



BOGAN SHIRE COUNCIL

Ordinary Business Paper

I hereby give notice that an Ordinary Council Meeting will be held on:

Date: Thursday, 22 February 2024

Time: 7.00pm

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

**Derek Francis
General Manager**



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.

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- 1 OPENING PRAYER**
- 2 REMEMBERANCES**
- 3 APOLOGIES**
- 4 DISCLOSURE OF INTERESTS**

5 CONFIRMATION OF ORDINARY MINUTES

6.1 MINUTES OF ORDINARY MEETING - 14 DECEMBER 2023

The minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 14 December 2023 have been circulated to Council.

Recommendation

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 14 December 2023, be received and noted.

6 NOTICE OF MOTION

Nil

8 MAYORAL MINUTE**8.1 MACQUARIE HOME STAY**

Recently I had the opportunity to meet with David Ringland, Board Member with Macquarie Home Stay. David gave me an update on the exceptional work that Macquarie Home Stay provide for patients undergoing medical treatment in Dubbo.

In 2019/20 Bogan Shire Council donated \$30,000 to Macquarie Home Stay to fund the construction of a room at the Macquarie Home Stay. Macquarie Home Stay is regularly used by residents of the Bogan Shire.

Currently Macquarie Home Stay is seeking additional funding for the fit-out of one of their new rooms.

There are two levels of funding, that Council may consider supporting:

1. A single room option at \$30,000.
2. A double/twin room option at \$38,000.

Attached is information provided by David which includes statistics on patient residence by Local Government Area.

Attachments

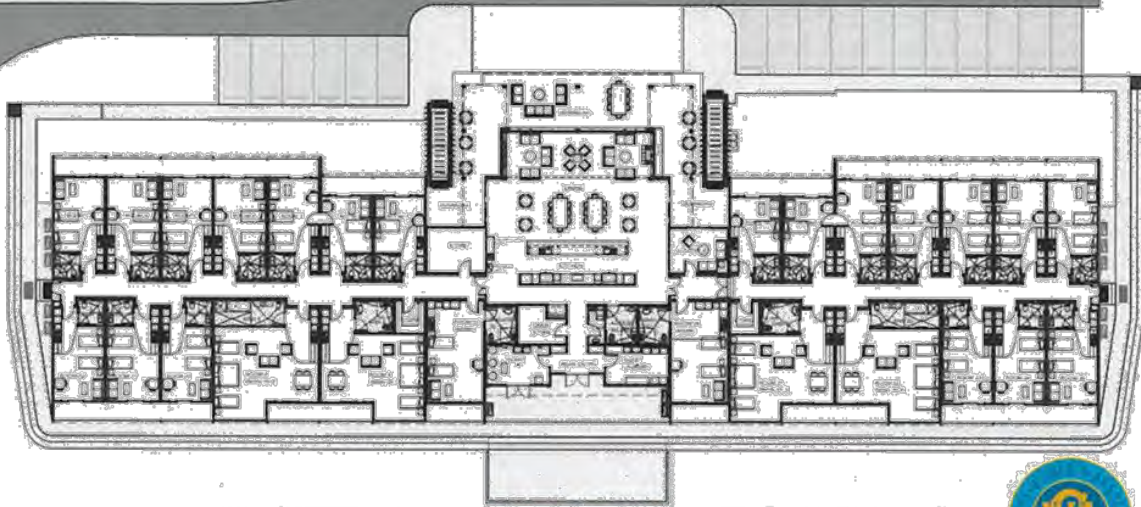
1. Macquarie Home Stay Expansion

Recommendation

That Council consider providing funding for the fit-out of a room at The Macquarie Home Stay in Dubbo.

January 2024

MACQUARIE HOME STAY EXPANSION



"CWA OF NSW GUESTHOUSE"



MHS is a purpose-built, not for profit accommodation facility for people accessing medical services in Dubbo. We are focused on reducing trauma, emotional stress & financial burden experienced by patients.

Current key data:

- We experience an occupancy rate of 100% for over half of every month.
- In the 2022/2023 financial year, we turned away 3.18 patient bookings every day, up to 170 booking requests turned away in a month.
- At our peak, we experience monthly occupancy rates up 99.4%
- Over 3,000 people were accommodated by MHS in 2023
- 16.7% of all guests are First Nations peoples.

Patients are referred to Dubbo for specialist medical treatment & require appropriate and affordable short-term accommodation. MHS provides a culturally appropriate, safe & welcoming place, a vital lifeline just 800 metres from Dubbo Hospital. Many patients travel 700+km roundtrip when seeking treatment in Dubbo. By working with health services, community support organisations & bulk billing the NSW Government subsidy (PTAAS), we help ease the financial & transport burden illness & medical care places on patients & their loved ones. 76.66% of MHS patients said if they didn't have access to PTAAS subsidies, their decision to come to Dubbo for medical treatment may have been impacted due to the financial burden. Treatments that require patients to travel to Dubbo include maternity, emergency, paediatric, orthopaedic, ENT, dialysis, gynaecology, urology, day surgery, tests & scans, specialist appointments, surgery, general admission to hospital, ICU, oncology, palliative, rehab, family support & so on.

THERE ARE 3 KEY REASONS FOR THE NEED TO EXPAND:

- Peak occupancy rates result in patients being turned away. We run a waiting list to help support filling any gaps that may arise from booking changes, but that helps a minority.
- Some patient groups (eg: First Nations families) benefit from customised accommodation (family rooms) to ensure their wellbeing is met and maintain quality treatment outcomes by having family close by.
- Completion of the Western Cancer Centre (WCC) has led to our facility being in high demand.

We have adopted a site master plan across our 8.5 acres that allows us to develop our accommodation campus based on patient needs and access to finance to fund each stage.

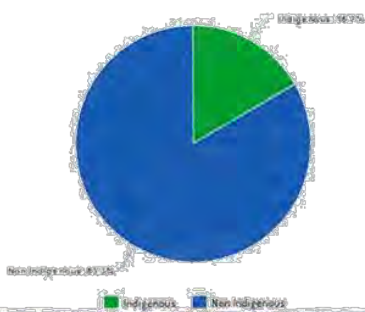


The "Tour de OROC Guesthouse" opened in January 2019 with 17 rooms. Each room offers 2 king single beds, ensuite bathroom, is air conditioned and is a safe and comfortable place to rest whilst in Dubbo for medical appointments or treatments. We are a self catering facility, the common room kitchen, dining, living and outdoor bbq areas are well used and a great place for guests to meet and create social and support networks.

Stage 2, the "CWA of NSW Guesthouse" is an accommodation precinct that will particularly support patients receiving treatment at the Western Cancer Centre. Based on the distance from patients homes and the duration of their treatment (ie 4 - 6 weeks) - our accommodation will support over 300 patients annually with affordable and appropriate accommodation.



2022/2023 INDIGENOUS OCCUPANCY



In NSW, 3.4% of the population identify Aboriginal and/or Torres Strait Islander (2021 Census). 13% of the Western NSW Local Health District population identify Aboriginal and/or Torres Strait Islander (WNSWLHD Strategic Plan). 16.7% of our total current patient cohort identify, and for our maternity patients this increases to 32.8%. Given that we are already supporting better health outcomes for Aboriginal Communities across the WNSWLHD, an expanded MHS will offer greater capacity to support even more patients through their medical journey.



WHERE ARE THEY COMING FROM AND WHY?

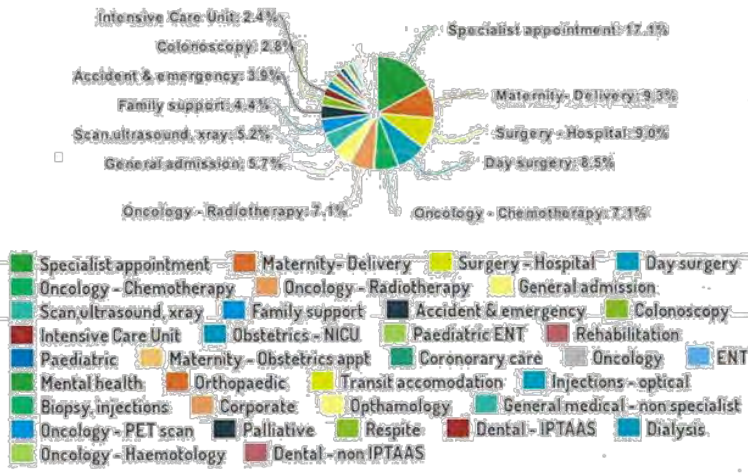
As a result of changes to the delivery of health services through the Western NSW Local Health District, residents who reside in rural and remote NSW must travel to Dubbo to receive most specialist medical treatment.

Our reality - patients who choose to stay with us live in rural and remote communities across NSW. They live in approximately one third of the geographic land area of NSW and are referred to Dubbo for specialist medical treatment. These patients travel away from their family, home, their support network and employment.

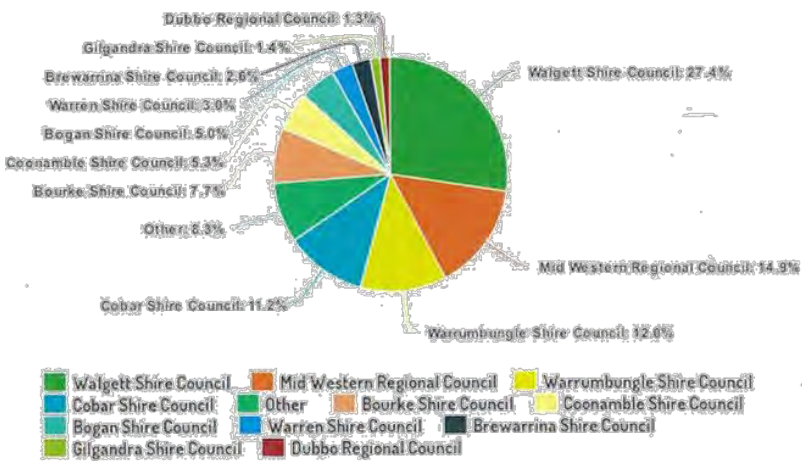
This Google map reflects where our guests have travelled from.



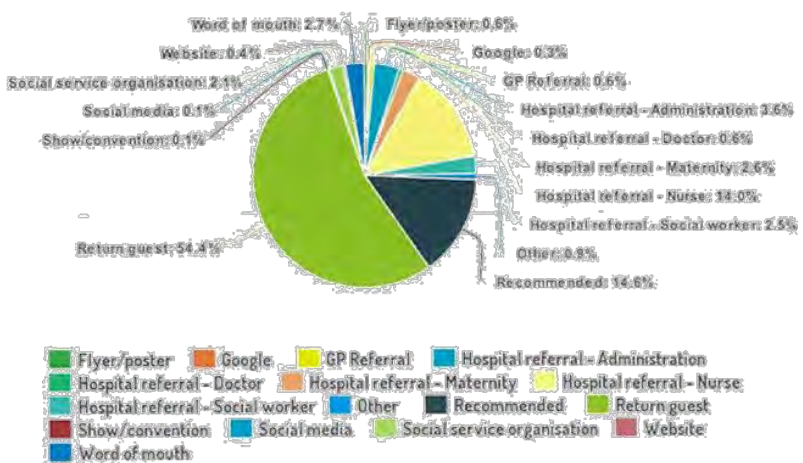
TREATMENT TYPE 2022/2023



PATIENT RESIDENCE - LOCAL GOVERNMENT AREA 2022/2023



BOOKING SOURCE 2022/2023





HOW CAN YOU HELP?

Construction has commenced on the "CWA of NSW Guesthouse" - an \$8 million expansion that will provide an additional 9,490 guest nights of accommodation each year and consist of 26 units with family, 2 bed and 1 bed units.

We expect the guesthouse to be completed by late 2024.

We have been so richly supported by the communities who access our facility so far - by individuals, business and many charities. There is \$475,000 available in sponsorship opportunities that supports this expansion, an opportunity for communities and others to contribute towards the project that will see us achieve our fundraising goals. Sponsorship packages range from \$5,000 up to \$38,000 each, and donations of \$5,000 and more will be officially acknowledged on our supporters signage.

The balance of the project has been funded through \$2.75 million provided by the NSW Government, from donations, fundraising, other grants received and MHS borrowings.

We hope there may be a way you can support us, and if you wish to discuss any element we welcome the opportunity to do so.



We are in the people business.

We provide a niche accommodation facility for our regional communities that travel from across one third of NSW. What we achieve as a result of patients accessing our facility is so much more - the health and well being of our communities, connectedness, quality of life and emotional support.

Can you support us? Let's have a conversation about what that might look like.



www.macquariehomestay.com.au

P: 02 6885 4663

hello@macquariehomestay.com.au



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	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	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.

Item	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	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"> • Work has begun on amendments to the Water Sharing Plan. • No further funding is available for the bore project.
	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.	GM	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		<p>That Council prioritises remaining available grant funding of \$7,111,871 across the following projects:</p> <ul style="list-style-type: none"> a. Water purchases b. Belaringar Creek Syphon c. Nyngan Emergency Bore pipeline 		DPE advised accordingly.

Item	Date	Minute No	Matter	Action Required	Officer	Status
3	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	UPDATE: Sign completed and due to be installed February 2024.
4	27/05/2021 28/09/2023	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. Council provides a budget of \$25,000 for production of videos for the relocation campaign.	DPCS	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	Section 355 Committee – Nyngan Museum	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.	GM	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.		UPDATE: Report to March Council Meeting
6	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	DES	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>presented to Council, 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>UPDATE: Site investigation in progress</p>
7	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>	DES	<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>	DES	<p>Alliance of Western Councils working with Urban Taskforce and making representation to Premier and Minister for Environment.</p> <p>UPDATE: Report to Council refers.</p> <p>UPDATE: Report to Council refers.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
8	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.	DDES	<p>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.</p> <p>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.</p> <p>UPDATE: Council has been successful with a grant application for \$163,000 to prepare a Local Housing Strategy. A progress report/update will be provided at the next Council Meeting.</p> <p>COMPLETED</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
9	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	UPDATE: Report to Council refers.
10	25/05/2023	107/2023	Temporary Workers Accommodation	Report be prepared for Councils consideration regarding the costs and implications to change the land zoning using contents in RU1 – Primary Production under the Bogan Local Environmental Plan (LEP) 2011 from a ‘closed zone’ to an ‘open zone’.	DDES	UPDATE: Report to Council refers.
11	22/06/2023	139/2023	Banking Situation in Nyngan	Council write to the National Australia Bank regarding the future of the Nyngan Branch of the National Australia Bank.	GM	Letter written. Further letter written, November 2023. No response.

Item	Date	Minute No	Matter	Action Required	Officer	Status
12	27/07/2023	160/23	School Exchange Program	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.	GM	Not yet commenced.
13	28/09/2023	209/23	Relocation Marketing Campaign – Promotional Videos	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.	DPCS	Not yet commenced.
14	28/09/2023	219/23	Skate Park Tender	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.	GM	UPDATE: Contact signed for construction between July and November 2024. COMPLETED
15	26/10/2023	247/23	Before and After School Care, Nyngan	That the Before and After School Care matter be further pursued with the	GM	Verbal update given at Council Meeting 23/11/2023.

Item	Date	Minute No	Matter	Action Required	Officer	Status
				Department of Education, and if necessary the Minister.		
16	23/11/203	278/23	Nyngan Year-Round Fishery	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.	DES	UPDATE: In Progress

1. Attachments

Nil

2. Recommendation

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

11 PEOPLE AND COMMUNITY SERVICES REPORTS

11.1 BOGAN BUSH MOBILE - TERM 4 REPORT

1. Introduction

The purpose of this report is to advise Council on the Term 4 activities of the Bogan Bush Mobile service.

2. Background

At the end of each term a report is provided to Council on the activities and statistics of the Bogan Bush Mobile service.

3. Discussion

Term 4 - 2023

9 October – 15 December 2023

Statistics:

Total Children Enrolled: Children 95, Families 78

Term 4 Attendance: 77 Children

Term 4 Sessions: 54

Term 4 Total KM'S: 7,935

Current Areas being visited:

Marthaguy, Marra, Mungery, Trangie, Hermidale, Tottenham, Nyngan, Narromine, Duck Creek and Collie.

Term 4 Activities:

Graduation

At the end of 2023 the Bogan Bush Mobile team acknowledged children who head off to school in 2024 and will not be returning to the service. Children received a certificate and photo book to remind them of the memories they made, and fun times that were enjoyed at Bogan Bush Mobile. The service continues to play an important role in the early learning journey of so many rural and isolated children in the region.

Christmas Parties

In the last two weeks of 2023 Bogan Bush Mobile ran a Christmas Party program. The children at all the sessions were able to engage in Christmas inspired crafts and activities as well as some water play to finish off the year. This is a continuing tradition that Bogan Bush Mobile have done for many years and is always well enjoyed by families.

Returning for 2024

Bogan Bush Mobile were closed from 18 December 2023 and resumed childcare sessions on 16 January 2024 at Marra and Collie. The full BBM timetable started on 5 February, with the team welcoming returning and new families to sessions, looking forward to another year of fun and learning.

4. Attachments

Nil

5. Recommendation

That the Bogan Bush Mobile report be received and noted.

11.2 LIBRARY REPORT

1. Introduction

The purpose of this report is to provide Council with information regarding the operations of the Bogan Shire Library.

2. Background

A quarterly operational Library report is provided for the information of Councillors.

3. Discussion

During term 4 of 2023 Library staff held the following sessions:

- 22 Story Time sessions, with 155 children and 98 carers in attendance
- 6 visits to the Early Learning Centre and the Nyngan Preschool to provide Story Time to 85 children
- 11 Baby Time sessions with 45 mothers and their babies attending.

During the Spring school holidays Library staff held the following sessions:

- 2 craft sessions in October involving wind chime making attended by 20 children and 10 adults
- An animal wind chime making craft session with 17 children and 8 adults in attendance.

Other activities undertaken during the reporting period include:

- Library staff collaborating with other local community service providers to hold 2 outdoor activity sessions at the Bogan Shire Youth and Community Centre, with 137 children and carers attending on the day
- A Christmas Craft session held at the Library in December for 29 children.

There has been a total of 584 children and carers attend the programs in the library during this period.

Library staff organised a 'Create a Christmas Tree' competition this year, which allowed participants to create Christmas trees out of any items or materials. There was a total of 15 trees entered across 4 categories – ages 5 and under, 6 to 10, and 11 to 13 and a family category.

Library staff held 12 arts/crafts and LEGO activity sessions for the summer holidays for children which included painting, sand art, Aussie crafts and clay crafts, as well as a puppet show and workshop. Library staff also joined forces with local community service providers to plan four activity sessions over the Summer holiday break at the Bogan Shire Youth & Community Centre which included outdoor activities, a Little Bogan Day Out, a back to school disco and a family colour run.

Councillors would be familiar with the partnership with the Dolly Parton Imagination Library - a program whereby babies born from 1 November 2022 living in the Bogan Shire LGA receive a free book each month until the age of 5. Books are mailed directly to their house, along with a parental guide to direct and encourage reading to their young to promote reading and literacy in their homes.

The Bogan Shire program marked 12 months on 1 November 2023 and there are currently 42 children enrolled. The Library also started a new 'Baby Time' session to compliment the Imagination Library program and is aimed at children aged 0 to 12 months. The sessions started on a fortnightly basis, however due to their popularity and feedback received from a Community Survey undertaken on Library activities, they are now run on a weekly basis. There have also been 289 mothers and babies attend the 'Baby Time' sessions.

The computers and access to printing services are still major drawcards both for residents and visitors to town. Library staff assist many people, particularly seniors and those who are no particularly tech-savvy with setting up their mobile phones or digital cameras, printing off documents and photos and providing general IT support.

Artworks produced by local artists continue to be displayed at Library.

The North Western AGM was held on 1 November 2023 and was hosted by Coonamble. Reports were given by the North Western Library Manager, Pam Kelly, and each Shire Librarian. Councillor Sarah Deritt was voted in as Chairperson for 2024. The Financial Statement was delivered, with Council contributions for the 2023/2024 period as follows:

- Operational Expenses: \$27,030.44
- Management and Administration: \$12,628.55
- Computer Software Maintenance: \$13,621.00
- Technical Support Officer: \$9,221.00
- Freight on Stock Rotation: \$804.71
- Total: \$63,360.70.

IPART has determined the rate-pegging increase for 2023/24 at 3.7%.

Programs coming up include Library Lover's Day Chocolate Draw to be drawn Wednesday 14 February, the start of the Tech Savvy Seniors program, monthly adult craft sessions, school holiday crafts in April and National Simultaneous Story time in May.

Photos from the 'Create a Christmas Tree' competition.



Photos from craft and other activities.



Library Statistics

Statistics for the past quarter dating from 1.10.23 to 31.12.23 are as follows with a comparison of the previous year figures for the same period:

October 1st – 31st December, 2022		October 1st – 31st December, 2023	
Adult Fiction	340	Adult Fiction	424
Western Fiction	59	Western Fiction	43
Large Print	88	Large Print	110
Magazines	94	Magazines	95
Adult Non-Fiction	64	Adult Non-Fiction	76
Talking Books MP3	63	Talking Books MP3	72
Inter Library TB's	0	Inter Library TB's	0
Junior Fiction	45	Junior Fiction	171
Junior Non-Fiction	21	Junior Non-Fiction	7
Easy & Easy 2 & RR	135	Easy & Easy 2 & RR	214
Toys	0	Toys	0
Stories are Magic	12	Stories are Magic	5
Junior Talking Books	0	Junior Talking Books	0
Young Adult Fiction	29	Young Adult Fiction	7
Equipment	1	Equipment	0
DVD's	61	DVD's	56
TOTAL ISSUES	1012	TOTAL ISSUES	1281
TOTAL MEMBERS	1206	TOTAL MEMBERS	1283
New Members	16	New Members	20
Internet/computer Usage 1/2 hrs	311	Internet/computer Usage 1/2 hrs	1062
IT Help	25	IT Help	25
WIFI	24	WIFI	28
People Counter	1165	People Counter	1637
Reference Inquires	28	Reference Inquires	37

4. Attachments

Nil

5. Recommendation

That the Library report be received and noted.

11.3 BOGAN SHIRE YOUTH AND COMMUNITY CENTRE

1. Introduction

The purpose of this report is to provide information to Council on the operations and statistics of the Bogan Shire Youth and Community Centre (BSYCC).

2. Background

Since opening in October 2022, the BSYCC has been the venue for Bogan Shire Council's youth drop-in sessions and has also hosted a number of community events and groups.

3. Discussion

Below are the activities and statistics of the Bogan Shire Youth and Community Centre for the period July 2023 to December 2023.

Statistics

Period	No of Attendees
Q1 2023 (January - March)	1,216
Q2 2023 (April - June)	1,036
Q3 2023 (July - September)	1,150
Q4 2023 (October – December)	827

Staff at the Centre are regularly receiving inquiries and responding to emails for venue hire, room bookings and external providers wanting to run programs for all sections and age ranges of the community from the Centre.

Library staff also collaborated with other local community service providers and joined forces to hold two outdoor activity sessions at the Centre during the Spring school holidays, with 137 children and carers attending on the day.

Library staff along with local community service providers also held four activity sessions over the Summer holiday break at the Centre which included outdoor activities, a Little Bogan Day Out, a back-to-school disco and a family colour run.

Activities

The following activities have been hosted during the reporting period:

- Nyngan High School - End of term reward for year groups, end of term BBQ, outdoor education, camping cook sessions, and Troy and Boys program
- St Joseph's Primary School – Sports day
- Boys to the Bush - Youth program (weekly to fortnightly usage)

- Barnardos – Mums and Bubs Group, playgroup, cooking with youth and Bubble soccer activities.
- Community Hub/ Red cross – Cooking Sessions
- Bogan Shire Council – staff training, staff meeting, Library story time, Library outdoor family fun days, Waste 2 Art exhibition, RU OKAY Day, Council & NSW police meeting, Regional Youth NSW workshop
- Bogan Bush Mobile – regular sessions
- Christmas Committee- community group meeting
- Nyngan Craft Group – weekly meetings
- Allied health, therapy room bookings - Occupational Therapy and Speech Pathology
- Best employment services
- Walk this way- Rural Flying Doctors Service
- Bogan Bush Fellas Social Group – fortnightly meetings
- Essential Energy – Staff meeting and training
- Community Concepts - Footy for Fun sport sessions
- Impacto Co- Youth Mental Health awareness meeting and BBQ with youth and youth community service providers
- Christmas youth activities - Youth decorating the Centre in Christmas décor, Gingerbread house making and Christmas craft.

It is pleasing to see the extent to which the BSYCC space has been used by the wider community during this period.

Library staff teamed up with Nyngan Community Hub, Barnardos, Mission Australia, and Catholic Care to host five family fun mornings at the Centre, averaging 60 to 80 children plus their carers per session, all enjoying outdoor games and a BBQ at each session.

Throughout the recent Spring and Summer events, the Centre hosted 150 youth in various activities and events funded by the Spring and Summer Holiday Break Program grant. Notably, a Spring Carnival Day drew a crowd of 160 people, featuring eight inflatable activities and an engaging mechanical bull. The youth enthusiastically took part in a mechanical bull competition, contributing to the overall enjoyment of the event.

