



BOGAN SHIRE COUNCIL

Business Paper

28 May 2020



Published Recording of Council Meeting

This Council Meeting is being recorded for publishing on Council's website as a public record. By speaking at the Council Meeting you agree to being recorded and for this recording to be published. Please ensure that if and when you speak at this Council Meeting that you are respectful to others and use appropriate language at all times. Bogan Shire Council accepts no liability for any defamatory or offensive remarks made during the course of this Council Meeting.

Table of Contents

COMMITTEE MEETING MINUTES.....	9
1 ORANA JOINT ORGANISATION EXTRAORDINARY MEETING	9
REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT.....	14
1 CHECKLIST.....	14
2 COVID – 19.....	24
REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR PEOPLE AND COMMUNITY SERVICES.....	27
1 BOGAN SHIRE SENIORS LIVING	27
2 DESTINATION COUNTRY AND OUTBACK NSW (DNCO) CAPABILITY DEVELOPMENT PROGRAM.....	28
3 OUTBACK ARTS MEMBERSHIP 2020-2021	30
REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR OF FINANCE AND CORPORATE SERVICES	35
1 INVESTMENTS APRIL 2020	35
2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION.....	37
3 RESTRICTED ASSETS APRIL 2020.....	39
4 MANAGING CROWN LANDS.....	41
REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR OF ENGINEERING SERVICES.....	50
1 OPERATIONAL REPORT.....	50
2 TRAFFIC COMMITTEE MEETING RECOMMENDATIONS	55
3 COOLABAH PUBLIC TOILET.....	56
REPORTS TO ORDINARY MEETING OF COUNCIL – DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES REPORT.....	60
1 DEVELOPMENT APPLICATIONS	60
2 OPERATIONAL REPORTS	60
3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - DRAFT CPP UPDATE.....	62
4 PROPOSED AMENDMENT TO BOGAN DEVELOPMENT CONTROL PLAN 2012	63
5 ARBORIST REPORT.....	66
PRECIS OF CORRESPONDENCE	69

1 DUBBO BICYCLE USER GROUP 69
2 RESILIENCE NSW 69
3 NSW FARMERS' ASSOCIATION 69
4 OFFICE OF LOCAL GOVERNMENT CIRCULAR 20-17 / 19 MAY 2020 71
5 WEEKLY CIRCULARS 71

21 May 2020

COUNCIL MEETING NOTICE

The next Ordinary Meeting of Council will be held in the Supper Room at the Nyngan Town Hall on Thursday 28 May 2020 at 9.30am.

At 10.00am, Water NSW Representatives will be attending the Council Meeting via video conferencing regarding progressing investigation for the Nyngan and Cobar Drought Water Security Project.

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 23 April 2020
6. Engineering Services' Closed and Confidential Report
 1. Tender for the Supply and Delivery of Bulk FuelThe 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 23 April 2020
8. Confirmation of the Extraordinary Minutes (Estimates) of the Council Meeting held on 14 May 2020
9. Committee Meeting Minutes
10. General Manager's Report incorporating reports from:-
 - People and Community Services
 - Finance and Corporate Services
 - Engineering Services
 - Development and Environmental Services
11. 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 28 May 2020**

COMMITTEE MEETING MINUTES

1 ORANA JOINT ORGANISATION EXTRAORDINARY MEETING

Attached are the Minutes of the Orana Joint Organisation Extraordinary Meeting held via Zoom Video Conference on 24 April 2020.

1.1 Recommendation

That the Minutes of the Orana Joint Organisation Extraordinary Meeting held via Zoom Video Conference on 24 April 2020 be received and noted.

**Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

minutes

EXTRA ORDINARY MEETING OF: Orana Joint Organisation

DATE: 24 April 2020
TIME: 12.00 Midday
VENUE: Via ZOOM Video Conference

ATTENDEES:

Cr C Davies (Chair)	Narromine Shire Council
Cr D Batten	Gilgandra Shire Council
Cr D Todd	Warrumbungle Shire Council
Cr D Kennedy	Mid-Western Regional Council
Cr M Quigley	Warren Shire Council
Cr R Donald	Bogan Shire Council
David Neeves	General Manager, Gilgandra Shire Council
Roger Bailey	General Manager, Warrumbungle Shire Council
Jane Redden	General Manager, Narromine Shire Council
Brad Cam	General Manager, Mid-Western Regional Council
Glenn Wilcox	General Manager, Warren Shire Council
Derek Francis	General Manager, Bogan Shire Council
Belinda Barlow	Executive Officer Orana Joint Organisation
Ashley Albury	Director Regions Western NSW (DPIE)
Peter Evans	Office of Local Government
Dugald Saunders	Member for Dubbo
Cr James Craft	Councillor, Narromine Shire Council
Marion Truscott	Executive Manager Corporate Governance Narromine Shire Council
Carolyne Marchant	(Minute Taker) Narromine Shire Council

1. WELCOME:

The Chair declared the meeting open at 12.11pm.

Mr Dugald Saunders, Member for Dubbo spoke to the Board and reiterated his support and commitment for the continued operation of the Orana Joint Organisation.

The Chair thanked Mr Saunders for his time. Mr Saunders left the meeting at 12.24pm.

2. APOLOGIES:

Nil

3. DECLARATION OF INTEREST

Nil

**Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

minutes

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2020/018 RESOLVED Crs Kennedy/Todd that the Minutes of the Meetings held 27 March 2020 be adopted as a true and correct record of the meeting, with the following clarification to point 1 of resolution 2020/007, being that the Orana JO Board direct the Executive Officer to enter into the Capacity Building Funding Agreement of \$150, 000.

CARRIED

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS (cont'd)

2020/019 RESOLVED Crs Donald/Todd that the Minutes of the Meetings held 7 April 2020 be adopted as a true and correct record of the meeting.

CARRIED

It was noted that Cr Donald wished to withdraw the notice of motion noted in the minutes, on the advice subsequently received from the Office of Local Government.

5. ORANA JO CHAIRPERSON'S MINUTE/REPORT

2020/020 RESOLVED Crs Donald/Batten that:

1. That the Orana JO Board note the Chairperson's minutes/report.
2. That the Orana JO formally acknowledge the service of Belinda Barlow.

CARRIED

6. ORANA JO OUTSTANDING GOVERNANCE ITEMS

2020/021 RESOLVED Crs Quigley/Donald that the report be noted.

CARRIED

7. NOTICES OF MOTION

Cr Quigley withdrew point four of the Notice of Motion based on the advice received from the Office of Local Government.

2020/022 RESOLVED Crs Quigley/Donald that the Orana JO writes to the NSW Minister for Local Government specifying the name of each member council who has resolved to leave the Orana Joint Organisation to allow the Governor to remove these Councils from the Orana JO boundary (LG Act 400ZC amendment and dissolution of Joint Organisations).

CARRIED

Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020

minutes

7. NOTICES OF MOTION (Cont'd)

It was moved Crs Quigley/Todd that at the next JO Board meeting to be held after 24 April 2020, the Executive Officer report on any outstanding governance items of the Orana JO, including budget, reporting and operational matters.

An amendment was moved Crs Batten/Quigley that the next Orana Joint Organisation Board Meeting be held on 29 May 2020 to consider the responses from each member Council regarding their decision to remain as part of the Orana Joint Organisation.

2020/023 **The amendment** became the motion, was put to the vote and CARRIED

It was moved Crs Quigley/Kennedy that the Board request the Office of Local Government to undertake a Performance Audit (\$421B) into the current and future operation of the Orana JO.

The motion was put to the vote and LOST.

2020/024 **RESOLVED** Crs Quigley/Donald that the Board review other Executive Officer position descriptions and contract arrangements and advertise for an Executive Officer prior to the expiry of the current Executive Officer term to allow the transfer of information.

CARRIED

2020/025 **RESOLVED** Crs Batten/Quigley that the Board canvass member Councils with a view to appointing an interim Executive Officer from the local General Managers, whilst recruitment for the position is being undertaken.

CARRIED

Mr Ashley Albury left the meeting at 1.16pm.

It was noted that the Chair would advise Mr Dugald Saunders of the decisions from the meeting.

There being no further business the meeting closed at 1.18 pm.

**Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**



minutes

The Minutes (pages 1 to 4) were confirmed at a meeting held on the day of 2020, and are a full and accurate record of proceedings of the meeting held on 24 April 2020.

Chair



General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 28 May 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	27/10/2016	423/2016	Seniors Living – Rental Units	Ensure compliance with Stronger Communities grant milestones.	DDES	UPDATE: Brickwork complete. Internal walls lined with plasterboard. Units are now at lock up stage. Estimated completion date of July 2020.
	28/11/2019	376/2019		All applications for tenancy of the Bogan Shire Seniors Living Units shall be assessed by a Tenancy Approvals Committee.	DPCS	UPDATE: Meeting of TAC held on 20 May 2020. 4 applications have been received.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 28 May 2020

2	28/09/2017	283/2017	Medical Centre	The General Manager in consultation with PHN proceeds to recruit & engage a second doctor for the BSMC.	GM	Recruitment agencies engaged to source locum / permanent second doctor. Second Locum secured until 22/5/2020. Renewed recruitment effort underway for permanent doctor with the Rural Doctors Network.
3	21/12/2017	392/2017	Increase of train speed through Nyngan	Strong letter of concern & a request to address Council be sent to the relevant rail authorities & a copy to local member.	GM	Letter sent to Minister for Transport & Infrastructure, with copy to Kevin Humphries.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 28 May 2020

	21/06/2018	293/2018		<p>Council seek further follow up from the responsible Minister, reiterating Council's safety concerns for pedestrians & road users due to the nature of the crossing & variation of speeds & that the best control measures would be to erect flashing lights at the Hoskins Street Crossing.</p>		<p>406 Petitions received.</p> <p>On-site meeting held with Deputy Premier.</p> <p>Met with Minister for Regional Transport & Roads in Bourke on 25 November 2019.</p> <p>Council advised that this crossing is not a priority for John Holland Rail.</p>
4	24/04/2019	117/2019	Cobar Water Board	<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>	GM	<p>Further correspondence sent to CWB.</p> <p>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.</p>

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 28 May 2020

5	22/08/2019	264/2019	Stronger Country Communities Fund – Round 3	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.	DPCS	Discussions yet to commence – reprioritised due to current pandemic circumstances. UPDATE: No further updates – unable to meet due to COVID-19.
6	26/09/2019	292/2019	Garford Fire Engine	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.	DES	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 28 May 2020

