



BOGAN SHIRE COUNCIL

Minutes

27 April 2023



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**Minutes of the Ordinary Meeting
of Council held on 27 April 2023**

PRESENT: Councillors GRJ Neill (in the Chair), VJ Boag, Councillor KJ Bright , WG Deacon, JL Douglas, AJ Elias, GN Jackson, DJ Menzies, R Milligan

Also present were Mr Derek Francis (General Manager), Mr Graeme Bourke (Director of Engineering Services), Mrs Debb Wood (Director of People and Community Services), Mrs Stephanie Waterhouse (Director of Finance and Corporate Services), Mr Chris Foley (Acting Director of Development and Environmental Services and Melissa Salter (Executive Officer)

REMEMBRANCES: A minutes silence was observed for the late Ian McGlynn and the late Fred Fitzalan, both former employees of Bogan Shire Council.

APOLOGIES: Nil

DISCLOSURE OF INTEREST: Nil

060/2023 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 23 March 2023, copies of which have been circulated to Councillors be taken as read and confirmed. **(Douglas/Elias)**

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 27 April 2023:

056/2023 RESOLVED EXCLUSION OF PRESS AND PUBLIC: that Council move into a closed session of Council with the public excluded, in accordance with the Local Government Act 1993, section 10A (2). **(Deacon/Elias)**

057/2023 RESOLVED that the Minutes of the Closed and Confidential Meeting of Council held on 23 March 2023, copies of which have been circulated to Councillors be taken as read and confirmed. **(Douglas/Menzies)**

058/2023 RESOLVED that the Closed and Confidential Minutes of the Extraordinary Meeting of Council held on 5 April 2023, copies of which have been circulated to Councillors be taken as read and confirmed.
(Douglas/Menzies)

059/2023 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Boag/Menzies)**

Clr Jackson joined the meeting at 5.35pm



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**REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT
Mayor and Councillors**

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	23/09/2021	249/2021	Increase of train speed through Nyngan	Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates.	GM	<p>Letter written to Annette Turner NSW Nationals and Roy Butler MP on 19/12/2022.</p> <p>TfNSW has informed Council that it is considering trialling a Rail Active Crossing System at Hoskins Street crossing. This is a solar powered, wireless, flashing lights system.</p> <p>UPDATE: Roy Butler’s office has undertaken to follow up with TfNSW.</p>

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
2	27/05/2022	122/2022	Nyngan Emergency Bore	Council seeks advice from the Minister for Water, as to a mechanism for periodic extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage.	GM	<p>Letter written to Minister for Water.</p> <p>Letter sent to the Minister for Lands and Water, Kevin Anderson, on 02/02/2023, raising this matter again, and advising him that NSW Public Works have provided Council with new project estimates. Due to the delays in project commencement, rising costs of pipe materials and other costs of construction, the estimated project cost has more than doubled to \$8.7M from \$4M.</p> <p>Minister's office has advised that the question of amending the Water Sharing Plan has been referred to Department of Planning and Environment.</p>

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
	23/02/2023	010/2023	Nyngan Emergency Bore	Council vote for a 200ml pipe instead of 375ml pipe, on the basis of water consumption.		DPE have advised that no additional funding is available for the project. Public Works & DPE have been advised of Council's resolution to request a 200mm pipeline.
3	28/11/2019	368/2019	Repairs to Nyngan & Cobar Emergency Water Storage	The General Manager be authorised to procure sufficient quantities Geosynthetic Clay Liner & Geotextile material to complete the remediation works, according to specifications provided by NSW Public Works. The procurement be carried out by way of quotations.	DES	Remediation work postponed due to wet weather and soft floor. Floor continues to be wet and soft from rain. Requires warm weather to dry out the sub-base A contract variation has been issued to the Contractor for change of scope for repairs to inside batters. UPDATE: Work recommenced.

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
4	25/02/2021	012/2021	Nyngan Railway Wool Dump	A colour information sign be erected at the Nyngan Railway Wool Dump on stand adjacent to the dump. A cement path from the existing walkway to the sign be constructed, with available funding.	DES	Pending commencement of grant- funded works.
5	27/05/2021	126/2021	Addressing Local Job Vacancies	Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.	DPCS	Planning for new residential subdivision has commenced.
6	28/10/2021	162/2021	Section 355 Committee – Nyngan Museum	General Manager to proceed with discussions to formalise a	GM	Initial meeting held with Museum Committee.