The Centre also welcomed James Tuitahi and Mitch Hedges. James has been working with Council staff to assist with the design and implementation of youth programs and activities specifically catering to the 12 to 18 year-olds. James specialises in promoting comprehensive health and wellbeing initiatives and activities, encompassing physical, mental, and emotional aspects, and providing purpose and guidance for the youth. Under James's guidance, the Centre hosts regular basketball competitions, weekly nutritional advice and cooking classes, casual mentoring sessions, and actively gathers youth feedback to tailor the programs to meet youth needs and to ensure quality youth engagement and safety.

Additionally, staff have also organised a range of other events such as outdoor movie nights, RUOK day activities, cooking and baking sessions, and craft sessions.

4. Attachments

Nil

5. Recommendation

That the Operational Report for the Bogan Shire Youth and Community Centre be received and noted.

11.4 AUSTRALIA DAY 2024

1. Introduction

The purpose of this report is to provide information to Council on the recent Australia Day Ambassador Dinner and Australia Day Ceremony and to seek feedback from Councillors on behalf of the community for planning of future events.

2. Background

Council resolved at its meeting on 24 November 2022 to hold the 2023 Australia Day Ceremony including Citizenship and other events at Davidson Park followed by free pool entry and a movie night at the Nyngan War Memorial Pool.

Council further resolved at its meeting on 14 December 2023, to hold the Australia Day Ambassador dinner at the Nyngan RSL upstairs dining room.

3. Discussion

Prior to the official Ceremony, our Australia Day Ambassador Peter Wilkins, who was accompanied by his wife, Susie, was welcomed to the Bogan Shire at an official dinner hosted by the Mayor and Councillors. It was held in the upstairs dining room at the Nyngan RSL Club on Friday 25 January. The dinner included a set menu for 22 guests (Councillors and staff, and their partners).

Australia Day celebrations started at 8am with a free community breakfast cooked by the Nyngan Pony Club on a barbeque provided by the Nyngan Junior Rugby League Club. Families mingled with Councillors and the Ambassador, and children were able to play on the inflatable slide and jumping castle.

The formal part of the Ceremony started at 9am and included a Welcome to Country by Uncle Eddie Shipp, the awarding of one Citizenship together with the presentation of Australia Day awards to community groups, sports teams, and individuals. Prizes were also awarded in the children's Australia Day colouring competition. An estimated crowd of between 100 and 120 people attended the Ceremony which concluded with a morning tea and more fun on the inflatables for the children.

Aeris Resources were the major sponsor for the children's colouring competition, with staff on hand to give out the prizes and children's gift bags.

Council erected 4 marquees around the park to provide much-needed shade for the crowd. Whilst there is ample shade in the centre and western end of Davidson Park for the breakfast and morning tea, there is limited shade available in the eastern end of the park where the official ceremony takes place. By 9.30am the sun shines directly across most of the eastern part of the park closest to the stage and Ceremony.

The CWA building was utilised for storing the equipment and setup for the stage and official ceremony, BBQ breakfast and morning tea catering supplies as well as the native and locally sourced shrubbery and flowers collected for the table decorations for the Ambassador dinner, breakfast tables, photo backdrop, and stage set-up.

Members of the community were also able to create memorabilia with a photo of the large green and gold 'GDAY' letters erected at the Big Bogan.

Nyngan War Memorial Pool had a total of 102 adults and 16 children gained free entry to the pool for Australia Day.



Australia Day Ambassador, Peter Wilkins



Welcome to Country, Uncle Eddie Shipp



New Citizen, Susan Finlay



Citizen of the Year, Rob Avard



Community Event of the Year, The Long Table



**Sports Team of the Year,
Nyngan Tigers Netball Division 2 Winners**



Young Sportsperson of the Year, Jameson Bush



**Ambassador, Peter Wilkins, OAM, Ray Donald,
General Manager, Derek Francis,
and Mayor, Glen Neill**



BBQ cooks – Nyngan Pony Club



**Colouring Competition
Winners**



4. Attachments

Nil

5. Recommendation

That:

1. This report be received and noted.
2. Councillors provide feedback about the event on behalf of the community for planning of future events.
3. Council considers a budget for the purchase of six additional marquees to be used for Australia Day and other Council-run events, estimated to be around \$1,250 each for a 3m x 4.5m marquee, including freight.

12 FINANCE AND CORPORATE SERVICES REPORTS

12.1 INVESTMENTS DECEMBER 2023 AND JANUARY 2024

1. Introduction

The purpose of this report is to outline the performance of Council's investment portfolio for the month of December 2023 and January 2024.

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.

3. Discussion

The Investment Reports for December 2023 and January 2024 are shown below. At the 31st January 2024 Council had \$30 million invested. There has been a decrease of \$2.6 million due to expenditure of current year grants, plant purchases as well as outstanding claims for TfNSW flood grants and ordered works.

Consideration of this report means that Council is complying with the Local Government (General) Regulation 2005.

Investment Movements for December 2023

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

REF	Source	Maturity	Days	% rate	Bal Nov 23	Bal Dec 23
11271016	Westpac	16/12/2024	365	5.150%	6,000,000.00	6,000,000.00
87-912-8864	NAB	22/02/2024	365	5.050%	2,000,000.00	2,000,000.00
88-392-4994	NAB	29/05/2024	365	4.900%	2,000,000.00	2,000,000.00
43-308-2777	NAB	21/05/2024	365	4.900%	2,800,000.00	2,800,000.00
6894	NAB - Professional Funds	At Call		4.300%	19,955,989.01	18,497,339.42
	Balance <u>securities held</u>				32,755,989.01	31,297,339.42
	Balance Ledger 19010.8200.8200				32,755,989.01	31,297,339.42
	Summary by institution					
	NAB				26,755,989.01	25,297,339.42
	COMMONWEALTH				6,000,000.00	6,000,000.00
					32,755,989.01	31,297,339.42

Investment Movements for January 2024

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

REF	Source	Maturity	Days	% rate	Bal Dec 23	Bal Jan 24
11271016	Westpac	16/12/2024	365	5.150%	6,000,000.00	6,000,000.00
87-912-8864	NAB	22/02/2024	365	5.050%	2,000,000.00	2,000,000.00
88-392-4994	NAB	29/05/2024	365	4.900%	2,000,000.00	2,000,000.00
43-308-2777	NAB	21/05/2024	365	4.900%	2,800,000.00	2,800,000.00
6894	NAB - Professional Funds	At Call		4.300%	18,497,339.42	17,319,065.31
	Balance <u>securities held</u>				31,297,339.42	30,119,065.31
	Balance Ledger 19010.8200.8200				31,297,339.42	30,119,065.31
	Summary by institution					
	NAB				25,297,339.42	24,119,065.31
	COMMONWEALTH				6,000,000.00	6,000,000.00
					31,297,339.42	30,119,065.31

4. Attachments

Nil

5. Recommendation

That Council receive and note the Investments Report for December 2023 and January 2024.

12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

1. Introduction

The purpose of this report is to provide a comparison of rate collections as at 31st January 2024, with the same period last year.

2. Background

This report is provided for the information of Councillors.

3. Discussion

Rate Collections	2023-2024	2022-2023
Arrears Prior to 30/06/2023	439,966	585,585
First Instalment arrears as at 31/01/2024	37,168	40,666
Second Instalment arrears as at 31/01/2024	241,305	97,899
Third Instalment outstanding as at 31/01/2024	980,813	928,117
Fourth Instalment outstanding as at 31/01/2024	1,050,596	1,027,244
Total Arrears	718,469	724,150
Total Outstanding	2,749,850	2,679,511
Monthly Transactions		
Amount Levied & B/Fwd	6,259,748	6,042,765
Add: Adjustments	66,992	25,430
Less: Payments to end of January	-3,503,034	-3,309,207
Less: Rebates	-73,855	-79,477
Add: Postponed	0	0
Gross Total Balance	2,749,850	2,679,511
Arrears of total amount levied %	11.5%	12%

Total arrears have decreased from \$724,150 at the 31st January 2023 to \$718,469 as at 31st January this year.

Each instalment amounts to approximately \$1,565,000

(Total Rates, Waste, Water & Sewer Access Charges)

As at the 31st January 2024 Council had collected \$193,827 more than at the same time last year and additional \$62,554 had been paid at the time of writing this report.

2.3% of rates remain outstanding on the first instalment.

15.4% of rates remain outstanding on the second instalment.

For Councillors information Lot 3 DP 752871 Babinda and Lot A DP 382868, Nyngan listed in the Sale of Land have now been paid in full and been withdrawn from the sale.

A reminder to Council that other properties on arrangement with Council prior to advertising the Sale of Land for unpaid rates may be withdrawn from the sale if the ratepayers keep up

with the arrangements with Council. If ratepayers' default on the arrangements made with Council at any time before or after the sale of land on the 21st February then properties will progress straight to sale with no further negotiations entered into.

4. Attachments

Nil

5. Recommendation

That Council receive and note the Rate and Annual Charges report for January 2024.

12.3 SECOND QUARTER BUDGET REVIEW 2023/2024

1. Introduction

The purpose of this report is:

1. To review actual performance against budget for the first six months of the 2023/2024 financial year up to 31 December 2023.
2. To adjust the budget in response to changes in the financial landscape and changes to Council's corporate goals.

2. Background

Clause 203 (1) of the Local Government (General) Regulation 2005 requires that Council complete a budget review within 2 months of the end of each quarter. More importantly the review should be completed to enable good financial management of Council's resources.

Referring to Appendix A, the Projected Year End Result has been adjusted to allow for second quarter recommended changes. The second quarter changes are shown in a separate column and discussed below and need to be approved at this meeting. A copy of the updated Capital Budget is shown in Appendix D.

The figures in the Projected Year End Result column are the estimate of income/spending at the end of the financial year. It is the sum of the originally adopted budget for 2023/2024, plus items approved changes and carry-forwards made at the first quarter review, plus or minus recommended changes made at this second quarter budget review.

3. Discussion

Performance Against Budget

The year-to-date performance against budget still shows a \$108,927 positive change to the original projected balance. Council budgeted for a cash surplus of \$279,568 overall and the changes to the budget now show a cash surplus of \$388,495 across all funds.

There were \$288,527 in favourable adjustments in the first quarter and \$179,600 unfavourable adjustments in the second quarter.

Council should also note an amount of \$67,648 was transferred from cash reserves to balance the Sewer Fund and \$193,012 to balance the Plant Fund in the 2023/2024 original budget. Another \$60,000 will be transferred over from the plant fund reserve of \$2.2 million, if the recommended changes are adopted, and will leave the General Fund \$60,000 better off.

The general fund now shows a cash surplus of \$158,616 which is an increase of \$108,927 to the original surplus. However, when the transfer from the plant fund takes place the surplus in the General Fund will be \$168,927.

The \$179,600 adjustment to the surplus in the second budget review is for the following items and funding these items still leave a surplus in the General fund as shown above;

1. Early Learning Centre fit-out \$5,000

Council provided a budget for the fit out of the new room at the ELC in its last budget review. No allowance was made for the fit out of the new staff room and an amount of \$5,000 is requested for this.

2. CCTV cameras at Council depot \$9,000

Three cameras at Councils Depot are no longer working and need to be replaced. Considering the number of break-ins at the Depot recently, this is considered to be of some urgency.

3. Electrical upgrade to 76A Pangee St \$6,000

This Council building has only ever had single phase power however due to the amount of usage it now requires 3 phase power as it has been affecting the power at the Bogan Shire Medical Centre and has caused power outages.

4. Town Hall roof repairs \$44,100

Council has had a quote for repairs to the roof at the Town Hall. Insurance will not be covering this part of the repairs and it needs to be fixed before they will consider repairs to the internal damage in the building. A builder has been engaged to undertake these roof repairs in March 2024.

5. Upgrade to Plant GPS tracking from 3G to 4G \$60,000

Council has had a quote for upgrades to the plant GPS tracking from 3G to 4G as 3G is soon to be turned off. These funds can come the Plant Fund reserve as it will be necessary to upgrade, or the tracking will not work.

6. Upgrade Councils internal phone system \$17,500

Councils phone system is at end of life and needs to be upgraded. There are two options and the first one will cost a similar amount to what Council is already paying for the current contract however the second one would mean paying for the hardware upfront and then a monthly fee that would be half of what Council pays now. By paying this upfront amount, over a 60-month term, Council would save \$31,000 on the contract.

7. Maintenance/Renovations to 26 Flashman Ave \$35,000

This Council residence was built in the 1980's and requires a range of maintenance activities and some renovations e.g. painting, ceiling and wall repairs and new bedroom cupboards to maintain a suitable living environment.

8. Remedial works – Lot 37-59 Cathundril Street \$ 3,000

To remediate and revegetate this area, including plantings and nesting boxes, following the removal of trees that were blocking the radio link from the ELC to the Shire offices.

Council was also required to replace the batteries and inverter for the solar power at the waste facility. This amounted to \$40,783 and funds for this project were taken from an existing capital project which was a waste drop off and skip bin for \$45,000. Since the road has been fixed at the waste facility there has been no need to close the waste facility due to

wet weather and therefore it is preferred TO not have a waste drop off outside the facility at this stage.

The Sewer Fund has no changes to the original budget. Any changes have been adjusted against other changes in the budget.

The Water Fund has no changes to the original budget. Any changes have been adjusted against other changes in the budget.

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

Councillors and staff need to be aware of decisions made and the impact on Councils budget. It is always important that corresponding savings are found when making decisions on additional spending and this is not always possible therefore funds would need to come from any available surplus cash. Council currently has a budget surplus, so any changes to the budget this review are being funded by this, if corresponding savings haven't been found.

The second quarter adjustments are divided into favourable and unfavourable and explained below:

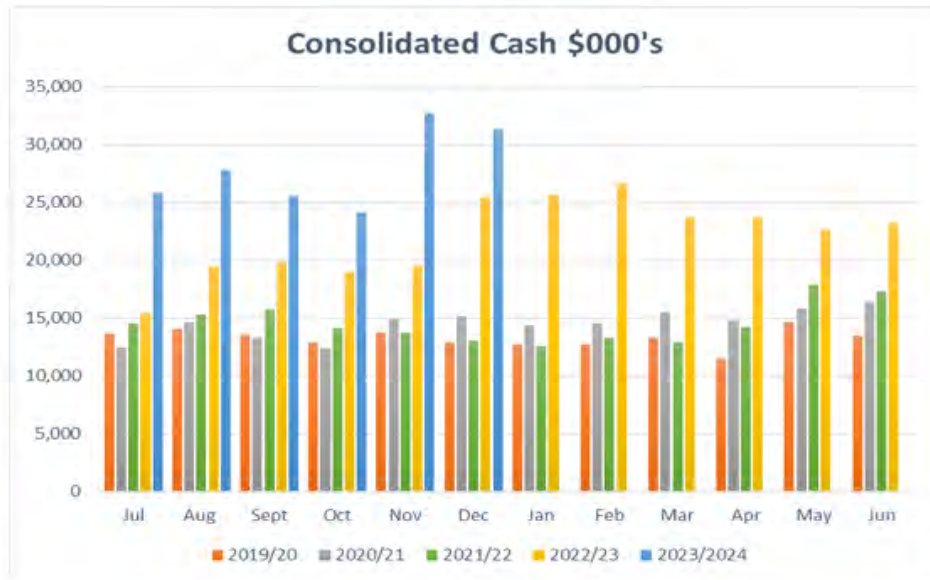
Favourable adjustments are where Council has found that it is going to get more income than budgeted or expects to spend less than originally budgeted. Unfavourable adjustments are the reverse. These are where the program is going to cost more than originally budgeted, income is going to be less, or Council has resolved to spend additional funds to the original budget. The budget is therefore adjusted accordingly to reflect these changes.

These have been summarised in Appendix B.

Cash

Council is still holding significant cash balances due to Council receiving 40% of Local Roads and Community Infrastructure (LRCI) Round 4 and \$4,125,233 for Rural Emergency Road Repair Fund (RERRF) as well as Transport for NSW paying \$4.7 million in flood damage claims from 2023. The cash balance is expected to decrease over the next six months as grant funds are expended however the LRCI and RERRF are not expected to be expended before 30th June 2024 so these funds will keep the cash balance higher into 2025.

Although Council is holding a lot of cash at the moment, the majority of the cash Council holds is restricted for specific purposes and cannot be used unless they are for that purpose. As at 30th June 2023 Council had only \$392,000 in unrestricted cash.



Consulting and Legal Expenses

The budgeted and actual spending on consultants and legal expenses is shown below. The consultancy expenditure has been spent on Engineering Services, Environmental Services, Economic Development, Town Planning Services, Financial Services, Work Health and Safety services, Water and Sewer services. The revised budget for consultancies is due to money allocated to another area in Corporate Services in the budget review for software licences that had increased in cost and the revised budget in legal costs is due to money taken from another area in the budget review for a suite of contracts to be used in Council’s procurement.

CONSULTING & LEGAL EXPENSES			
Expense	Budget	Expenditure YTD	Revised
	\$	\$	\$
Consultancies	392,805	136,308	391,645
Legal	47,000	7,950	53,550

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Bogan Shire Council for the quarter ended 31/12/2023 indicates that Council's projected financial position at 30/6/24 will be *satisfactory* at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



Signed: _____ date: 12/02/2024

Stephanie Waterhouse

Responsible Accounting Officer, Bogan Shire Council

4. Attachments

1. Appendix A - 2023/2024 First Quarter Budget Review summary
2. Appendix B - 2023/2024 Budget Review Statement
3. Appendix C - 2023/2024 Cash Position of Funds Projected Balance
4. Appendix D - 2023/2024 Capital Budget Updated

5. Recommendation

1. That Council Note the report on Actual compared to Budget for the quarter ended 31 December 2023.
2. Adopt the adjustments to the 2023/2024 budget as shown in the Budget Review Statement at Appendix B to this report.

**Budget Review
For Period 2023/24 - December**

Appendix A

Resource	2023/24 Full Year Budget	2023/24 Review1 Approved Changes	2023/24 Review2 Recommended Changes	2023/24 Review2 Projected Year End Result	2023/24 YTD Actuals (including Commit) December
Grand Total	4,422,592.00	7,652,262.00	179,600.00	12,254,454.00	-74,410.81
Operating	1,901,751.00	4,794,016.00	-1,437,311.00	5,258,456.00	833,995.84
Social	2,629,639.00	1,140,079.00	-1,437,311.00	2,332,407.00	785,608.47
Community Centres	1,098,985.00	8,080.00	-1,467,311.00	-360,246.00	71,635.04
Emergency Services	235,883.00	80,550.00	0.00	316,433.00	138,092.90
Social & Cultural	141,410.00	16,180.00	30,000.00	187,590.00	72,764.81
Education	1,800.00	0.00	0.00	1,800.00	1,800.00
Inclusive Communities	237,195.00	307,899.00	0.00	545,094.00	173,167.18
Public Health	914,366.00	727,370.00	0.00	1,641,736.00	328,148.54
Infrastructure	1,902,413.00	3,507,310.00	0.00	5,409,723.00	1,540,058.57
Water	-24,879.00	0.00	0.00	-24,879.00	-566,376.61
Plant System	-653,988.00	5,521.00	0.00	-648,467.00	-708,204.28
Sewer	218,648.00	0.00	0.00	218,648.00	-16,363.08
Transport Networks	2,362,632.00	3,501,789.00	0.00	5,864,421.00	2,831,002.54
Environmental	2,228,368.00	509,634.00	0.00	2,738,002.00	981,702.15
Built Environment	1,572,645.00	123,894.00	0.00	1,696,539.00	1,084,090.88
Health, Safety & Regulation	473,424.00	84,643.00	0.00	558,067.00	227,328.49
Waste & Recycling	-113,609.00	0.00	0.00	-113,609.00	-496,767.55
Natural Environment	295,908.00	301,097.00	0.00	597,005.00	167,050.33
Economic	266,140.00	38,444.00	0.00	304,584.00	150,934.22
Local Industries and Business	69,970.00	29,089.00	0.00	99,059.00	61,888.90
Tourism	126,215.00	0.00	0.00	126,215.00	46,624.86
Public Transport and Air Services	69,955.00	9,355.00	0.00	79,310.00	42,420.46
Civic Leadership	-5,124,809.00	-401,451.00	0.00	-5,526,260.00	-2,637,413.41
Disaster Management	7,000.00	0.00	0.00	7,000.00	2,962.96
Managing Our Business	-6,007,585.00	-400,973.00	0.00	-6,408,558.00	-3,018,947.64

Leadership, Advocacy & Governance	875,776.00	-478.00	0.00	875,298.00	378,571.27
Labour Overheads	0.00	0.00	0.00	0.00	13,105.84
Labour Overheads System	0.00	0.00	0.00	0.00	13,105.84
Capital	2,520,841.00	2,858,246.00	1,616,911.00	6,995,998.00	-908,406.65
Social	149,120.00	469,250.00	275,000.00	893,370.00	-676,429.09
Community Centres	66,000.00	287,390.00	270,000.00	623,390.00	-188,819.39
Inclusive Communities	54,440.00	177,615.00	5,000.00	237,055.00	-506,091.16
Public Health	28,680.00	4,245.00	0.00	32,925.00	18,481.46
Infrastructure	2,100,227.00	1,388,033.00	834,787.00	4,323,047.00	-439,052.92
Plant System	1,587,000.00	0.00	60,000.00	1,647,000.00	1,275,429.70
Sewer	74,000.00	0.00	0.00	74,000.00	147,626.20
Water	335,000.00	0.00	0.00	335,000.00	1,324,168.73
Transport Networks	104,227.00	1,388,033.00	774,787.00	2,267,047.00	-3,186,277.55
Environmental	142,494.00	893,651.00	489,624.00	1,525,769.00	340,129.51
Health, Safety & Regulation	0.00	0.00	3,000.00	3,000.00	140,285.65
Natural Environment	27,000.00	0.00	50,000.00	77,000.00	1,703.67
Waste & Recycling	45,618.00	190,108.00	0.00	235,726.00	8,956.54
Built Environment	69,876.00	703,543.00	436,624.00	1,210,043.00	189,183.65
Economic	89,000.00	107,312.00	0.00	196,312.00	-149,472.89
Local Industries and Business	24,000.00	107,312.00	0.00	131,312.00	-153,647.28
Public Transport and Air Services	60,000.00	0.00	0.00	60,000.00	0.00
Tourism	5,000.00	0.00	0.00	5,000.00	4,174.39
Civic Leadership	40,000.00	0.00	17,500.00	57,500.00	16,418.74
Disaster Management	0.00	0.00	0.00	0.00	5,213.84
Managing Our Business	40,000.00	0.00	17,500.00	57,500.00	11,204.90

OPERATING BUDGET		December Budget Review Statement of Adjustments 2023/2024				APPENDIX B	
		Favourable	Unfavourable	Neutral Transfers	Net	Notes	
		-	-	-	-		
1 Social		-	-	1,437,311	-	1,437,311	
Revenue							
	Sport & Recreational Facilities			1,437,311	-		Local Roads and Community Infrastructure Round 4 - Grant funding
	Social & Cultural			16,721	-		Autumn/Summer Holiday break Grant Funding
Expenditure							
	Social & Cultural			16,721			Autumn/Summer Holiday Break Grant expenditure
2 Infrastructure		-	-	-	-	-	
Revenue							
	Roads Bridges Footpaths			4,125,233			Regional Local Road Repair Fund Grant Funds
	Roads Bridges Footpaths			18,000			Block Grant - increase to budgeted funding
	Roads Bridges Footpaths			450,000			Block Repair Grant - remove from Budget unsuccessful with funding
	Roads Bridges Footpaths			1,500,000			Flood Damage Funding - increase to budget
	Roads Bridges Footpaths			1,000,000			RMCC Ordered works - increase to budget
Expenditure							
	Roads Bridges Footpaths			4,125,233			Various Road repairs as per Engineers program
	Roads Bridges Footpaths			18,000			Block Grant Expenditure
	Roads Bridges Footpaths			450,000			Block Repair Grant Expenditure - remove from Budget unsuccessful with funding
	Roads Bridges Footpaths			1,500,000			Flood Damage Expenditure - increase to budget
	Roads Bridges Footpaths			1,000,000			RMCC Ordered works expenditure - increase to budget
3 Environmental		-	-	-	-	-	
Revenue							
Expenditure							
4 Economic		-	-	-	-	-	
Revenue							
Expenditure							
5 Civic Leadership		-	-	-	-	-	
Revenue							
	Managing Our Business			1,900			Safety & Well Being incentive - increase to budgeted payment
Expenditure							
	Managing Our Business			1,900			Work Health and Safety Programs - expenditure of increased incentive

CAPITAL BUDGET		Budget Review Adjustments				Description
		Favourable	Unfavourable	Neutral Transfers	Net	
		-	179,600	1,437,311	1,616,911	
1 Social	-	-	270,000	270,000		
Revenue						
Expenditure						
Parks & Reserves			200,000		Local Roads & Community Infrastructure - Rnd 4 - Skate Park O'Reilly Park	
Parks & Reserves			30,000		Local Roads & Community Infrastructure - Rnd 4 - Rotary Park Entrance	
Sport & Recreational Facilities			40,000		Local Roads & Community Infrastructure - Rnd 4 - Nyngan Showground (shleing Wye Pavilion & Kitchen Upgrade Walker Pavilion and storage room)	
2 Infrastructure	-	69,000	765,787	834,787		
Revenue						
Roads Bridges Footpaths			1,179,792		Infrastructure Betterment Fund	
Expenditure						
Plant System		60,000			New GPS Tracking monitors for Council plant	
Footpaths, Kerb & Gutter			190,000		Local Roads & Community Infrastructure - Rnd 4 - Extension Exercise and Recreational Pathway - Mick Glennie to Heritage Park	
Footpaths, Kerb & Gutter			50,000		Local Roads & Community Infrastructure - Rnd 4 - Footpath/Walkway Tabratong St	
Road Capital Works			200,000		Local Roads & Community Infrastructure - Rnd 4 - Buckinguy Rd	
Road Capital Works			100,000		Local Roads & Community Infrastructure - Rnd 4 - Moonagee Rd	
Road Capital Works			100,000		Local Roads & Community Infrastructure - Rnd 4 - West Bogan Rd	
Road Capital Works			75,000		Local Roads & Community Infrastructure - Rnd 4 - Euloglen Rd	
Road Capital Works			50,787		Local Roads & Community Infrastructure - Rnd 4 - Bogan Lane	
Road Capital Works			78,653		Infrastructure Betterment Fund - Rnd 1 - Budgery Rd 1km	
Road Capital Works			314,611		Infrastructure Betterment Fund - Rnd 1 - Currans Rd 4km	
Road Capital Works			393,264		Infrastructure Betterment Fund - Rnd 1 - Gilgai Rd 5km	
Road Capital Works			393,264		Infrastructure Betterment Fund - Rnd 1 - Coffils Lane 5km	
Civil Works Expenses		9,000			CCTV Cameras - Depot	
3 Environmental	-	93,100	401,524	494,624		
Revenue						
Expenditure						
Natural Environment		3,000			Remedial Work Lot 37-59 Cathundril St	
Natural Environment			30,000		Local Roads & Community Infrastructure - Rnd 4 - Bushcare Community Hub - Shade	
Natural Environment			20,000		Local Roads & Community Infrastructure - Rnd 4 - Bushcare Education Shelter Lower weir	
Built Environment		35,000			Upgrades to 26 Flashman Ave	
Built Environment		44,100			Town Hall Roof Repairs	
Built Environment		6,000			Electrical Upgrade to 76A Pangee St	
Inclusive Communities		5,000			ELC Fitout - Staffroom	
Built Environment			135,524		Local Roads & Community Infrastructure - Rnd 4 - Female Changerooms - Larkin Oval	
Built Environment			40,000		Local Roads & Community Infrastructure - Rnd 4 - ELC Landscaping	
Built Environment			5,000		Local Roads & Community Infrastructure - Rnd 4 - BSYCC Garden Landscaping	
Built Environment			30,000		Local Roads & Community Infrastructure - Rnd 4 - BSYCC acoustic improvements	
Built Environment			10,000		Local Roads & Community Infrastructure - Rnd 4 - Nyngan Tennis Courts Fencing	
Built Environment			35,000		Local Roads & Community Infrastructure - Rnd 4 - Girilambone Train Station - Refurbish Trains	

	Built Environment			80,000		Local Roads & Community Infrastructure - Rnd 4 - Larkin Oval CCTV & Lighting
	Built Environment			16,000		Local Roads & Community Infrastructure - Rnd 4 - Exercise Pathway Shade
4	Economic	-	-	-	-	
	Revenue					
	Expenditure					
5	Civic Leadership	-	17,500	-	17,500	
	Revenue					
	Expenditure	-				
	Managing our Business		17,500			Upgrade Phone System - Upfront Costs

Cash Position of Funds - 2023-2024 projected operating result

Appendix C

Note: The cash position reflected takes into account cash transfers to and from Council's Reserves (Investments) to fund capital expenditure.)

