



# **BOGAN SHIRE COUNCIL**

## **Ordinary Minutes**

**Date: Thursday, 14 December 2023**

**Time: 9.00am**

**Location: Bogan Shire Council  
Council Chambers  
81 Cobar Street  
Nyngan**

**Derek Francis  
General Manager**





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

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**MINUTES OF BOGAN SHIRE COUNCIL  
ORDINARY COUNCIL MEETING HELD AT THE BOGAN SHIRE COUNCIL,  
COUNCIL CHAMBERS, 81 COBAR STREET, NYNGAN  
ON THURSDAY, 14 DECEMBER 2023 AT 9.00AM**

**PRESENT:** Cr G Neill (Chairperson), Cr K Bright, Cr G Deacon, Cr J Douglas, Cr T Elias, Cr G Jackson , Cr R Milligan

**IN ATTENDANCE:** D Francis (General Manager), D Wood (Director People and Community Services), S Waterhouse (Director Finance and Corporate Services), G Bourke (Director Engineering Services), C Black (Director Development and Environmental Services), M Salter (Executive Officer)

**1 OPENING PRAYER**

**2 REMEMBERANCES**

**3 APOLOGIES**

**RESOLVED 285/23**

Moved: Cr Elias

Seconded: Cr Milligan

That the apologies received from Councillors Boag and Menzies be accepted, and leave of absence be granted.

**4 DISCLOSURE OF INTERESTS**

The following disclosure of interest was declared if matter is discussed :

Cr Douglas

- 10.1 Checklist, Item 11 Banking Situation

Reason: Due to position at Commonwealth Bank, Nyngan

**5 CONFIDENTIAL MATTERS**

**Resolved 286/23**

Moved: Cr Douglas

Seconded: Cr Milligan

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

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 14 December 2023:

## **6.1 MINUTES OF THE CONFIDENTIAL MEETING - 23 NOVEMBER 2023**

Business Arising from Previous Confidential Minutes: Nil

### **Resolved 287/23**

Moved: Cr Jackson

Seconded: Cr Deacon

That the minutes of the Confidential Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 23 November 2023, be received and noted.

### **Resolved 288/23**

Moved: Cr Jackson

Seconded: Cr Deacon

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

## **6.2 CONFIRMATION OF MINUTES OF ORDINARY MEETING - 23 NOVEMBER 2023**

Business Arising from Previous Ordinary Minutes: Nil

### **Resolved 289/23**

Moved: Cr Milligan

Seconded: Cr Bright

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 23 November 2023, be received and noted.

## **6 NOTICE OF MOTION**

Nil

## **8 MAYORAL MINUTE**

### **8.1 MAYORAL MINUTE - NYNGAN TO COBAR PIPELINE**

#### **Resolved 290/23**

Moved: Cr Jackson

Seconded: Cr Bright

That the Mayoral Minute be received and noted.

## **9 COMMITTEE MEETING MINUTES**

Nil

**10 GENERAL MANAGER'S REPORTS****10.1 GENERAL MANAGERS CHECKLIST**

Item	Date	Minute No	Matter	Action Required	Officer	Status
1	23/09/2021	249/2021	<b>Increase of train speed through Nyngan</b>	Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates.	<b>GM</b>	TfNSW has informed Council that it is considering trialing a Rail Active Crossing System at Hoskins Street crossing. This is a solar powered, wireless, flashing lights system.
	23/11/2023	282/23		That Council respond to Minister Atchison, with a request that the train speed limit be reduced to 20km/hour, as Council is not in a position financially to provide rail crossing lights.		Discussed with Roy Butler 07/06/2023 – followed up 11/08/2023.  <b>UPDATE:</b> Letter sent.

Item	Date	Minute No	Matter	Action Required	Officer	Status
2	27/05/2022	122/2022	<b>Nyngan Emergency Bore</b>	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.	<b>GM</b>	Letter written to new Minister for Water, advising them of resolution 122/2022 and seeking clarification on funding. Minister for Water has advised that: <ul style="list-style-type: none"> <li>• Work has begun on amendments to the Water Sharing Plan.</li> <li>• No further funding is available for the bore project.</li> </ul>
	23/02/2023	010/2023		Council vote for a 200mm pipe instead of 375mm pipe, on the basis of water consumption.  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.	<b>GM</b>	Public Works have provided an alternative cost estimate of \$5.092M, based on the 200mm pipeline.  On hold pending response.



