



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**28 May 2020**





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**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Training Room at the Engineering Department on 28 May 2020 at 9.30am**

**PRESENT:** Councillors RL Donald OAM (in the Chair), VJ Boag, WG Deacon, JL Douglas, AJ Elias, VJ Dutton, GN Jackson, GRJ Neill and KM Ryan.

Also present were Mr Derek Francis (General Manager), Graeme Bourke (Director Engineering Services) Mrs Stephanie Waterhouse (Director Finance and Corporate Services), Mr Tony Payne (Director Development and Environmental Services) and Mrs Cathy Ellison (Executive Assistant).

**DECLARATION OF INTEREST:** Councillor VJ Dutton – Director Development and Environmental Services Report No. 5 – Arborist Report.

**106/2020 RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 23 April 2020 copies of which have been circularised to Councillors be taken as read and confirmed. **(Neill/Jackson)**

Business Arising: Nil

**107/2020 RESOLVED** that the Minutes of the Extraordinary Meeting of Council (Estimates) held on 14 May 2020 copies of which have been circularised to Councillors be taken as read and confirmed with the following amendment to Minute No. 089/2020:- **(Douglas/Ryan)**

**089/2020** – Resolved that the amended 2017 – 2021 Delivery Program be adopted with the following amendments to 2020/21:-

- 1.1.3 (iii) Include “Undertake review of the Community Heritage Study”.
- 1.3.4 (i) Include “Monitor the implementation of the DIAP to support the community”.
- 2.1.1 (vi) Include “Apply for funding to update the PAMP”.

Business Arising: Nil



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The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 28 May 2020.

**102/2020 RESOLVED** that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 23 April 2020, copies of which have been circularised to Councillors be taken as read and confirmed. **(Neill/Boag)**

**103/2020 EXCLUSION OF PRESS AND PUBLIC: RESOLVED** that Council move into a closed section of Council with the public excluded in accordance with the Local Government Act 1993 Section 10A (2) (c) because it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. **(Boag/Dutton)**

**104/2020 RESOLVED** that:-

1. Council enters into a 12 month contract for the supply of bulk fuel with Liberty Oil Pty Ltd.

2. It be noted that Council did not wish to accept any of the tenders considered at its meeting in March 2020 as the proposed contract period was considered too long and it is believed a more advantageous contract can be negotiated within the next 12 months when fresh tenders will be called. **(Ryan/Boag)**

**105/2020 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. **(Neill/Elias)**

## **COMMITTEE MEETING MINUTES**

### **1 ORANA JOINT ORGANISATION EXTRAORDINARY MEETING**

**108/2020 RESOLVED** that the Minutes of the Orana Joint Organisation Extraordinary Meeting held via Zoom Video Conference on 24 April 2020 be received and noted. **(Dutton/Neill)**

**109/2020 RESOLVED** that Council remain a member of the Orana Joint Organisation for the next financial year. **(Douglas/Boag)**



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## REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT

### 1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	27/10/2016	423/2016	<b>Seniors Living – Rental Units</b>	Ensure compliance with Stronger Communities grant milestones.	<b>DDES</b>	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.	<b>DPCS</b>	Meeting of TAC held on 20 May 2020.  4 applications have been received.

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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.  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	<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.



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	21/06/2018	293/2018		<p>Council seek further follow up from the responsible Minister, reiterating Council's safety concerns for pedestrians &amp; road users due to the nature of the crossing &amp; variation of speeds &amp; 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 &amp; 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	<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.</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>

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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.  No further updates – unable to meet due to COVID-19.
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.

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	24/10/2019			Council examine options on the best way forward.		Verbal report to be given at 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>	Letter sent.

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8	28/11/2019	360/2019	<b>Weirs along Bogan River</b>	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.	<b>GM</b>	Letter sent.
9	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 presenting an update to Council at this meeting.

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10	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.
11	26/03/2020	038/2020	<b>Drought Affected Local Government Services Grant</b>	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%.	<b>GM</b>	Letter has been sent.

