameron*

Melanie Cameron  
Secretary Hermidale CWA



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020


Andrew + Trish McLeod.  
Hopetoun  
Hermitdale 2831.  
29th September 2020.

Nyngan  
Bogan Shire

To General Manager.

I strongly object to the relocation of our  
Cenotaph to Dutton Park. It is a sacred  
memory to the names on it and should  
not be moved.

To move and build play equipment to  
Dutton Park raises many safety issues  
eg crossing Quanda rd to the from  
the Pub and busy Barrier Hwy

yours Sincerely  
Andrew McLeod.  


BOGAN SHIRE COUNCIL		
FILE	29 SEP 2020	R/N
ASSIGNEE:		



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**Derek Francis**

---

**From:** gladys thompson <gladysth@hotmail.com>  
**Sent:** Tuesday, 8 September 2020 5:36 PM  
**To:** Admin  
**Subject:** General manager, Park in Hermidale

I am send to oppose the park being move from where it is. As it is to close the highway and there is no where for the to kick a ball around. The park where it is central for the children from school and the children in the district to play safely.

Yours

G. Thompson

Get [Outlook for Android](#)



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**Derek Francis**

---

**From:** Steph Waterhouse  
**Sent:** Wednesday, 23 September 2020 3:13 PM  
**To:** Derek Francis; Graeme Bourke  
**Subject:** FW: Playground area for hermidale

-----Original Message-----

From: Karen Knee [mailto:karenk1987@icloud.com]  
Sent: Wednesday, 23 September 2020 12:36 PM  
To: Admin  
Subject: Playground area for hermidale

To whom it may concern.

I disagree with the proposed park and toilet location due to the proximity of the main highway.

I wouldn't allow my children to play there.

An upgrade at the existing park area I think would be more suitable.

Regards

Tony Smith

Sent from my iPhone

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

Nyngan  
Hemmidele

To whom it may concern

Re the Hemmidele Park

Before you burn this read it and think  
may only be gossip I hope. Please leave  
the park in the middle of the village  
Never think of moving the cenotaph.

That would be a cardinal sin to do that  
Please call a public meeting so we can  
all have a say as what happens. Because  
some of us can not get emails. Dont  
we count if we cant get em.

I have lived in Hemmidele for 90 years  
and feel we do not count.

I remain a citizen of Hemmidele  
Yours sincerely

Alma Boonay.

BOGAN SHIRE COUNCIL	
FILE	R/N
24 SEP 2020	
ASSIGNEE:	

BOGAN SHIRE COUNCIL	
FILE	R/N
06 OCT 2020	
ASSIGNEE:	

ELMSLEY  
HERMIDALE

General Manager  
Bogan Shire Council,

Dear Sir,

With reference to the relocation of the park at Hermidale, we are in favour of shifting the park to the site near the Phillip Dutton enclosure. We feel the gates and the Cenotaph should stay where they are with a high mesh fence around them to stop any vehicle traffic. I feel toilets the same as the ones in the Dreamland Park at Cobaw would fit the Bill nicely. Low Maintenance, Low cost.

Bill + Fay Deveshnut.



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

**Derek Francis**

---

**From:** Christine Miles <milesc03@hotmail.com>  
**Sent:** Sunday, 27 September 2020 6:11 PM  
**To:** Admin  
**Subject:** Hermidale Park feedback

Hello,

I would like to provide feedback regarding the proposal for the Hermidale Park.

I am very glad that we will finally be getting a public toilet block. Whilst there is one at the rest stop down the road, it is not conducive to people stopping in Hermidale itself.

There has been a recent increase in young children in Hermidale, and an upgrade of play equipment is desperately needed. I am however concerned with the suggestion of putting it next to the highway. If a new location is required, it would be great to put it adjacent to the Community Centre. Whenever we have community functions, there is a lack of anywhere for children to play, unless we bring something in. I believe putting a playground next to the Community Centre would be conducive to improving community events.