Item	Date	Minute No	Matter	Action Required	Officer	Status
	27/04/2023	081/2023		Virginia and Richard Woodlock be requested to provide Council with specific concerns of concerned landholders and rate payers in writing, so that responses can be prepared, and arrangements made for appropriate NSW Government staff to be available.		Letter sent to Richard and Virginia Woodlock advising them of Council's resolution.
	24/08/2023	184/23		That Council prioritises remaining available grant funding of \$7,111,871 across the following projects: <ul style="list-style-type: none"> <li>a. Water purchases</li> <li>b. Belaringar Creek Syphon</li> <li>c. Nyngan Emergency Bore pipeline</li> </ul>		DPE advised accordingly.

Item	Date	Minute No	Matter	Action Required	Officer	Status
3	25/02/2021	012/2021	<b>Nyngan Railway Wool Dump</b>	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.	<b>DES</b>	Research underway for information sign in collaboration with Nyngan Museum.
4	27/05/2021  28/09/2023	126/2021	<b>Addressing Local Job Vacancies</b>	Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.  Council provides a budget of \$25,000 for production of videos for the relocation campaign.	<b>DPCS</b>	Planning for new residential subdivision has commenced.  Scheduled for 2024/25.

Item	Date	Minute No	Matter	Action Required	Officer	Status
5	28/10/2021	162/2021	<b>Section 355 Committee – Nyngan Museum</b>	General Manager to proceed with discussions to formalise a constitution and associated delegations for Nyngan Museum Committee as a Section 355 Management Committee of Council with a further report to Council.	<b>GM</b>	Initial meeting held with Museum Committee.  Referred to Audit & Risk Committee.
	15/12/2022	281/2022		Council progress investigations and discussion to progress to Section 355 or an incorporated body for the functions of managing and operating the Nyngan Museum.		<b>UPDATE:</b> Report to February Council Meeting
6	23/06/2022	126/2022	<b>New Water Treatment Plant Site</b>	A further report to Council be considered for location of the New Water Treatment Plant, including the location as presented to Council,	<b>DES</b>	Public Works to discuss with Crown Lands use of site adjacent to electricity sub-station at the end of Dandaloo Street.

Item	Date	Minute No	Matter	Action Required	Officer	Status
	23/03/2023	011/2023		<p>as well as other options outside/adjacent to the levy bank.</p> <p>Council request NSW Public Works to provide a report to Council on the relative cost of the proposed substation and existing pump station sites, including relative pros and cons.</p>		<p>Public Works has been requested to prepare a report on comparing the Dandaloo Street site with the raw water pump station site when the funding deed has been signed.</p> <p><b>UPDATE:</b> Site investigation in progress</p>
7	28/07/2022	171/2022	<b>Hoskins Street Subdivision</b>	<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 1000m<sup>2</sup>.</p>	<b>DES</b>	<p>Meetings between Alliance of Western Council and NSW Government held on 17/08/2022 and 19/08/2022 to discuss.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
	23/11/2023	279/23		<p>Strong representation is made to the Minister for Western New South Wales in relation to Biodiversity Fund contributions.</p> <p>That Council notes the proposed changes to the design and layout of the Hoskins Street subdivision and that Council staff progress detailed design and development of tender specifications accordingly.</p>	<b>DES</b>	<p>Alliance of Western Councils working with Urban Taskforce and making representation to Premier and Minister for Environment.</p> <p><b>UPDATE:</b> In Progress</p>
8	27/10/2022	261/2022	<b>Proposed Amendment to Bogan Local Environmental Plan</b>	The General Manager investigates a process to identify suitable land, for large lot residential and undertakes community consultation, with a further report to Council.	<b>DDES</b>	Following discussion with the Department of Planning and Environment (DPE), it has been identified that the additional R5 land creation could not be considered in isolation, and that it would need to be considered as part of a broader Housing Strategy for the Shire.

Item	Date	Minute No	Matter	Action Required	Officer	Status
						DPE indicated funding may be available after 30 June 2023, but that Council would have to prepare a scope of works for the strategy to be eligible for funding.  Grant submitted.
9	23/03/2023	053/2023	<b>Reclassification of Land – 8 Tabratong Street</b>	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.	<b>DDES</b>	Council has requested Department of Planning to consider undertaking the reclassification as part of its Minor Amendments Project.  Awaiting DoP consideration and advice.  Grant funding not successful. Awaiting consultant's quote which will be presented for Council's consideration.
10	25/05/2023	107/2023	<b>Temporary Workers Accommodation</b>	Report be prepared for Councils consideration regarding the costs and implications to change the land zoning using contents in RU1 – Primary Production under	<b>DDES</b>	Report for future Council Meeting.  Awaiting consultant's quote which will be presented for Council's consideration.