	24/10/2019			Council examine options on the best way forward.		Verbal report to be given at meeting.
7	28/11/2019	359/2019	Burrendong Dam	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.	GM	Letter sent.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 28 May 2020

8	28/11/2019	360/2019	Weirs along Bogan River	Council approach the relevant departments that, as a matter of urgency, landholders along the Bogan River where weirs were previously located be allowed to reinstate these immediately and be subsidised for the work under a drought strategy plan.	GM	Letter sent.
9	28/11/2019	366/2019	Regional Water Supply Pipe Network	Council supports in principle the investigation of a Regional Water Supply Network servicing the communities currently supplied by the Macquarie River downstream of Burrendong Dam.	GM	Water NSW is progressing investigation for pipeline from Narromine bore fields to Nyngan. <u>UPDATE:</u> Water NSW presenting an update to Council at this meeting.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 28 May 2020

10	28/11/2019	368/2019	Repairs to Nyngan & Cobar Emergency Water Storage	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.	DES	Remediation work in progress. Remediation work postponed due to wet weather and soft floor.
11	26/03/2020	038/2020	Drought Affected Local Government Services Grant	Council send the draft letter concerning Local Govt Drought Affected Services Grant to the Federal Member for Parkes, Mark Coulton, & make mention of Council's current total rates & services charges arrears of 12%.	GM	Letter has been sent.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 28 May 2020

12	26/03/2020	047/2020	<p>Crown Land to convert the Perpetual Special Lease 78218 (Saleyards) to freehold & transfer title to Council.</p>	<p>GM be authorised to proceed with an investigation as to the possible economic value to Council in purchasing the land for development, redevelopment or sale to commercial interests & report back to Council for a decision.</p>	<p>DFCS</p>	<p><u>UPDATE:</u> Report underway, will be presented to June Council meeting.</p>
----	------------	----------	--	--	--------------------	--

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 28 May 2020

13	23/04/2020	084/2020	LG Grants Commission	Council forward a copy of the letter to Orana JO pointing out the comments stated in the correspondence received back from the Government Grants Commission in response to Council's submission to apply for expenditure disabilities funding, particularly the allocation methodology for the Government Grants Funding.	GM	<u>UPDATE:</u> Letter sent.
----	------------	----------	-----------------------------	---	-----------	--

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 28 May 2020

				2. Council asks that the Orana JO puts forward a joint submission to the Deputy Premier, and local Federal and State Members requesting the allocation methodology formula to Councils in the regional areas be reassessed.		
14	23/04/2020	086/2020	ACM – Rural Press Publications	Council respond to the Australian Community Media correspondence acknowledging the Covid-19 Pandemic and also requesting assurance that the Nyngan Observer will resume publication when current restrictions have been lifted.	GM	<u>UPDATE:</u> Letter has been sent – awaiting response.

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 COVID – 19

Summary:-

This report is to provide Council with updated information in relation to the impact of the COVID-19 Pandemic.

2.1 Introduction

The purpose of this report is to provide Council with updated information in relation to the impact of the COVID -19 Pandemic.

2.2 Background

The General Manager's report to Council in April 2020 refers.

On Thursday, 14 May 2020 a revised Public Health Order (COVID-19 Restrictions on Gathering and Movement) was published to ease certain restrictions contained in the original Order published in March 2020.

2.3 Discussion

Facilities

The new Order allows for the following changes to the use of Council's facilities:-

- Outdoor playground and exercise equipment can now be used, all barriers were removed on Friday 15 May 2020.
- Council's Customer Service counter will be re-opening once appropriate hygiene and distancing measures have been put in place.
- Flood Memorial Car Park free camping area has been re-opened for overnight travellers on Friday 15 May 2020.

Council's halls, Library, Museums and Visitor Information Centre remain closed to the public as per NSW Government directives, but are expected to reopen on 1 June 2020.

Staffing

Two staff who have been unable to perform their normal duties at their normal place of work as a result of these closures have been assigned alternative duties. No staff have been stood down or placed on special COVID leave.

Meetings

Council meetings may now be held face to face provided physical distancing measures are maintained. Councils are directed to continue to allow Councillors and staff to attend and participate in Council and committee meetings by audio visual links where it is reasonably practicable to do so. Members of the public are not permitted to attend meetings due to social distancing requirements and as a consequence, meetings have to be live-streamed on Council's Website/Facebook page.

Legislative Changes

The NSW Parliament recently passed a range of legislative amendments intended to help address the impacts of the COVID-19 Pandemic. These amendments include:-

- The Local Government Act has been amended to allow Councils to apply IPART's annual rate peg more flexibly. The change will allow Councils to not increase their rates to the full capped amount during "difficult times" and then catch-up in future years when economic conditions improve.
- To help minimise job losses and to manage and retain staff during the COVID-19 Pandemic, legislative changes have been made to provide greater flexibility around leave entitlements for Council employees. The changes will allow Council employees to cash out their annual leave or take it at half or double pay and to provide greater and more flexible access to Long Service Leave.

Local Government Economic Stimulus Package

The NSW Government recently announced a \$395 million Local Government Economic Stimulus Package designed to safeguard Council jobs and service and infrastructure delivery.

Included in this package is \$112.5 million to fund a Council Job Retention Allowance to minimise job losses and retain skilled employees in the Local Government sector. A subsidy of \$1,500 per fortnight, per employee will be paid directly to eligible Councils to cover staff costs where they are accessing COVID-19 leave.

At this stage Bogan Shire Council is not eligible for this Allowance as it does not meet the criteria for financial distress. To demonstrate financial distress, Councils need to show that significant areas of Council operations have been or are expected to be impacted by the COVID-19 Pandemic and the implementation of the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020. This needs to be evidenced by a demonstrated or likely loss of at least 30% in either rates and annual charges, user charges and fees or other revenue.

Other components of the package include a \$250 million increase in low-cost loans for community infrastructure projects to eligible Councils through the state's borrowing facility provided by TCorp and the payment of the 2020/21 increase in the Emergency Services Levy.

2.4 Recommendation

That the COVID-19 Report be received and noted.

Derek Francis
General Manager



People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020

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

Mayor and Councillors

The following reports are submitted for consideration:-

1 BOGAN SHIRE SENIORS LIVING

Summary:-

The purpose of this report is to provide an update to Council on the status of applications for tenancy at the new Bogan Shire Seniors Living units and to recommend further advertising if necessary.

1.1 Introduction

The purpose of this report is to provide an update to Council on the status of applications for tenancy at the new Bogan Shire Seniors Living units and to recommend further advertising if necessary.

1.2 Background

At its meeting held in December 2019 Council approved Policy COM001 which sets out Council's policy position with respect to occupation of the Bogan Shire Seniors Living units.

1.3 Discussion

As envisaged by the Policy, applications for tenancy were advertised during April 2020, in the Nyngan Observer on 1 April and 8 April, in the Mayor's April newsletter, which was distributed via letterbox drop, and on 2WEB.

Four applications were received and these were considered by the Tenancy Approvals Committee which was appointed by Council in April 2020, at a meeting held on 20 May 2020. The Committee recommended to the General Manager that two of the four applications be accepted, the other two not meeting Council's eligibility criteria.

As a consequence there remain two unallocated units and it is suggested that further advertising be done with another period of two weeks given for prospective tenants to make application. Advertising is limited to Facebook and radio with the Nyngan Observer not in print at this time, however a mailbox drop can be undertaken if required.

1.4 Recommendation

That the unallocated Bogan Shire Seniors Living units remaining after the initial allocation of units be dealt with as ad-hoc vacancies under paragraph 7 of Policy COM001.

2 DESTINATION COUNTRY AND OUTBACK NSW (DNCO) CAPABILITY DEVELOPMENT PROGRAM

Summary:

The purpose of this report is to provide information to Council on Destination Country and Outback NSW's (DNCO) Capability Development Program.

2.1 Introduction

The purpose of this report is to provide information to Council on Destination Country and Outback NSW's (DNCO) Capability Development Program.

2.2 Background

Destination Country and Outback NSW has allocated funds to develop and oversee the implementation of an overarching Capability Development Program in 2020. This program is based on insights in the DNCO 'Product and Experience Audit' conducted in 2019 and it is linked to Destination NSW's 'NSW First' Professional Development Program.

2.3 Discussion

DNCO will co-fund and coordinate a program of capability development workshops based on the report findings. The program will be delivered in partnership with Joint Organisations of Councils, local Councils and local tourism organisations. Workshop topics will include those relevant to each region.



**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

Areas of skills where industry development is required to strengthen the visitor economy include:-

- Digital Marketing
- Leveraging regional events
- Distribution via online bookings
- Creating bookable experiences
- Development of online content

The objective of the training program is two-fold:-

- Provide opportunities for professional development
- Build industry capacity by upskilling industry operators

DNCO has a total budget of \$55,000 which will be invested equitably across the 11 Hub areas in the region.

Bogan Shire Council is part of a Hub which also includes, Bourke, Brewarrina and Cobar Councils, with the Hub receiving \$5000 excl. GST. The expenditure of these funds is provided as a written agreement based on a set of criteria and Key Performance Indicators. This will ensure that the project is implemented within agreed guidelines that all costs associated with the project are considered and will provide measurable outcomes compiled in a final report to DNCO.

Consideration has been made to using the funds to employ one of the consultants listed by DNCO, for example the South Australian-based Tourism Tribe, to mentor individual tourism operators to help them increase the number of visits and improve the quality of their experiences.

Local Shire operators have been contacted by Bogan Shire Council staff to gauge interest in the program, with some responding positively and further discussions with the Hub members have been scheduled.

A copy of the DNCO Product Experience Report can be located and viewed at:
https://www.dnconsw.com.au/app/uploads/2019/11/1.-DNOC_Executive_Sum_v1.pdf

2.4 Recommendation

That the Destination Country and Outback NSW's (DNCO) Capability Development Program Report be received and noted.

3 OUTBACK ARTS MEMBERSHIP 2020-2021

Summary:-

The purpose of this report is to present, for Council's consideration, an approach from the Executive Director of Outback Arts for Council to continue its membership to the Regional Arts Development Program 2020-2021 financial year.

3.1 Introduction

The purpose of this report is to present, for Council's consideration, an approach from the Executive Director of Outback Arts for Council to continue its membership to the Regional Arts Development Program 2020-2021 financial year.