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
	15/12/2023	281/2022		<p>constitution and associated delegations for Nyngan Museum Committee as a Section 355 Management Committee of Council with a further report to Council.</p> <p>Council progress investigations and discussion to progress to Section 355 or an incorporated body for the functions of managing and operating the Nyngan Museum.</p>		<p>Referred to Audit & Risk Committee.</p> <p>Investigations commenced regarding benefits of incorporation. Discussions with Museum Committee 29/03/2023</p>

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
7	25/11/2021	331/2021	Recycling Bins in Town Main Street	Recycling bins be made available in town main street.	DDES	Eight recycling bins received – considered in Council's best interest to delay installation until main street paving completed.
8	23/06/2022	126/2022	New Water Treatment Plant Site	A further report to Council be considered for location of the New Water Treatment Plant, including the location as presented to Council, as well as other options outside/adjacent to the levy bank.	DES	Public Works to discuss with Crown Lands use of site adjacent to electricity sub-station at the end of Dandaloo Street.
	23/03/2023	011/2023		Council request NSW Public Works to provide a report to Council on the relative cost of the proposed		UPDATE: Public Works has been requested to prepare a report on comparing the Dandaloo Street site with the raw water

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
				substation and existing pump station sites, including relative pros and cons.		pumpstation site when funding deed has been signed.
9	27/10/2022	246/2022	Pangee Street Paving	Council seek expressions of interest from interested parties to have old pavers delivered to an appropriate site of theirs for public to collect, for a set time, then review matter. The Pangee Street CBD footpath be completed with a coved trowel finish including rows of pavers installed across the path at regular intervals to break up the large areas of concrete.	DES	To be advertised when a construction schedule has been finalised.
	15/12/2022	314/2022				Tender advertised, report to March Council Meeting
						<p>UPDATE: Successful tenderer has advised that the commencement of work will be delayed to July due to acceptance of other contracts before ours.</p>

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
10	28/07/2022	171/2022	Hoskins Street Subdivision	<p>Council approves the draft subdivision layout, with following amendments Inclusion of a laneway between lots 18-23 and lots 28-33. Accordingly reduce the number of affected blocks to retain an average size of around 1000m².</p> <p>Strong representation is made to the Minister for Western New South Wales in relation to Biodiversity Fund contributions.</p>	DES	<p>Amended plan sent back to consultants. Meetings between Alliance of Western Council and NSW Government held of 17/08/22 and 19/08/22 to discuss.</p> <p>Strong representation made to Minister for the Environment and Heritage James Griffin, via Alliance of Western Councils as well as Country Mayor's Association. Chair of Alliance of Western Councils, Cr Craig Davies has also raised the matter with the Shooters, Fishers</p>



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						<p>and Farmers Party, as well as the Labor Party, ahead of NSW elections.</p> <p>Draft subdivision (engineering) design plans received for review. Report to Council on Biodiversity Trust matter refers.</p> <p><u>UPDATE:</u> Alliance of Western Councils working with Urban Taskforce and making representation to Premier and Minister for Environment.</p>

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
11	25/08/2022	207/2022	Removal of Athel Pines	<p>Council removes all Athel Pines located adjacent to the airport.</p> <p>Council plants native species to replace the Athel Pines that will be removed, with funding to be allocated at the next budget review.</p>	DDES	<p>All Athel Pines have been removed.</p> <p>UPDATE: Replacement trees ordered and due to be delivered late April/early May 2023</p>
12	27/10/2022	260/2022	Kerbside Waste	<p>Council trial the bulky kerbside collection, as a once of collection and the take-up be gauged, and a further report to Council.</p>	DDES	<p>Currently seeking quotations from contractors to complete the kerbside collection. Estimating the anticipated uptake to engage contractors has been difficult. To assist with this, a community survey has been prepared which will better inform Council's decision-making.</p> <p>UPDATE: Survey is planned to be released by end of April 2023.</p>

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
13	27/10/2022	261/2022	Proposed Amendment to Bogan Local Environmental Plan	The General Manager investigates a process to identify suitable land, for large lot residential and undertakes community consultation, with a further report to Council.	GM	In progress
14	24/11/2022	274/2022	Voluntary Planning Agreement – Aurelia Resources	The General Manager negotiates a VPA with Aurelia Resources in the best interest of Council in consultation with the Mayor and Deputy Mayor.	GM	In progress
15	24/11/2022	296/2022	Memorial Wall at Nyngan Cemetery	Council investigate cost, options and suitable location for new memorial wall at Nyngan Cemetery.	DES	UPDATE: Included in 2023/24 Capital Budget. COMPLETED

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
	23/03/2023	051/2023		Council allocate \$2,500 to provide a memorial wall at the Nyngan cemetery at the 2023-24 estimates meeting, and that council investigate the cost to render the three walls in full, on both sides.		
16	23/02/2023	027/2023	Bureau of Meteorology	Council approach interested parties to undertake the manual weather observations, with a report back to Council.	GM	<p>Notice placed in Nyngan Weekly newspaper.</p> <p><u>UPDATE:</u> Names of interested parties forwarded to Bureau of Meteorology.</p>



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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
17	23/03/2023	053/2023	Reclassification of Land – 8 Tabratong Street	Council submits a planning proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 from Community Land to Operational Land.	DDES	<u>UPDATE:</u> Council has requested Department of Planning to consider undertaking the reclassification as part of its Minor Amendments Project.