1	General Fund (Incorporating Waste and Plant) (Columns A+B+C)	September Recommended Changes	General Fund Total Budget after First Quarter Changes	December Recommended Changes	General Fund Total Budget after Second Quarter Changes
Operating Income	23,345,183	1,595,660	24,940,843	8,179,175	33,120,018
Less: Operating Expenditure	25,053,165	1,264,315	26,317,480	6,741,864	33,059,344
	1,707,982	331,345	1,376,637	1,437,311	60,674
Add back depreciation	3,676,500		3,676,500		3,676,500
Cash from current year available to fund Capital	1,968,518	331,345	2,299,863	1,437,311	3,737,174
Add Capital Grants to fund Capital Projects	1,361,524		1,361,524	729,792	2,091,316
Add Sale of Capital Plant Items	339,000		339,000		339,000
Less Gross Capital Spending as per Draft Capital Budget	3,652,024	42,818	3,694,842	2,346,703	6,041,545
Less loan repayments used to fund capital projects	160,341		160,341		160,341
	143,323		145,204		34,396
Transfer from loan funds	-	-	-	-	-
Transfer from Reserves	193,012		193,012		193,012
Cash Balance	49,689	288,527	338,216	179,600	158,616
2	Sewer Fund	September Recommended	Sewer Fund	September Recommended	Sewer Fund
Operating Income	619,091		619,091	3,000	622,091
Less: Operating Expenditure	837,739		837,739	3,000	840,739
	218,648		218,648		218,648
Add back depreciation	225,000		225,000		225,000
Cash from current year available to fund Capital	6,352		6,352		6,352
Gross Capital Spending as per Draft Capital Budget	74,000		74,000		74,000
Transfer In from Sewer Reserve	67,648		67,648		67,648
Cash Balance	-	-	-	-	-
3	Water Fund	September Recommended Changes	Water Fund	September Recommended Changes	Water Fund
Operating Income	2,203,522		2,203,522		2,203,522
Less: Operating Expenditure	2,178,643		2,178,643		2,178,643
	24,879	-	24,879	-	24,879
Add back depreciation	540,000		540,000		540,000
Cash from current year available to fund Capital	564,879	-	564,879	-	564,879
Add Capital Grants to fund Capital Projects	-		-		-
Gross Capital Spending as per Draft Capital Budget	335,000		335,000		335,000
Cash Balance	229,879	-	229,879	-	229,879
4	Consolidated		Consolidated		Consolidated
Operating Income	26,167,796	1,595,660	27,763,456	8,182,175	35,945,631
Less: Operating Expenditure	28,069,547	1,264,315	29,333,862	6,744,864	36,078,726
	1,901,751	331,345	1,570,406	1,437,311	133,095
Add back depreciation	4,441,500	-	4,441,500	-	4,441,500
Cash from current year available to fund Capital	2,539,749	331,345	2,871,094	1,437,311	4,308,405
Add Capital Grants to fund Capital Projects	1,361,524	-	1,361,524	729,792	2,091,316
Add Sale of Plant	339,000	-	339,000	-	339,000
Gross Capital Spending as per Draft Capital Budget	4,061,024	42,818	4,103,842	2,346,703	6,450,545
Less loan repayments used to fund capital projects	160,341	-	160,341	-	160,341
Transfer from Sewer Fund Reserve	67,648	-	67,648	-	67,648
Transfer from unrestricted cash	193,012	-	193,012	-	193,012
Cash Balance	279,568	288,527	568,095	179,600	388,495

Description	Carryover from 2022/2023 (Operating Revenue)	Proposed Adopted New Items 2023/2024	September Budget Review	December Budget Review	SOURCE OF FUNDING					Totals
					Grants	Plant Fund	2023/24 General Fund Operating Revenue	2023/24 Sewer Fund Operating Revenue	2023/24 Water Fund Operating Revenue	
WATER										
Maintenance & Renewals										
Water main renewal		80,000							80,000	80,000
Household Meter Replacement		10,000							10,000	10,000
APC Channel desilting (68% funded by Cobarr Water Board)	177,596	100,000							100,000	100,000
APC Annual Channel Structures Renewal program (68% funded by CWB)	124,642	80,000							80,000	80,000
Tools & Equipment - Water		5,000							5,000	5,000
Raw Water to Junior League Oval/Moonagee Park	25,500									-
Extend Raw Water to Race Course	5,000									-
Depot Improvements	50,788									-
Work at Villages	49,623	20,000							20,000	20,000
Water Storage										
35ML Water Storage	3,447,916									-
700ML Storage 1a - Rectification Works	2,283,109									-
700ML Storage 1a - Rectification Purchase of Materials	122,440									-
700ML Storage 1a - Rectification Design Tendering & Construction Mgmt	3,723									-
New Water Treatment Plant - Planning, Investigation & Design (\$600,000)	599,200									-
Bore Pipeline										
Project Management	282,236									-
Construction of Pipeline	3,877,750									-
Raw Water										
Replace Belaringar Syphon - Grant Funded	546,441									-
APC- Leak Repairs - Grant Funded	849,620									-
Upgrades to WTP - RNSW 1794	987,240									-
Replace Powdered Activated Carbon Plant	80,000	40,000							40,000	40,000
Pump Stations										
Raw Water Pumping Station Pump Renewal	94,268									-
Install scada to off river storage pumps	20,000									-
Subtotal - Water Fund	13,627,092	335,000			0	0	0	0	335,000	335,000
SEWER										
Renewals										
Replace lids & ladder & valves No 1 pump station	15,150									-
Tools & Equipment - Sewer		3,000						3,000		3,000
Hire out confined space trailer with safety gear, fall arrest, tripod etc		16,000						16,000		16,000
Inspect Pump Stations and Reline	25,000									-
Replace asbestos roofs 1 & 2 Pump Stations		30,000						30,000		30,000
Reline Sewer Mains - R4R9 (\$699,993.25)	699,900									-
Treatment Works										
Upgrade Existing aeration & circulation system		25,000						25,000		25,000
Subtotal - Sewer Fund	740,050	74,000			0	0	0	74,000	0	74,000
PLANT FUND										
Additions of Plant as per spreadsheet		1,911,000		60,000		1,971,000				1,971,000
Disposal of Plant as per spreadsheet		-339,000				-339,000				-339,000
Small Plant Purchases		15,000				15,000				15,000
		1,587,000		60,000		1,647,000				1,647,000
GENERAL FUND										
Buildings and Community Facilities										
Showground Capital Works	7,875	10,000					10,000			10,000
Wyngan Showground - Shelter over Grandstand near broadcast box (Donation \$15,000)	6,505									-
Wyngan Showground - Wye Pavilion & Walker Pavilion LRCI4 (\$40,000)				40,000	40,000					40,000
Cemetery - Memorial Ashes Wall		6,000				6,000				6,000
Cemetery - Water Tank/Pump and connections		5,000				5,000				5,000
Cemetery - Improvements		20,000				20,000				20,000
Tools - Building		5,000				5,000				5,000
Renewal to 8A & B Dandaloo St - (Funded by Internal loan)	24,479									-

Description	Carryover from 2022/2023 (Operating Revenue)	Proposed Adopted New Items 2023/2024	September Budget Review	December Budget Review	SOURCE OF FUNDING					Totals
					Grants	Plant Fund	2023/24 General Fund Operating Revenue	2023/24 Sewer Fund Operating Revenue	2023/24 Water Fund Operating Revenue	
ILC Extensions and CCTV - LRCI Rnd 3 (\$260,000)	245,677									-
Nyngan Pool Upgrades - LRCI Rnd 3 (\$76,000)	74,654									-
Tennis Courts and Club House Works LRCI Rnd 3 (\$102,048)	21,861									-
Outdoor Drinking Recreation Fountains (4) - LRCI Rnd 3 (\$24,000)	13,076									-
Tony Club Amenities Block - SCCF4 (\$200,000)	76,659									-
ILC Extensions - R4R8 (\$615,443)	554,056									-
ILC Landscaping - LRCI4 (\$40,000)				40,000	40,000					40,000
ILC Extensions - Fitout			23,000	5,000			28,000			28,000
Marlin Oval - Female amenities block - R4R8 (\$436,189)	417,376									-
Marlin Oval - Female amenities block - LRCI4 (\$135,524)				135,524	135,524					135,524
Tennis Courts and Club House Improvements - R4R9 (\$318,079.38)	234,655									-
SP Accommodation (Furnishings)	10,000									-
Amenities Block Nyngan Lower Weir - R4R9 (\$127,000)	88,417									-
Resurrection of the Old Nyngan Fire Station and Antique Fire Engine - SCCF5 (\$156,029)	156,029									-
Bullock Wagon Display shed at Nymagee St Wool Ramp	15,000									-
Pool Improvements - Disable Toilets & Showers & Shade Shelter - R4R9 (\$196,000)	189,700									-
Waste Facility - Hermidale purchase site	20,000									-
Waste Facility	24,414									-
Waste Facility - Recycling	76,233									-
Waste Facility - Replacement Battery & Invertor for Solar Panels	45,000									-
Waste Facility Upgrade - R4R8 (\$340,592)	157,990									-
Additional Kennels & Flood light at Pound facility	28,409									-
SYCC Improvements - R4R9 (\$723,556.75)	631,128									-
ILC - Commercial Dishwasher/ Oven and Cooktop		9,500					9,500			9,500
Nyngan golf Club - Improve ladies amenities - SCCF4 (\$63,500)	63,500									-
Brightening Up Nyngan Community Spaces with Art - SCCF5 (\$136,967)	136,967									-
Electrical upgrades to 76A Pangee St				6,000			6,000			6,000
Town Hall roof repairs				44,100			44,100			44,100
Upgrades to 26 Flashman Ave				35,000			35,000			35,000
SYCC - acoustic improvements - LRCI4 (\$30,000)				30,000	30,000					30,000
SYCC - Garden Landscaping - LRCI4 (\$5,000)				5,000	5,000					5,000
Marlin Oval and Parks - CCTV and Lighting - LRCI4 (\$80,000)				80,000	80,000					80,000
Nyngan Tennis Courts - Fencing - LRCI4 (\$10,000)				10,000	10,000					10,000
Girilambone Train Station Museum - restore carriages - LRCI4 (\$35,000)				35,000	35,000					35,000
Managing Our Business										-
Extensions to Welding Area of Workshop	30,463	10,000					10,000			10,000
Environmental Services Building - Petition Walls, Doors and air conditioning		21,000					21,000			21,000
Key System for Council buildings - Stage 4	14,872									-
CCTV Cameras at Council Depot				9,000			9,000			9,000
Aerodrome - Exclusion fence 2Km		40,000					40,000			40,000
Aerodrome - Security Camera near fuel bowsers		20,000					20,000			20,000
Magiq Budgeting Software - Migrate to Cloud	6,370									-
IT Equipment	10,625	20,000					20,000			20,000
PC Upgrades	3,859	20,000					20,000			20,000
Upgrade Council internal phone system				17,500			17,500			17,500
Improve Main Street for Xmas		5,000					5,000			5,000
Village Improvement Fund - Collierreina	31,484	6,000					6,000			6,000
Village Improvement Fund - Coolabah	14,483	6,000					6,000			6,000
Village Improvement Fund - Girilambone	18,874	6,000					6,000			6,000
Village Improvement Fund - Hermidale	28,785	6,000					6,000			6,000
Village Improvements - R4R8 (\$314,387)	101,483									-
Village Improvements - Coolabah - R4R9 (\$100,035)	89,214									-
Village Improvements - Girilambone - R4R9 (\$100,035)	99,942									-
Village Improvements - Hermidale - R4R9 (\$100,035)	94,126									-
Development Contribution - Community Asset			7,573				7,573			7,573

Description	Carryover from 2022/2023 (Operating Revenue)	Proposed Adopted New Items 2023/2024	September Budget Review	December Budget Review	SOURCE OF FUNDING					Totals
					Grants	Plant Fund	2023/24 General Fund Operating Revenue	2023/24 Sewer Fund Operating Revenue	2023/24 Water Fund Operating Revenue	
New Vaccination Fridge - Medical Centre			4,245				4,245			4,245
Parks and Reserves										-
Garden Small Plant & Tools		4,000					4,000			4,000
Parks and Reserves Small Plant & Tools		5,000					5,000			5,000
Bush Care Nursery Small Plant & Tools		5,000					5,000			5,000
Bush Care Nursery Shade for Benches		15,000					15,000			15,000
Bush Care Nursery Irrigation		3,000					3,000			3,000
Bush Care Nursery - Shade LRCI4 (\$30,000)				30,000	30,000					30,000
Bush Care Education Shelter - Lower weir LRCI4 (\$20,000)				20,000	20,000					20,000
National Tree Planting Day		5,000					5,000			5,000
Tree Planting Program - Nyngan Streets and Parks	11,929	15,000					15,000			15,000
Nyngan Railway Heritage - R4R7 (\$599,772)	283,867									-
Davidson Park - R4R7 (\$507,265)	395,585									-
Jack Hargreaves Park - Signage	3,000									-
Street Tree Planting - SCCF4	7,113									-
Youth Precinct - O'Reilly Park - R4R8 (\$761,445)	556,284									-
Youth Precinct - O'Reilly Park - LRCI4 (\$200,000)				200,000	200,000					200,000
New Amenities Block and Canteen Improvements at Larkin Oval - SCCF5 (\$208,575)	104,788									-
Softfall at O'Reilly Park and BSYCC - SCCF5 (\$224,227)	31,477									-
Bogan River Informational Signage x 4			8,000				8,000			8,000
Remedial works - Lot 37-59 Cathundril St				3,000			3,000			3,000
Rotary Park Entrance - LRCI4 (\$30,000)				30,000			30,000			30,000
R2R										-
Gravel Resheeting		684,340			684,340					684,340
Reseal of Local Roads		227,184			227,184					227,184
Repair Grant										-
Cockies Road - Construction		150,000		-150,000						-
Tottenham Road - Rehabilitation		300,000		-300,000						-
Fixing Local Roads										-
Veeroc Rd - Rehab Rnd 3 \$99,900	2,289									-
Merryanbone Rd - Rehab Rnd 3 \$250,000	128,652									-
Paynes Rd - Rehab Rnd 3 \$200,000	189,109									-
Murrawombie Rd - Rehab Rnd 3 \$250,000	63,341									-
Narrah Rd - Rehab Rnd 3 \$200,000	168,161									-
Benah Rd - Rehab & Maint Rnd 4 \$647,156	647,156									-
Colane Rd - Rehab & Maintenance Rnd 4 \$449,718	449,718									-
Local Roads & Community Infrastructure										-
Buckiinguy Reseal Roads - LRCI Rnd 3 (\$91,000)	91,000									-
Gerb & Gutter Replacement - LRCI Rnd 3 (\$200,000)	20,294									-
Footpaths Priority Replacements - LRCI Rnd 3 (\$150,000)	150,000									-
Car Park Upgrade for EVCS - LRCI Rnd 3 (\$50,000)	14,294									-
Mitchell Highway Exercise Pathway - Shade - LRCI Rnd 4 (\$16,000)				16,000	16,000					16,000
Extension of Mitchell Highway Exercise Pathway - Mick Glennie to Heritage Park - LRCI Rnd 4 (\$190,000)				190,000	190,000					190,000
Footpath/Walkway Tabratong St - LRCI Rnd 4 (\$50,000)				50,000	50,000					50,000
Buckiinguy Rd - LRCI Rnd 4 (\$200,000)				200,000	200,000					200,000
Moonagee Rd - LRCI Rnd 4 (\$100,000)				100,000	100,000					100,000
West bogan Rd - LRCI Rnd 4 (\$100,000)				100,000	100,000					100,000
Buloglen Rd - LRCI Rnd 4 (\$75,000)				75,000	75,000					75,000
Bogan Lane - LRCI Rnd 4 (\$50,787)				50,787	50,787					50,787
Infrastructure Betterment Fund										-
1km Budgery Rd				78,653	78,653					78,653
1km Currans Rd				314,611	314,611					314,611
1km Gilgai Rd				393,264	393,264					393,264
1km Coffils Lane				393,264	393,264					393,264
Resources for Regions - Round 8										-

Description	Carryover from 2022/2023 (Operating Revenue)	Proposed Adopted New Items 2023/2024	September Budget Review	December Budget Review	SOURCE OF FUNDING					Totals
					Grants	Plant Fund	2023/24 General Fund Operating Revenue	2023/24 Sewer Fund Operating Revenue	2023/24 Water Fund Operating Revenue	
Lead in Infrastructure for New Subdivision - R4R8 (\$1,676,584)	1,586,485									-
Upgrade Footpath CBD - R4R8 (\$511,872)	506,735									-
Resources for Regions - Round 9										-
New Car Park Nyngan Lower Weir - R4R9 (\$158,734)	120,151									-
Pangee Rd Construction 6km - R4R9 (\$1,003,500)	989,526									-
Coffills Lane Upgrading - R4R9 (\$1,450,142)	1,450,050									-
Dkeh Rd Causeways - R4R9 (\$296,140)	296,047									-
Town Streets Rehabilitation - R4R9 (\$300,472)	300,472									-
Replacement Kerb & Gutter - R4R9 (\$185,203)	185,203									-
Replacement Footpath - R4R9 (\$114,483)	114,483									-
New Footpath - Dandaloo St Larkin Oval Side - R4R9 (\$44,614.46)	44,614									-
Stronger Country Communities - Round 5										-
Safe Pedestrian Access to Nyngan Golf Course - SCCFS (\$135,468)	101,555									-
Flood Grant - AGRN 1025 NSW Severe Weather Floods 2022										-
Coastal Protection - Levee Pump Station (\$100,000)	87,550									-
Logan River - Upper Weir Repairs (\$30,000)	20,996									-
Extension to Storm Water Pump Station Network (\$400,000)	400,000									-
Drainage Improvements to Storm Water Network (\$100,000)	100,000									-
150mm Portable High Volume Pump on Trailer (\$100,000)	100,000									-
All Weather Access for Weir to Nyngan & Cobar Pump Stations (\$50,000)	40,834									-
Rotary Park - Re-establishment (\$40,000)	1,382									-
Jack Hargreaves Park - Re-establishment (\$30,000)	16,465									-
Logan River Nature Trail - Re-Establishment (\$25,000)	18,557									-
Logan River Nature Trail - Native Plants (\$10,000)	8,620									-
Additional Permanent Signage (\$10,000)	10,000									-
Own Works										-
Mulla Road - Construct & seal 0.95km to bend	137,294									-
Extend Information Bays advertising sign frames	5,000									-
Nyes Road Box Culvert	12,682									-
Ground Tanks	22,984									-
Pipe Culvert Renewals Rural roads	120,000	20,000					20,000			20,000
Bridge Repair Program	100,000	20,000					20,000			20,000
Footpath Repair Program	42,371	20,000					20,000			20,000
Kerb & Gutter Repair Program	51,560	20,000					20,000			20,000
Grid Removal - Rural Roads Grid Removal Subsidy (as per Policy)	12,000	12,000					12,000			12,000
Civil Works Tools		5,000					5,000			5,000
										-
Subtotal - General Fund	14,185,913	1,726,024	42,818	2,286,703	3,498,627	1,647,000	556,918	0	0	4,055,545
Capital portion of Loan Repayments		160,341					160,341			160,341
TOTAL - ALL FUNDS	28,553,055	3,882,365	42,818	2,346,703	3,498,627	1,647,000	717,259	74,000	335,000	6,271,886

12.4 LEASE OF 197 PANGEE ST, NYNGAN

1. Introduction

The purpose of this report is for Council to decide if they wish to continue leasing 197 Pangee St, Nyngan, Lot 2, Section 10, DP 758803 to the current Lessee.

2. Background

Council has received correspondence from the current Lessee that their lease expires in November 2024, and they asked Council to consider continuing their lease for a further 3 years, with an option to renew for another 3 years after that.

The land is currently used as a bus depot and workshop where a single bus is housed and is mostly used during school terms before and after school hours.

Current terms of the lease are \$3,000 per year, GST inclusive paid monthly. All lease payments are up to date and paid in full.

3. Discussion

The current Lessee has leased this land since 2015, without incident, to house their school bus and carry out maintenance on the bus. As can be seen in the photos, the leased site is kept neat and tidy by the Lessee.

The lot beside it, also owned by Council and is now the site for the Bogan River Bushcare Program, however the activities of the current Lessee do not impact these Council operations.

The initial rent payable in 2015 was \$220 per month including GST, and at the last renewal of the lease, Council increased it to \$250 per month. Council could consider setting a new rental amount if they continue the lease as well as indexing the annual amount with CPI each November during the term of the lease.



4. Attachments

Nil

5. Recommendation

That Council continues leasing Lot 2, Section, 10, DP 758803 to the current Lessee for a 3 year period, with a 2 year option, taking it up to a 5 year lease and charges rental of \$300 per month, with a CPI increase at each anniversary.

12.5 SALE OF RESIDENTIAL LAND

1. Introduction

The purpose of this report is for Council to determine whether or not to sell a block of land at 16 River Street, Nyngan as well as the reserve price and method of sale.

2. Background

Council has received an expression of interest to purchase 16 River Street, Nyngan which is a vacant block owned by Council.

The block has been in Council ownership since 1968 and was acquired for housing. Council staff believe the block is not required for any Council purpose.

3. Discussion

Council will need to consider whether they wish to sell the land firstly, and then the process to go through for the sale if it was to proceed.

Should Council wish to sell the land it will be necessary to get an independent valuation so Council can determine value for money based on other sales in the area.

Council also needs to decide whether to sell by auction, private treaty, or expressions of interest.