Item	Date	Minute No	Matter	Action Required	Officer	Status
				the Bogan Local Environmental Plan (LEP) 2011 from a 'closed zone' to an 'open zone'.		
11	22/06/2023	139/2023	<b>Banking Situation in Nyngan</b>	Council write to the National Australia Bank regarding the future of the Nyngan Branch of the National Australia Bank.	<b>GM</b>	Letter written.  Further letter written, November 2023.
12	27/07/2023	160/23	<b>School Exchange Program</b>	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.	<b>GM</b>	Not yet commenced.
13	28/09/2023	209/23	<b>Relocation Marketing Campaign – Promotional Videos</b>	Council investigates creating an artwork that acknowledges Country that can be used in the videos and other purposes, with a report to a future meeting of Council.	<b>DPCS</b>	Not yet commenced.

Item	Date	Minute No	Matter	Action Required	Officer	Status
14	28/09/2023	219/23	<b>Skate Park Tender</b>	The General Manager enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.	<b>GM</b>	<b>UPDATE:</b> Contact signed for construction between July and November 2024.  <b>COMPLETED</b>
15	26/10/2023	247/23	<b>Before and After School Care, Nyngan</b>	That the Before and After School Care matter be further pursued with the Department of Education, and if necessary the Minister.	<b>GM</b>	Verbal update given at Council Meeting 23/11/2023.
16	23/11/2023	278/23	<b>Nyngan Year-Round Fishery</b>	That Council provide in principle support for the development of a Memorandum of Understanding with DPI Fisheries for a managed fishery in the Nyngan off-river storages, with a further report to Council to consider a draft Memorandum of Understanding.	<b>DES</b>	<b>UPDATE:</b> In Progress



**1. Attachments**

Nil

**Resolved 291/23**

Moved: Cr Elias

Seconded: Cr Jackson

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

## **10.2 DAVIDSON PARK PALM TREES**

### **Resolved 292/23**

1. That this report be received and noted, which has the effect of endorsing the decision taken under resolution 237/23 to remove the six palm trees in Davidson Park.  
**(Bright/Milligan)**
2. That the Donohue Family be invited to be involved in the planting of the new shade trees in Davidson Park **(Douglas/Milligan)**

## **10.3 YOUTH AND COMMUNITY CENTRE: SPORTS HALL FLOORING**

### **Resolved 293/23**

Moved: Cr Douglas

Seconded: Cr Elias

That Council takes no action in respect of the Sports Hall flooring and advises the community that whilst this facility is intended for indoor sports, Council will pursue grant opportunities for a new Multipurpose Hall for Nyngan or upgrades to the Town Hall.

## **10.4 VILLAGE MEETINGS**

### **Resolved 294/23**

Moved: Cr Deacon

Seconded: Cr Bright

That the Village Meeting Report be received and noted.

## 11 PEOPLE AND COMMUNITY SERVICES REPORTS

### 11.1 BOGAN SHIRE EARLY LEARNING CENTRE OPERATIONAL REPORT

#### Resolved 295/23

Moved: Cr Jackson

Seconded: Cr Douglas

That the Early Learning Centre report be received and noted.

### 11.2 AUSTRALIA DAY AMBASSADOR DINNER 2024

#### Resolved 296/23

Moved: Cr Jackson

Seconded: Cr Elias

That Council holds the 2024 Australia Day Ambassador Dinner at the Nyngan RSL Upstairs Dining Room.

### LATE ITEM OF BUSINESS

#### Resolved 297/23

Moved: Cr Douglas

Seconded: Cr Milligan

That Council discuss the late item of Business – Bogan Shire Library Tender.

### 11.3 BOGAN SHIRE LIBRARY TENDER

*Section 241 of the Local Government Regulations states that a Council must not transact business at a meeting unless due notice of the business has been given to all Councillors in writing at least 3 days before each meeting (Section 367 of the Local Government Act). A longer period may be determined by resolution of Council.*

*This provision does not apply in certain circumstances including when:*

*The business is a matter or topic put to the meeting by the chairperson who is entitled, by minute signed by the chairperson, to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.*

*Business may also be transacted by the Council if:*

*A motion is passed to have the business transacted at the meeting, and the business proposed to be brought forward is ruled by the chairperson to be of great urgency*

**Justification for inclusion:** Information received after preparation of Business Paper

#### Resolved 298/23

Moved: Cr Jackson

Seconded: Cr Deacon

That:

1. Council notes that no tenders have been received for the construction of extensions at the Bogan Shire library.
2. The General Manager enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.

## **12 FINANCE AND CORPORATE SERVICES REPORTS**

### **12.1 INVESTMENTS NOVEMBER 2023**

#### **Resolved 299/23**

Moved: Cr Elias

Seconded: Cr Milligan

That Council receive and note the Investments Report for November 2023.

### **12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION**

#### **Resolved 300/23**

Moved: Cr Bright

Seconded: Cr Douglas

That Council receive and note the Rate and Annual Charges report for November 2023.