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Checklist Item:

5. ADDRESSING LOCAL JOB VACANCIES

061/2023 RESOLVED that Council make a preliminary start with the Marketing campaign by producing a short promotional video which can be distributed and uploaded by social media. **(Douglas/Jackson)**

062/2023 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist.
(Jackson/Milligan)

2 DUCK CREEK PICNIC RACES 2023

Summary: *This report is to present a recommendation to Council in regard to an alcohol-free zone for consideration for the Duck Creek Picnic Races.*

063/2023 RESOLVED that:

1. The Duck Creek Picnic Races 2023 report be received and noted.
2. Council declare an Alcohol-Free Zone for forty-eight (48) hours from 6.00am on Saturday 1 July 2023 in the areas of the Nyngan Showground and Nyngan Racecourse that are not contained within the fencing erected by the organisers of the Duck Creek Picnic Races.
(Deacon/Elias)

3 ALLIANCE OF WESTERN COUNCILS (AWC)

Summary:

This purpose of this report is to present, for Councillors information, the minutes of the Alliance of Western Councils (AWC) Board meeting held on 16 March 2023.

064/2023 RESOLVED that the Alliance of Western Councils (AWC) minutes report be received and noted. **(Douglas/Milligan)**

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

1 BOGAN BUSH MOBILE – TERM 1 REPORT

Summary:

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

065/2023 RESOLVED that the Bogan Bush Mobile report be received and noted.
(Jackson/Deacon)

2 BOGAN BUSH MOBILE SESSIONS

Summary:

The purpose of this report is to make Council aware of a staff resourcing issue which will impact the delivery of Bogan Bush Mobile sessions.

066/2023 RESOLVED that The Bogan Bush Mobile Sessions report be received and noted. (Milligan/Boag)

**3 BUSH BURSARIES AND COUNTRY WOMEN'S ASSOCIATION
SCHOLARSHIPS PROGRAM**

Summary:

The purpose of this report is to recommend that Council provides funding in the 2023/24 budget towards medical, midwifery and nursing students work placements at the Bogan Shire Medical Centre under the Bush Bursaries and Country Women's Association Scholarships Program.

067/2023 RESOLVED that Council provides funding of \$6,000 in the 2023/2024 budget for the work placements of up to four medical, nursing or midwifery students at the Bogan Shire Medical Centre under the Bush Bursaries and Country Women's Association Scholarships Program. (Douglas/Milligan)

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

1 INVESTMENTS MARCH 2023

Summary:

The report is to outline the performance of Council's Investment Portfolio for the month of March 2023. At the 31st March 2023 Council had \$23.7 million invested. There has been a decrease of \$2.9 million due to the payment of creditors and grant funds not yet received as well as funds paid in advance being utilised.

068/2023 RESOLVED that the Investments Report be received and noted.
(Menzies/Bright)

2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary:

The report is to provide a comparison of rate collections as at 31st March 2023, with the same period last year.

Total arrears have decreased from \$698,146 as at the 31st March 2022 to \$671,062 as at 31st March this year.

This Director of Finance and Corporate Services reported at the meeting, that at the date of the meeting, current arrears had decreased to \$615,581.

Rate Collections	2022-2023	2021-2022
Arrears Prior to 01/07/2022	475,572	518,098
First Instalment in arrears as at 31/3/2023	15,530	14,146
Second Instalment in arrears as at 31/3/2023	54,874	65,032
Third Instalment in arrears as at 31/3/2023	85,135	100,870
Fourth Instalment Outstanding as at 31/3/2023	961,731	965,575
Total Arrears	615,581	698,146
Total Outstanding	1,655,895	1,663,721
Monthly Transactions		
Amount Levied & B/Fwd	6,045,433	5,867,649
Add: Adjustments	36,002	33,599
Less: Payments to end of March	-4,441,951	-4,157,943
Less: Rebates	-81,390	-79,584
Add: Postponed	0	0
Gross Total Balance	1,655,895	1,663,721
Arrears of total amount levied %	11%	11%

069/2023 RESOLVED that the Rates and Annual Charges collection report be received and noted. (Jackson/Elias)

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3 THIRD QUARTER 2022/2023 BUDGET REVIEW

Summary:

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

Cash Balance is strong and expected to stay strong over the next few months due to the 80% payment of the Resources for Regions Grant Rnd 9 in advance. This will reduce however as grant funds are expended.