The expression of interest process involves is the least cost to Council as the land can be advertised on Councils Facebook page and shared so it is a cost effective and efficient way to get it out to the community. The sale could also be advertised in other media formats if necessary. Interested parties are asked to put in their best and final offer in writing to the General Manager before a fixed date and time, however there is still no obligation for Council to sell the property and the interested party has no obligation to buy the property at that stage.

It is a way to gauge how much interest there is in in the community for the land for sale and how much they are willing to pay for it. Negotiations can take place with the interested party offering the highest, and any other parties, if negotiations fall through. All parties are notified throughout the process in case they want to increase their offer but are not told what the other offers are. Council would take the highest final offer for the land as long as it was above the set reserve price. The reserve price should be set at no less than the independent valuation.

Both other options, auction, or sale by private treaty, will involve engaging an agent and paying commission which would reduce the income to Council, but they may have a wider market to be able to sell the land. The reserve price could be set to include these extra costs.

4. Attachments

Nil

5. Recommendation

That Council sells Lot 1, DP578386 - 16 River St, Nyngan - by Expression of Interest in the first instance, and afterwards any other method deemed to be in the best interest of Council by the Mayor and General Manager, with the reserve to be set at no less than the valuation provided by an independent valuer.

12.6 CUSTOMER SERVICE CHARTER - AP010**1. Introduction**

The purpose of this report is to consider and adopt amendments to Council's Customer Service Charter.

2. Background

Council adopted a Customer Service Charter, as Policy AP010, in 2017 which provides guidance to staff and customers in relation to standards of customer service and other interactions in line with Bogan Shire Council's values.

3. Discussion

As with all Council policies, the Customer Service Charter needs to be reviewed from time to time to ensure that it remains fit for purpose and in line with current legislation.

Minor amendments have been made to the document and the wording of Section 4.4 – Our Expectations of the Customer - has been updated.

4. Attachments

1. AP010 Customer Service Charter - Bogan Shire Council

5. Recommendation

That Council adopts the Bogan Shire Customer Service Charter, AP010.

Bogan Shire Council Customer Service Charter Policy AP010

POLICY AP010

CUSTOMER SERVICE CHARTER



Bogan Shire Council Customer Service Charter Policy AP010

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Bogan Shire Council Customer Service Charter Policy AP010**1 PURPOSE**

To provide guidance to staff and customers in relation to the standards of service and interactions including the process for making compliments, enquiries, requests and complaints in relation to Council services in line with legislation and Bogan Shire Council's values.

2 OBJECTIVE

Council's values include having respect for other people and providing responsive customer service. In order to achieve this Council will facilitate consistent standards of service delivery across Council and provide a mechanism whereby compliments and complaints may be received and processed.

3 SCOPE

This policy covers all services provided by Council to all of its customers.

4 POLICY

The mission of the Bogan Shire Council is to provide a comfortable country lifestyle by progressively improving the level of appropriate facilities and services and encouraging growth and economic development that is responsive to the needs of the community

This Customer Service Charter is in accordance with the requirements of the *Local Government Act 1993* and outlines our commitment to all customers in accordance with our mission statement and provides a formalised process for making complaints. It outlines customer's rights, the standards customers can expect when dealing with Council and what a customer can do if dissatisfied with Council decisions or actions.

Bogan Shire Council's Disability Inclusion Action Plan, together with the intent of the *Disability Inclusion Act 2014*, provides actions towards including people with disabilities in all aspects of our community, consistent with contemporary policy and practice.

4.1 OUR COMMITMENT TO CUSTOMER SERVICE

The Council is committed to the provision of timely, efficient, consistent and quality services provided by polite and helpful officers that meet our customer's expectations.

The Council places great emphasis on the efficient handling of customer feedback. Our aim, at all times, is to provide a quality service. Council may not be able to provide complete satisfaction but will always be trying for the best possible solution.

To achieve this, customers are encouraged to voice their concerns and Council's aim is to work towards increasing customer satisfaction and continuously improve our services by responding to customer complaints as efficiently and effectively as possible.

Council has a Customer Request Management (CRM) system that is used to process all customer requests and complaints. All customers are entitled to lodge a customer request these include compliments, requests, enquiries and complaints. This ensures that all records are kept and any action taken by responsible officers is captured.

Bogan Shire Council Customer Service Charter Policy AP010**4.2 WHO ARE OUR CUSTOMERS?**

A customer is any person or organisation having dealings with or using the services of the Council.

4.3 OUR SERVICE STANDARDS

Council will take a 'person-centred approach' to genuinely seek to understand and meet the individual needs of a person, including a person with a disability. Customers will be put at ease and made to feel that it is acceptable to make a request or complaint and that they all help to improve Council's service to the community.

4.3.1 What customers can expect from Council staff and services:-

- Professional and informative approach
- Courteous, polite and friendly manner
- Efficient execution of tasks
- Commitment to listening and responding to their needs
- Referral of requests to the appropriate person or agency if unable to fulfil their requirements
- All information will be treated with the highest level of confidentiality
- Acknowledgement and respect for customer's time.

4.3.2 Council Values:-

We are driven by strong corporate values that guide our thinking, actions and decision making:

1. Having respect for other people.
2. Providing responsive customer service.
3. Taking pride in Nyngan and the greater Bogan Shire.
4. Working together as a team to get things done.
5. Being accountable for our decisions and actions.
6. Acting with integrity and honesty.
7. Demonstrating strong leadership.

4.3.3 When a customer visits or telephones the Council:-**Enquiries at the front counter**

- Staff attending the front counter will attend to the customer courteously and deal with an enquiry directly without unnecessary referrals.
- If staff cannot deal with the enquiry or the customer requests to speak to a particular Council officer then they will provide the customer with the name of the department and person the enquiry will be referred to.
- The enquiry will then be referred to key contacts in each area of Council as follows:
 - Mayor and General Manager - Executive Assistant
 - Development and Environmental Services Department - Administration Officer
 - Engineering Department - Administration Officer
 - People and Community Services - Administration Officer
 - Bogan Shire Early Learning Centre - Administration Officer
 - Bogan Shire Medical Centre – Practice Coordinator

Bogan Shire Council Customer Service Charter Policy AP010

- If the customer has been referred to these officers to deal with the enquiry, this officer is then responsible for the lodging of a customer request in the CRM System or an email message and for any other follow up.
- If the administration officer is not available then front counter staff will attempt to contact the officer requested directly. This officer will then be responsible for lodging the customer request in the CRM System and for any other follow up.
- If there is still no response then the front counter is responsible for emailing a message to the administration officer and the officer requested as well as lodging a Customer Request in in the CRM System if necessary.

Enquiries by phone

- It is expected that all phones must be answered within 6 rings and all staff are responsible for answering phones. All Council staff are expected to pick up any unattended ringing phone near them.
- The phone will be answered politely and by saying "Good Morning or afternoon Bogan Shire Council (staff name) speaking".
- Once the phone is answered the above procedures for front counter enquiries should be followed.
- Where information is not readily available the customer should be contacted within 2 days to explain the situation, and that they will be recontacted once the information is to hand. This contact can be made by either the officer or the administration officer and can be via a phone call, email or in writing.

4.3.4 When a customer writes or emails:-

- Council will respond to all customer written requests, complaints or enquiries within three (3) working days to acknowledge the correspondence. This response will be issued by Council's Records Officer, therefore all correspondence should be directed to Council's admin@bogan.nsw.gov.au email or to PO Box 221, Nyngan, 2825. The Records Officer will then save the correspondence in Council's Record Management System and lodge a customer request in the CRM System if applicable.
- All emailed customer requests, complaints or enquires will be issued with an automated response to show that Council has received the email and has lodged the request and will issue the customer with a reference number.
- All letters received through the mail with a customer request, complaint or enquiry will be issued with a standard response either emailed or posted to advise the customer that Council has received the correspondence and will deal will it as soon as possible.
- A full response should be received by the customer within a 30 day period by the officer or the administration officer of the department that has received the request, complaint or enquiry. If the response is not delivered in writing then the response should be recorded in the Customer Request in the CRM System or saved in Council's Record Management System.

Bogan Shire Council Customer Service Charter Policy AP010**4.4 OUR EXPECTATIONS OF THE CUSTOMER**

Customers can help Council meet our charter commitments by:

- Treating our staff with courtesy and respect
- Not engaging in bullying behaviour, including aggressive, threatening or intimidating conduct as well as making belittling or humiliating comments
- Not harassing staff including behaviour that is not wanted by the person, offends, humiliates or intimidates and behaviour that creates a hostile environment
- Being open and honest in their dealings with Council
- Providing information that is clear, concise and complete
- Advising Council when their circumstances have changed – e.g. post or street address or animal registration details
- Respecting the privacy, safety and needs of other members of the community
- Phoning to make an appointment for a complex enquiry or a need to see a specific officer
- Paying their bills in a timely manner

4.4.1 Hostile Customers

In any interaction with members of the community where personal abuse, including offensive language, is used the communication may be terminated immediately by the officer. If face to face, the officer may walk away. If on a telephone, the officer may terminate the call. If in an email, the address may be blocked.

In any interaction with members of the community where staff feel bullied or harassed, particularly with regard to hostile, threatening or intimidating behaviour, staff may terminate the conversation. The General Manager is to put in place procedures for staff to deal with these circumstances which may include seeking assistance from a manager and/or informing the customer to address their concerns in writing and/or request a meeting with the General Manager and/or Mayor.

There may be occasions when the issue(s) a person has cannot be dealt with to their satisfaction and it is not possible for Council officers to continue to respond; especially where in-person interaction or correspondence contains personal abuse, offensive language, harassment or bullying behaviour. In these cases, the General Manager may decide to limit or cease interaction and/or responses to the person. A decision of this nature will be communicated in writing to the person with an explanation of how they can seek to resolve their matter – eg the Ombudsman or Office of Local Government.

If a staff member feels threatened by the language or behaviour of the customer, they may notify the Police.

4.5 COMPLIMENTS

Bogan Shire Council welcomes compliments about its staff and the services they provide. Compliments assist us to determine whether we are doing something well and also enhance the morale of staff. If a customer would like to pay a compliment, they may do so by telephone, at the counter or in writing. Council appreciates the time customers take to make a compliment. These compliments will also be recorded in Council's Record Management System or Council's Customer Requests Management System.

Bogan Shire Council Customer Service Charter Policy AP010**4.6 ENQUIRIES AND REQUESTS**

All customer enquiries and requests received by staff at Council are to be dealt with appropriately and according to this charter. All customer requests will be entered into Council's Customer Request Management system (CRM).

This ensures requests are directed to the appropriate officer/s for further actioning. Enquires and Requests can be made by telephone, in person, or in writing. Customers are asked to direct all complaints or requests for action directly to Council's Customer Service Staff located at the front counter of Council's Office. This will ensure that all requests are dealt with in a timely manner and by the correct department.

4.7 COMPLAINTS**4.7.1 What is a complaint?**

A complaint is an expression of dissatisfaction with a particular decision (outside of a structured process), level or quality of service, or behaviour of an employee or agent, which can be investigated and acted upon and has been specifically referred to Council for action. From an operational perspective, a complaint is also an opportunity for Council to review certain processes to see whether they can be improved.

A structured process is where legislation (Act, Regulation, Rule or By-law) specifically makes provision for an appeal, internal or external review of a decision.

4.7.2 What is not a complaint?

The following are not considered a complaint:-

- A request for service (unless there was no response to a first request for service)
- A request for information or an explanation of a policy or procedure
- Disagreement with a policy or decision of the Council
- An appeal or request for internal or external review of a decision for which a structured process applies, other than that made as the result of a complaint
- An expression concerning the general direction and performance of Council or its Councillors
- An expression of dissatisfaction with the behaviour of a Councillor
- Reports of damaged or faulty infrastructure
- Reports about neighbours, noise, dogs, nuisances, unauthorised building work or similar issues that fall into the regulatory aspect of our service

Many of the issues above are called 'complaints' when a customer contacts Council. They are called complaints because a customer is unhappy about the situation and wants something done. The actions Council takes to resolve many such 'complaints' are an everyday part of organisational life, due to the nature of services we provide. These issues are dealt with separately from the formal complaints management process.

Bogan Shire Council Customer Service Charter Policy AP010**4.7.3 Complaints Management Process**

The Council Officer that receives the Customer Request is responsible for handling requests / complaints relevant to that Department.

While most problems can usually be resolved at an early stage, there are times when they require detailed investigation. If a complaint is of a serious nature, it will be referred to the General Manager.

Irrespective of the manner in which the complaint was received, a response to the complaint can be expected in accordance with Council's service definition. If a Councillor has submitted a complaint on a customer's behalf we will also respond to the Councillor within five (5) working days.

There are times when it's not possible to meet this deadline, e.g. where a complaint is a complex one and Councillors are to be briefed on the outcome of the investigations. In these cases we will endeavour to keep the customer informed of progress.

4.7.4 Form of Complaint

A complaint may be lodged orally (by telephone or at the counter) or in writing. The complaint will be referred to the relevant Director or Manager and may be responded to verbally by telephone, by meeting with the Director or Manager to discuss the complaint, or in writing.

If the complaint relates to a complex matter or there is no resolution from discussing the matter with the relevant Director or Manager, the complaint will then be referred to the General Manager for consideration.

At this stage, all complaints should be put in writing setting out the complaint details as simply as possible. If a customer is unable to provide a written complaint themselves, assistance with writing the complaint can be provided.

To assist Council in dealing with the complaint a customer should include the following, if relevant:

- Date, times and location of events
- What happened
- To whom the customer has spoken (names, position in the Council and dates)
- Copies or references to letters or documents relevant to the complaint
- State what the customer hopes to achieve as an outcome to the complaint

4.7.5 Internal Review

Experience has shown that the majority of complaints will be satisfactorily resolved by the relevant Director or Manager. However, a person who is not satisfied with the outcome may request a review of the complaint by the General Manager. A request for a review of the complaint to the General Manager is to be in writing.

The General Manager will inform the customer of the findings on completion of an investigation.

4.7.6 Consideration of a Complaint

In considering a complaint the relevant Director or Manager or the General Manager will:

- Examine and analyse the information already available and follow up points requiring clarification;
- Look at the Council Policies which might have a bearing on the complaint;
- Consider whether or not the Council is at fault;

Bogan Shire Council Customer Service Charter Policy AP010

- Consider any necessary action to be taken to correct the faults identified; and
- Consider a review of the Council's procedures to avoid recurrence of any similar complaint in the future if necessary.

The relevant Director or Manager may enter into informal discussions or mediation on a complaint with a view to resolution. If this process does not resolve the situation it may be referred to the General Manager.

4.7.7 Vexatious Complaints

All complaints received by Council will be treated with the utmost seriousness however if a complaint is found to be malicious, frivolous or vexatious no further action will be taken on the complaint. The customer will be informed of this decision in writing.

4.7.8 Anonymous Complaints

While Council will receive anonymous complaints, it will generally only act on them where the matter is considered to be serious and where there is sufficient information in the complaint to enable an investigation to be undertaken.

4.7.9 Protection of Customer

Council will take all care to ensure that the reporting of complaints will not result in a customer experiencing any form of victimisation or retribution as a result of the complaint.

4.7.10 What if a customer is not satisfied with the resolution of the Complaint?

Council is confident that it can resolve the majority of complaints received. However, we understand that it may not be able to satisfy every customer on every occasion.

Sometimes Councils have to make difficult and complex decisions involving many people and individual customers do not get the outcome they want.

If a complaint remains unresolved or a customer is dissatisfied with our process in dealing with a complaint, other avenues remain for the customer to explore which include:

- Available NSW Civil and Administrative Tribunal;
- The *Administrative Decisions Review Act, 1997*; and
- Contact external agencies which can review actions and decisions taken by the Council.

These include:

- The Ombudsman: an officer responsible to Parliament for investigating complaints made about administrative actions (or inactions) of New South Wales Government Departments, most Statutory Authorities and Local Government. The Ombudsman is located on the 24th Floor, 580 George Street, Sydney, 2000. Ph. (02) 9264 8050.
- Complaints On-Line Form: Web: www.ombo.nsw.gov.au
E-Mail: nswombo@ombo.nsw.gov.au

While a customer is entitled to refer a complaint directly to these bodies at any time, customers are encouraged to allow the Council to investigate the complaint first.

Bogan Shire Council Customer Service Charter Policy AP010**4.8 HOW TO CAN CONTACT COUNCIL**

Customers can contact Council to make an enquiry, request, compliment or a complaint:

- In person at Council's Offices, 81 Cobar Street, Nyngan during the hours of 8:00am to 4:30pm Monday to Friday.
- By phoning (02) 6835 9000 during the hours of 8:00am to 4:30pm Monday to Friday.
- By emailing admin@bogan.nsw.gov.au
- By visiting the Council website at www.bogan.nsw.gov.au

4.9 PAYING BILLS

Accounts can be paid in person by cash, cheque or credit card, over the phone via credit card, direct debits by contacting Council staff, BPay and via the internet on Council's website.

If customers are having difficulty paying please contact Council before the due date to discuss payment options.

4.10 PERSONAL INFORMATION PROTECTION

Council has a commitment to protection of Personal Information provided by a customer to Council in accordance with the requirements of the *Privacy and Personal Information Protection Act 1998* and the *Government Information Public Access Act 2009*.

The *Government Information Public Access Act 2009* allows for a person to obtain certain information that is held by the Council that is not already publicly available.

4.11 REPORTING

Council is required to report to the Ombudsman annually on the number and nature of Public Interest Disclosure complaints received.

4.12 AVAILABILITY

This Customer Service Charter is available:

- For public inspection at the Council Office during normal office hours,
- On the Council's website free of charge, and
- From the Council offices free of charge.

4.13 REVIEW

This Customer Service Charter will be reviewed at least once every four years.

5 LEGISLATION

- Local Government Act 1993
- Privacy and Personal Information Protection Act 1998
- Government Information Public Access Act 2009
- Disability Inclusion Act 2014

Related Documents

N/A

Authority

Council Meeting 25/05/2017 Resolution no. 154/2020

Bogan Shire Council Customer Service Charter Policy AP010

Policy Owner / Further Assistance

Director Finance and Corporate Services

Review Date

02/2028

Revision History

Date	Description of Change	Sections Affected
25/05/2017	Adopted by Council	All
17/12/2020	No modifications	All
22/02/2024	Adopted with modifications	All

13 ENGINEERING SERVICES REPORTS

13.1 DEPARTMENTAL ACTIVITY REPORT

1. Introduction

The purpose of this report is to provide Council with information that is both statistical and informative regarding the activities of the Engineering Services Department.

2. Background

A regular activity report is provided for the information of Councillors.

3. Discussion

Roads

Road works undertaken for the reporting period 1 December 2023, to 9 February 2024 consisted of the following:

No.	Name	Comments
	Local Roads	
7	Warrah Road	Fixing Local Roads work continuing
81	Benah Road	Re-sheeting completed
92	Colane Road	Re-sheeting for R2R & FLR continuing
25	Merryanbone Road	Improvements to formation & drainage completed
40	Plummers Road	Maintenance grading & causeway improvements cont.
16	Yarrandale Road	Attend fire with NSWRFSS
86	Neeroc Road	Patch grading completed
98	East Bogan Road	Maintenance grade completed
20	Murrawombie Road	Repairs to bulldust section completed
24	Canonba Road	Maintenance grading commenced
14	Gilgai Road	Maintenance grade completed
13	Bourke's Road	Maintenance grade completed
49	Temples Lane	Maintenance grading completed
9	Glenngarrieff Road	Vegetation control completed

20	Murrawombie Road	Resheeting commenced.
5	Piesley Road	Vegetation control completed
50	Rutherglen Road	Maintenance grading completed
21	Gongolgon Road	Patching works commenced
	Regional Roads	
7514	Cockies Road	Flood damage repairs continuing
221	Tottenham Road	Flood damage repairs continuing
	State Highways	
HW7	Mitchell Highway	Heavy patching completed
HW8	Barrier Highway	Heavy patching completed
M70	Arthur Hall VC Way	Heavy patching completed
HW7	Mitchell Highway	Shoulder grading completed
HW8	Barrier Highway	Shoulder grading commenced
M70	Arthur Hall VC Way	Shoulder grading competed

Council has completed pothole repairs on the following roads:

• Nyngan Town Streets	• Hermidale Nymagee Road
• Colane Road	• Canonba Road
• Coolabah Village Streets	• Tottenham Road
• Mitchell Highway	• Pangee Road
• Mulla Road	• Barrier Highway
• Cockies Road	

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

- Commencing, continuing maintenance grading, re-sheeting, or flood damage repairs on the following roads Tottenham Road, Colane Road, Warrah Road, Buckiinguy Road, Booramugga Road, and Cockies Road.
- Continuing heavy patching to repair the damaged sealed sections of Colane Road, and Monkey Bridge Road.
- Commencing reseals on HW7, HW8, and MR70.
- Completing re-sheeting of Colane, Booramugga, Warrah, Cockies, and Benah Roads.

Works and Services

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

Civil Works

- Carried out repairs to roller door at town swimming pool
- Cleaned up illegal dumping at Catfish dam reserve & Stockbridge reserve
- Commenced construction of female change rooms at Larkin oval (contractors)
- Carried out fence installation / repairs ELC
- Marked pedestrian access Bogan Shire Medical Centre
- Installed solar lights shared pathway, Moonagee park & Golfclub Pedestrian bridges
- Installed three culverts in Lawlor Street industrial subdivision
- Repaired Faulty levee flood gate Golf Club
- Prepared car park Big Bogan extension for bitumen sealing
- Carried out improvements / Maintenance entry to Girilambone Park
- Drainage upgrades corner of Minore & Derrybong St

Community Facilities

- Mowing/slashing and maintenance of ovals, reserves and highway approaches to Nyngan (ongoing)
- 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.
- Graffiti removal Davidson Park
- Ant spraying carried out on levee bank and nature strips (ongoing)

Water & Wastewater

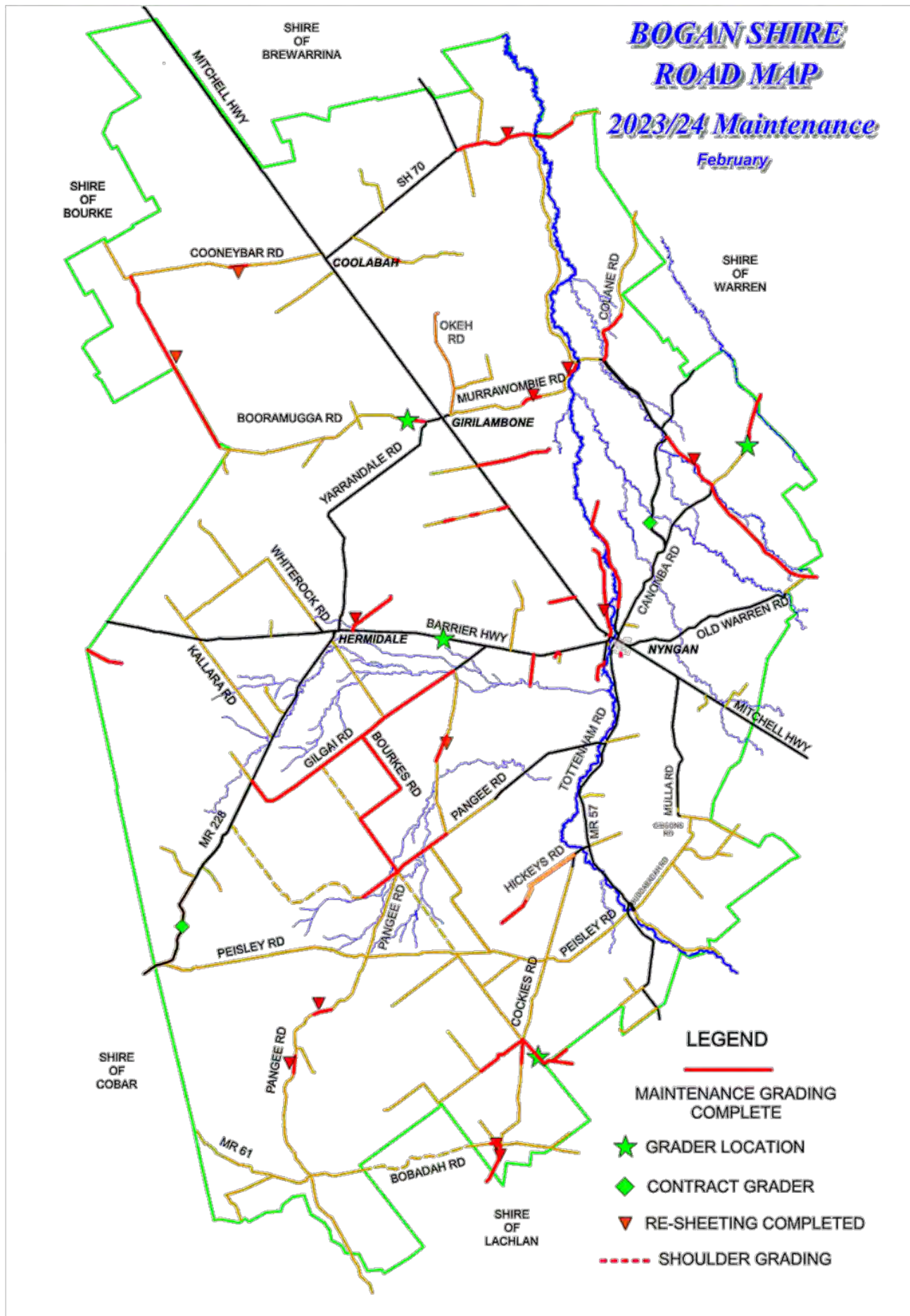
- Replaced a ten-metre section of water main Mudal – Nymagee Street intersection
- Replaced sewer junction servicing The Nyngan Hotel
- Extended sewer & water connection to new pony club toilet/shower block
- Ongoing additional water treatment/testing being carried out for blue green algae control
- Renewed water service to Girilambone Park
- Weed spraying carried out on APC
- APC offtake upgrades commenced
- Replaced No 1 sewer pump at No 2 pump Station Dandaloo Street

4. Attachments

1. Road Maintenance Map

5. Recommendation

That the Engineering Departmental Report be received and noted.