3.2 Background

At its meeting in March 2019, Council resolved (076/2019) to participate in membership of Outback Arts at a cost of \$10,583.63 for the 2019-2020 financial year. The following projects and workshops have been attended by Bogan Shire residents during the past 12 months:-

- Weaving for Wellness
- Living Arts and Culture
- Outback Archies
- Art4Ag
- Outback Arts Christmas Colouring in competition

In addition to this, local artist, Tayla Martin was notified in late 2019 that she had been awarded funding of \$3,420 through Regional Arts NSW Country Arts Support Program (CASP) 2020 to go towards workshops and community engagement for her project, "Since the Flood: Community Event". This event was scheduled for the week leading up to the 30 year commemoration of the 1990 flood in April 2020, however due to the COVID-19 Pandemic, this event has been postponed to a later date, yet to be decided.

3.3 Discussion

Council has recently been approached by Outback Arts for Council to become a contributing member for 2020/2021 at a cost of \$10,583.63 incl. GST.



**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

A copy of the Outback Arts 2019 Annual Report has been included as an attachment to this report and it details some of the local outcomes for Nyngan during the 2019-2020 period. A copy of the Outback Arts audited Financial Report can be found on their website at <https://www.outbackarts.com.au/our-organisation>

Council currently has \$15,958 in the Community Arts and Culture Fund.

3.4 Attachments

1. Letter - membership request - Executive Director, Outback Arts.
2. Invoice – Outback Arts.
3. Outback Arts 2019 Annual Report.

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 28 May 2020**



Tuesday 21st April 2020

The General Manager
Mr Derek Francis
Bogan Shire Council
PO Box 221
Nyngan NSW 2825

Dear Derek,

Re: Contribution to Outback Arts Regional Development Program

Please find attached an invoice for the June 2020-2021 contribution to the Outback Arts Regional Arts Development Program, as part of the strategic support for arts and culture in New South Wales. We look forward to working with your Shire and providing you with an enthusiastic and valuable service that will compliment your regions needs.

The 2020 Annual General Meeting of Outback Arts Inc was held on the 30th March. Your council delegate nominated and accepted to the Outback Arts Board was Councillor Veneta Dutton. We look forward to working closely again with Veneta as your representative.

The focus ahead for Outback Arts this year is on delivering skills workshops and resources, supporting artists and the community through the unknown territory and effects of Covid-19 as well as, Aboriginal Arts and Cultural Development, and exploring new opportunities for Creative Industries, particularly in digital platforms.

In addition to strategic projects, Outback Arts will continue to deliver our core services to the communities of our participating councils; extending the support and advocacy for all arts and cultural activity across the region, delivering opportunities for strong connection and engagement within the arts and taking the leading role to encourage and support building a creative community for Far Western NSW.

If there are ever any queries, concerns, or comments, we encourage you to contact the Outback Arts staff and/or your Shire representative on the Outback Arts Board.

I thank you for your support and contribution and we look forward to working with your community, bringing many exciting events and opportunities to our region.

Kind regards,



Jamie-Lea Trindall
Executive Director – Outback Arts

Outback Arts Inc PO Box 28 Coonamble NSW 2829 T: 02 6822 2484 F: 02 6822 4159
admin@outbackarts.com.au | www.outbackarts.com.au

OUTBACK ARTS

TAX INVOICE

ABN: 30 005 203 518

Date: 22/04/2020

Invoice No: bog2020

TO: Bogan Shire Council
PO Box 221
Nyngan NSW 2825

DESCRIPTION	AMOUNT
Membership to the Regional Arts Development Program 2020-2021 financial year	\$10,583.63
TOTAL INCLUDING GST	\$10,583.63

All accounts payable by 14 days

How to pay:

By mail: detach this section and mail your cheque within in 14 days to:
Outback Arts Incorporated
PO Box 28, COONAMBLE, NSW 2829

By direct deposit:
Outback Arts Inc
BSB 082533 ACC 570009509
Ref: bog2020



People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020

BLANK PAGE

Attachment Outback Arts – 2019 Annual Report



Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 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 APRIL 2020

Summary:-

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

At 30 April 2020 Council had \$11.5 million invested. There has been a decrease of \$1.8 million due to a number of large payments for RMCC ordered works and purchase of the Grader.

1.1 Introduction

The purpose of this report is to outline the performance of Council's Investment Portfolio for the month of April 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 April 2020 is shown below. At 30 April 2020 Council had \$11.5 million invested. There has been a decrease of \$1.8million due to a number of large payments for RMCC ordered works and the claim not being received and also the purchase of the Grader for \$408,000 from the plant fund.

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 28 May 2020**

Investment Movements for April 2020

REF	Source	Maturity	Days	% rate	Bal Mar 20	Bal Apr 20
3204	NAB	8/06/2020	181	1.550%	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	13/07/2020	180	1.600%	1,000,000.00	1,000,000.00
6894	NAB - Professional Funds	At Call		0.650%	5,467,886.84	3,667,091.31
	Balance securities held				13,267,886.84	11,467,091.31
	Balance Ledger 19010.8200.8200				13,267,886.84	11,467,091.31
	Summary by institution					
	Commonwealth				0.00	0.00
	NAB				13,267,886.84	11,467,091.31
					13,267,886.84	11,467,091.31

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

1.4 Recommendation

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

2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary:-

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

Total arrears have increased from \$397,206 at 30 April 2019 to \$598,545 at 30 April this year.

2.1 Introduction

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

2.2 Discussion

This report is provided for the information of Councillors.

Rate Collections	2019-2020	2018-2019
Arrears Prior to 01/07/2019	336,048	212,813
First Instalment in arrears as at 30/4/2020	31,389	44,841
Second Instalment in arrears as at 30/4/2020	103,899	55,257
Third Instalment Outstanding as at 30/4/2020	127,209	84,295
Fourth Instalment Outstanding as at 30/4/2020	963,381	937,397
Total Arrears	598,545	397,206
Total Outstanding	1,561,926	1,334,603
Monthly Transactions		
Amount Levied & B/Fwd	5,510,825	5,324,041
Add: Adjustments	41,643	16,716
Less: Payments to end of April	-3,912,724	-3,929,697
Less: Rebates	-80,847	-79,457
Add: Postponed	3029	3,000
Gross Total Balance	1,561,926	1,334,603
Arrears of total amount levied %	11%	7.5%

Total arrears have increased from \$397,206 at 30 April 2019 to \$598,545 at 30 April this year.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

Each instalment amounts to approximately \$1,377,000.
(Total Rates, Waste, Water & Sewer Access Charges)

At 30 April 2020 Council had collected \$16,973 less than at the same time last year however, an additional \$98,775 had been collected at the time of writing this report due to the final instalment notice being posted to ratepayers.

2.2% of rates were unpaid on the first instalment.

7.5% of rates were unpaid on the second instalment.

9.2 % of rates were unpaid on the third instalment.

This percentage has improved to 8.4% at the time of writing this report.

2.3 Recommendation

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

3 RESTRICTED ASSETS APRIL 2020

Summary:-

The report is to advise Council of the expected restricted balance at 30 June 2020.

3.1 Introduction

The purpose of this report is to advise Council of the expected balance of restricted funds at 30 June 2020. The balance excludes the Water & Sewer Fund.

3.2 Background

Each year Council has projects that have been commenced and not completed before the end of the financial year or Council receives specific Grant Funding that must be used for a specific purpose and the funds are not wholly expended. In these circumstances funds are required to be carried forward to complete the projects and expand the funding.

3.3 Attachment

Attachment A is a list of the projects or funding that is expected to be carried forward at the end of June 2020.

3.4 Recommendation

That the Restrictions Assets April 2020 Report be received and noted.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

BOGAN SHIRE COUNCIL		
RESTRICTED ASSET ACCOUNTS		
Description	Comment	Balance 30-6-2020
Restrict Asset Employee Leave Entitlement		415,814
Restrict Asset Plant and Machinery		292,614
Restrict Asset Girilambone Village Ameni		14,185
Restrict Asset Village Amenit Coolabah		27,875
Restrict Asset Hermidale Village Ameniti		28,007
Museum Activities/Projects	13-14 resolution not spent - c/o UF	5,357
Garford Engine - Proceeds from Historical Society	Funds Received 7/6/17	5,505
Community Arts and Culture Fund	G/L 3890.460.603	15,958
Tongling Delegation	G/L 3853.460.603	1,700
Collerreina Hall	Village annual vote	22,834
Reseal Apron - Stage 2	2015/16 Budget	93,000
Recycling Facility	2015/16 Budget	202,668
Waste Depot at Nyngan	2015/16 Budget	33,176
Asset Management - Grant Funds FTFF Innovation Fund	2016/2017 Grant Funds	20,002
Old BP Service Station - Heritage Park Stage 2	2016/2017 Budget	13,254
Map Info Integration	2016/2017 Budget	10,000
Reconstruct 1km of Colane Rd	2016/2017 Res 177/2017	64,923
Rural Fire Service	Carry Forward 17/18	82,109
Renewal to 8A & B Dandaloo Street	2017/2018 Budget	25,488
Recreational Weir Improvements Downstream	2018/2019 Budget	10,000
Additional Re-sheeting & Resealing	2019/2020 Budget	46,406
Ground Tanks (Was W3720)	2017/2018 & 2018/19 Budget	22,984
Pipe Culvert Renewals Rural roads (Was W3692)	2017/2018 & 2018/19 Budget	60,000
Pangee Rd Culverts	2018/2019 & 2019/2020 Budget	40,000
Bridge Repair Program (Was W3691)	2017/2018 & 2018/19 Budget	60,000
Roads Closed Signs	2017/2018 Budget	18,600
Wyes Road Box Culvert	2017/2018 Budget	15,000
Fit out of Extension Medical Centre	2019/2020 Budget	35,024
Key System for Offices & Depot	2019/2020 Budget	9,048
Rural Roads Grid Removal Subsidy (as per policy)	2019/2020 Budget	24,000
Crown Lands Management Act	Grant 18/19	92,280
Bogan Shire Youth & Community Centre	Grant 19/20 & Council Contribution	964,812
		2,772,622.65

4 MANAGING CROWN LANDS

Summary:-

The purpose of this report is to update Council on the implications of the changes to the Crown Lands Management Act (CLM Act), which took effect on 1 July 2018 and for Council to consider reassigning the classification of 6 parcels of land as recommended by the NSW DPIE.