070/2023 RESOLVED that:

1. The Third Quarter 2022/2023 Budget Review Report be received and noted.
2. Council adopts the budget amendments shown on the Budget Review Statement (Appendix A) for the 2022/2023 Operating and Capital Budgets.

(Milligan/Boag)

4 DELIVERY PROGRAM

Summary:

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

The General Manager is required under the provisions of Section 404(5) of the Local Government Act to provide Council with regular reports regarding progress with respect to the principal activities detailed in Council's Delivery Program.

Council previously resolved that these reports be provided in October and April. Directors responsible for each of the activities listed under the Strategies and Outcomes have indicated the current status of the activity.

071/2023 RESOLVED that the Delivery Program Report be received and noted.

(Douglas/Jackson)

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5 INTEGRATED PLANNING AND REPORTING – 2021/22 to 2024/25 DELIVERY PROGRAM

Summary:

This report is for Council to consider whether changes are required to the 2022/25 Delivery Program.

072/2023 RESOLVED that no changes be made to the 2022-2025 Delivery Program. **(Deacon/Elias)**

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

1 DEPARTMENTAL ACTIVITY REPORT

Summary: *The purpose of this report is to provide Council with information that is both statistical and informative in regards to the activities of the Engineering Services Department.*

071/2023 RESOLVED that the Engineering Departmental Report be received and noted. **(Bright/Elias)**

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

1 DEPARTMENTAL ACTIVITY REPORT

Summary:

The purpose of this report is to provide Council with information that is both statistical and informative in regard to the activities of the Development and Environmental Services Department.

072/2023 RESOLVED that the Development and Environmental Services Departmental Activity Report be received and noted. **(Jackson/Deacon)**

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PRECIS OF CORRESPONDENCE

1 NSW MINISTRY OF HEALTH

073/2023 RESOLVED that correspondence from NSW Ministry of Health, Dr Kerry Chant AO PSM, Chief Health Officer and Deputy Secretary Population and Public Health be received and noted. **(Jackson/Boag)**

2 NSW PUBLIC LIBRARIES ASSOCIATION

074/2023 RESOLVED that:

1. The correspondence from NSW Public Libraries Association, Adele Casey Executive Officer be received and noted.
2. Council support the Birth to Five – Read and Thrive Campaign. **(Milligan/Bright)**

3 LG NSW WEEKLY NEWSLETTER

075/2023 RESOLVED that correspondence from Local Government NSW be received and noted. **(Jackson/Menzies)**

4 2023 NYNGAN FIGHT NIGHT

076/2023 RESOLVED that:

1. The correspondence from Troy Richards, Nyngan Fight Night be received and noted.
2. Council supports the Nyngan Fight Night to be held at the Wye Pavilion on 4 November 2023, as requested, including assistance with cleaning and setup. **(Milligan/Menzies)**

5 ROY BUTLER MP, INDEPENDENT MEMBER FOR BARWON

077/2023 RESOLVED that correspondence from Roy Butler MP be received and noted. **(Elias/Boag)**

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6 MURRAY DARLING ASSOCIATION INC

078/2023 RESOLVED that:

1. Correspondence from the Murray Darling Association Inc, Mark Lamb, Chief Executive Officer be received and noted.
2. Subject to confirmation that the local creeks are on the Agenda of the 2023 Northern Basin Forum, that Clr Menzies attend the Forum.
(Menzies/Jackson)

7 ROY SHELTON

079/2023 RESOLVED that correspondence from Roy Shelton be received and noted. **(Douglas/Deacon)**

8 JOHN & PENNY HOY

080/2023 RESOLVED that:

1. Correspondence from the John and Penny Hoy be received and noted.
2. Council request John and Penny Hoy meet with the Mayor and General Manager to discuss their concerns. **(Boag/Menzies)**

9 VIRGINIA & RICHARD WOODLOCK

081/2023 RESOLVED that:

1. Correspondence from Virginia and Richard Woodlock be received and noted.
2. A decision on the request for a meeting be deferred until Council receives a response from the NSW Government on whether the emergency bore hole project is to be funded.
3. Virginia and Richard Woodlock be requested to provide Council with specific concerns of concerned landholders and rate payers in writing, so that responses can be prepared, and arrangements made for appropriate NSW Government staff to be available.

(Menzies/Jackson) Unanimous



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There being no further business, the meeting closed at 6.45pm

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

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GENERAL MANAGER

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MAYOR