Kind Regards,  
Christine Miles  
Miradong, Hermidale  
0417 801 251



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**Derek Francis**

---

**From:** Michael O'Neill <lignum705@bigpond.com>  
**Sent:** Wednesday, 30 September 2020 7:00 PM  
**To:** Admin  
**Subject:** Toilet and playground proposal at Hermidale

To whom it may concern

We just wish to voice our concern re the relocation of the Cenotaph to the proposed site opposite the Hermidale Hotel.

We see no reason for this to take place. We would like to see it remain in its current location.

We also have concerns with children having to cross a busy road to get to a playground that is located opposite a hotel. There is no indication on the plan of any lighting either.

If it was located on the same side of the road as the hotel it would be much safer.

Please reply to this email to let us know it has been received.

Regards

Michael & Jodie O'Neill  
1540 Whiterock Road  
Hermidale NSW 2831



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

**Derek Francis**

---

**From:** Tammara Wells <rtwells@mail.com>  
**Sent:** Tuesday, 8 September 2020 3:26 PM  
**To:** Admin  
**Subject:** Hermidale park

Att:General Manager of the Bogan Shire

I saw the proposal of the new location of the Hermidale park earlier today. I am not in support of the park moving location, I am in support of a new park for the children of Hermidale. I believe a park for children that close to a major highway is extremely dangerous and I would not be comfortable with my 2 year old playing so close to a main road.

I am open to other suggestions of locations others then the existing location if that is not possible, however not close to the highway.

Thank you for asking for our feedback on this matter before making your decision.

Cheers

Tammara Wells  
Poraka Pastoral Co  
Poraka  
Hermidale NSW 2831  
0409 523 564  
Rtwells@mail.com





**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 October 2020**

**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**

**1.1.1 Introduction**

Three (3) applications have been approved and five (5) applications are under assessment since Council's meeting of 24 September 2020 as indicated in the table below:

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2020/007	ITP Development Pty Ltd	Pt Lot 2 DP 222408 Moonagee Road, Nyngan	5MW Solar Farm	\$6,600,000	Under Assessment
SSD-10415	BayWare Projects Australia Pty Ltd	Lot 21 DP 704061 Mitchell Highway, Nyngan	State Significant Development – Solar Farm	\$42,000,000	Under Assessment (DPIE)
2020/015	Mr Gordon Irving	'Belah' Colane Road, Nyngan	Subdivision	\$2000	Approved
2020/017	Bogan Shire Council	Lot 7040 DP 1020916 'Larkin Oval Precinct', Nyngan	New Youth and Community Centre	\$751,000	Under Assessment
2020/019	Mr David Millar	81 Bogan Street, Nyngan	New Pergola	\$20,000	Approved
2020/020	Mr James McGirr	91 Bogan Street, Nyngan	Demolition	\$40,000	Approved
2020/021	Ms Evonne Young	Lot 1 DP 1143997 Oval Place, Nyngan	New Patio	\$15,000	Awaiting additional Information
2020/022	Mr Peter McKiernan	31 Bogan Street, Nyngan	New Private Shed	\$16,000	Awaiting Additional Information

**1.2 Recommendation**

That the Development Applications Report since 24 September 2020 Council Meeting be received and noted.



**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 October 2020**

## **2 OPERATIONAL REPORTS**

### **2.1 Introduction**

The purpose of this report is to outline key works undertaken by Council's Gardening Team, Ranger and Noxious Weeds Officer during the reporting period 14 September 2020 to 9 October 2020.

### **2.2 Discussion**

The Gardening Team were busy after the recent rainfall and warmer weather helping plants and grass to flourish. General routine works continued at the Nyngan Cemetery and all key areas the team are responsible for including the Seniors Living and Early Learning Centre. Watering demands have increased and will continue to do so in line with the warmer weather.

The Council Ranger completed a range of duties throughout the reporting period:-

- Four (4) dogs were surrendered all of which were rehomed with Rural Outback Animal Rescue.
- Two (2) barking dog complaints were received since the September 24 Council Meeting, the owners have been made aware of the issue. At this stage the complaints have not been closed as further communication is required to ensure that mitigation measures put in place continue to resolve the issue.
- Cat traps have been set in response to nuisance cat complaints.