4.1 Introduction

The purpose of this report is to update Council on the implications of the changes to the Crown Lands Management Act (CLM Act), which took effect on 1 July 2018. Council is now responsible for the management of the majority of Crown Lands in the Bogan Shire. The report is also for Council to consider the re-classification of 6 parcels of land as recommended by the NSW Department of Planning Industry and Environment (NSW DPIE).

4.2 Background

In 2012 the NSW Government began the first major review of Crown Land in 25 years, prompting a comprehensive consultation process with community and other interested parties about the future management of Crown Land. This extensive review process culminated in the NSW Parliament passing the new CLM Act in November 2016 and the Crown Land Legislation Amendment Act in May 2017.

4.3 Discussion

As a result of the new legislation Council was initially required to classify, categorise and produce Plans of Management for 43 Crown Reserves handed to Council to manage including the School of Arts Buildings in Coolabah and Girilambone. This list included 9 Crown Reserves which are managed by Council under section 48 of the Local Government Act (LG Act) as 'devolved land' and not as Crown Land managers and therefore do not require Council to provide Plans of Management.

Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020

Council resolved to classify and categorise each Reserve at its Ordinary Meeting held on 28 March, 2019. Council classified all reserves as either Community or Operational Land under Section 25 of the Local Government Act. Council was also required to categorise each reserve as either a natural area, a sportsground, a park, an area of cultural significance or an area of general community use.

Council has recently received a letter from the NSW DPIE confirming that 23 of the Crown Reserves that Council assigned categories to have been accepted by the Department and no further change is required and Plans of Management can be progressed (see attachment 1). The letter also requests that Council reviews and re-categorises the six reserves listed in the table below as the Minister considers that:

- a) the assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or**
- b) the management of the by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.**

Reserve	Location Name	Previous Category	New Category
R96631	Frank Smith Oval	Sportsground	Sportsground & Park
R26783	Bobadah Park	Park	Natural Area - Bushland
R76438	Hermidale Sportsground	Showground	Sportsground & Natural Area
R77128	Girilambone CWA Park	Park	Natural Area - Bushland
R1995	Girilambone CWA Park	Park	Sportsground & Park
R120000	Wilga Reserve	General Community	Natural Area - Bushland

To comply with, the Departments request Council may wish to resolve to adopt the new categories as listed above.

The letter also advises Council that categorisation of the following Crown Reserves requires further investigation by the Department and that Council will be notified of the outcome in due course;

- Bogan River foreshores and Junior League Oval – R89095
- Nyngan Recreation Cnr Mitchell & Barrier Highways – R120003
- Mitchell Highway/Old Warren Road Reserve – R91085
- Buttabone Park Road Reserve Canonba – R89370
- Bogan River Foreshores – R1767



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

Once the outcome of the above 5 reserves is advised by the Department this would see the completion of the classification and categorisation process and leave only the Plans of Management to be completed.

4.4 Attachment

Correspondence to advise progressing draft Plans of Management.

4.5 Recommendation

1. That the Report be received and noted.
2. That Council resolve to adopt the new Categories for the six Crown reserves listed in the above table.

Stephanie Waterhouse
Director Finance and Corporate Services

Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020



Planning,
Industry &
Environment

Reference: LBN20/288

Mr David Millar
Bogan Shire Council
PO Box 221
Nyngan NSW 2825

Dear Mr Millar

Subject: Bogan Shire Council initial assignment of categories

Thank you for your written notice of initial assigned categorisation of 43 Crown reserves under section 3.22(2) of the *Crown Land Management Act 2016* (the CLM Act).

I have reviewed the information provided and pleased to advise that Council has assigned a category that most closely aligns with the purpose of 23 of the Crown reserves (see - Attachment 1). As a delegate of the Minister for Water, Property and Housing, I wish to confirm that no further change is required to the categorisation.

I encourage Council to progress the preparation of draft Plans of Management (PoMs). When preparing the PoM please carefully consider the reserve purpose. All activities on the reserve must be consistent with the *Native Title Act 1993* (Cth) and therefore consistent with the reserve purpose. Please note that under the *Local Government Act 1993* (LG Act), draft PoMs require referral to the land owner prior to public exhibition. Further guidance about the preparation of draft PoMs is available via <https://www.olg.nsw.gov.au/content/council-crown-land-managers-resources>.

I have also considered Council's categorisation for six Crown reserves (see – Attachment 2). However, in accordance with section 3.23(5) of the CLM Act, I request Council alter the assigned categories, as the Minister considers that:

- a) *the assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or*
- b) *the management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.*

It is noted that Council sought categorisation of the following Crown reserves [R89095, R120003, R91085, R89370, and R1767]. The categorisation of these reserves requires further investigation by the department. Council will be notified of the outcome in due course.

It is noted that nine Crown reserves are managed in accordance with section 48 of the LG Act as 'devolved land' and cannot be managed under the public land provisions of the LG Act (see -Attachment 3). Please contact the Department should council like to be appointed as Crown land manager.

If you have any further questions or need assistance, please contact the Council Crown Land Management Team on (02) 4920 5132 or via email at council.clm@crowland.nsw.gov.au.

437 Hunter Street Newcastle NSW 2300
PO Box 2185 Dangar NSW 2309
Tel: 1300 886 235 www.industry.nsw.gov.au/lands ABN: 20 770 707 468

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

Yours sincerely

A handwritten signature in black ink that reads "Kylee Warner".

Kylee Warner
Senior Project Manager Crown Reserves
Department of Planning, Industry and Environment – Crown Lands

Encl.

Attachment 1: *Schedule of Crown reserves categorisation consistent with reserve purpose*

Attachment 2: *Schedule of Crown reserves directed for categorisation*

Attachment 3: *Schedule of Crown Reserves not managed by Council as Crown land manager*

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

Attachment 1: Schedule of Crown reserves categorisation consistent with reserve purpose

Reserve No.	Purpose(s)	Category
[insert reserve number]	[insert purpose]	[insert category]
R1756	Public Recreation	Park
D1001063	Town Hall Site	General Community Use
R120061	Water Supply	General Community Use
R90698	Road Works Depot	General Community Use
R120052	Memorial	Park
R1768	Public Recreation	Park
D520022	Public Park	Park Sportsgrounds
R78811	Racecourse	General Community Use
R120008	Rubbish Depot	General Community Use
R89235	Public Recreation	Park
R96776	Public Recreation	Natural Area - Foreshore
R97917	Public Recreation	General Community Use
	Water Supply	
R57636	Public Hall/Recreation	General Community Use
R83945	Public Hall	General Community Use
	Public Recreation	
R66078	Public Recreation	Natural Area - Bushland
R73293	Public Recreation	Natural Area - Bushland
R71031	Rubbish Depot	General Community Use
R62172	Public Recreation	Park
R75454	Public Recreation	Park
R41634	Public Recreation	Natural Area - Bushland
R78483	Public Recreation	Natural Area - Bushland
R520055	Mechanics Institute	General Community Use
R53024	Literary Institute Community Use	General Community Use

Attachment 2: Schedule of Crown reserves directed for categorisation

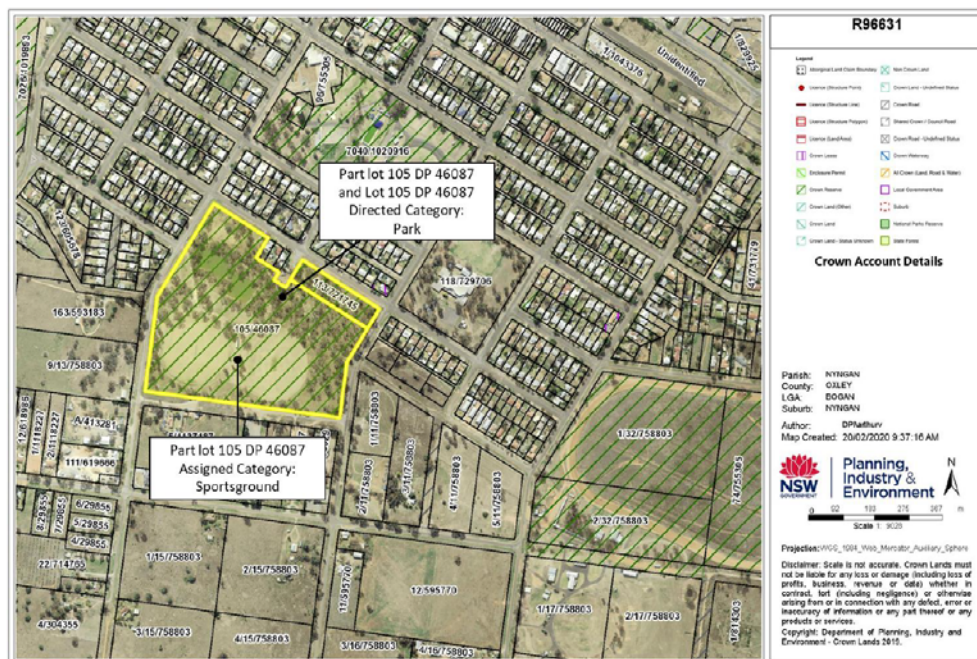
Council is directed to re-categorise the reserve as outlined below in accordance with section 3.23(5) of the Act so as not to cause, or be likely to cause, material harm to the land

Reserve No.	Purpose(s)	Direction
[insert reserve number]	[insert purpose]	[insert category]
R96631	Public Recreation	Sportsground and Park (see Figure 1)
R26783	Public Recreation	Natural Area
R76438	Showground	Sportsground and Natural Area (see Figure 2)
R77128	Public Recreation	Natural Area
R120000	Domestic Water Supply	Natural Area
R1995	Public Recreation	Sportsground and Park (see Figure 3)

Attachment 3: Schedule of Crown reserves not managed by council as Crown land manager

Reserve No.	Purpose(s)	Management type
R94737	Cemetery Purposes	Devolved management under S48 LG Act 1993
R94739	Plantation	Devolved management under S48 LG Act 1993
R1032228	General Cemetery	Devolved management under S48 LG Act 1993
R1030888	General Cemetery	Devolved management under S48 LG Act 1993
R29441	Cemetery/Plantation	Devolved management under S48 LG Act 1993
R33096	Preservation of Graves	Devolved management under S48 LG Act 1993
R45405	Rubbish Depot	Devolved management under S48 LG Act 1993
R79567	Racecourse, Public Recreation	Devolved management under S48 LG Act 1993
R1036108	General Cemetery	Devolved management under S48 LG Act 1993

Figure 1: R96631 – Purpose ‘Public Recreation’



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

Figure 2: R76438 – Purpose 'Showground'