13.2 MURAL WALL / FENCE

1. Introduction

The purpose of this report is for Council to adopt the proposed printed screen mural design for installation as a fence, at the rear of the buildings housing Nyngan Dental and Vinnies.

2. Background

As part of the grant-funded projects to improve the Nyngan Musuem / Davidson Park / Teamster's Rest areas, Council approved the installation of a mural wall or fence, facing the new seating area alongside the railway line between Davidson Park and the Nyngan Museum. Works in this area also include a pathway which will facilitate foot traffic between these areas which includes many visitors to the Bogan Shire. The mural fence is intended to be visually appealing and screen the somewhat unattractive rear of the buildings, whilst still providing vehicle entrance to them, via an east-facing double gate.

Council considered a report to the September 2023 ordinary meeting and resolved to approve a combination of historic photos incorporating points of interest for the theme of the mural.

3. Discussion

A copy of each separate panel is attached to this report and a printed copy of the full proposed mural will be available at the Council meeting for consideration. It is intended to have the panels printed and installed before the end of March.

4. Attachments

1. Mural Panel 1
2. Mural Panel 2
3. Mural Panel 3
4. Mural Panel 4
5. Mural Panel 5
6. Mural Panel 6
7. Mural Panel 7
8. Mural Panel 8
9. Mural Panel 9
10. Mural Panel 10
11. Mural Panel 11

5. Recommendation

That Council adopts the proposed mural design and installs the screening fence.









Pangee Street Circa 1938



2024



Bogan Street - Saint Josephs Convent Circa 1915



2024



Nymagee Street 1925



Cobar Street 1948



1950

1935



Railway 1920



2024



Pangee Street Circa 1910



Nymagee Street Circa 1900



Pangee Street 1961



Pangee Street 1960



Pangee Street

Western Districts Carnival Parade 1950





Railway 1893



Pangee Street



Nymagee Street 1903



Circa 2022

Nymagee Street - Tabratong Street Intersection



Australian Hotel 1931



Nymagee Street Circa 1961



Circa 1902-1910

Tabratong Street - Cobar Street Intersection



Pangee Street



Pangee Street



Pangee Street Circa 1920





Pangee Street Circa 1950-1960



2024



Pangee Street Circa 1939



2024



Nymagee Street 1935



2024



Railway Bridge Circa 1925



2024



Nymagee Street 1892



2024



Nymagee Street 1941



2024

13.3 MITCHELL HIGHWAY SCHOOL BUS STOP

1. Introduction

The purpose of this report is for Council to consider a request from Matthew and Patricia Peek to install a school bus stop on the Mitchell Highway, 3km North-West of Girilambone.

2. Background

The Peeks have advised their daughter will be starting pre-school this month and they are making arrangements for her to travel by school bus to attend pre-school and the ELC from early this year.

They are concerned that the bus is unable to stop safely at their property access in either direction and have requested assistance from Council by:

- Installing two “School Bus Stop Ahead” signs
- Widening the shoulders and constructing a bus stop on either side of the highway to allow the bus to get completely off the road, including the relocation of the access road culvert.

3. Discussion

The photo below shows the location of the property access on the left and a crest on the highway they are concerned about, 275m towards Girilambone.

Transport for NSW do not allow advanced warning signs for bus pull over areas and they do not provide the funding for individual property school bus stops, unless it is included in an existing larger project. “School Bus Route” reminder signs have been used in the past near bus pull over areas and are normally located approximately 10kms apart.



The estimated cost to construct a complete sealed bus stop is \$30,000. This allows the bus to get completely out of the traffic lane and allow room for children to step off the bus onto a sealed pavement in all weather conditions (shown below).



TfNSW allow the construction of informal bus stops, that can be a simple crushed rock shoulder widening or, a full width and length unsealed bus stop with tapers in and out on each side of the road (estimated cost of \$20,000).

4. Attachments

Nil

5. Recommendation

That Council consider funding for the construction of a school bus stop for M & P Peek at the May 2024 Estimates Meeting.

14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS

14.1 DEVELOPMENT APPLICATIONS REPORT

1. Introduction

The purpose of this report is to advise Council of Development Applications that have been submitted to Council for approval.

2. Discussion

Development Applications

Development Applications that have been received during the reporting period are indicated in the table below:

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2022/040	A.T & B.M Burton	24 Pangee Street, Nyngan	New Serviced Apartments	\$700,000	Additional Information Required
2023/023	Z & C Waterhouse	152 Canonba Road, Nyngan	New single dwelling	\$500,000	Council Report refers
2023/022	Amplitel Pty Ltd	2190 Barrier Highway Miandetta	Communications tower	\$190,000	Neighbour Notification
2023/019	T Walsh	74 Oatley Street, Nyngan	New private shed	\$70,000	Under Assessment

Council staff continue to receive enquiries and assist the public in relation to Development Applications and the complexity of their lodgment on the NSW Planning Portal.

Attachment 1 contains statistical and historical information in relation to applications received.

3. Attachments

- 1. Development Applications - Statistical and Historical Information

4. Recommendation

That the Development Applications Report be received and noted.

	Application Type							Application Value
	Totals		Breakup					
	DA	CDC	Dwellings	Shed/Garage/ Patio/Awning	Pool	Sub- division	Other	
July 2023	5	-	2	3	-	-	-	\$1,993,252.00
August 2023	1	-	-	1	-	-	-	\$40,000.00
September 2023	0	0	0	0	0	0	0	\$0.00
October 2023	3	0	2	0	0	0	1*	\$799,442.00
November 2023	1	0	0	0	0	0	0	\$60,000.00
December 2023	2	0	1	0	0	0	1	\$1,200,000.00
January 2024	2	0	0	1	0	0	1**	\$260,000.00
February 2024								
March 2024								
April 2024								
May 2024								
June 2024								
Total 2023/24	14	0	5	5	0	0	1	\$4,352,694.00
Total 2022/23	33	1	7	12	5	2	8	\$ 7,443,708.00
Total 2021/22	26	0	13	8	2	1	5	\$ 6,354,396.00
Total 2020/21	34	3	5	14	3	5	9	\$ 4,107,610.00
Total 2019/20	24	0	0	10	1	3	10	\$ 11,294,300.00

* Secondary dwelling

** Communications Tower

14.2 WASTE AND RESOURCE MANAGEMENT REPORT

1. Introduction

The purpose of this report is to advise Council of the activities and statistics relating to the Waste and Resource Facility.

2. Discussion

The Nyngan Waste and Resource Facility (NWRf) continues to operate four days per week, Thursday, Friday, Saturday and Sunday between the hours of 9.00am to 4:30pm. There are generally two employees onsite during opening hours. The waste facility was closed for a half day during December due to a Council event and was also closed on Australia Day. There was minimal disruption during these closures.

The NWRf operates in accordance with the Environmental Protection Licence (EPL) 20471 and the Landfill Environmental Management Plan. These documents outline operating conditions which must be adhered to in order to remain compliant with Environmental Protection Authority requirements.

Environmental monitoring of water and methane is regularly carried out, in accordance with EPL20471. Water monitoring consists of taking ground water samples from 8 piezometers around the perimeter of the NWRf and analysing water results for any abnormalities. Methane monitoring is carried out over nominated old waste cells that have been capped to ensure minimal methane levels.

All rubbish received at the NWRf is segregated to minimise waste entering the cell helping Council work towards a circular economy. Daily compaction of rubbish is carried out to meet operating requirements and maximise the life of the waste cell.

Kerbside garbage collection continued as usual with minimal interruptions over the Christmas and New Year period. December and January saw the garbage truck dispose of 201.8 tonnes of waste to the NWRf. See Attachment 1.

Kerbside recycling collection also remained steady with a total of 2,397 bin services during December and January. Actual recycling figures are lower than usual due to the Gilgandra Materials Recycling Facility closing for three weeks over the Christmas period. The contamination rate of recycling during December and January was 22.64% and 24.83% respectively. See Attachment 1.

During December 2023 and January 2024, 113kg of cardboard was removed from the Nyngan site and 53.52 tonne of scrap steel was also removed during early February 2024. Both the cardboard and steel will be recycled, which continues Council's commitment towards a circular economy.

Grant funding from the Resources for Regions program has allowed for several improvements at the Nyngan waste facility. This funding has enabled the construction of new waste cells, improvement to leachate management, erection of litter fencing, planting of more than 800 native trees and shrubs and the construction of a resource recovery shop.



Site preparation for the planting of trees along the perimeter fence.



Council staff planting one of the many native trees.



Construction of a new waste cell.

3. Attachments

1. Waste Management Statistics

4. Recommendation

That the Waste and Resource Management Report be received and noted.

Kerbside Waste Collection

	No of Premises with	Services Provided (Bins)	Tonnes Collected
July 2023	1,035	5,551	91.00
August 2023	1,039	5,531	95.70
September 2023	1,039	5,265	87.00
October 2023	1,039	6,077	100.60
November 2023	1,039	5,227	92.20
December 2023	1,039	4,653	96.80
January 2024	1,039	6,003	105.00
February 2024			
March 2024			
April 2024			
May 2024			
June 2024			
Total 2023/24	1,039	38,307	668.30
Total 2022/23	1,035	46,420	1,042.10
Total 2021/22	1,036	65,737	1085.64
Total 2020/21	1,029	N/A	302.10

Kerbside Recycling Collection

	No of Premises with Service	Services Provided (Bins Emptied)	Tonnes Collected	Tonnes Recycled	% Contamination
July 2023	891	1,076	11.10	8.55	22.97
August 2023	894	1,422	13.50	10.42	22.80
September 2023	894	1,182	11.50	9.00	21.75
October 2023	894	1,357	13.70	8.49	21.38
November 2023	894	1,203	13.80	10.63	23.00
December 2023	894	1,150	5.1	3.95	22.64
January 2024	894	1,247	12.40	9.32	24.83
February 2024					
March 2024					
April 2024					
May 2024					
June 2024					
Total 2023/24	894	8,637	81.10	60.36	22.77
Total 2022/23	891	5,812	92.50	71.84	21.99
Total 2021/22	898	7,635	110.10	78.62	21.72
Total 2020/21	896	N/A	117.50	90.92	22.53

Nyngan Landfill - Disposal, Recycling and Resource Recovery

	Mixed Waste (Tonnes)	Recoverable Materials (Tonnes)			Recyclable Materials (Tonnes)		
		Organic	Masonry	Soil	Paper / Cardboard	Metal / eWaste	Other
July 2023	79.98	22.38	6.60	-	5.70	12.30	0.41
August 2023	112.42	30.30	55.54	-	4.92	8.57	1.76
September 2023	106.70	24.92	4.22	-	5.58	13.08	0.22
October 2023	138.51	65.91	108.82	-	5.58	7.92	0.21
November 2023	65.87	38.08	-	-	4.62	6.96	0.03
December 2023	118.60	27.12	-	-	6.78	12.00	0.93
January 2024	89.24	53.44	1.96	-	4.62	9.90	1.56
February 2024							
March 2024							
April 2023							
May 2024							
June 2024							
Total 2023/24	711.32	262.15	177.14	-	37.80	70.73	5.12
Total 2022/23	1,325.62	617.09	440.40	-	45.46	100.27	13.28
Total 2021/22	2,025.65	601.71	192.74	-	55.02	73.18	14.84
Total 2020/21	1,921.52	680.78	452.54	-	56.28	78.96	34.84

Note 1 - Other materials recycled include: used engine oil, batteries, gas bottles, fire extinguishers, mattresses, tyres mixed recyclables and cleaned chemical drums.

Vouchers and Actual Resource Recovery

	Vouchers			Out for Recycling / Recovery				
	No Issued	No Redeemed	Value Redeemed	Cardboard*	Metal / eWaste	Mattresses	Tyres	Other
July 2023		240	\$ 10,456	44.85	-	-	-	-
August 2023		277	\$ 13,222	58.65	2.92#	-	-	1.35**
September 2023		293	\$ 14,710	48.30	-	-	-	-
October 2023		308	\$ 15,314	63.83	-	-	-	2,350***
November 2023		219	\$ 11,263	46.58	-	4.30	4.76	-
December 2023		428	\$ 22,080	50.03	-	-	-	-
January 2024		312	\$ 16,524	63.83	-	-	-	-
February 2024								
March 2024								
1/04/2024								
May 2024								
June 2024								
Total 2023/24		2,077	103,569	376.07	-	4	5	-
Total 2022/23	14,604	2,851	\$ 141,845	369.15	94.76	13.64	9.42	3,300.64
Total 2021/22	14,604	12,710.00	140,590.00	203.55	153.78	17.18	6.16	0.12
Total 2020/21	N/A	4,015	N/A	639.98	185.54	16.68	7.52	-

* Includes from Works Depot

Metal from Village landfill

**drumMUSTER

***Greenwaste cubic metres

14.3 PROPOSED SINGLE STOREY DWELLING - DA2023/023

1. Introduction

Bogan Shire Council is in receipt of Development Application DA2023/023 which seeks consent for the construction of a single storey dwelling house on Lot 39 DP 753420, 152 Canonba Road Nyngan NSW 2825.

The proposed development is a four-bedroom single storey brick dwelling with a large outdoor entertainment area and double garage. The internal floor area is approximately 317m², with an overall maximum height of 6.25m. The proposed internal finished floor level is at 400mm above the adjoining natural ground level.

The proposed dwelling is to be sited on the eastern portion of the subject property in a location approximately 60m west of a narrow corridor of woodland vegetation.

The subject property is zoned RU1 primary production zone under the Bogan Local Environmental Plan 2011(the LEP) and has a land area of approximately 50ha.

The proposal includes a Clause 4.6 request to vary the principal development standard for the erection of a dwelling in certain rural zones (including RU1 zone) which requires a minimum lot size of 600ha.

2. Background

Legislative Changes

As the Development Application (DA) was lodged after 1 November 2023, changes to the concurrence and referral provisions apply. These changes apply to Clause 4.6 and the omission of the former Clause 4.6(3)-(5) and (7) of the LEP.

In practical terms, this means that two of the three hurdles that formerly existed have been removed for development that proposes a variation to a development standard to be determined as follows:

1. A consent authority need not be satisfied that a proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.
2. The concurrence of the Planning Secretary is not required.

The NSW Department of Planning and Environment (DPE) in announcing these changes state:

“The existing public interest that applicants must meet in order to seek to vary development standards will not change, the removal of specific references to the public interest in Clause

4.6, simplify the drafting, noting that consent authorities already are obligated to consider the public interest”.

Rather than a requirement to obtain the Planning Secretary’s concurrence prior to determination, the amendments only require notification to the Planning Secretary as soon as practicable after the determination.

Reasons for Elected Council Determination

The Guide to Varying Development Standards produced by DPE to accompany the legislation change in regional areas “where the extent of the variation is greater than 10%, the elected council should have the function of determining the DA”.

As the proposed variation in this case is 91% the DA is referred to Council for determination.

Background: The applicant has engaged Consultants to prepare a Statement of Environmental Effects (SEE) to accompany the DA. The SEE addresses both the requirements of s4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) matters for consideration by consent authority (the Council) and Clause 4.6 of the LEP Exceptions to Development Standards.

3. Discussion

Site Description

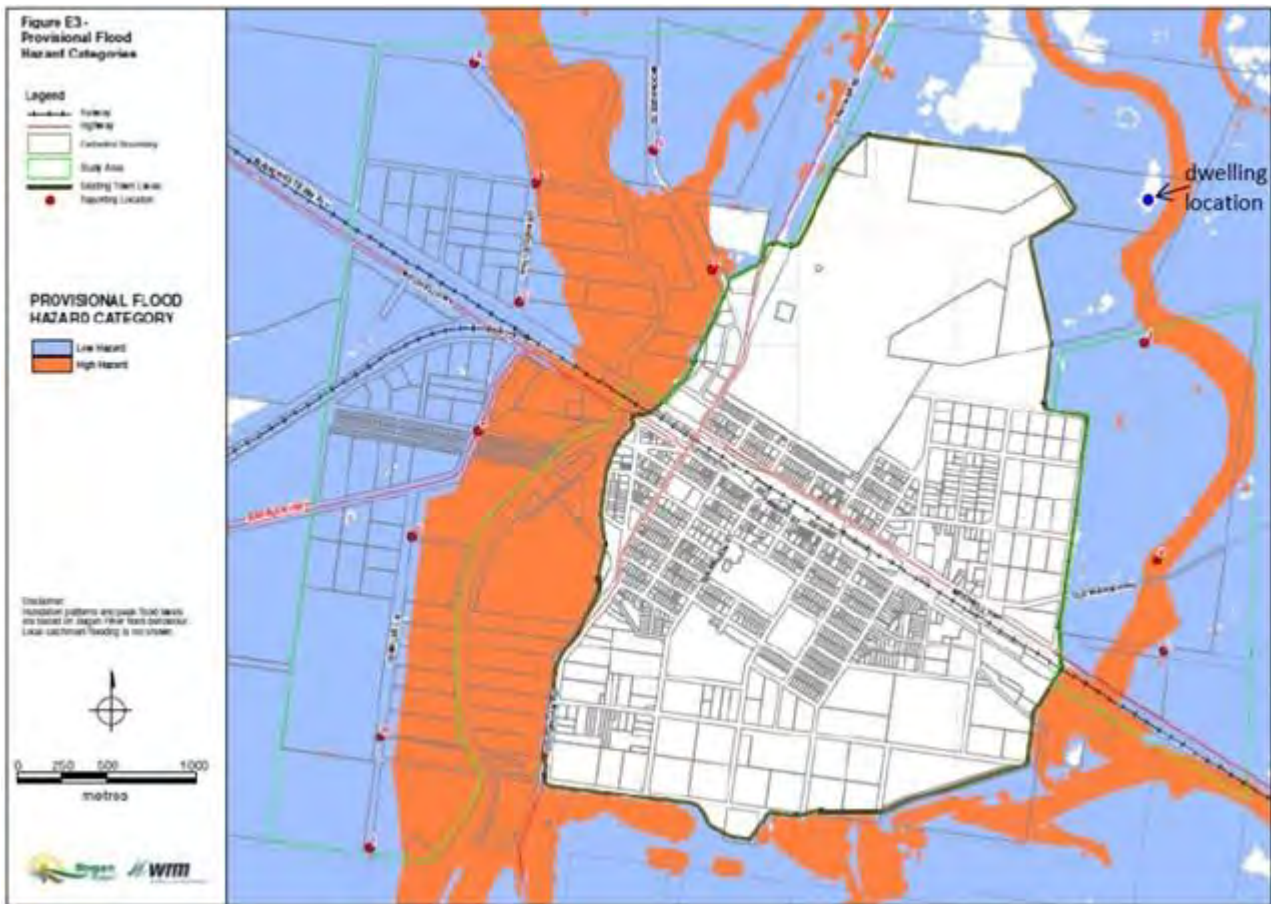
The site has an area of approximately 50ha and is located on the northern outskirts of the township of Nyngan, the adjoining land to the south is Nyngan airport. Land adjoining to the north and east is rural land used for grazing and cropping, to the west is Canonba Road and a Crown Reserve.

A narrow corridor of woodland vegetation is located towards the eastern boundary of the subject property, whilst this area of vegetation is included on Council’s Terrestrial Biodiversity Map, no vegetation is to be removed as part of the proposed development.

There is a dry drainage depression which is identified as a first order watercourse; however, the SEE identifies that it only holds water during flood events. The existing driveway for the proposed dwelling is located through the drainage depression however it is considered exempt under Schedule, Clause 23 of the Water Management (General) Regulation 2018.

Site Hazards, Restrictions and Services

The subject property has been identified in the SEE as being flood prone, and whilst the proposed dwelling will be located outside the flood levee, it will be built on the highest part of the property which is above the mapped flood level.



The subject property is also identified as being bushfire prone (Category 3) under the Bogan Shire Bushfire prone land maps. A bushfire assessment was lodged with the DA and was referred to the New South Wales Rural Fire Service (RFS) for comment. This is discussed in more detail in the Referrals part of this report.

There are no restrictions, easements or land reservations that affect the proposed development.

Electricity is proposed to be provided by rooftop or ground mounted domestic photovoltaic system. The electrical engineering design and capacity will be the subject of a proposed condition of Development Consent that will require the applicant to provide a fully engineered design of the proposed system prior to the issue of a Construction Certificate. It would appear that the technology is available to support the proposal however it is considered unreasonable to require the details at this stage before Council makes a decision regarding either approval or refusal of the proposed development.

An onsite sewage management system is proposed to treat waste water and a full site-specific wastewater design will be required as part of the Section 68 application and the Construction Certificate.

Potable water is to be provided by way of rooftop rainwater harvesting through two (2) 40,000 litre rainwater tanks.

Internal and External Referrals

The proposed development was referred internally to Council's Engineering Department for comment and the following advice was received:

1. The road reserve is to be upgraded at the applicant's expense from the centreline of Pepper Lane to the access gate of the subject property approximately 700m in total.
2. The carriageway referred to above is to be a minimum of 4m wide and formed with a 3%-4% crossfall to assist in shedding water.
3. As the first 400m of the proposed road from the intersection of Pepper Lane is through a low-lying section that regularly floods for extended periods during high flows and flooding of the Bogan River as such the new road formation shall be constructed above the flood level and at least one (1) culvert shall be provided in this location.
4. It is a condition that details of these proposed works are to be provided prior to the issue of the Construction Certificate and that all works are to be undertaken by an approved Council contractor.
5. All the above works are to be inspected and approved by Council's Roads Manager or Roads Co-ordinator, prior to the issue of a Final Occupation Certificate for the dwelling.

These proposed conditions are in **Attachment 5**.

The DA was referred to the following external agencies:

NSW Rural Fire Service (RFS)

Under S4.14 of the EP&A Act advice was sought from RFS regarding the bushfire protection for the proposed development on 21 December 2023. Subsequently Council received a response from RFS (see **Attachment 2**) which offered recommended conditions to be attached should Council be of a mind to support the approval of the DA; these are also included in **Attachment 5**.

Department of Primary Industries- Agriculture (DPI)

The DPE Development referrals guide provides advice for consent authorities on integrated development approvals, concurrences, and consultation referrals. It should be noted that DPI is not a statutory referral or concurrence body for this type of development.

Council officers followed traditional practice and sought comment from DPI in relation to the proposed development on 21 December 2023. Subsequently Council received a response from DPI which does not support the proposal for several reasons that are articulated in the DPI response (see **Attachment 3**).

The applicant provided a further response through the planning consultant to the comments from DPI (see **Attachment 4**).

Development Assessment

Under S4.15 of the EP&A Act Council when determining a DA “is to take into consideration such of the following matters as are of relevance to the development the subject of the DA”.

The relevant matters for consideration are summarised below:

State Environmental Planning Policy (Sustainable Buildings) 2022 (BASIX SEPP)

The proposed dwelling is affected by the BASIX SEPP and a BASIX certificate referenced 317776S dated 28 November 2023 has been provided.

The BASIX commitments have also been referenced on the plan set demonstrating the proposed development ability to comply with the minimum requirements for sustainability.

Bogan Local Environmental Plan 2011 (LEP)

The provisions of the LEP are applicable to the proposed development, the subject property is mapped as RU1 -Primary Production under the LEP. Dwellings are a permitted land use within the RU1 zone.

The objectives of the RU1-Primary Production are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed development satisfies the relevant objectives of the RU1 and the response from the consultant town planner to comments made by DPI in relation to the objectives is considered satisfactory.

It is acknowledged in the SEE under Clause 4.2B of the LEP the required lot size is 600ha and the subject property is approximately 50ha and as such the proposed development fails to comply with this development standard.

The SEE identifies that a variation to Clause 4.2B is being sought via the exceptions to Development Standards provisions of Clause 4.6 of the LEP.

The SEE references the August 2011 version of the document titled “Varying Development Standards: A Guide”. As mentioned earlier in the report the current version is now November 2023 and whilst the principles are very similar in both versions, it is the November 2023

version that have been used as the framework for the key considerations for the elected Council as the consent authority within this report.

Council staff are satisfied the written request that forms part of the SEE correctly identifies that the planning control to be varied is a development standard.

The written request that forms part of the SEE adequately addresses the objectives of the development standards under Clause 4.2B of the LEP.

Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five-part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standard is well founded:

The written request that forms part of the SEE has applied the provisions of the 5-part test and has concluded as detailed below:

Test	Discussion
<i>1. the objectives of the standard are achieved notwithstanding non-compliance with the standard;</i>	The proposed development will not result in unplanned rural residential development as most of the surrounding lots are constrained by flooding and are unlikely to be developed for residential purposes.
<i>2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;</i>	The underlying objective of the standard is relevant to the proposed development and the development can comply with the underlying objective.
<i>3. the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;</i>	The site is not suitable for economic primary production; therefore, the purpose of the standard would be thwarted if compliance was required. Compliance is therefore unreasonable.
<i>4. the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;</i>	There are very few lots within the immediate vicinity of the site which meet the minimum lot size standard. Compliance with the standard is unreasonable and unnecessary in the circumstances of the proposed development.
<i>5. compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.</i>	There are very few lots within the immediate vicinity of the site which meet the minimum lot size standard. The proposal does not give rise to uneconomic or unreasonable demand for services and amenities as electricity, water and sewage management will be provided on site. The application of the lot size

	standard for the erection of a dwelling on the lot is considered to be unreasonable and unnecessary in this case.
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The conclusion above appears reasonable in the circumstances of this proposal and is supported by Council staff on the basis that the 5-part test is referenced as relevant to the unreasonable and unnecessary component of Clause 4.6 applications. This is articulated in full in the SEE (**Attachment 1**).

The written request within the SEE is accurate in that it correctly referenced the LEP Clauses and objectives, has accurately calculated the extent of the variation sought and the environmental planning grounds are robust and can be supported.

There is no evidence of a cumulative effect of Council previously approving similar developments, in fact a search of historical records in the vicinity have revealed only two (2) approvals have been issued for dwellings in this locality in the last 35 years.

Part 5- Miscellaneous provisions

Not all components of Part 5 are considered relevant to the proposed development, the relevant provisions of Part 5 are analysed below:

Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones:

The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned. This clause applies to land in the RU1 Primary Production zone and therefore to the subject property.

A consent authority must take into account the matters specified in subclause 4 (below) in determining whether to grant development consent to development on land to which this clause applies for the erection of a dwelling.

- (4) *The following matters are to be taken into account—*
- (a) *the existing uses and approved uses of land in the vicinity of the development,*
 - (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b) above,*
 - (d) *any measures proposed by the applicant to avoid or minimise any incompatibility*

referred to in paragraph (c).

The surrounding lots are used primarily for rural land use operations however given their size the character of the use is more consistent with rural lifestyle pursuits; they are predominantly used for grazing with some cropping. The observations made in the SEE are considered appropriate in relation to this matter.

On the basis that the existing lot is already well below the minimum lot size, and the proposed dwelling is located on the only flood free area available any further subdivision would not be supported.

The Nyngan airport adjoins the subject property to the south. There is minimal aircraft traffic confined to private light aircraft as there is no commercial operator providing services to and from Nyngan.

It is considered the proposed development will have no impact on the predominant uses in the vicinity of the development and is compatible with surrounding land uses.

Clause 5.21 Flood Planning

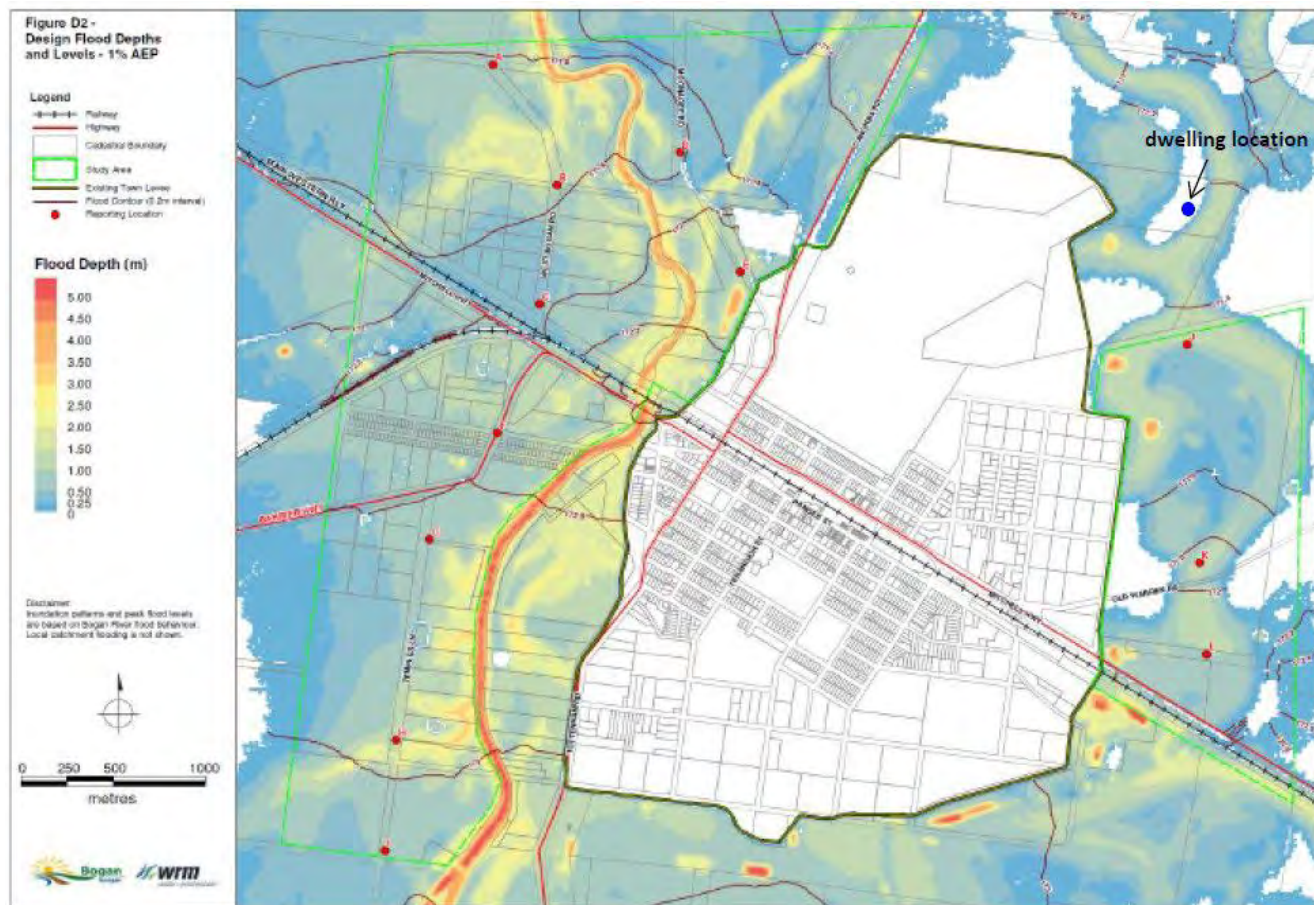
The objectives of this clause are:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The proposed dwelling is to be located on an area of land that is above the known flood level.

The *Bogan River at Nyngan Flood Study* (WRM Water and Environment 2014) notes that the land is largely located within the modelled 1% AEP flood extent, though the majority of the land has a flooding depth of between 0.25m and 1m and has a low hazard flood category.

The part of the land on which it is proposed to construct the dwelling is flood free and has a proposed floor level 400mm above the adjoining natural ground level. The figure below shows the modelled 1% AEP for the lands surrounding Nyngan.



The LEP states that development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

The development is located on land that is above the 1% AEP. The majority of the land is located within a low hazard flood category. The Bogan River Flood Study (WRM 2014)

defines low hazard areas as:

- truck could evacuate people and their possessions; and
- able-bodied adults would have little difficulty in wading to safety.

The relatively long warning times of an impending riverine flood to evacuate residents also reduces the risk to personal safety under existing conditions.

As the dwelling will be constructed above the flood prone area of the land it is unlikely to affect flood behaviour on other properties.

As the intensity of development in the area is very low, and flood free land is located close by, within the flood levee, the proposed development is unlikely to affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area, in the event of a flood.

The LEP states that the consent authority must consider the following matters in deciding whether to grant development consent on the land:

(a) the impact of the development on projected changes to flood behaviour as a result of climate change,

The proposed dwelling is located above the modelled 1% AEP flood area. It is unlikely that the development will impact flood behaviour.

(b) the intended design and scale of buildings resulting from the development,

The proposed development is a single-storey dwelling, with a design and scale compatible with the rural setting in which it is to be located. The design and scale of the building will not impact upon the flood behaviour on the site.

(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,

The proposed development is located above the modelled flood level (WRM 2014). The remainder of the land is within a low hazard category flood-prone area (WRM 2014). The study notes that low hazard areas allow for truck evacuation of people and their possessions and allow for safe-wading to flood-free land. The study also notes that flooding from the Bogan River has long warning times. Also relevant to the safe evacuation of residents from the dwelling, flood-free land within the levee and on the opposite side of Pepper Lane is located close to the proposed dwelling.

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding.

The dwelling will be constructed above the modelled level and will be permanent. There will be no opportunity to relocate the building.

Part 7 – Additional Local Provisions

Clause 7.4- terrestrial biodiversity

The proposed development identifies no disturbance of the area of vegetation identified as having moderate sensitivity.

Clause 7.8 - airspace operations

The proposed dwelling is located approximately 490m north-east of the end of the Nyngan airport runway and will be a maximum of 6.25m high. The dwelling does not penetrate the obstacle limitation surface of the airport.

Clause 7.9- essential services

The essential services relevant to proposed development include:

Water Supply – which will be provided by roof top rainwater harvesting captured by two (2) 20,000 litre tanks.

Electricity Supply – which will be provided through the installation of an on-site photovoltaic system. A proposed condition of development consent will ensure the design of energy harvesting and battery storage system will provide an adequate supply for residential purposes.

On site sewage management system – which will be provided for through the s68 approval process involving the design and installation of a wastewater treatment system. The design component is to be resolved prior to the issue of the Construction Certificate

Stormwater drainage – the proposal identifies the rainwater harvest system described above, which will require an adequate means of disposing of any overflow water from the tanks.

Suitable road access – The issue of access has been considered as part of the referral process to Council's Engineering Department and appropriate conditions have been discussed earlier in this report.

4.15(1)(a)(ii) - proposed instruments

There are no proposed instruments that are relevant to the proposed development.

4.15(1)(a)(iii) - development control plan

Bogan Shire DCP 2012 applies to the proposed development.

The development has been assessed against the relevant objectives and controls of DCP 2012 as detailed in this extract from the SEE:

Residential Standards	
Part 1.1 Building Setbacks	Compliance
<p>a) Setbacks must be compatible with the existing and/or future desired streetscape.</p> <p>b) Side or rear building setbacks are to demonstrate no unreasonable adverse impact on the privacy or solar access of adjoining properties.</p>	Complies. The proposed development is a rural dwelling with generous setbacks.
Part 1.2 Building Height	Compliance
b) Building height must ensure that adjacent properties are not overlooked or overshadowed.	Complies. The proposed development is a single storey dwelling that will have no impact on neighbouring properties.
Part 1.4 Solar Access	Compliance
<p>a) Development must have reasonable access to sunlight and must not unduly impede solar access of neighbouring dwellings.</p> <p>b) Dwellings are to be positioned to maximise solar access to living areas.</p> <p>d) Living areas and gardens should be orientated to the north to maximise solar access to these areas.</p> <p>e) North-facing pitched roofs should be incorporated where possible to provide opportunity for solar energy collectors.</p> <p>f) Solar access should be controlled within buildings to allow warm winter sun to penetrate rooms while excluding hot summer sun by:</p> <ul style="list-style-type: none"> o Using horizontal projecting screens such as balconies, awnings, veranda roofs, pergolas and wide eaves; and o Use of ceiling insulation. 	Complies. The development has good solar access and can facilitate roof-top solar panels. A large balcony and verandah, and ceiling insulation, is used in the design to exclude the hot summer sun.
Part 1.13 Access	Compliance
a) All weather vehicle access is required to ensure that emergency services (fire, ambulance, and police) are able to access the dwelling at all times.	Complies. A gravel driveway is proposed off a public road reserve to provide access to the dwelling. The driveway is already constructed along the northern site boundary. The road reserve and internal driveway are flat. It is proposed to undertake a minor

	<p>amount of earthworks to extend the driveway to the dwelling. The driveway will provide all weather access and will be a minimum of 4m wide.</p>
<p>Part 1.16 Design Principles</p>	<p>Compliance</p>
<p>d) Must be sympathetic with existing adjoining and surrounding developments in relation to bulk and height. e) Well-proportioned building form that contributes to the streetscape and amenity. f) Density appropriate to the regional context, availability of infrastructure, public transport, community facilities and environmental quality. g) Design must demonstrate efficient use of natural resources, energy and water throughout its full life cycle, including construction. h) Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management. i) Optimise amenity (e.g. appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility). k) Design must demonstrate response to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p>	<p>Complies. The dwelling has been designed to be of a high aesthetic quality and to be compatible with its rural setting. It has a relatively small footprint in comparison to the land size and utilises that part of the land which is flood-free. It will have no impact on neighbouring properties and will not place any burden on infrastructure. The environmental impacts of the proposed development will be minimal.</p>
<p>Standards for Flood Affected Land</p>	
<p>Part 1.33 General Development Requirements</p>	<p>Compliance</p>

<p>a) Development should be consistent with the principles and standards of the Flood Plain Management Manual (NSW Government).</p> <p>b) Development must ensure safety to life and property.</p> <p>c) Development on flood affected land must be structurally capable of withstanding the effects of flowing floodwaters including debris and buoyancy forces.</p> <p>d) Development must not increase the risk or implications of flooding to existing areas.</p> <p>e) Development on flood affected land must incorporate the Flood Proofing Guidelines in Appendix B.</p>	<p>The development is located above the 1% AEP. The development is unlikely to pose a risk to life or property as a result of flooding and will not change flood behaviour or increase the risk of flooding on other land.</p>
<p>Part 1.34 Access</p>	<p>Compliance</p>
<p>If flood free access is not possible, the development must be able to achieve safe wading criteria as specified in Figure L1 of the FPM.</p>	<p>mapped as being within a low hazard flood area with a depth of between 0.25m and 1.0m to allow safe wading.</p>
<p>Appendix B Flood Proofing Guidelines</p>	<p>Compliance</p>
<p>This part of the DCP incorporates a Flood proofing code.</p>	<p>The dwelling will be constructed above the 1% AEP. If approved, Conditions will be placed on the Notice of Determination in relation to the flood-proofing requirements of the building.</p>

4.15 (1)(b)- likely impacts of the development

Context and Setting

The proposed dwelling is a single storey dwelling on a large rural property. Overall, it is considered that the proposed dwelling will positively contribute to the context and setting in the locality. The design will assist in encouraging good outcomes within the rural setting of the area.

Access and Transport

The proposed development will be accessed through an existing track located on the eastern portion of the subject property.

The driveway once the extension works have been undertaken will be a minimum of 4m wide and provide an all-weather gravel access for service vehicles including first responders. Occupant parking will be accommodated in the proposed double garage.

Services

Water will be supplied via two 20,000L rainwater tanks capturing rain water from the roof. An onsite sewage management system will treat wastewater. Reticulated electricity is available to the land.

Flooding

The proposed dwelling is located above the modelled flood level (WRM 2014). The remainder of the land is within a low hazard category flood-prone area (WRM 2014). The study notes that low hazard areas allow for truck evacuation of people and their possessions and allow for safe-wading to flood-free land. The study also notes that flooding from the Bogan River has long warning times. Also relevant to the safe evacuation of residents from the dwelling, flood-free land within the levee and on the opposite side of Pepper Lane is located close to the proposed dwelling.

Bushfire

Council has received advice from the NSW Rural Fire Service with a series of conditions that will form part of the Development Consent should Council approve the development.

Soils

Erosion and sedimentation control measures will be during construction and the proposed development is unlikely to have a negative impact on soils.

Social and Economic Impact

It is considered that the proposed development will have a positive influence on both social and economic factors. It combines the use of flood free land on an undersized rural land the interface with the urban fringe.

4.15 (1)(c) the suitability of the site for the development

It is acknowledged that there are some natural constraints including flooding and bushfire however these can be mitigated through sensible location of the dwelling and building components such as BAL-29 construction and internal floor levels.

Based on the matters canvassed within this report it is considered that the proposed development responds appropriately to site constraints and opportunities.

4.15 (1)(d) any submissions made in accordance with this Act or the Regulations

The proposed development was placed on public exhibition and adjoining landowners were notified in accordance with these provisions and no submissions were received.

4.15 (1)(e) the public interest

The public interest is served by permitting the orderly and economic use of the land, in a manner that is sensitive to the surrounding environment and has regard to reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that approval of the proposed development is in the public interest.

Conclusion

The subject property is legally described as Lot 39, DP 753420, 152 Canonba Road Nyngan.

The proposed development involves the erection of a single storey dwelling.

The lot is an existing portion and formally known as Portion 39 Parish of Bergo County Gregory. Its creation predates all contemporary planning controls.

The proposal involves development within the RU1 – Primary Production zone and does not comply with the current minimum lot size for this zone.

A variation to the minimum lot size detailed in Clause 4.2B of the LEP is sought by the applicant pursuant to Clause 4.6 of the LEP.

The written request under Clause 4.6 has been assessed as having merit and the view has been formed that it would be reasonable to support the proposed development for the following reasons:

1. The integrity of the objectives of the RU1 – Primary Production zone remain intact.
2. The objectives of the relevant development standard (minimum lot size) are preserved.
3. The proposed development is located on a flood-free portion of the land which is in short supply outside the levee close to town and safe access/egress is provided.
4. The proposed development utilizes an existing undersized rural lot to provide housing on the urban fringe.
5. The approval of the proposed development serves the public interest.
6. This decision is based on the individual merits of this DA and its supporting documents and does not set precedence for Council.

4. Attachments

1. Attachment 1 - Statement of Environmental Effects
2. Attachment 2 - NSW RFS Advice
3. Attachment 3 - DPI Agriculture comments
4. Attachment 4 - Response to DPI Agriculture comments
5. Attachment 5 - Draft Notice Of Determination

5. Recommendation

1. That Development Application DA 2023/023 for the construction of a single storey dwelling on Lot 39, DP753420, 152 Canonba Road Nyngan be approved subject to the conditions in Attachment 5.
2. That in accordance with Section 90A of the Environmental Planning and Assessment Regulation, the decision and reasons for the decision shall be registered on the NSW Planning Portal and Council's variations register on Council's website.



Statement of Environmental Effects

Dwelling

152 Canonba Road Nyngan

Lot 39 DP 753420

November 2023

Tel: 0400 715 949
lisa@blueskyplanning.com.au

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1. Introduction and Background

This Statement of Environmental Effects (SEE) assesses the likely environmental impacts of the proposed development in accordance with the requirements of the Environmental Planning and Assessment Act 1979. The assessment has been undertaken with reference to the following plans and reports that have been lodged with the development application:

Plan / Report Name	Plan Number	Revision / Date	Prepared By
Site Plan	1023002	09/11/23	Graeme Bourke
Floor Plan	1023002	undated	Graeme Bourke
Elevations	1023002	09/11/23	Graeme Bourke
Bushfire Assessment	n/a	November 2023	BSPE

2. Description of Site and Surrounding Area

The site has a total area of approximately 50ha and is located on the northern outskirts of Nyngan in the Bogan Shire Local Government Area (LGA). A site locality map is included below at Figure 1.



Figure 1: Site Location shown outlined yellow
 Source: ePlanning Spatial Viewer November 2023

2.1 Local context and neighbouring lands

The adjoining land to the south is the Nyngan Airport. Land to the north and east is rural land used for grazing and cropping. Canonba Road and a Crown Reserve is located to the west.

2.2 Site features

2.2.1 Biodiversity

A narrow corridor of woodland vegetation is located towards the eastern edge of the land. That vegetation is included on Council's Terrestrial Biodiversity Map. No vegetation within that corridor is required to be removed for the development.

2.2.2 Watercourses and drainage lines

There are no permanent watercourses located on the land. Although the narrow band of vegetation on the eastern portion of the land is mapped as a first order watercourse, it is a dry drainage depression which temporarily holds water during flood events. Although the driveway for the proposed dwelling passes through the drainage depression, a Controlled Activity Approval is not required as crossings and tracks on first and second order mapped streams are exempt under Schedule 4 Clause 23 of the *Water Management (General) Regulation 2018*. Additionally, the driveway is already constructed through the woodland corridor.



Photo 1: Drainage depression on the eastern side of the land.

2.2.3 Services

Electricity will be provided on site by a rooftop or ground-mounted domestic photovoltaic system. An onsite sewage management system will be installed to treat wastewater, and rainwater will be captured in two water tanks holding not less than 40,000L. No reticulated services are required.

2.2.4 Restrictions, easements or land reservations

There are no restrictions, easements or land reservations that affect the proposed development.

2.2.5 Site hazards

The land is mapped as bushfire prone (category 3). A bushfire assessment has been lodged with the development application.

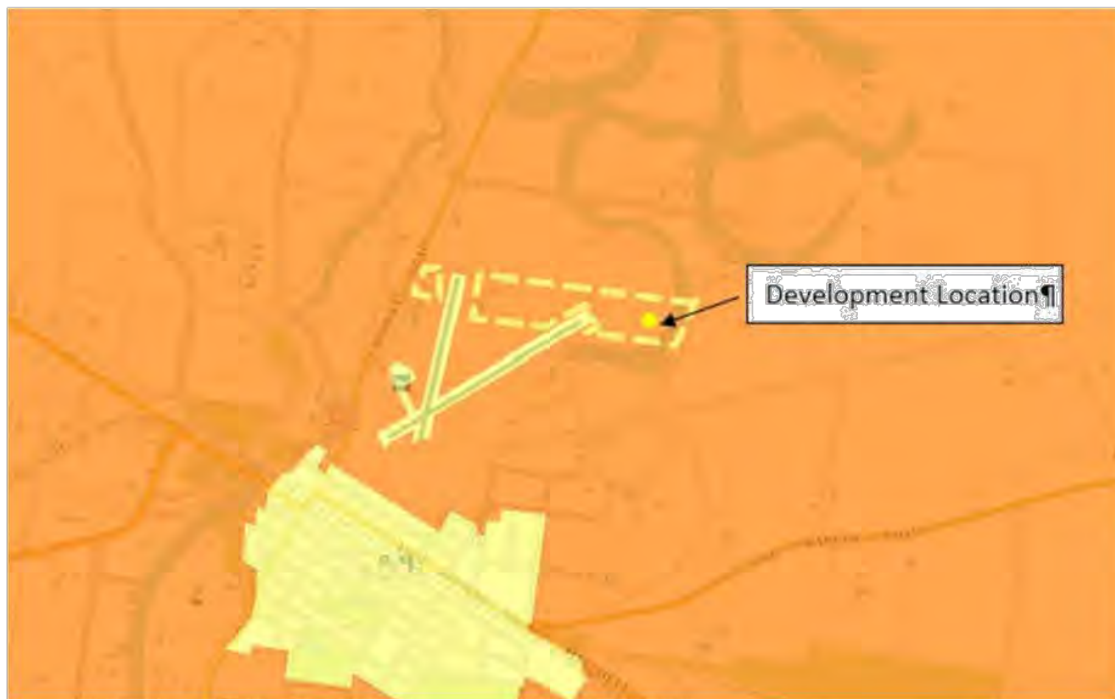


Figure 2: Bushfire Prone Land Mapping
 Source: ePlanning Spatial Viewer November 2023

The land is known to be flood prone. Although the proposed dwelling is located outside of the flood levee, it will be located on the highest part of the property which is above the mapped flood level as shown in the figure below.

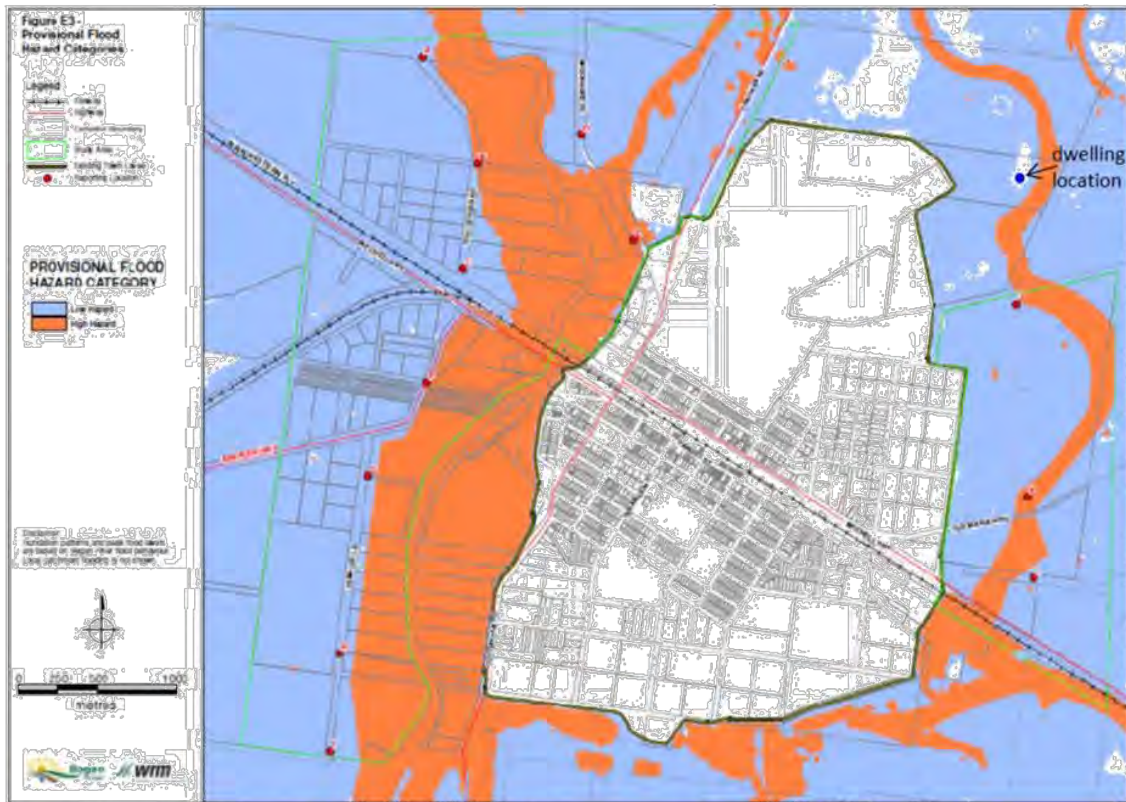


Figure 3: Proposed dwelling location within the low hazard flood area
 Source: WRM 2014

2.2.6 Heritage and Archaeology

There are no Aboriginal items or sites known to occur on the land (AHIMS database search 17/11/2023). No historic heritage items are mapped on the land or on adjoining lands.