The 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. This involves pushing, compacting and covering general waste which has been disposed of at the landfill by the garbage truck. The Ranger also assisted with garbage truck duties throughout the reporting period.

As the summer months are fast approaching, overgrown vegetation poses a fire risk. The Ranger along with the Health and Building Surveyor addressed a number of residents regarding overgrown vegetation on their properties. Notices of intent will be issued if required.



**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 October 2020**

Work completed by the Noxious Weeds Officer included weed inspections and spraying throughout the Shire.

Roadside weed inspections allow for problematic weeds to be identified and assist with prioritizing roads for spraying. Weed inspections were carried out on the following roads:-

- Old Warren Road, Mulla Road, Jumps Road, Yarrandale Road, Whiterock Road, Wyes Road, Cockies Road, Hickeys Road, Plummers Road, Shannonvale Road, Glengarif Road, Koomanganong Road, Honeybugle Road, Bourkes Road and Currans Road. Weed inspections were also conducted along 50km of the rail corridor.

Weed spraying was completed at the Nyngan Cemetery, Nyngan town streets and lane ways, Airport Apron and Runway, Showground, Racecourse, rural roads including:-

- Canonba Road, Jumps Road, Mulla Road, Mitchell Highway - Girilambone, Gibson Road, Wera Road, Currans Road and Merryanbone Road.

Water course inspections and spraying were completed along sections of the Albert Priest Channel and a total of four (4) property inspections were completed during the reporting period.

### **2.3 Recommendation**

That the Operational Report including Council's Gardening Team, Ranger and Noxious Weeds Officer for the reporting period 14 September 2020 to 9 October 2020 be received and noted.



**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 October 2020**

### **3 INFRASTRUCTURE CONTRIBUTIONS PLAN**

#### **3.1 Introduction**

The purpose of this report is to seek direction from Council on the merits or otherwise of a Section 7.12 Levy Contributions Plan.

#### **3.2 Background**

Bogan Shire Council (BSC) will continue to receive development proposals now and into the future that will have the potential to impact on the quality and standard of Local Infrastructure provided by BSC. Local Infrastructure includes recreation facilities, roads and community facilities.

It is understood that BSC wishes to promote economic development of the Shire, but also considers that it is important for new developments to make a reasonable contribution toward the provision of new and / or augmented Local Infrastructure to meet the demands of those developments.

The New South Wales (NSW) local infrastructure contributions system helps provide communities with appropriate infrastructure. The *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) sets out how the local infrastructure contributions system works in NSW.

A user-pays philosophy underlies the funding of local or community infrastructure required to satisfy service demand generated by development activity. This requires developers to contribute to the reasonable cost and provision of local public facilities needed to support new development. Transparency and accountability measures in the collection and expenditure of contributions and the provision of public facilities help underpin confidence in the system.

#### **Legislative Framework**

The concept of Fixed Levy Contributions Plans was introduced over 15 years ago under the then Section 94A (now s7.12) of the EP&A Act. Its main aim was, and remains, to allow appropriate development contributions to be levied in areas such as rural and regional areas, where there are traditionally slow rates of development or where development is sporadic.

**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 October 2020**

It was determined that in such areas, it is difficult to determine the expected types of future development, the rate at which development will occur or where it will occur. This Section of the Act authorises the imposition of a levy which is calculated as a flat percentage of development cost and does not require any connection between development which pays the levy and the object of the expenditure of the levy.

Subdivision 3 of Division 6 of Part 4 of the EP&A Act authorises a Consent Authority to grant consent to a proposed development subject to a condition requiring a (section 7.11) contribution or a (section 7.12) levy for: the provision, extension or augmentation of Local Infrastructure in the area; or the recoupment of the cost of existing Local Infrastructure in the area.