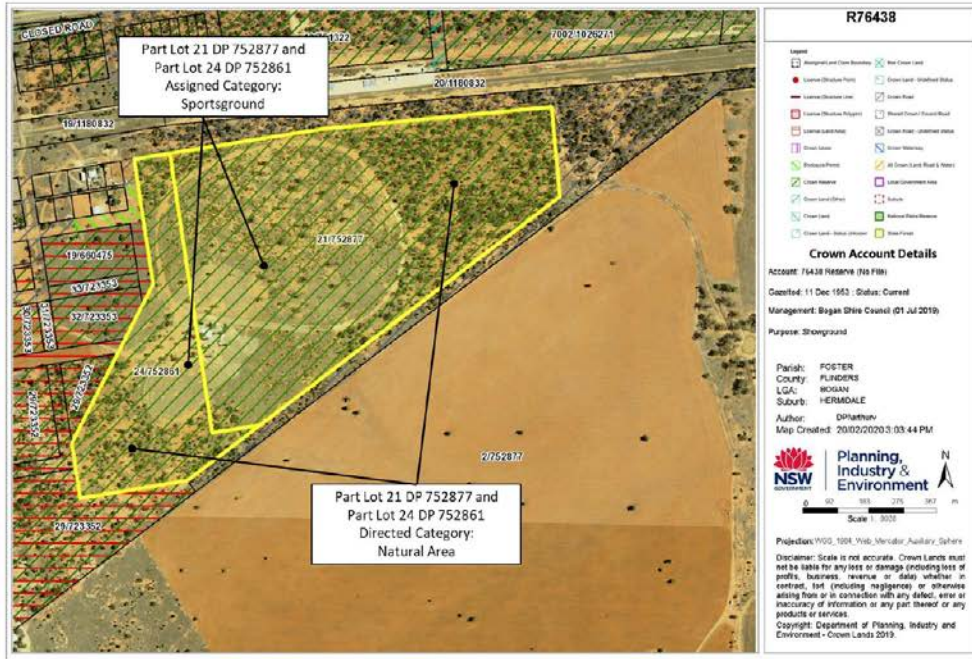
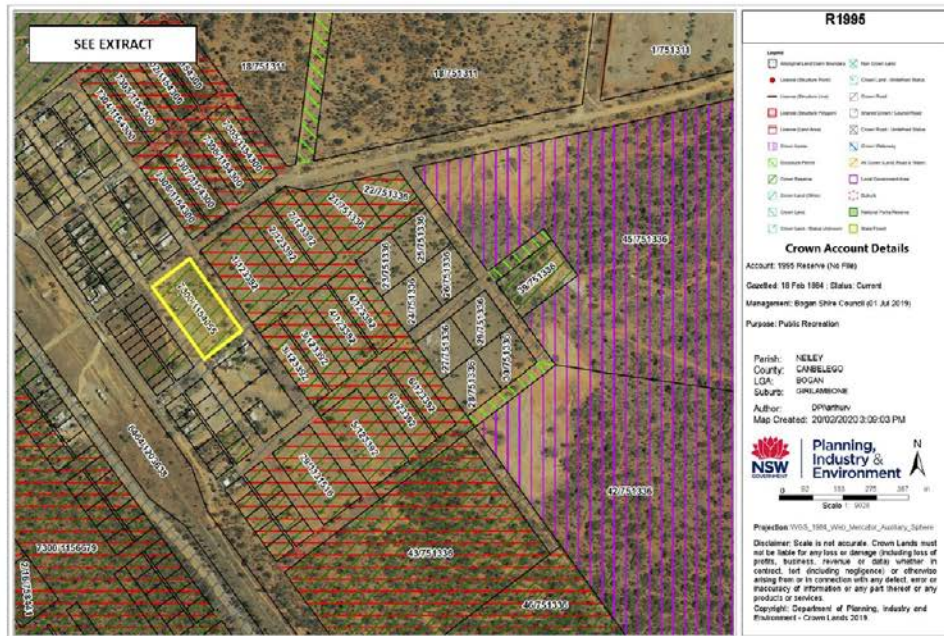
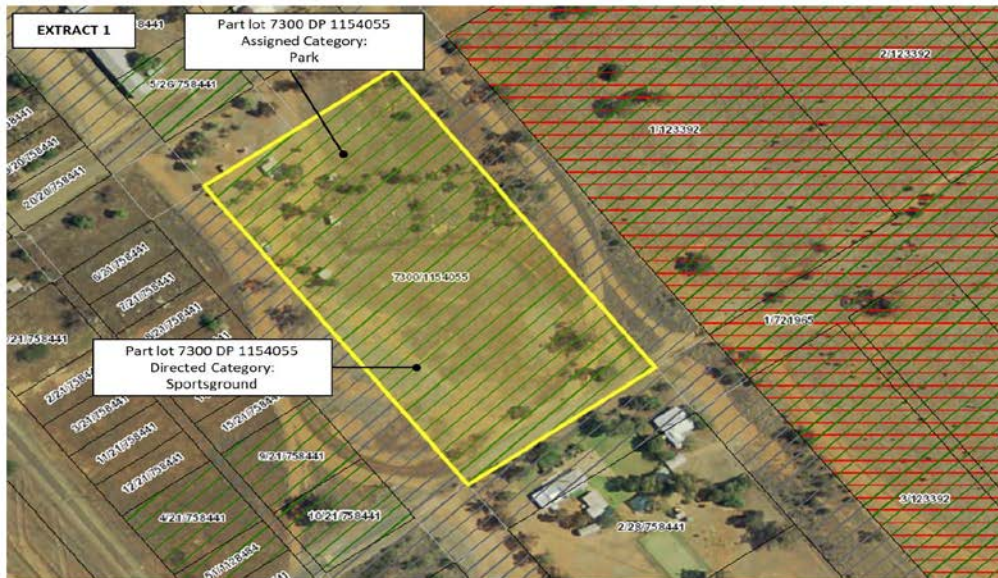


Figure 3: R1995 – Purpose 'Public Recreation'



Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council held on 28 May 2020

Figure 3 EXTRACT: R1995 – Purpose 'Public Recreation'





**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

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

Mayor and Councillors

I submit the following report for consideration:-

1 OPERATIONAL REPORT

1.1 Roads

The road works undertaken for the reporting period 13 April 2020 to 15 May 2020 consisted of the following:-

No.	Name	Comments
	Local Roads	
5	Peisley Road	Causeway repairs continuing.
9	Glenngariff Road	Maintenance grading & causeway repairs completed.
20	Murrawombie Road	Causeway repairs continuing.
67	Paynes Road	Causeway repairs continuing.
13	Bourkes Road	Maintenance grading & causeway repairs continuing.
17	Booramugga Road	Maintenance grading continuing.
78	Okeh Road	Maintenance grading & causeway repairs completed.
80	Larsens Road	Maintenance grading & causeway repair completed.
51	Currans Road	Re-sheeting & causeway repairs continuing.
79	New Bogan Road	Maintenance grading & causeway repairs completed.
	Regional Roads	
MR461	Condobolin Cobar Road	Maintenance grading & causeway repairs continuing.
MR228	Hermidale Nymagee Road	Causeway repairs continuing.



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020

MR7514	Cockies Road	Construction completed.
	State Highways	
HW7	Mitchell Highway	Culvert improvements completed. Re-sealing completed.
HW8	Barrier Highway	Slashing completed.

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

- Colane Road
- Barrier Highway
- Tottenham Road
- Yarrandale Road
- Canonba Road
- Pangee Road
- Nyngan Town Streets
- Hermidale Nymagee Rd
- Buckinguy Road
- Tottenham Road

The works program for Council's Rural Works for the remainder of May, and June includes, but is not limited to the following works:-

- Commencing 4.8km of shoulder widening works on the Mitchell Highway near the property Wilgaree.
- Completing Council's rural roads resealing program.
- Continuing vegetation control of Council's Rural Road & State Road network.
- Continuing maintenance grading, re-sheeting or emergency repairs of the following roads: Doney's Road, Bourkes Road, Coffill's Road, Gilgai Road, Curran's Road, Plummer's Road, Shannonvale Road, Drummy's Road, Dandaloo Road, and Whiterock Road.



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020

1.2 Works and Services

The work undertaken for the reporting period 13 April 2020 to 15 May 2020 consisted of the following:-

Civil Works

- Continuing to assist with the building renovations/improvements to the old SES building/Museum/VIC at the Nyngan Railway Station.
- Completing the culvert improvements on HW7 as part of the Wilgaree Shoulder Widening Project.
- Continuing construction of the new footpath along Nymagee Street with 477m completed to date.
- Completing repairs and maintenance to the roof at 26 Flashman Avenue.
- Completing repairs and maintenance to the Council Chambers in Cobar Street.
- Assisting with the installation of new security lighting at the Works Depot in Nymagee Street.

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.
- Installing new soft fall material to the playground in O'Reilly Park.
- Completing maintenance at the Early Learning Centre.
- Slashing inside the Nyngan Racecourse.
- Removing dangerous trees as part of its annual tree maintenance program.