## **13 ENGINEERING SERVICES REPORTS**

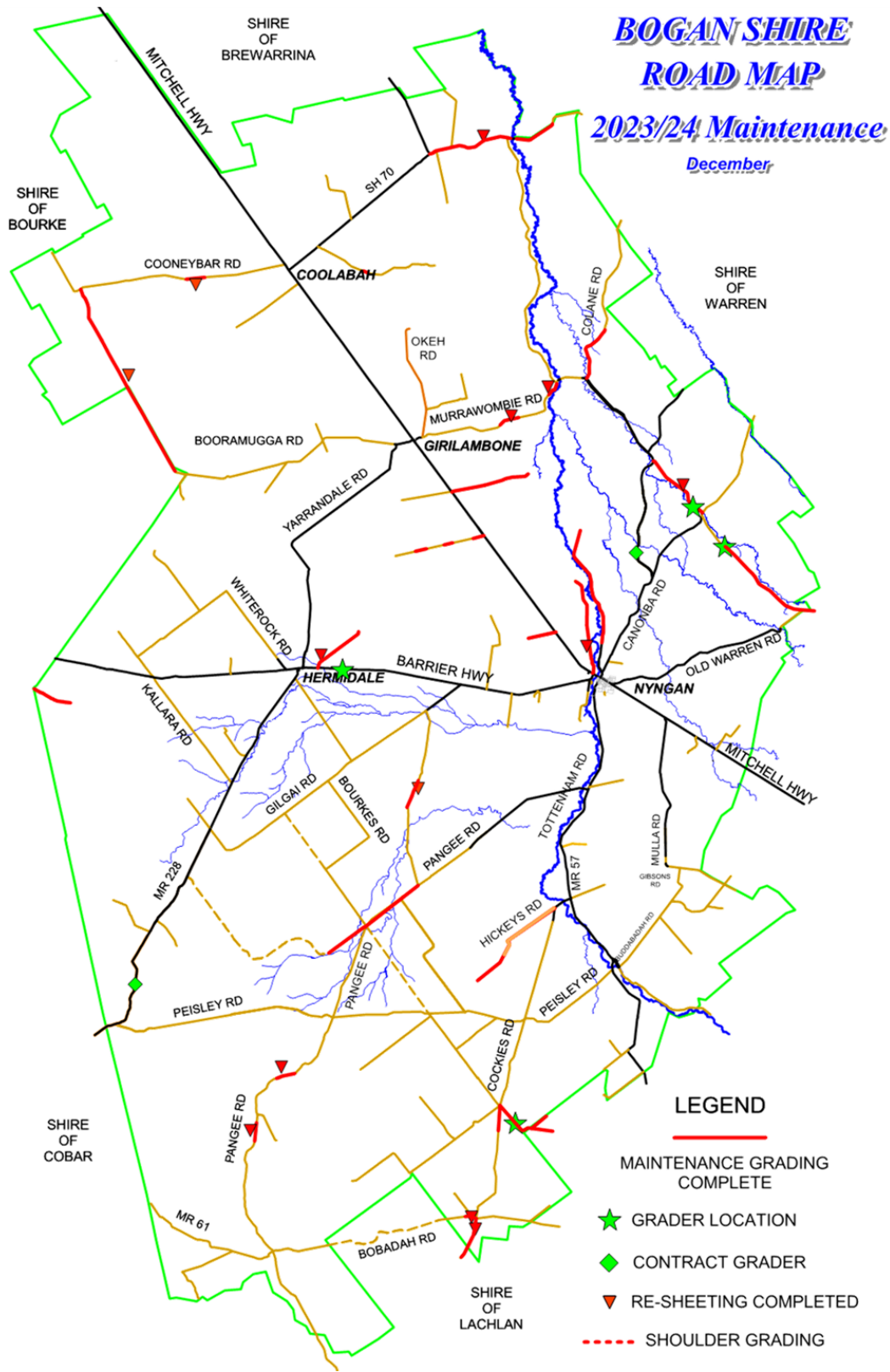
### **13.1 DEPARTMENTAL ACTIVITY REPORT**

#### **Resolved 301/23**

Moved: Cr Deacon

Seconded: Cr Elias

That the Engineering Departmental Report be received and noted.



**14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS**

**14.1 DEPARTMENTAL ACTIVITY REPORT**

**Resolved 302/23**

Moved: Cr Bright

Seconded: Cr Deacon

That the Development and Environmental Services Departmental Activity Report be received and noted.

**15 PRECIS OF CORRESPONDENCE**

**15.1 PRECIS OF CORRESPONDENCE - Nil**

**16 MEETING CLOSURE**

There being no further business, the meeting closed at 10.07am.

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

.....

**GENERAL MANAGER**

.....

**MAYOR**