Under section 7.13 of the EP&A Act where the Consent Authority is a Council or an Accredited Certifier, a Local Infrastructure contribution may be imposed on a development only if it is of a kind allowed by and determined in accordance with a contributions plan.

#### State and Regional Perspective

It is estimated that over 95% of Local Councils in NSW have at least one (1) Local Infrastructure Contributions Plan in place.

A review of other Councils in the region has revealed the following information:-

1. Cobar Shire Council (CSC) - Sections 7.11 Variable and 7.12 Fixed Levy Contributions Plan
2. Coonamble Shire Council – No Contributions Plan
3. Gilgandra (GSC) Shire Council – Section 7.12 Fixed Levy Contributions Plan
4. Mid- Western Council (MWC) – Sections 7.11 Variable and 7.12 Fixed Levy Contributions Plan
5. Narromine Shire Council (NSC) – Sections 7.11 Variable and 7.12 Fixed Levy Contributions Plan
6. Warren Shire Council- No Contributions Plan
7. Warrumbungle Shire Council (WSC) - Section 7.12 Fixed Levy Contributions Plan.

**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 22 October 2020**

At the conclusion of the review it was considered that the option of the Section 7.12 Fixed Levy Contributions Plan should be further explored and presented to Council for consideration.

**Summary of Contribution Rates:-**

- All Councils with a Levy Contribution Plan had a minimum development cost threshold of \$100,000 under which no levy is payable.
- All Councils with a Levy Contribution Plan had a 0.5% levy on development costs more than \$100,000 but not greater than \$200,000, with the exception of NSC which has a rate of 0.25%, and GSC which has a rate of 0.25% for residential development.
- All Councils with a Levy Contribution Plan had a 1.0% levy on development costs more than \$200,000, with the exception of NSC which has a rate of 0.5%, for development costs greater than \$200,000 but not greater than \$500,000 and GSC which has a rate of 0.5% for residential development.
- NSC has a 1.0% levy on all development with proposed costs of greater than \$500,000.

### **3.3 Discussion**

This is a balancing exercise for Council to consider, on the one hand Council wishes to promote the economic growth of the Shire and does not wish to stifle development from the area. On the other hand Council has a responsibility to ensure that developers contribute to the reasonable cost and provision of local public facilities and community infrastructure.

As mentioned earlier in the report over 95% of local Councils in NSW have some form of contribution plan or levy and proponents particularly large developers factor these contributions into the costs of doing business.

Anecdotally Council officers were recently in discussions with representatives of an educational facility who were proposing to undertake major renovations and additions and were very surprised that Council did not have a contributions plan as an amount of 1.0% had already been included into the costs of the proposed development.



**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire  
Council held on 22 October 2020**

Two (2) other large projects that involved both regionally significant and state significant development had the potential to yield Council appropriate and reasonable amounts that would have the potential to assist the funding of new public and community buildings and facilities.

In preparing this report we have sought the input of Council's Director Finance and Corporate Services and who observes "Due to the Bogan Shire low land values, rate categorisation and rate pegging, developments of a significant proportion in the area have not been able to be rated proportionately to their demand on Council's infrastructure, and this would be a way of ensuring for future development Council is able adequately fund repairs and maintenance to infrastructure".

### **3.4 Conclusion**

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.

### **3.5 Recommendation**

That Council Officers prepare a report for Council consideration proposing a Draft Fixed Levy Contributions Plan.

**James Boyce**

**Acting Director Development and Environmental Services**



Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

## PRECIS OF CORRESPONDENCE

### 1 KARINA DUNN

Attached is a copy of correspondence received from Katrina Dunn, 35 Warren Street Nyngan asking Council to consider waiving the fee of \$280 for a S138 Road Opening Activity Permit Application for constructing a footpath across the nature strip from the kerb to the boundary for the mentioned address. She has also requested that Council construct this section of footpath.