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

Water & Wastewater

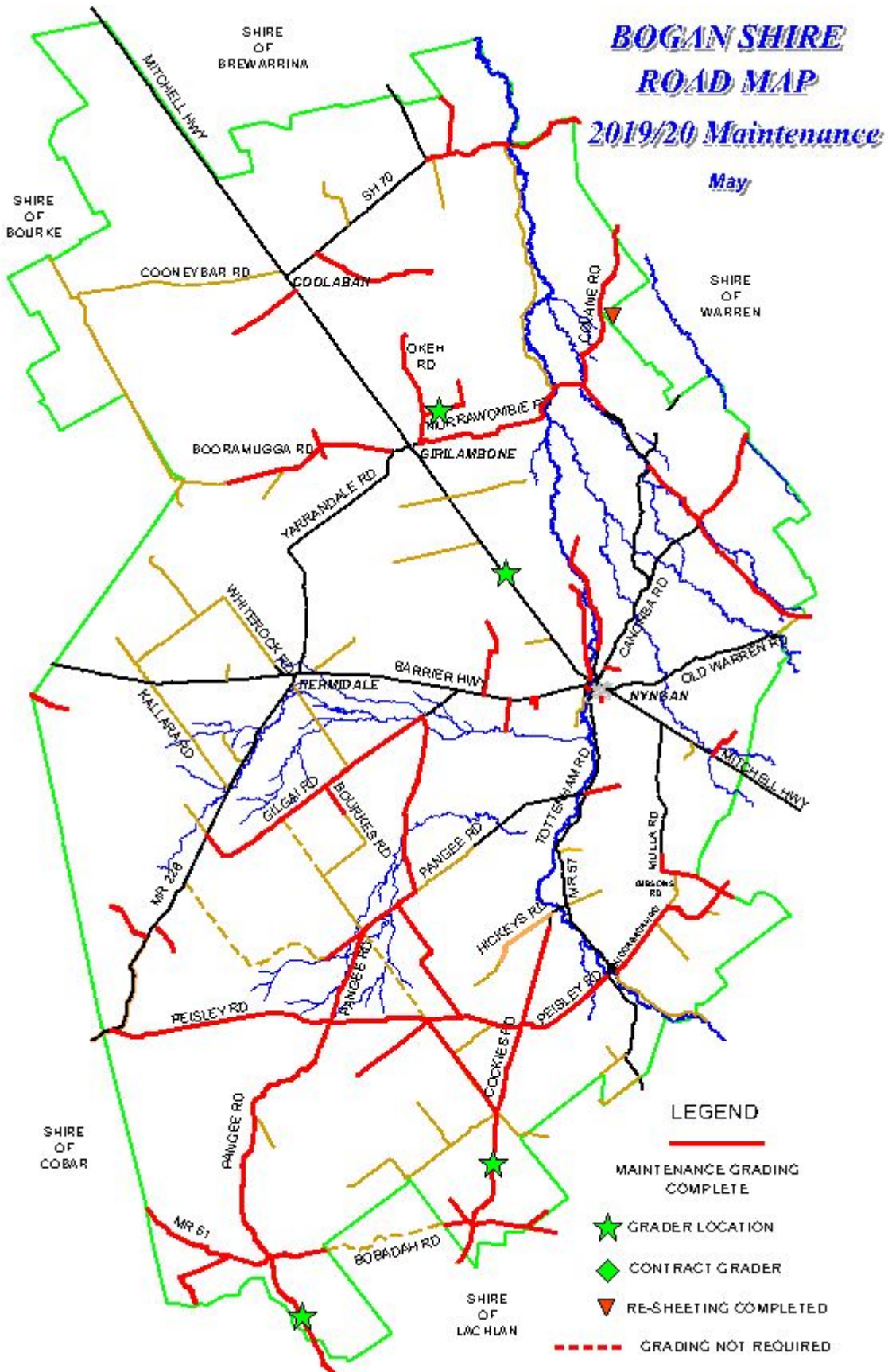
The works program for the Water & Wastewater for the remainder of May and June includes but is not limited to the following works:-

- Continuing to de-silt sections of the Albert Priest Channel.
- Installation of new channel crossings along the Albert Priest Channel.
- Replacing the overhead water supply tanks at Hermidale Village.
- Commencing mains replacement along Oxley Street & Tottenham Road.
- Completing sewer mains inspection in Bogan Street.

1.3 Recommendation

That the Operational Report for the reporting period 13 April 2020 to 15 May 2020 be received and noted.

Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020





Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020

2 TRAFFIC COMMITTEE MEETING RECOMMENDATIONS

Summary:-

This report is to present the discussions of the Traffic Committee Meeting held on Wednesday 20 May 2020 and for Council to consider their recommendations.

2.1 Introduction

The purpose of this report is to present the discussions of the Traffic Committee Meeting held on Wednesday 20 May 2020 and for Council to consider their recommendations.

2.2 Background

The Traffic Committee meets quarterly to discuss traffic and pedestrian facilities issues and to make recommendations to Council.

2.3 Discussion

The following issues were discussed:-

- **Installation of Fatigue Signs on Highway**

RMS to provide fatigue warning signs for Council to install on the three highway approaches to Nyngan.

- **Canonba Road Speed Limit Reduction**

RMS advised that the 50 km/hr speed zone can only be extended to 100m beyond the Moonagee Road intersection. Council to submit a formal speed zone variation application.

- **Reduction of Speed Limit in Pangee Street to 40 km/hr**

RMS advised that some adjoining Councils had reduced their CBD speed zones to 40 km/hr. RMS will provide funding for the replacement signs but the public consultation and extent of the 40 km/hr speed zone is a Council responsibility.

- **Trucks Blocking Derrybong Street at BP Truck and Travellers Stop**

Drawings of proposed options to be presented to August 2020 Meeting.

2.4 Recommendation

1. That the 20 May 2020 Traffic Committee Meeting Recommendations Report be received and noted.
2. That Council consider engaging in public consultation prior to reducing the speed limit in the Nyngan CBD to 40 km/hr.

3 COOLABAH PUBLIC TOILET

Summary:-

This report is for Council to consider a request from the Coolabah United Citizens Committee to assist with the cost of providing a public toilet facility in Coolabah village.

3.1 Introduction

The purpose of this report is for Council to consider a request from the Coolabah United Citizens Incorporated Committee to assist with the cost of providing a public toilet facility in Coolabah village.

3.2 Background

The Committee has written to Council requesting assistance in building a basic toilet facility near the playground area adjacent to the Mitchell Highway. The toilet would be a benefit to the locals and also service the bus stop and other travellers.

3.3 Discussion

I have discussed this request with a committee member who advised that they would like Council to provide \$6,000 to \$8,000 to match their contribution from the village funds or, contribute that amount by supplying materials, installing the septic tank and concrete slab.



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

The Committee would like to construct their own corrugated toilet structure similar to the Shearing Shed Museum to save money on pre-fabricated units but, this would be not be possible on public land without the appropriate insurances.

Council recently priced a single prefabricated toilet at an estimated complete cost of \$30,000. This included \$17,500 for the supply only of the building with the balance split between a concrete slab and supply and install a septic tank.

Coolabah currently has \$27,875 in their village improvement funds with an additional allocation of \$6,000 proposed for 2020-21, a total of \$33,875.

The committee has advised that they have some other projects, including a \$5,000 safety fence on the highway adjoining the BBQ area, they would like to complete in the village along with the toilet.

3.4 Attachment

Letter of request from the Coolabah United Citizens Incorp.

3.5 Recommendation

That Council consider allocating funds towards toilets in Coolabah at the June Council meeting.

Graeme Bourke
Director Engineering Services



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020

Coolabah United Citizens Incorp.

c/o Lynette Dunn

Bundong Station

Coolabah NSW 2831

May 14th 2020

Bogan Shire Council,

To Whom it may concern,

On behalf of the above organization we are writing to inquire whether the Bogan Shire Council could be of assistance to us in building a basic toilet facility in Coolabah near the enclosed playground area which is situated beside the Mitchell Highway. There is an existing water supply at this site.

On discussion with our members it was decided that a basic two section toilet with disability access for one and a washbowl in each would be greatly beneficial to locals and the wider travelling community. The bus changeover from Brewarrina and Bourke takes place here and to not have a toilet set up is very lacking.

Joan Gaffey's store toilet is used by all and sundry and why should she be supplying this service when many of the users do not even support her. If the shop is not attended the door to her toilet has been forced open at times.

People are also breaking into the old hotel motel rooms and using the toilet facilities and leaving them not pleasant, as well as using the concrete at the back of these premises.

If we could work with the council to provide some basic toilet set up it would be a great asset for travellers and the owners of premises in Coolabah. With no easily available facilities here it does not encourage tourists to stop and have a break.



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020

If you have any queries please feel free to contact:

Lynette Dunn 0268332161

Email: bundong1979@gmail.com

Or Kerry Jordan:

Email : bkruralservices@gmail.com

Yours sincerely,

Lynette Dunn

Lynette A. Dunn
14/5/2020

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 Introduction

One (1) application has been approved since Council's meeting of 23 April 2020 as indicated in the table below.

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2020/005	Mr Geoff Parsons	95 Cobar Street, Nyngan	Demolition	\$5000	Approved

1.2 Recommendation

That the Development Applications Report since 23 April 2020 Council Meeting be received and noted.

2 OPERATIONAL REPORTS

2.1 Introduction

The purpose of this report is to outline key works undertaken by Council's Gardening Team, Ranger and Noxious Weeds Officer during the reporting period of 13 April 2020 to 15 May 2020.

2.2 Council's Gardening Team

- Routine upkeep and maintenance duties including manual watering, whipper snipping, mowing and weed removal at Nyngan Cemetery, Davidson Park, Vanges Park, Medical Centre, Teamsters Rest, Town Hall/Senior citizens area, Flood Memorial Rest Area, Council Administration building, Early Learning Centre, Pioneer Park, Centenary Park and Council doctor's housing.
- Replanting of flowers in Pangee Street garden beds.
- Placing of Australian Flags at the Cemetery for ANZAC Day to recognise returned service men and women.

2.3 Council's Ranger

- Investigation of complaints concerning nuisance noise (barking dog).
- Two (2) surrendered dogs housed and rehomed with Rural Outback Animal Respite (ROAR).
- Two (2) dogs microchipped and registered before being released to their respective owners.
- Ongoing investigation of recent and historical rubbish dumping.
- Investigation and issuing of Notices for Overgrown Vegetation in accordance with the Local Government Act.
- Assisting Health and Building Surveyor with investigation of unauthorised demolition works.

2.4 Council's Noxious Weeds Officer

- Boundary and road side inspections.
- Property inspections as required under the *Biosecurity Act 2015*.
- Spraying of highways, town streets, roadsides.

2.5 Recommendation

That the Operational Report, including Council's Gardening Team, Ranger and Noxious Weeds Officer for the reporting period 13 April 2020 to 15 May 2020 be received and noted.

3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - DRAFT CPP UPDATE

Summary:-

This report is to update Council on the status of the Draft Bogan Shire Council Community Participation Plan (CPP) required under the Environmental Planning and Assessment Act 1979 (the Act).

3.1 Introduction

The purpose of this report is to update Council on the status of the Draft Bogan Shire Council Community Participation Plan (CPP) required under the *Environmental Planning and Assessment Act 1979* (the Act).

3.2 Discussion

Council will recall resolving at its meeting of 27 February 2020 to place the Draft Bogan Shire Council CPP on public exhibition for a period of 28 days in accordance with the *Environmental Planning and Assessment Act 1979*.

The Draft CPP has since been advertised in the Nyngan Observer each week from 18 March 2020 to 8 April 2020. During the advertising period no submissions were received.

The final step in the process is for Council to now adopt the Draft CPP and submit the final version to the NSW Department of Planning, Industry and Environment as required under the *Environmental Planning and Assessment Act 1979*.