3. Description of Proposed Development

The proposed development is a four-bedroom single storey brick dwelling with a double garage and large Alfresco area. The internal floor area (including the garage) is approximately 317m². The building height will be a maximum of 6.25m. The finished floor level will be 40cm above the natural ground level.

The dwelling would be located on the eastern portion of the land approximately 60m west of a narrow corridor of woodland vegetation. No native vegetation clearing would be required for the proposed development.

Distances from the dwelling to the property boundaries are:

- East: 190m.
- North: 130m
- South: 150m
- West: 1265m

There is an existing driveway from the road reserve along the eastern boundary of the land. Access to the road reserve would be gained via Pepper Lane to the north. A minor amount of earthworks are proposed for the purpose of levelling and clearing the driveway through the grassland. Parking is provided in the form of a double garage on the southern side of the dwelling.



Photo 2: Location of house site in foreground.

4. Environmental Assessment

4.1 Relevant Legislation

4.1.1 Rural Fires Act 1997

The site is mapped as bushfire prone. A bushfire assessment has been lodged with the development application.

4.1.2 Biodiversity Conservation Act 2016

The development will be located within an existing cleared area. No native vegetation removal is required for the proposed development. The development will not have impacts above the 'Biodiversity Offsets Scheme Threshold' or be likely to significantly affect threatened species or ecological communities. There will be no impacts on any mapped vegetation, or any other native vegetation as a result of the proposed development.

4.1.3 Environmental Planning and Assessment Act 1979

Division 4.3, Section 4.15 of the Act requires that a consent authority, in determining a development application, is to take into consideration the provisions of following matters as are of relevance to the proposed development:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

These matters are addressed in detail below.

Relevant Local Environmental Plan

The Bogan Local Environmental Plan 2011 (the LEP) applies to the site. The following parts of the LEP are relevant to the proposed development:

Part 2 - Land Use Zone/s

The land is located in the RU1 Primary Production zone. Dwellings are permitted with consent in the RU1 zone.

Part 4 - Principal Development Standards

Standard	Allowable	Proposed	Compliance
4.2B - Erection of dwelling houses on land in certain rural zones	600ha	The land is approximately 50ha	Does not comply

Variations to Development Standard/s: A variation is being sought to Clause 4.2B as:

- The lot is less than the minimum lot size specified for the land by Council’s Lot Size Map.
- The land is not known to be a lot created under an environmental planning instrument before the LEP commenced and on which the erection of a dwelling house was permissible immediately before that commencement.
- The land is not known to be a lot resulting from a subdivision for which development consent (or equivalent) was granted before LEP 2011 commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.
- The land is not known to be an existing holding.

Clause 4.6 of the LEP allows for exceptions to development standards as follows:

(1) The objectives of this clause are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

A better outcome for the use and management of the site in perpetuity, due to its size, would be achieved through the application of the flexibility provided by Clause 4.6, as the land is not suitable for viable agriculture and is located in close proximity to the Nyngan urban area, making it better suited for use as a rural lifestyle property. Occupation of the property for rural lifestyle purposes will make it more likely to be maintained.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

The *Environmental Planning and Assessment Regulation 2021* (the Regulation) requires a development application for development that proposes to contravene a development standard to be accompanied by a submission setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

This part of the SEE forms the submission seeking an exception to a development standard in accordance with the provisions of Clause 4.6 of the LEP and *Varying development standards: A Guide. NSW Planning and Infrastructure. August 2011*. The development standard to be varied is the 600ha minimum lot size standard for erection of a dwelling under Clause 4.2B of the LEP.

Compliance with the development standard is unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify the contravention of the development standard as detailed below:

i) Agricultural viability

The site is approximately 50ha in area and is therefore not of sufficient size to support viable and economic primary production. As the surrounding lots are of a similar size and are in multiple ownerships, there is no reasonable opportunity for consolidation of the land with other lots to improve its viability for agriculture.

ii) Site hazards

Although the site is partially flood prone, it has sufficient flood-free area for the construction of a dwelling and on-site sewage management system. The remainder of the property is in a low hazard flood area, with only a narrow strip of high hazard flood area mapped for the drainage line.

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Statement of Environmental Effects – 152 Canonba Road Nyngan

The majority of the land surrounding Nyngan is flood prone, and land that is raised above the flood level is rare. The opportunity for the use of flood-free land for housing should be supported.

iii) Site context and cumulative effect

The surrounding area is largely comprised of lots having an area similar to the subject land, despite the 600ha minimum lot size applying to all of those lots. There are very few lots within a 2km radius of the site which have an area of 600ha or greater. There are several under-sized lots in close proximity which have dwellings.

Clause 4.2B of the LEP lists the relevant objectives of the development standard as follows:

(a) to minimise the introduction of unplanned rural residential development

The proposed dwelling will be located on a holding with an area of approximately 50ha. The lot size is generally consistent with the lot size for other lots in the immediate area, some of which contain dwellings, and is consistent with the area's character. Most of the other lots in the immediate area are constrained for residential development as they do not have either flood-free areas for building, or flood-free areas for safe egress during times of flood, therefore it is unlikely that approval of the proposed development would set a precedent for the area and result in unplanned rural residential development.

In the case of *Winten v North Sydney Council* 2001 in the Land and Environment Court, Lloyd J framed a number of questions used to assess a variation to a development standard (under SEPP 1) as follows:

i. Is the planning control a development standard?

The minimum lot size for erection of a dwelling is a development standard.

ii. What is the underlying object or purpose of the standard?

The objective of the lot size control is to minimise unplanned rural residential development where services and facilities do not cater for such development, and where such development may result in the sterilisation of viable agricultural land and erosion of the rural character and amenity of an area.

In relation to the proposed development, the dwelling is not out of character with the surrounding area, as there are several dwellings in the area on similar sized lots and the lot is not of a sufficient size to allow viable and economic agricultural pursuits.

The size of the lot makes it suitable for a rural lifestyle lot only. The dwelling would not be incompatible with the surrounding landuses and will not create any significant additional demand on public services or amenities as water will be sourced from the roof runoff and the lot can be adequately serviced by an on-site sewage management system. An off-grid solar system would be used to supply electricity to the dwelling.

iii. Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the EP&A Act 1979?

The objects as specified in Clause 1.3 of the Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed dwelling is not contrary to the objects of the Act, and the erection of a dwelling on the land will facilitate the orderly and economic use of a parcel of land. It is unlikely that there would be any negative impacts on the natural or built environments as a result of the proposed development.

iv. Is compliance with the development standard unreasonable and unnecessary in the circumstances of the case?

Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five-part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standard is well founded:

Test	Discussion
<i>1. the objectives of the standard are achieved notwithstanding non-compliance with the standard;</i>	The proposed development will not result in unplanned rural residential development as most of the surrounding lots are constrained by flooding and are unlikely to be developed for residential purposes.
<i>2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;</i>	The underlying objective of the standard is relevant to the proposed development and the development can comply with the underlying objective.

Test	Discussion
3. <i>the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;</i>	The site is not suitable for economic primary production; therefore, the purpose of the standard would be thwarted if compliance was required. Compliance is therefore unreasonable.
4. <i>the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;</i>	There are very few lots within the immediate vicinity of the site which meet the minimum lot size standard. Compliance with the standard is unreasonable and unnecessary in the circumstances of the proposed development.
5. <i>compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.</i>	There are very few lots within the immediate vicinity of the site which meet the minimum lot size standard. The proposal does not give rise to uneconomic or unreasonable demand for services and amenities as electricity, water and sewage management will be provided on site. The application of the lot size standard for the erection of a dwelling on the lot is considered to be unreasonable and unnecessary in this case.

Part 5 - Miscellaneous Provisions

The relevant provisions of Part 5 are discussed below.

Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones:

The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned. This clause applies to land in the RU1 Primary Production zone.

A consent authority must take into account the matters specified in subclause 4 (below) in determining whether to grant development consent to development on land to which this clause applies for the erection of a dwelling.

(4) The following matters are to be taken into account—

- (a) the existing uses and approved uses of land in the vicinity of the development,*
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

The surrounding lots are used primarily for rural or rural lifestyle pursuits, with extensive grazing or cropping.

The Nyngan airport adjoins the land to the south. Only light planes use the airport and this is only on an infrequent basis, with no commercial flights available to or from Nyngan.

The proposed dwelling will not have an impact on the predominant uses in the vicinity of the development and is compatible with surrounding land uses.

Clause 5.21 Flood Planning: The objectives of this clause are:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The dwelling will be located on a large tract of land that is above the known flood level. The *Bogan River at Nyngan Flood Study* (WRM Water and Environment 2014) notes that the land is largely located within the modelled 1% AEP flood extent, though the majority of the land has a flooding depth of between 0.25cm and 1m and has a low hazard flood category. The part of the land on which it is proposed to construct the dwelling is flood free, and will be raised by a further 40cm. The figure below shows the modelled 1% AEP for the lands surrounding Nyngan.

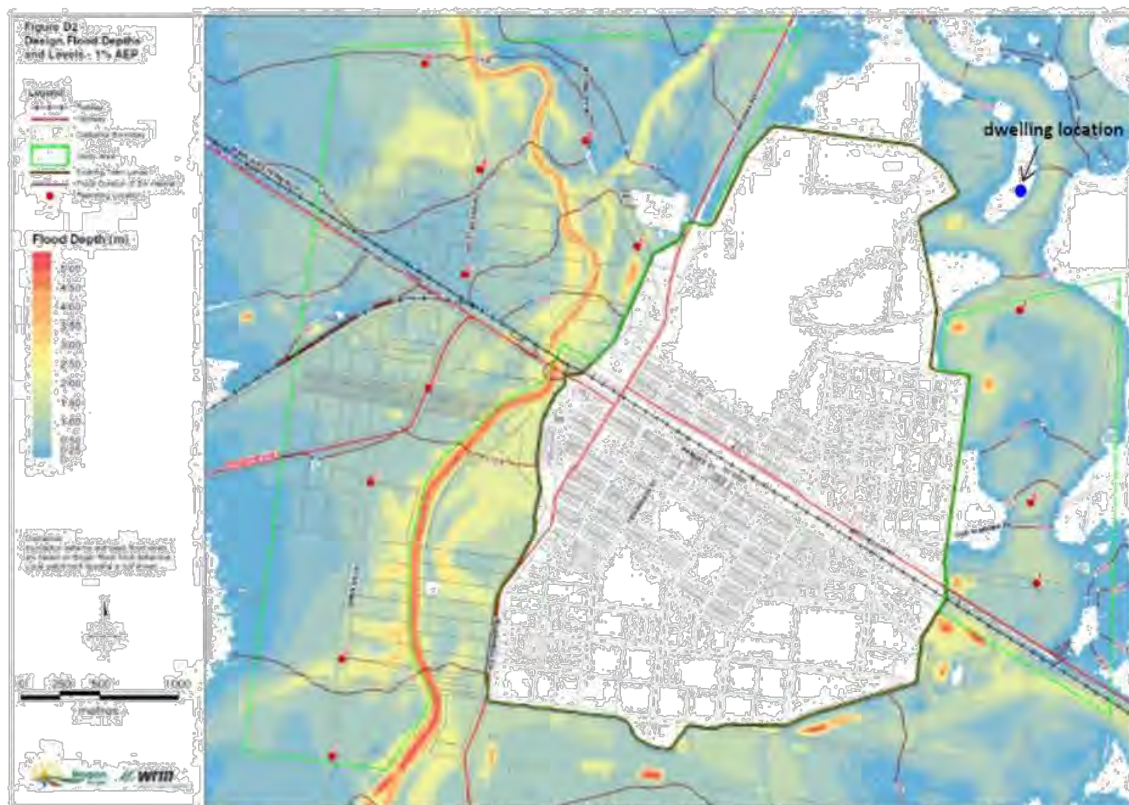


Figure 4: Modelled 1% AEP area

The LEP states that development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) is compatible with the flood function and behaviour on the land, and*

- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

The development is located on land that is above the 1% AEP. The majority of the land is located within a low hazard flood category. The Bogan River Flood Study (WRM 2014) defines low hazard areas as:

- truck could evacuate people and their possessions; and
- able-bodied adults would have little difficulty in wading to safety.

The relatively long warning times of an impending riverine flood to evacuate residents also reduces the risk to personal safety under existing conditions.

As the dwelling will be constructed above the flood prone area of the land it is unlikely to affect flood behaviour on other properties.

As the intensity of development in the area is very low, and flood free land is located close by, within the flood levee, the proposed development is unlikely to affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area, in the event of a flood.

The LEP states that the consent authority must consider the following matters in deciding whether to grant development consent on the land:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*

The proposed dwelling is located above the modelled 1% AEP flood area. It is unlikely that the development will impact flood behaviour.

- (b) the intended design and scale of buildings resulting from the development,*

The proposed development is a single-storey dwelling, with a design and scale compatible with the rural setting in which it is to be located. The design and scale of the building will not impact upon the flood behaviour on the site.

- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

The proposed development is located above the modelled flood level (WRM 2014). The remainder of the land is within a low hazard category flood-prone area (WRM 2014). The study notes that low hazard areas allow for truck evacuation of people and their possessions and allow for safe-wading to flood-free land. The study also notes that flooding from the Bogan River has long warning times. Also relevant to the safe evacuation of residents from the dwelling, flood-free land within the levee and on the opposite side of Pepper Lane is located close to the proposed dwelling.

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding.

The dwelling will be constructed above the modelled level and will be permanent. There will be no opportunity to relocate the building.

Part 7 – Additional Local Provisions

The relevant provisions of Part 7 are discussed below.

Clause 7.4: terrestrial biodiversity: The narrow corridor of vegetation on the eastern side of the land is mapped as being of moderate sensitivity on Council’s Terrestrial Biodiversity Map 0950_COM_BIO_008_160_20111121. As the driveway is existing through this strip of vegetation, no disturbance of the corridor is proposed for the development.



Figure 5: Terrestrial Biodiversity

Clause 7.8 Airspace operations: The objectives of this clause are to provide for the effective and ongoing operation of the Nyngan Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport, and to protect the community from undue risk from that operation.

The proposed dwelling is located approximately 490m north-east of the end of the Nyngan airport runway and will be a maximum of 6.25m high. The dwelling does not penetrate the obstacle limitation surface of the airport.

Clause 7.9 Essential services: The LEP states that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

Water will be supplied via two 20,000L tanks capturing rain water from the roof.

(b) the supply of electricity,

An on-site photovoltaic system will provide the electricity to the dwelling.

(c) the disposal and management of sewage,

An on-site sewage management system will be installed to treat wastewater from the dwelling.

(d) stormwater drainage or on-site conservation,

Two 20,000L water tanks will capture stormwater from the roof.

(e) suitable road access.

Access to the dwelling will be off the public road reserve to the east of the land as shown in the photo below.



Photo 3: Access to the land off the public road reserve (Pepper Lane)

Relevant State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Sustainable Buildings) 2022

The proposed development is affected by BASIX. A BASIX certificate has been lodged with the development application.

Proposed Instruments

There are no proposed instruments that are relevant to the proposed development.

Relevant Development Control Plan

Bogan Shire DCP 2012 applies to the proposed development.

The development has been assessed against the relevant objectives and controls of DCP 2012 as follows:

Residential Standards	
Part 1.1 Building Setbacks	Compliance
a) Setbacks must be compatible with the existing and/or future desired streetscape. b) Side or rear building setbacks are to demonstrate no unreasonable adverse impact on the privacy or solar access of adjoining properties.	Complies. The proposed development is a rural dwelling with generous setbacks.
Part 1.2 Building Height	Compliance
b) Building height must ensure that adjacent properties are not overlooked or overshadowed.	Complies. The proposed development is a single storey dwelling that will have no impact on neighbouring properties.
Part 1.4 Solar Access	Compliance
a) Development must have reasonable access to sunlight and must not unduly impede solar access of neighbouring dwellings. b) Dwellings are to be positioned to maximise solar access to living areas. d) Living areas and gardens should be orientated to the north to maximise solar access to these areas. e) North-facing pitched roofs should be incorporated where possible to provide opportunity for solar energy collectors. f) Solar access should be controlled within buildings to allow warm winter sun to penetrate rooms while excluding hot summer sun by: o Using horizontal projecting screens such as balconies, awnings, veranda roofs, pergolas and wide eaves; and o Use of ceiling insulation.	Complies. The development has good solar access and can facilitate roof-top solar panels. A large balcony and verandah, and ceiling insulation, is used in the design to exclude the hot summer sun.
Part 1.13 Access	Compliance
a) All weather vehicle access is required to ensure that emergency services (fire, ambulance, and police) are able to access the dwelling at all times.	Complies. A gravel driveway is proposed off a public road reserve to provide access to the dwelling. The driveway is already constructed along the northern site boundary. The road reserve and internal driveway are flat. It is proposed to undertake a

	minor amount of earthworks to extend the driveway to the dwelling. The driveway will provide all weather access and will be a minimum of 4m wide.
Part 1.16 Design Principles	Compliance
<p>d) Must be sympathetic with existing adjoining and surrounding developments in relation to bulk and height.</p> <p>e) Well-proportioned building form that contributes to the streetscape and amenity.</p> <p>f) Density appropriate to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p> <p>g) Design must demonstrate efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>h) Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p> <p>i) Optimise amenity (e.g. appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility).</p> <p>k) Design must demonstrate response to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p>	Complies. The dwelling has been designed to be of a high aesthetic quality and to be compatible with its rural setting. It has a relatively small footprint in comparison to the land size and utilises that part of the land which is flood-free. It will have no impact on neighbouring properties and will not place any burden on infrastructure. The environmental impacts of the proposed development will be minimal.
Standards for Flood Affected Land	
Part 1.33 General Development Requirements	Compliance
<p>a) Development should be consistent with the principles and standards of the Flood Plain Management Manual (NSW Government).</p> <p>b) Development must ensure safety to life and property.</p> <p>c) Development on flood affected land must be structurally capable of withstanding the effects of flowing floodwaters including debris and buoyancy forces.</p> <p>d) Development must not increase the risk or implications of flooding to existing areas.</p> <p>e) Development on flood affected land must incorporate the Flood Proofing Guidelines in Appendix B.</p>	The development is located above the 1% AEP. The development is unlikely to pose a risk to life or property as a result of flooding and will not change flood behaviour or increase the risk of flooding on other land.
Part 1.34 Access	Compliance
<p>a) If flood free access is not possible, the development must be able to achieve safe wading criteria as specified in Figure L1 of the FPM.</p>	Although flood-free access and egress is not available, there is a large flood-free area available on the land for dwelling construction and storage of property, and the majority of the land is

	mapped as being within a low hazard flood area with a depth of between 0.25m and 1.0m to allow safe wading.
Appendix B Flood Proofing Guidelines	Compliance
This part of the DCP incorporates a Flood proofing code.	The dwelling will be constructed above the 1% AEP. If approved, Conditions will be placed on the Notice of Determination in relation to the flood-proofing requirements of the building.

Likely Impacts of the Development

Context and Setting

The proposed dwelling is a single-storey dwelling on a large rural site. It is of high amenity and is compatible with the rural setting of the area.

Access and Transport

The proposed development will utilise an existing access track through a narrow vegetated corridor on the eastern side of the land. A small amount of earthworks would be required to construct the remainder of the driveway to the dwelling.

The driveway will be a minimum of 4m wide and will be constructed of gravel to allow all-weather access for service vehicles.

Parking will be provided within the double garage on site.

Services

Water will be supplied via two 20,000L rainwater tanks capturing rain water from the roof. An onsite sewage management system will treat wastewater. Reticulated electricity is available to the land.

Flooding

The proposed dwelling is located above the modelled flood level (WRM 2014). The remainder of the land is within a low hazard category flood-prone area (WRM 2014). The study notes that low hazard areas allow for truck evacuation of people and their possessions and allow for safe-wading to flood-free land. The study also notes that flooding from the Bogan River has long warning times. Also relevant to the safe evacuation of residents from the dwelling, flood-free land within the levee and on the opposite side of Pepper Lane is located close to the proposed dwelling.

Bushfire

The land is mapped as bushfire prone (category 3). A Bushfire Assessment has been lodged with the development application in accordance with *Planning for Bushfire Protection (PBP) 2019*. It is recommended that the dwelling be constructed to BAL 29 as a performance solution in the absence of an opportunity to provide a second property access to meet the performance criteria in PBP 2019.

Soils

Erosion and sedimentation control would be in place during construction. It is not expected that the proposed development would have a negative impacts on soils.

Social and Economic Impact

The proposed development is likely to have a positive socio-economic impact as it utilises an under-sized rural lot to provide housing on the fringes of an urban area.

During construction the development will provide an employment boost for the area.

Notably, the land has a flood-free area for building, which is in short supply outside of the levee close to town.

The Suitability of the Site for the Development

Although the site is constrained by natural hazards, these can be mitigated or managed through appropriate location and construction of the dwelling.

The development would not impact on surrounding landuses and would not place an additional burden on services.

The Public Interest

Although the development is located on a lot that is below the minimum lot size, it can comply with all of the DCP controls and is justifiable on environmental planning grounds.

Approval of the development is in the public interest.



NSW RURAL FIRE SERVICE

Bogan Shire Council
 PO Box 221
 NYNGAN NSW 2825

Your reference: (CNR-64033) 10/2023023
 Our reference: DA20231221005803-Original-1

ATTENTION: Jackson Williams-Hedges

Date: Thursday 4 January 2024

Dear Sir/Madam,

Development Application
 s4.14 – Infill – Single Dwelling - New Dwelling
 152 CANONBA ROAD NYNGAN 2825, 39//DP753420

I refer to your correspondence dated 21/12/2023 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

Asset Protection Zones

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

1. From the commencement of building works, and in perpetuity, the property around the dwelling for a distance of 40 metres shall be managed as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:
 - a) tree canopy cover should be less than 15% at maturity;
 - b) trees at maturity should not touch or overhang the building;
 - c) lower limbs should be removed up to a height of 2m above the ground;
 - d) tree canopies should be separated by 2 to 5m;
 - e) preference should be given to smooth-barked and evergreen trees;
 - f) create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
 - g) shrubs should not be located under trees;
 - h) shrubs should not form more than 10% ground cover;
 - i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - j) grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
 - k) leaves and vegetation debris should be removed.

Postal address

NSW Rural Fire Service
 Locked Bag 17
 GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
 4 Murray Rose Ave
 SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
 F (02) 8741 5550
www.rfs.nsw.gov.au

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. New construction shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 'Construction of buildings in bushfire-prone areas' or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction shall also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

Access – Property Access

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. Property access roads shall comply with the following requirements of Table 7.4a of 'Planning for Bush Fire Protection 2019':

- a) property access roads are two-wheel drive, all-weather roads;
- b) the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways clearly, indicate load rating.
- c) there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- d) minimum 4m carriageway width;
- e) a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- f) property access must provide a suitable turning area in accordance with Appendix 3;
- g) curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- h) the minimum distance between inner and outer curves is 6m;
- i) the cross fall is not more than 10 degrees; and
- j) maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed.

Water and Utility Services

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. The provision of water shall comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a) a 20,000 litre static water supply shall be provided on-site at the dwelling,
- b) an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure (approximately 5-20 metres),
- c) 65mm Storz connection with a ball valve is fitted to the outlet,
- d) the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- e) underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- f) a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- g) above-ground tanks are manufactured from concrete or metal,
- h) raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
- i) unobstructed access can be provided at all times,
- j) underground tanks are clearly marked,
- k) tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- l) all exposed water pipes external to the building are metal, including any fittings,
- m) a Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:

- i. Markers must be fixed in a suitable location to be highly visible, and
- ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

5. The provision of electricity shall comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a) where practicable, electrical transmission lines are underground,
- b) where overhead electrical transmission lines are proposed they shall comply with the requirements/guidelines of the local electricity authority.