**General Manager's Note:** The estimated cost of this section of footpath is \$1,000.

**1.1 Recommendation:** For Council's Consideration.

### 2 LISA QUINTON

Attached is a copy of correspondence addressed to the Mayor and Councillors received from Lisa Quinton questioning why anyone who purchased a swimming season ticket last season has not been refunded for the remainder of the season when the pool was closed due to COVID-19 restrictions or issued with a free season ticket for this season. Also Council is advised that she intends to set up a juice van on her premises at 49 Cannonbar Street, Nyngan and to use the Big Bogan area and truckstops. All information regarding the setting up of the van is requested.

**General Manager's Note:** The pool closed on 26 March 2020 and Council provided free admission from 9 January 2020 to 5 February 2020 due to the ongoing extreme hot weather.

Setting up of a juice van - the applicant will be required to complete the necessary Section 68 application and comply with Council's Policy Bogan Shire Mobile Food and Drink Vending Vehicles Local Approvals Policy.

**2.1 Recommendation:** For Council's Consideration.





Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

### **3 GIRILAMBONE COMMUNITY ASSOCIATION**

Attached is a copy of correspondence received from the Secretary of the Girilambone Community Association, Mr Anthony Gibson advising Council of the Executive and the objects of the Association. The Association has suggested initiating some repairs and maintenance to the School of Arts Hall and expansion of the camping grounds and amenities. They are interested in exploring options with the assistance of Council such as Club Grants.

**3.1 Recommendation:** For Council's Consideration.

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020

To Mr Derek Francis,

I was wondering if you would kindly consider including this letter in the business paper please.

If council would consider 5138 road opening - activity permit application and to waive the fee of \$280 please and also the footpath to the boundary also at 35 Warren Street.

Thanks for your time  
Karina Dunn

BOGAN SHIRE COUNCIL		
FILE	24 SEP 2020	R/
ASSIGNEE:		

4-10-2020

To the mayor + councillors

My questions for this week are, firstly, why hasn't everyone who bought a season last year been refunded at least  $\frac{3}{4}$  of the cost? We all paid for a service we didn't receive and are entitled to a refund or are we just going to be offered a free season ticket for this season?

Secondly, I intend to set up a juice van on my premises of 49 Cannonbar st in the next few months, also using the Big Bogan + truckstop car parks. Can I please have a copy of all information I will require for this venture.

Please forward all information regarding both issues to my home address ASAP, and this will all be required in writing.

With thanks

Lisa Quinlan

A handwritten signature in black ink, appearing to be "Lisa Quinlan".

4-10-2020

BOGAN SHIRE COUNCIL	
FILE	R/N
06 OCT 2020	
ASSIGNEE:	



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 22 October 2020**

General Manager, Bogan shire.

Re: Girilambone Community Association.

Dear Derek,

I am writing to you on behalf of the Girilambone Community Association.

At a recent meeting all positions were spilled and the follow executive was elected.

Carmel Walsh- President,

Shirley Boothman- Treasurer,

Anthony Gibson- hon. Secretary.

The objects of the association include:

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1. ~~Representing the Community of Girilambone with local government bodies.~~

2. Maintaining and preserving heritage buildings and local environment.

3. Maintaining and beautifying the town and surrounds.

It was suggested at the meeting that some of the stated objects would be well served by initiating some repairs and maintenance to the School of Arts hall. It is currently unsecurable with one front door missing, and the other hanging akimbo, and has suffered damage inside as a result of looting and vandalism. It is an insurance risk and fire hazard at present. With some attention it could become a feature building with some presence in the village and is a point of interest for tourists. At a minimum the building need to be tidied and secured.

The camping ground and amenities block are currently well utilised by visitors and tourists. There is good scope for expansion and beautification which would draw more visitors for longer periods to the village, which in conjunction with the railway restoration project would greatly enhance the appeal of Girilambone.

We are interested in exploring options with the assistance of Council such as the Club Grants Category 3 fund Infrastructure grant, and may shortly be in a position to offer some very modest co-contributions.

It would please the Association if you could draw councils' notice to the new committee and the reaffirmation of the objects of the community association.

Sincerely yours

Anthony Gibson

on behalf of the president.