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12	26/03/2020	047/2020	<p><b>Crown Land to convert the Perpetual Special Lease 78218 (Saleyards) to freehold &amp; transfer title to Council.</b></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 &amp; report back to Council for a decision.</p>	<p><b>DFCS</b></p>	<p>Report underway, will be presented to June Council meeting.</p>
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13	23/04/2020	084/2020	<b>LG Grants Commission</b>	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.	<b>GM</b>	Letter sent.
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				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	<b>ACM – Rural Press Publications</b>	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.	<b>GM</b>	Letter has been sent – awaiting response.





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Checklist Item No 3 – Increase of train speeds through Nyngan – Hoskins Street Level Crossing:-

**110/2020** RESOLVED that Council engage a Safety Consultant to inspect the Hoskins Street Level Crossing and to provide a report documenting the safety factors of the Crossing to Council, which can then be forwarded to John Holland Rail and the Minister for Regional Transport and Roads (Neill/Ryan)

**111/2020** RESOLVED that Council deal with the late item received from Keith White Checklist Item No 6 – Garford Fire Engine. (Ryan/Boag)

**112/2020** RESOLVED that Mr White’s letter be received. (Ryan/Boag)

**113/2020** RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist. (Neill/Ryan)

## 2 COVID – 19

**Summary:-**

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

**114/2020** RESOLVED that the COVID-19 Report be received and noted. (Elias/Deacon)



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

### 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.*

**115/2020 RESOLVED** 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, and further advertising via a mailbox drop be undertaken advertising the unallocated units. **(Jackson/Boag)**

### 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.*

**116/2020 RESOLVED** that the Destination Country and Outback NSW's (DNCO) Capability Development Program Report be received and noted. **(Ryan/Jackson)**



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### 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.*

**117/2020 RESOLVED** that Council continue its membership to Outback Arts for 2020-2021 financial year at a cost of \$10,583.63. **(Ryan/Douglas)**

**118/2020 RESOLVED** that Council deal with the late item – Bogan Shire Youth and Community Centre. **(Boag/Jackson)**

### 4 BOGAN SHIRE YOUTH AND COMMUNITY CENTRE

**Summary:-**

*This report is to seek Council's approval for the overall concept design and positioning of the Bogan Shire Youth and Community Centre.*

**119/2020 RESOLVED** that Council supports the overall concept design and location of the Bogan Shire Youth and Community Centre, comprising two separate structures joined by an amenities and store section including the extension. **(Douglas/Elias)**

Council adjourned for morning tea at 10.45am and resumed at 11.15am.

Councillors Douglas now left the meeting.



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## REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR OF FINANCE AND CORPORATE SERVICES

### 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.*

**120/2020 RESOLVED** that the Investments Report for the month of April 2020 be received and noted. **(Jackson/Neill)**

### 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.*

**121/2020 RESOLVED** that the Rates and Annual Charges Collection Report for the month of April 2020 be received and noted. **(Neill/Jackson)**

### 3 RESTRICTED ASSETS APRIL 2020

**Summary:-**

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

**122/2020 RESOLVED** that the Restricted Assets April 2020 Report be received and noted. **(Ryan/Boag)**

#### 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.*

**123/2020 RESOLVED** that:-

1. The Report be received and noted.
2. Council adopt the new categories for the following six Crown Reserves listed in the below table. **(Deacon/Neill)**

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

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

**1 OPERATIONAL REPORT**

**124/2020 RESOLVED** that the Operational Report including Roads, Water and Services, Community Facilities and Water and Wastewater for the reporting period 13 April 2020 to 15 May 2020 be received and noted. **(Elias/Deacon)**

**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.*

**125/2020 RESOLVED** that the 20 May 2020 Traffic Committee Meeting Recommendations Report be received and noted. **(Neill/Jackson)**

**126/2020 RESOLVED** that Council engage in public consultation prior to reducing the speed limit in the Nyngan CBD to 40 km/hr between Terangion and Dandaloo Streets. (Shell Service Station and IGA) **(Ryan/Jackson)**

**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.*

**127/2020 RESOLVED** that after further investigation, Council consider allocating funds towards toilets in Coolabah at the June Council meeting. **(Neill/Boag)**



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Other matters:

**128/2020 RESOLVED** that Council acknowledge with appreciation Mrs Alma Cooney for her services to the community in looking after the water supply at Hermidale for 65 years. **(Dutton/Deacon)**

**129/2020 RESOLVED** that Council acknowledge Mrs Judy Stimpson 60 years of hairdressing services to the Bogan Shire community. **(Jackson/Deacon)**