3.3 Recommendation

That Council adopt the current Draft CPP and submit it to the NSW Department of Planning, Industry and Environment as required under the *Environmental Planning and Assessment Act 1979*.

4 PROPOSED AMENDMENT TO BOGAN DEVELOPMENT CONTROL PLAN 2012

Summary:-

This report is provided for Council's consideration, a proposal to amend the outbuilding requirements of Bogan Development Control Plan 2012.

4.1 Introduction

The purpose of this report is to provide for Council's consideration a proposal to amend the outbuilding requirements of Bogan Development Control Plan 2012.

4.2 Background

Strategy 3.1.1 of Bogan Shire Council's Delivery Program 2017-2021 provides a commitment to the review of Council's Planning Instruments, including the Bogan Development Control Plan 2012 (DCP).

Following presentation at Council's Meeting of March 2017 and subsequent community consultation, outbuilding height, area and setback requirements were amended to reflect the following:

Table 1

Lot size (Zones R1, R5, RU5)	Maximum height to eave/gutter	Maximum floor area of Outbuilding	Setback from side and rear boundaries	Setback from front boundary/street
<1000m ²	3.2m	100m ²	1m	6m
1001-2000m ²	3.4m	120m ²	3m	6m
2001-4000m ²	3.6m	140m ²	5m	10m
4001-8000m ²	3.8m	160m ²	7m	10m
8001m ² >	4.0m	180m ²	9m	10m
<i>NOTE: Ridge height in all above cases shall not exceed in 5.5 metres. Outbuildings shall not be in front of building line</i>				
RU1	N/A	N/A	10m	20m

4.3 Discussion

Over the last two (2) years, Council's Development and Environmental Services Department has received significant feedback from residents regarding the complexity and restrictive nature of the criteria stipulated in Bogan DCP 2012 for the construction of outbuildings in residential zones R1, R5 and RU5. Outbuildings is the collective term given for non-habitable buildings deemed to be ancillary to a private dwelling such as sheds, garages, carports, awnings and the like.

The most common feedback has shown that applicants with lot sizes between 1001-2000m² and 2001-4000m² are wanting to have outbuildings located closer to side and rear boundaries in order to maximise usable open space and avoid having a 3m-5m wide "dead space" within their rear yards.

Feedback also suggests that residents want a "user friendly" document that is easy for the lay person to absorb, which in turn better prepares them to lodge their Development Application with Council.

The existing DCP criteria for outbuildings appears to have been based off the Complying Development criteria contained in State Environmental Planning Policy (Exempt and Complying Codes) 2008. Complying Development under the Codes SEPP was introduced in 2009 by the NSW Government in an attempt to standardise and expedite approvals in NSW. The SEPP also gave opportunity for stakeholders to bypass Council's Development Application process by allowing Council Accredited or Privately Accredited Building Certifiers to assess and approve Complying Development Certificates (although this had been occurring since 1999 where individual Councils held their own Complying Development Policies).

The criteria contained in the Codes SEPP is considered to be "black and white" as it does not allow for merit based assessment. In this regard, the requirements in the SEPP are considered to be generally more onerous than those contained in Council DCPs. It was designed this way to allow for "tick and flick" style approvals in order to reduce approval times across the State.

Taking into account the above, it is recommended that the height, floor area and setback requirements be simplified by breaking them down into two (2) categories for lots less than 1 acre and greater than 1 acre in area. The proposed maximum floor area figures have been based on popular widths and bay lengths for pre-fabricated, domestic, metal shed kits.

Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 28 May 2020

Minimum side and rear setbacks in general residential zones are recommended to comply with the Building Code of Australia (BCA) in relation to fire separation between properties. Table 2 below is therefore presented for Council's consideration:

Table 2

Lot size (Zones R1, R5, RU5)	Maximum height to eave/gutter	Maximum floor area of Outbuilding	Setback from side and rear boundaries	Setback from front boundary/street
<4000m ²	3.6m	120m ²	BCA	6m
4000m ² >	4.8m	240m ²	5m	10m
NOTE:				
<ul style="list-style-type: none"> • <i>The Ridge height in all above cases shall not exceed in 5.5 metres.</i> • <i>Outbuildings shall not be forward of the building line of the associated dwelling</i> 				
RU1	N/A	N/A	10m	20m

4.4 Recommendation

That:-

1. Council amend the Bogan Development Control Plan 2012 to supersede Table 1 with Table 2 of this report.
2. Council place the amended DCP on public exhibition for 28 days to seek community feedback prior to its adoption

5 ARBORIST REPORT

Summary:-

This report is to inform Council of the recent tree assessment carried out on the health, condition and associated risk of trees existing within the township of Nyngan.

5.1 Introduction

The purpose of this report is to inform Council of the recent tree assessment carried out on the health, condition and associated risk of trees existing within the township of Nyngan.

5.2 Discussion

A tree assessment was carried out in October 2015 identifying a number of trees that required remediation work and removal. The outcome of the arborist report, supported by Council at the November 2015 meeting was to re-evaluate the remaining trees after a 24 month period.

Arborists were recently engaged to reassess trees identified in the 2015 tree assessment. Additional trees were included in the scope of work to evaluate further trees identified by residents and those trees located in potentially high risk public areas.

A total of 108 trees were assessed and assigned a risk rating along with recommendations for appropriate action/management as tabled below.

The arborist carried out inspections of nominated trees between 22 and 23 April 2020 and identified 24 trees to have a moderate risk rating. Of these 24 trees, 6 are recommended for removal and the remainder require works to be carried out as soon as practicable.

The six trees proposed for removal are located in the following locations:-

- Tree 31 – Jacaranda – 15 Dalton Street
- Tree 71 – Tree of Heaven, Council Chambers (Cobar Street) *proposed for removal in the 2015 tree assessment*
- Tree 93 – Lemon Scented Gum, Larkin Oval entry/outdoor gym
- Tree 94 – Lemon Scented Gum, O'Reilly Park adjacent to the pool car park
- Tree 103 – River Red Gum, Larkin Oval south east corner (shot put) and
- Tree 121 – Red Ironbark, Racecourse between the grandstand and stables

**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

The works suggested for the remaining 18 moderate risk trees include removing dead wood, rectifying poor pruning cuts, reducing the length of branches, reducing the spread of canopies and reducing regrowth as detailed in the table below.

Three figs (49, 72, 85) were identified as requiring work with the suggestion to consider the removal of tree 49, located beside the Palais Theatre. The recommendation is based on significant root damage. If the tree is not removed, it is recommended as a minimum that the length and spread of the canopy be reduced by 50% to reduce loading on the root crown.

The Arborists also identified two low risk trees from the 2015 tree assessment that are recommended for removal. These two trees are located in Tabratong Street between the Police Station and Cobar Street. One of these is dead and the other badly damaged due to powerline lopping.

Remediation works similar to that mentioned above and detailed in the below table are proposed for 34 low risk trees.

By removing and rectifying trees in accordance with the Arborist's recommendations, the health of the remaining trees should be improved and the associated public liability risk to Council reduced. Trees that are removed will be replaced with a species suitable for the site.

Recommendations concerning the storm damaged Oriental Plane trees in Pangee Street are being evaluated.

Residents have requested the removal of tree 87 (Lemon Scented Gum), 88 and 89 (Narrow Leaved Black Peppermint) outlined in the table below. These three trees were identified as a low risk. No action is required for trees 88 and 89, however work required for tree 87 includes removing dead wood and rectifying poor pruning cuts. Trees 88 and 89 were requested for removal as residents state they drop leaves and make a mess on the kerbside and tree 87 was requested for removal as the resident is fearful that the tree may fall.

5.4 Attachment

Tree Assessment- Proposed Remediation Work

5.5 Recommendation

That:-

1. Council support the Arborist's recommendation:-
 - To remove the abovementioned 6 moderate risk and 2 low risk trees.
 - To complete works for 18 moderate risk trees and that this be completed as soon as practicable.
 - To remove tree 49, Hills Weeping Fig located beside the Palais Theatre site or alternatively support the length and spread of the canopy be reduced by 50 percent.
 - To complete works for 34 low risk trees as funds permit.
2. Council consider the resident's request for the removal of 3 low risk trees.

Tony Payne
Director Development and Environmental Services

PRECIS OF CORRESPONDENCE

1 DUBBO BICYCLE USER GROUP

Attached is a copy of an email received from the Dubbo Bicycle User Group advising they would like to run a Community Cycle Ride around the Nyngan Levee Bank – Loop the Levee. No proposed date was advised. The Group is seeking permission to access the full length of the Levee and were hoping to conduct a workshop on the Saturday. The ride would start and finish at Larkin Oval.

1.1 Recommendation: For Council's Consideration.

2 RESILIENCE NSW

Attached is a copy of correspondence received from Shane Fitzsimmons, Commissioner of Resilience NSW advising the formation of a new agency called Resilience NSW. This agency will be responsible for disaster preparedness and recovery for NSW, especially in the wake of the bushfires, drought and current COVID-19 health crisis. Resilience NSW will redouble the efforts to prevent, prepare and recover from any crisis which impacts NSW. The Commissioner looks forward to establishing Resilience NSW as a valued partner to support and facilitate recovery along with Council and the community.

2.1 Recommendation: That the copy of correspondence received from Shane Fitzsimmons, Commissioner of Resilience NSW advising the formation of a new agency called Resilience NSW be received and noted.

3 NSW FARMERS' ASSOCIATION

Attached is a copy of correspondence received from the NSW Farmers' Association regarding land valuation and rating impacts on farmers. The Association understands that landholders are currently receiving notification of new land valuations. The members have raised concerns that this will likely result in an increase to their Local Government rates at a time when they are already struggling with the effects of drought, COVID-19, and in many regions the recent bushfires. They state that for farmers, Local Government rates are an ever increasing and unpredictable cost and different Councils across NSW set substantially different ad valorem rates. The Association is asking Council to consider existing rating subcategories and a base amount.



Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020

Director of Finance and Corporate Services Note:

The NSW Farmers' Federations are correct in their assessment of the possible rate variations due to inconsistent valuations. This Council has little room to manoeuvre as they have no impact on the valuation amount. Council does however have the ability to create new sub - categories to ease the burden of selected ratepayers who experience large increases in their rates due to valuation increases over the medium. The majority of Bogan Shire Council farmland has experienced an approximate increase of 60% in land valuations with a small number of assessments having increases of well over the 60%. This small number of ratepayers are expected to pay a considerable amount more for rates next year. However, due to the relative small number of assessments affected and the placement of those properties throughout the Shire it is not possible to create justifiable centres of usage to warrant a sub - category. The majority of the valuation increases have been brought about by the increased values received in properties sales in these areas in the past few years.