**REPORTS TO ORDINARY MEETING OF COUNCIL – DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES REPORT**

**1 DEVELOPMENT APPLICATIONS**

**130/2020 RESOLVED** that the Development Applications Report since 23 April 2020 Council Meeting be received and noted. **(Elias/Dutton)**

**2 OPERATIONAL REPORTS**

**131/2020 RESOLVED** 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 it be noted appreciation be extended to those responsible for the appearance of the town. **(Ryan/Neill)**

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### 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).*

**132/2020 RESOLVED** that Council adopt the current Draft Community Participation Plan (CPP) and submit it to the NSW Department of Planning, Industry and Environment as required under the *Environmental Planning and Assessment Act 1979*. (Ryan/Elias)

### 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.*

**133/2020 RESOLVED** that:-

1. The relevant table in Council's Development Control Plan, in relation to outbuilding requirements be amended to the following:-

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 <sup>2</sup>	3.6m	120m <sup>2</sup>	BCA	6m
4000m <sup>2</sup> >	4.8m	240m <sup>2</sup>	5m	10m
<b>NOTE:</b> <ul style="list-style-type: none"> <li>• The Ridge height in all above cases shall not exceed in 5.5 metres.</li> <li>• Outbuildings shall not be forward of the building line of the associated dwelling</li> </ul>				
RU1	N/A	N/A	10m	20m



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2. Council place the amended Development Control Plan on public exhibition for 28 days to seek community feedback prior to its adoption. **(Neill/Dutton)**

Councillor Dutton declared an interest and abstained from voting.

## **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.*

**134/2020 RESOLVED** that the following trees be removed:-

- Tree 31 – Jacaranda – 15 Dalton Street.
- Tree 71 – Tree of Heaven, Council Chambers (Cobar Street).
- Two trees located in Tabratong Street between the Police Station and Cobar Street. **(Boag/Deacon)**

It was **MOVED** that the following trees be removed:-

- 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).
- Tree 121 – Red Ironbark, Racecourse between the grandstand and stables.

**(Ryan/ )** The motion lapsed for want of a seconder.

**135/2020 RESOLVED** that Tree 49, Hills Weeping Fig located beside the Palais Theatre site not be removed, but that the canopy be reduced by 50% to support the tree. **(Ryan/Boag)**

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**136/2020 RESOLVED** that Council complete works for 34 low risk trees as identified in the report as funds permit. **(Neill/Deacon)**

**137/2020 RESOLVED** that Council complete works for 22 moderate risk trees and that this be completed as soon as practicable. **(Deacon/Neill)**

**138/2020 RESOLVED** that the resident's request for the removal of 4 low risk trees, including the request from the Local Aboriginal Lands Council not be approved. **(Ryan/Boag)**

## **PRECIS OF CORRESPONDENCE**

### **1 DUBBO BICYCLE USER GROUP**

**139/2020 RESOLVED** that Council approve in principle the request from the Dubbo Bicycle User Group to run a Community Cycle Ride around the Nyngan Levee Bank, subject to the Club providing further details **(Ryan/Boag)**

### **2 RESILIENCE NSW**

**140/2020 RESOLVED** 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. **(Neill/Deacon)**

### **3 NSW FARMERS' ASSOCIATION**

**141/2020 RESOLVED** that the correspondence received from the NSW Farmers' Association regarding land valuation and rating impacts on farmers be received and noted. **(Ryan/Neill)**



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Councillor Ryan now left the meeting.

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

**142/2020 RESOLVED** 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. **(Elias/Jackson)**

**5 WEEKLY CIRCULARS**

**143/2020 RESOLVED** 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. **(Boag/Elias)**

**144/2020 RESOLVED** that Council deal with the late item of correspondence received from the Nyngan Jockey Club. **(Neill/Deacon)**

**6 NYNGAN JOCKEY CLUB**

**145/2020 RESOLVED** that Council support the Nyngan Jockey Club in their request to Racing NSW to conduct a Race Meeting at the Nyngan Racecourse in July 2020, provided all NSW Health and NSW Racing requirements are adhered to and submitted to Council. **(Jackson/Deacon)**



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There being no further business the meeting closed at 12.16pm.

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

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**GENERAL MANAGER**

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**MAYOR**