The Valuer General issues new land values to Council to use for rates at least every three years and sends landholders a Notice of Valuation. This Notice gives landholders the opportunity to consider the land value before Council uses it for rating purposes. An objection to the Notice of Valuation must happen within 60 days and is lodged with the Valuer General Department. Council has also advertised, when valuations were notified in the Council Column to make ratepayers aware they are able to object to their valuations. To date, Council is aware of seventeen property owners who have lodged objections to their valuations.

3.1 Recommendation: For Council's Information.



Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020

4 OFFICE OF LOCAL GOVERNMENT CIRCULAR 20-17 / 19 MAY 2020

Attached is a copy of OLG Circular 20-17, dated 19 May 2020 advising of the relaxation of some restrictions on the attendance by Councillors and others at Council and Committee Meetings during the COVID-19 Pandemic. Key points of the Circular advise:-

- What's new or changing;
- What this will mean for your Council; (it is now permissible for Councillors, Council staff and others to leave their homes for the purposes of attending Council and Committee Meetings).
- Key Points; and
- Where to go for further information.

4.1 Recommendation: That the OLG Circular 20-17, dated 19 May 2020 advising of the relaxation of some restrictions on the attendance by Councillors and others at Council and Committee Meetings during the COVID-19 Pandemic be received and noted.

5 WEEKLY CIRCULARS

Weekly Circulars dated 9 April 2020, 17 April 2020, 24 April 2020, 1 May 2020, 11 May 2020 and 15 May 2020 have been emailed to Councillors for information.

5.1 Recommendation: That the Local Government Weekly Circulars dated 9 April 2020, 17 April 2020, 24 April 2020, 1 May 2020, 11 May 2020 and 15 May 2020 be received and noted.



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

Hi.

Dubbo Bicycle User Group, Dubbo BUG, would like to run a Community Cycle Ride around the Nyngan Levy Bank. "Loop the Levy"

This would be run as a not for profit community event encouraging people to do something a little different.

We are seeking permission to access the full length of the Levy and as a result would need all of the gates open on the Saturday to place temporary signage prior to Sunday's event (date to be advised)

Dubbo bug is an Incorporated Club under the umbrella of Bicycle NSW and have a \$20,000,000 Public Liability Insurance Policy (enclosed).

Also thinking of a Worksop on the Saturday to make sure riders bikes are mechanically sound and flat proof tyres, this would be at the football oval also where we would start and finish on the Sunday.

Regards Mick Cooper.

Dubbo Bug.

0437136169

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**



**Resilience
NSW**

Dear Mayor,

On 6 April 2020, the Premier announced the formation of a new agency called Resilience NSW. I am writing to you in my capacity as Commissioner for Resilience NSW, a role I feel privileged to take on.

Resilience NSW will be responsible for disaster preparedness and recovery for NSW, especially in the wake of the bushfires, drought and current COVID-19 health crisis. Through Resilience NSW we will redouble our efforts to prevent, prepare and recover from any crisis which impacts NSW.

I am keenly aware that effective recovery is community and locally led, and I look forward to establishing Resilience NSW as a valued partner to support and facilitate recovery alongside you and your communities.

I acknowledge that recovery is challenging at the best of times, even more so in the current COVID-19 environment. As we work to keep people safe during the pandemic, we've got people feeling isolated, which goes against the very grain of how most of us interact as a social community. In my experience good recovery includes the coming together of people. We need to innovate to find ways to stay connected even when it's not physically possible to do so.

COVID-19 may have changed the way we do things, but it hasn't changed our priority to protect and support the people of NSW. Recovery from last summer's bushfires is continuing, and work is always being done to prepare communities for not only future bushfires, but disasters of any kind. It is only the method of communication that has changed, with online, one-to-one contact and phone calls the main ways the program is being delivered in the current environment.

The NSW community has shown extraordinary resilience in the face of many disasters. We know the next six months and beyond will be challenging. There is a great deal of work ahead. I would like to assure you that the transition from the Office of Emergency Management into Resilience NSW will be a smooth one and will not interrupt that work, rather it will strengthen it as we work together to help keep New South Wales safe and supported.

While leaving the fire service was a hard decision, I am very much looking forward to working with you to continue to make a meaningful difference in this new role.

Please feel free to reach out to me or the team to discuss any matters, or to highlight additional ways we can support you during this challenging time.

Yours Sincerely,

A blue ink handwritten signature, appearing to read "Shane Fitzsimmons", written over a blue horizontal line.

**Shane Fitzsimmons
Commissioner of Resilience NSW**

1/05/2020

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**



29 April 2020

Attn: General Manager

Mr Derek Francis
Bogan Shire Council
PO Box 221
NYNGAN NSW 2825

Dear Mayor Donald and Councillors,

RE: Land valuation and rating impacts on farmers

NSW Farmer's Association understands that landholders are currently receiving notification of new land valuations that have recently been undertaken across New South Wales.

Our members have raised concerns that this will likely result in an increase to their local government rates at a time when they are already struggling with the effects of drought, COVID-19, and in many regions, the recent bushfires.

It has come to our attention that different councils across New South Wales set substantially different ad valorem rates, and that councils vary in their utilisation of a base rate, if at all.

For farmers, local government rates are an ever-increasing and unpredictable cost.

As councils are considering these new land valuations and rate settings for the coming year, we write to remind you of the unique nature of the farming business and associated challenges, and that land value does not directly correlate to wealth or ability to pay.

Farmers often require large areas of land to carry out their business operations. When compared to other businesses, for example a plumber or a hardware store in town, farmers contribute a significant proportion of rates in regional areas. Farmers do not derive any additional benefits or place further pressure on council infrastructure and services in return for this higher contribution to the rating pool.

The inequity of this situation can be intensified where farmland values are higher due to proximity to a regional centre or increased land or property sales in an area. This has no bearing on a farmer's ability to increase their income.

NSW Farmers understands that in accordance with the *Local Government Act 1993* (NSW), a rate may consist of an ad valorem amount (a variable charge set as a proportion of the land value) or a base amount to which an ad valorem amount is added. We further understand that while there is no restriction on the proportion of revenue that can be generated from ad valorem amounts, the revenue generated from the base amount cannot exceed 50 per cent.

We ask that you consider the potential impact of increased land valuations and potential rate increases on farmers. We request you consider greater utilisation of:

- Existing rating subcategories. Creating or further utilising rating subcategories could assist in addressing inconsistency in land valuations within a category. This could assist in levelling rate increases across the farmland sector to promote fair and equitable rating. This would apply any rate increases more evenly across the farmland sector, rather than landholders with particularly high land valuation increases, such as near regional centres, experiencing dramatic rate increases.

NSW Farmers' Association

ABN 31 000 004 651 PO Box 459 St Leonards NSW 1590 Level 4 154 Pacific Highway St Leonards NSW 2065
Member Service Centre 1300 794 000 T 02 9478 1000 F 02 8282 4500 www.nswfarmers.org.au



Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council held on 28 May 2020

- A base amount. This is an optional way to recover rating revenue, and we encourage councils to use it as a fair and equitable way to recover at least 30 percent of general rate income. We recommend a base amount of approximately 45 percent for residential ratepayers to account for their increased access to and utilisation of services and amenities. For the farming sector, we suggest a smaller base amount to reflect their reduced utilisation and access to these services.

Whilst we acknowledge councils are currently constrained by a 50 percent maximum base amount, it is NSW Farmers Association Policy to support a gradual increase of up to 70 percent general rate income recovery through a base amount. This would reduce the proportion of rates recovered through ad valorem rating, in turn reducing the rating burden on those with higher land values and larger landholdings which are not proportionate to their access to services. This would more fairly distribute the revenue generation across all ratepayers and achieve a better balance between the "benefit" and "ability to pay" principles.

Should your Council be in a position to share any relevant information regarding your Council's Rate setting strategy we would appreciate this being forwarded to Renee Austin at austinr@nswfarmers.org.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Peter Wilson".

Peter Wilson
Chair,
Business, Economics & Trade Committee

NSW Farmers' Association

ABN 31 000 004 651 PO Box 459 St Leonards NSW 1590 Level 4 154 Pacific Highway St Leonards NSW 2065
Member Service Centre 1300 794 000 T 02 9478 1000 F 02 8282 4500 www.nswfarmers.org.au

Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020



Office of
Local Government

Circular to Councils

Circular Details	20-17 / 19 May 2020 / A703212
Previous Circular	20-14 Updated guidance on attendance by councillors and others at council and committee meetings during the COVID-19 pandemic
Who should read this	Councillors / General Managers / Council governance staff
Contact	Council Governance Team/ 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Council to Implement

Relaxation of some restrictions on the attendance by councillors and others at council and committee meetings during the COVID-19 pandemic

What's new or changing?

- The Minister for Health and Medical Research, the Hon. Brad Hazzard MP (the Minister), made the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 2) 2020* (the new Public Health Order) on 14 May 2020.
- The new Public Health Order removes the "stay at home" direction contained in the earlier *Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020*.

What this will mean for your council

- It is now permissible for councillors, council staff and others to leave their homes for the purposes of attending council and committee meetings.
- Councils should continue to allow councillors and staff to attend and participate in council and committee meetings by audio visual links where it is reasonably practicable to do so.
- The new Public Health Order maintains the existing restrictions on gatherings and councils must not:
 - allow 100 or more persons to attend meetings at the same time, or
 - allow persons to attend meetings if the size of the meeting venue is insufficient to ensure there is 4 square metres of space for each person attending the meeting.
- Further guidance on compliance with these requirements is provided in *Circular 20-09 Compliance with social distancing requirements to limit the spread of the COVID-19 virus at council and committee meetings* which is available [here](#).

Key points

- A failure to comply with a direction in a Public Health Order is an offence under Section 10 of the *Public Health Act 2010* that carries a maximum penalty of imprisonment for 6 months or a fine of up to \$11,000 (or both) plus a further \$5,500 fine each day the offence continues.

Where to go for further information

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.
- More information on the new Public Health Order is available [here](#).

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2020**

- For more specific guidance on compliance with the Public Health Order, contact the NSW Police Force.

A handwritten signature in blue ink, appearing to read "Tim Hurst", is written over a light blue rectangular background.

**Tim Hurst
Deputy Secretary
Local Government, Planning and Policy**