6. The provision of gas shall comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a) reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used,
- b) all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
- c) connections to and from gas cylinders are metal,
- d) polymer-sheathed flexible gas supply lines are not used, and
- e) above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

7. Landscaping within the required asset protection zone shall comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- a) a minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- b) planting is limited in the immediate vicinity of the building;
- c) planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- d) landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- e) avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- f) use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- g) avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- h) avoid climbing species to walls and pergolas;
- i) locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- j) locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- k) low flammability vegetation species are used.

General Advice – Consent Authority to Note

The recommendations are based on the plans prepared by Graeme Bourke, titled 'Proposed Residence', Project No: 1023002, dated 9 November, 2023 and the 'Bushfire Assessment' prepared by Blue Sky Planning & Environment dated November, 2023.

Council is advised that where an amendment to the above noted documents is proposed, Council may use its discretion to determine whether the amendment warrants re-referral to the NSW RFS.

For any queries regarding this correspondence, please contact Neil Pengilly on 1300 NSW RFS.

Yours sincerely,

Alan Bawden

Manager Planning & Environment Services
Built & Natural Environment



Department of Primary Industries - Agriculture
Department of Regional NSW



OUT24/1090

Bogan Shire Council
C/-Planning Portal

Attention: Jackson Williams-Hedges, jackson.williams-hedges@bogan.nsw.gov.au

CNR 64033 Dwelling (Bogan Shire Council), 152 Canonba Road Nyngan, DA 10/2023023

Dear Sir

Thank you for your correspondence of 21 December 2023, and the opportunity to provide comment on development application DA 10/2023023 concerning a dwelling on an undersized portion being Lot 39 DP753420 in the RU1 Primary Production zone north of Nyngan.

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

NSW DPI Agriculture has reviewed the Statement of Environmental Effects (SEE) provided with the application. We are of the view that the proposal is not justified in the circumstances, not only from the perspective of agriculture but also on grounds of inconsistency with the Bogan LEP 2011 urban release area map, flood hazard risk and potential land use conflict with the Nyngan Airport and surrounding agricultural holdings. The proposal does not provide compelling or unique circumstances upon which support could reasonably be provided.

Our concerns with the proposal as provided in the SEE are set out below:

- There is no assessment against the Bogan LEP 2011 RU1 Primary Production zone objectives, which specify encouragement of sustainable primary production through maintaining and enhancing the natural resource base, promoting diversity in primary industries in the area, minimising the fragmentation and alienation of resource lands and minimisation of conflict between land uses in the RU1 and adjoining zones.
- Further to the above the proposal will result in an isolated dwelling on an undersized rural lifestyle lot in a productive agricultural area. Lot 39 DP753420 is almost entirely Land and Soil Capability Class 3 land that is also mapped as draft State Significant Agricultural Land by NSW DPI. While a standalone 50ha portion may not be considered 'viable' from a broadacre agricultural perspective, the SEE provides no assessment of potential intensive agricultural options for the site. Further, the 50ha portion could readily be amalgamated and

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Orange NSW 2800

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used as part of an adjoining agricultural operation, as evidenced around rural airports such as Moree.

- The SEE statement regarding the increased likelihood of an undersized lot being '*more likely to be maintained*' is not supported. Individual management actions do not provide reliable strategic justification for any proposal, particularly where there is risk of setting a legal precedent.
- There is no assessment of land use conflict potential with surrounding land uses, the most pertinent being the Nyngan Airport operated by Council and agricultural holdings.
- The ability to service a proposed dwelling with onsite water and power, manage bushfire risk and biodiversity values do not provide relevant planning justification for the proposal.
- Other matters that we believe should be given significant weight in consideration of this proposal concern the flood risk where the dwelling site is on a small, isolated flood free ridge in a flood inundation area that includes high risk flood hazard to the immediate east. The risks and personal costs to occupants, neighbours and emergency services staff are relevant factors in this matter, particularly where alternative flood free sites exist for urban development. It is noted the SEE observes there are few other lifestyle lots in the locality due to flood risk.
- A further matter for consideration is the operation of the Nyngan Airport, the proposal presenting a potential risk to the current and long-term use of the airport and occupants of any dwelling near Obstacle Limitation Surface and ANEF limitations.
- The consideration of the proposal in any housekeeping planning proposal would allow a more thorough and transparent planning assessment of the merit and desirability of such a proposal, particularly where urban development is being directed to the south of Nyngan's urban area out of flood risk and as noted, the risk of setting a precedent for similar applications.

Should you require clarification on any of the information contained in this response, please contact me on 0487 023 845 or by email at landuse.ag@dpi.nsw.gov.au.

Sincerely



Nita Scott
Central West and Orana Region

29 January 2024

Department of Primary Industries – Agriculture
105 Prince Street | Locked Bag 21
Orange NSW 2800

E: landuse.ag@dpi.nsw.gov.au
dpi.nsw.gov.au

2



30th January 2024

Development Application for Dwelling 152 Canonba Road Nyngan Response to comments from DPI Agriculture

Bogan Shire Council has offered DPI Agriculture the opportunity to comment on the application for a single dwelling at the above address. Notably, DPI Agriculture are not a referral or concurrence authority in this circumstance and their support of the proposal is not required for Council to approve the development application.

DPI Agriculture has provided a response stating that *"the proposal is not justified in the circumstances, not only from the perspective of agriculture but also on grounds of inconsistency with the Bogan LEP 2011 urban release area map, flood hazard risk and potential land use conflict with the Nyngan Airport and surrounding agricultural holdings. The proposal does not provide compelling or unique circumstances upon which support could reasonably be provided"*.

In summary, the reference to the Bogan Shire Urban Release Area (URA) is not of relevance as the purpose of the Standard Instrument LEP mapping for URAs is to require a site specific development control plan and arrangements for designated State infrastructure prior to approval of intensive urban development of land. The development application in question is for a single dwelling only, not for intensive urban development.

The potential for flood hazard risks and landuse conflicts is addressed in the comments below. As per the recommendation in the Statement of Environmental Effects (SEE), when considered on balance, the approval of the proposed development is in the public interest and all risks and site specific constraints can be adequately mitigated.

A response to the specific concerns of DPI Agriculture is provided below:

1. *There is no assessment against the Bogan LEP 2011 RU1 Primary Production zone objectives.*

Response: The SEE lodged with the development application examines the objectives of the Act and the development standard for which an exception has been sought. The consistency of the proposal with the objectives of the RU1 zone are addressed in both the Section 4.15 assessment and the Clause 4.6 assessment, but for the purpose of clarity and to address DPI Agriculture's concerns, an assessment of the proposal against the objectives of the RU1 zone is provided again below:

RU1 zone Objective 1: To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

Comment: Dwellings are permitted with consent in the RU1 zone, and most agricultural holdings include at least one dwelling. The construction of a single dwelling will not discourage sustainable primary production and will not result in a lack of maintenance or enhancement of the natural resource base. The proposal is not inconsistent with this objective.

RU1 zone Objective 2: To encourage diversity in primary industry enterprises and systems appropriate for the area.

Comment: The single dwelling is proposed to be constructed on a vacant, significantly under-sized parcel of land that is currently not being utilised for primary production. The construction of a dwelling on the land is more likely to result in some form of primary production on the land (albeit a lifestyle pursuit due to the small size of the lot) and will not discourage diversity in primary industry enterprises and systems appropriate for Bogan Shire. The proposal is not inconsistent with this objective.

RU1 zone Objective 3: To minimise the fragmentation and alienation of resource lands.

Comment: The construction of a single dwelling will not result in the fragmentation and alienation of resource lands as the lot is already created and no subdivision is being sought. The proposal is not inconsistent with this objective.

RU1 zone Objective 4: To minimise conflict between land uses within this zone and land uses within adjoining zones.

Comment: All adjoining land is zoned RU1. There are no conflicts with other land use zones. Dwellings are permitted with consent in the RU1 zone. It is highly unlikely that the construction of a single dwelling will result in a land use conflict as it is not an intrusive activity and no intensive agriculture is undertaken on adjoining lands that would result in complaints from the occupants of the new dwelling. The proposal is not inconsistent with this objective.

2. *The proposal will result in an isolated dwelling on an undersized rural lifestyle lot in a productive agricultural area. Lot 39 DP753420 is almost entirely Land and Soil Capability Class 3 land that is also mapped as draft State Significant Agricultural Land by NSW DPI. While a standalone 50ha portion may not be considered 'viable' from a broadacre agricultural perspective, the SEE provides no assessment of potential intensive agricultural options for the site. Further, the 50ha portion could readily be amalgamated and used as part of an adjoining agricultural operation, as evidenced around rural airports such as Moree.*

Comment: It is not the role of the SEE to assess all potential uses that may be permitted on the site, including intensive agricultural options for the site. These are many and varied and there is no strategic background to determine which intensive agricultural uses may be suitable for assessment. It is the role of the SEE to determine the potential environmental impacts of the proposed development. Further, there is no strategic justification for consolidating the land with surrounding land. Such a recommendation implies that a broader Rural Strategy and development incentives are in place to encourage this, which is not the case in this circumstance. There is currently no viable opportunity in place for the parcel of land in question to be consolidated with adjoining land.

3. *The SEE statement regarding the increased likelihood of an undersized lot being 'more likely to be maintained' is not supported. Individual management actions do not provide reliable strategic justification for any proposal, particularly where there is risk of setting a legal precedent.*

Comment: The specific purpose of Clause 4.6 of the LEP is to provide *"an appropriate degree of flexibility in applying certain development standards to particular development by examining the individual merits of the proposal"*. DPI's concern about the risk of *"setting a legal precedent"* therefore does not apply in this case, as each development for which an exception to a standard is being sought, must comply with Clause 4.6 of the LEP.

The SEE has demonstrated that the development complies with Clause 4.6 of the LEP. Any other future single dwellings on any other under-sized lot in Bogan Shire must also demonstrate compliance with Clause 4.6 of the LEP. DPI's comment contradicts the purpose of Clause 4.6 (which is in the NSW Government's Standard Instrument LEP as a mandatory inclusion) and the concern is unfounded and contrary to the State Government's own objectives for applying site specific flexibility in assessing developments that contravene a development standard.

4. *There is no assessment of land use conflict potential with surrounding land uses, the most pertinent being the Nyngan Airport operated by Council and agricultural holdings.*

The SEE page 10 assesses the potential land use conflicts that may arise from the proposed dwelling. It states:

"The surrounding lots are used primarily for rural or rural lifestyle pursuits, with extensive grazing or cropping. The Nyngan airport adjoins the land to the south. Only light planes use the airport and this is only on an infrequent basis, with no commercial flights available to or from Nyngan. The proposed dwelling will not have an impact on the predominant uses in the vicinity of the development and is compatible with surrounding land uses".

Further, the SEE page 13 assesses the potential impacts of the proposed dwelling on the airport, against the LEP Clause 7.8 Airspace Operations. The objectives of this clause are to provide for the effective and ongoing operation of the Nyngan Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport, and to protect the community from undue risk from that operation. The proposed dwelling is located approximately 490m north-east of the end of the Nyngan airport runway, is not within the direct flight path, and will be a maximum of 6.25m high. The dwelling does not penetrate the obstacle limitation surface of the airport. It is highly unlikely that there would be any land use conflict between the proposed dwelling and Nyngan Airport given the significant distance between the proposed dwelling and the airport, and the intermittent use of the airport by light aircraft only.

In a circumstance where the airport may expand its operations and include larger aircraft, or more frequent aircraft, the proposed dwelling is located nearly half a kilometre from the end of one runway and is therefore unlikely to experience any adverse noise or amenity impacts from the airport. The concern is unfounded.

5. *The ability to service a proposed dwelling with onsite water and power, manage bushfire risk and biodiversity values do not provide relevant planning justification for the proposal.*

Comment: These are not matters that are relevant to the agricultural use of the land and it is unclear why DPI Agriculture are commenting on these aspects of the proposal. These are local matters that are required to be addressed through the provisions of the LEP. The SEE has assessed these matters against the relevant clauses of the LEP and demonstrated compliance.

The SEE page 14 states that water will be supplied via two 20,000L water tanks capturing rain water from the roof and that electricity will be supplied via an on-site photovoltaic system. The use of renewable energy sources and the re-use of captured rainwater should be encouraged by both Council and the State Government.

The LEP Clause 7.9 only requires that adequate arrangements are in place to provide essential services. The SEE page 13 – 14 has demonstrated that all essential services can be provided and compliance with this Clause has been met.

Further, the NSW RFS has issued it's comments and concurred with the findings of the bushfire assessment that was lodged with the development application. Note also that outside of the urban areas, all land in Bogan Shire is mapped as bushfire prone. Bushfire risk therefore is not a constraint that can be used to prevent approval of a dwelling provided that the objectives and performance criteria of Planning for Bushfire Protection 2019 can be met, as is the case for this proposal.

The potential biodiversity impacts have been assessed on page 13 of the SEE. The dwelling would not be located in an area included on Council's terrestrial biodiversity mapping and no native vegetation clearing is proposed.

The ability of the proposed development to address the above matters provides sufficient environmental planning grounds for approval as they relate to the subject matter and purpose of the *Environmental Planning and Assessment Act 1979* (the Act) including the objects in Section 1.3 of the Act. This provides Council with a wide range of grounds on which they can rely on to approve a Clause 4.6 request, including, in this case, that the variation will allow for the orderly and economic development of land.

6. *Other matters that we believe should be given significant weight in consideration of this proposal concern the flood risk where the dwelling site is on a small, isolated flood free ridge in a flood inundation area that includes high risk flood hazard to the immediate east. The risks and personal costs to occupants, neighbours and emergency services staff are relevant factors in this matter, particularly where alternative flood free sites exist for urban development. It is noted the SEE observes there are few other lifestyle lots in the locality due to flood risk.*

Comment: It is unclear why DPI Agriculture is commenting on local flooding issues, when this is not a matter that is relevant to the agricultural use of the land.

The SEE addresses in detail the LEP Clause 5.21 Flood Planning which assesses the proposed flooding risk to the development, using Council's own 2014 Flood Study. That Flood Study notes that the dwelling will be located on a large tract of land that is above the known flood level. Although the majority of Lot 39 is largely located within the modelled 1% AEP flood extent, the land has a flooding depth of between 0.25cm and 1m and has been assigned a low hazard flood

category. The part of the land on which it is proposed to construct the dwelling is flood free and will be raised by a further 40cm.

The Bogan River Flood Study (WRM 2014) defines low hazard areas as:

- truck could evacuate people and their possessions; and
- able-bodied adults would have little difficulty in wading to safety.

The relatively long warning times of an impending riverine flood to evacuate residents also reduces the risk to personal safety under existing conditions. Further, as the dwelling will be constructed above the flood prone area of the land it is unlikely to affect flood behaviour on other properties. As the intensity of development in the area is very low, and flood free land is located close by, within the flood levee, the proposed development is unlikely to affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area, in the event of a flood.

7. *A further matter for consideration is the operation of the Nyngan Airport, the proposal presenting a potential risk to the current and long-term use of the airport and occupants of any dwelling near Obstacle Limitation Surface and ANEF limitations.*

It is unclear why DPI Agriculture is commenting on the proximity to Nyngan Airport, when this is not a matter that is relevant to the agricultural use of the land.

The proposed dwelling is located nearly half a kilometre (490m) from the end of the runway at Nyngan Airport. This is addressed on page 13 of the SEE. The proposed development does not present a potential risk to the current and long-term use of the airport and occupants of any dwelling near Obstacle Limitation Surface and ANEF limitations.

There is no Noise Exposure Forecast or Obstacle Limitation Surface mapping available for Bogan Shire. Interpolating data from other local government areas, the OLS is likely to be around 50m. The maximum height of the proposed dwelling is 6.25m. There is no risk to intrusion within the OLS.

It is not possible to interpolate ANEF data from other local government areas. As the dwelling is located 490m from the end of the runway, and the airport is only used for light aircraft presently, it would not be cost effective for Council to undertake ANEF mapping for the airport. Given the significant distance of the dwelling to the airport and the types of aircraft using the airport, it is highly unlikely that there would be any noise impacts from the airport now or into the future. Should large commercial aircraft begin frequently using Nyngan Airport, it is recommended that ANEF mapping be undertaken.

8. *The consideration of the proposal in any housekeeping planning proposal would allow a more thorough and transparent planning assessment of the merit and desirability of such a proposal, particularly where urban development is being directed to the south of Nyngan's urban area out of flood risk and as noted, the risk of setting a precedent for similar applications.*

Comment: Clause 4.6 of the Standard Instrument LEP applies to development standards as defined in the Act. Development standards are provisions of an environmental planning instrument (in this case the Bogan Shire LEP 2011) which relate to the carrying out of development and specify requirements or fix standards in respect of any aspect of the development.

In some circumstances, rigidly applying predetermined development standards is not always the best way to achieve good planning outcomes. Clause 4.6 is the mechanism for varying development standards. It is used widely across NSW within all local government areas and provides a degree of flexibility in circumstances where environmental planning objectives can be satisfied despite not meeting the required development standard.

Clause 4.6 variation requests are only required for DAs. To vary a development standard, an applicant must formally lodge a document justifying the variation. In the case of this application the request is included in pages 6 – 10 of the SEE.

Clause 4.6 allows a consent authority to grant consent to a development that contravenes a development standard if the consent authority is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances; and there are sufficient environmental planning grounds to justify the contravention of the development standard.

Housekeeping planning proposals are undertaken for the purpose of correcting identified anomalies and inconsistencies to existing provisions and maps or for updating property descriptions and adding new provisions from the Standard Instrument LEP. Such a planning proposal is not appropriate in this case, and the application of Clause 4.6 is the correct mechanism for considering an exception to a development standard. Clause 4.6 has been fully addressed in the SEE and the SEE demonstrates that the provisions of Clause 4.6 can be met. A planning proposal would only be appropriate where Council is receiving numerous requests to vary development standards and may need to consider the adequacy of its development standards.



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	10/2023023 PAN-394033
Applicant	Carly Waterhouse 74 BOGAN STREET NYNGAN 2825
Description of development	New Single Storey Dwelling
Property	152 CANONBA ROAD NYNGAN 2825 39/-/DP753420
Determination	TBD Consent Authority – Council
Date of determination	TBD
Date from which the consent operates	TBD
Date on which the consent lapses	TBD

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

James Boyce

Acting Director Development and Environmental Services

Person on behalf of the consent authority

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

	<ul style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. <p>3. The sign must be—</p> <ul style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. <p>4. This section does not apply in relation to—</p> <ul style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	<p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>3</p>	<p>Fulfilment of BASIX commitments</p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ul style="list-style-type: none"> 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate. <p>Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>4</p>	<p>Notification of Home Building Act 1989 requirements</p> <ul style="list-style-type: none"> 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ul style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ul style="list-style-type: none"> i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder— <ul style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.

	<p>3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</p> <p>4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p>Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>																											
5	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" data-bbox="331 663 1136 763"> <tr> <th colspan="5">Approved plans</th> </tr> <tr> <th>Plan number</th> <th>Revision number</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> <table border="1" data-bbox="331 860 1136 960"> <tr> <th colspan="4">Approved documents</th> </tr> <tr> <th>Document title</th> <th>Version number</th> <th>Prepared by</th> <th>Date of document</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> <p>In the event of any inconsistency between the approved plans and documents, the approved Plans/Documents prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan						Approved documents				Document title	Version number	Prepared by	Date of document				
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Plan number	Revision number	Plan title	Drawn by	Date of plan																								
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6	<p>NSW Rural Fire Service Conditions</p> <p>Asset Protection Zones Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</p> <p>1. From the commencement of building works, and in perpetuity, the property around the dwelling for a distance of 40 metres shall be managed as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:</p> <ul style="list-style-type: none"> a) tree canopy cover should be less than 15% at maturity; b) trees at maturity should not touch or overhang the building; c) lower limbs should be removed up to a height of 2m above the ground; 																											

- d) tree canopies should be separated by 2 to 5m;
- e) preference should be given to smooth-barked and evergreen trees;
- f) create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
- g) shrubs should not be located under trees;
- h) shrubs should not form more than 10% ground cover;
- i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- j) grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- k) leaves and vegetation debris should be removed.

Standards Intent of Construction measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. New construction shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 'Construction of buildings in bushfire-prone areas' or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction shall also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

Access – Property Access Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. Property access roads shall comply with the following requirements of Table 7.4a of 'Planning for Bush Fire Protection 2019':

- a) property access roads are two-wheel drive, all-weather roads;
- b) the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways clearly, indicate load rating.
- c) there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- d) minimum 4m carriageway width;
- e) a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- f) property access must provide a suitable turning area in accordance with Appendix 3;
- g) curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- h) the minimum distance between inner and outer curves is 6m;
- i) the cross fall is not more than 10 degrees; and
- j) maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads. Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed.

Water and Utility Services Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. The provision of water shall comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a) a 20,000 litre static water supply shall be provided on-site at the dwelling,
- b) an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure (approximately 5-20 metres),
- c) 65mm Storz connection with a ball valve is fitted to the outlet,
- d) the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- e) underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- f) a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- g) above-ground tanks are manufactured from concrete or metal,
- h) raised tanks have their stands constructed from non combustible material or bush fire resisting timber. The - - bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
- i) unobstructed access can be provided at all times,
- j) underground tanks are clearly marked,
- k) tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- l) all exposed water pipes external to the building are metal, including any fittings,
- m) a Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - i. Markers must be fixed in a suitable location to be highly visible, and
 - ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

5. The provision of electricity shall comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a) where practicable, electrical transmission lines are underground,
- b) where overhead electrical transmission lines are proposed they shall comply with the requirements/guidelines of the local electricity authority.

6. The provision of gas shall comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a) reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used,

<p>b) all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side, c) connections to and from gas cylinders are metal, d) polymer sheathed flexible gas supply lines are not used, and - e) above-ground gas service pipes are metal, including and up to any outlets.</p> <p>Landscaping Assessment Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</p> <p>7. Landscaping within the required asset protection zone shall comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:</p> <p>a) a minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building; b) planting is limited in the immediate vicinity of the building; c) planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters); d) landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do no touch or overhang buildings; e) avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies; f) use smooth bark species of trees species which generally do not carry a fire up the bark into the crown; g) avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter); h) avoid climbing species to walls and pergolas; i) locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building; j) locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and k) low flammability vegetation species are used.</p> <p>Condition reason: To ensure the proposed development complies with NSW Planning for Bushfire Guidelines 2019.</p>

Building Work

Before issue of a construction certificate

7	<p>Construction Site Management Plan</p> <p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to Bogan Shire Council. The plan must include the following matters:</p> <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Provisions for public safety; c. Pedestrian and vehicular site access points and construction activity zones; d. Details of construction traffic management including: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; e. Details of bulk earthworks to be carried out; f. The location of site storage areas and sheds; g. The equipment used to carry out works; h. The location of a garbage container with a tight-fitting lid; i. Dust, noise and vibration control measures; j. The location of temporary toilets; k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist’s report approved as part of this consent <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
8	<p>Erosion and sediment control plan</p> <p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Bogan Shire Council:</p> <ul style="list-style-type: none"> 1. Council’s relevant development control plan, 2. the guidelines set out in ‘Managing Urban Stormwater: Soils and Construction’ prepared by Landcom (the Blue Book) (as amended from time to time), and

	<p>3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).</p> <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
9	<p>Long Service Levy</p> <p>Before the issue of a Construction Certificate, the long service levy of \$1250, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to Bogan Shire Council.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
10	<p>Waste Management Plan – an approved document of this consent</p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be provided to Bogan Shire Council.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
11	<p>Waste Management Plan requirements</p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to Bogan Shire Council. The plan must be prepared:</p> <ul style="list-style-type: none"> a. in accordance with <ul style="list-style-type: none"> i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and b. include the following information— <ul style="list-style-type: none"> i. the contact details of the person removing waste; ii. an estimate of the type and quantity of waste; iii. whether waste is expected to be reused, recycled or sent to landfill; iv. the address of the disposal location for waste. <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
12	<p>Home Building Compensation Cover</p>

	<p>Prior to the issue of a Construction Certificate, a copy of the Home Building Compensation (HBC) Cover is to be provided to Council.</p> <p>Condition reason:</p>
13	<p>Details of the photovoltaic system</p> <p>Prior to the issue of a Construction Certificate, details of the photovoltaic system are to be provided to Council satisfaction.</p> <p>Condition reason: To ensure adequate provision of services in accordance with Section 4.15 (1) (b) of the EP&A Act.</p>
14	<p>Section 68 Application - On-Site Sewerage Management</p> <p>Prior to the issue of a Construction Certificate, a Section 68 Application for an On-Site Sewerage Management System is to be lodged via the NSW Planning Portal.</p> <p>Condition reason: To ensure adequate provision of services in accordance with Section 4.15 (1) (b) of the EP&A Act.</p>

Before building work commences

15	<p>Bush fire asset protection zones</p> <p>Before any site work commences, the boundaries of the asset protection zone must be surveyed and marked on the ground by a registered surveyor.</p> <p>Condition reason: To provide a buffer to protect life and property from bush fire attack.</p>
16	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, Bogan Shire Council must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
17	<p>Tree protection measures</p> <p>Before any site work commences, Bogan Shire Council must be satisfied the measures for tree protection detailed in the construction site management plan are in place.</p> <p>Condition reason: To protect and retain trees.</p>

18	Relocation of Services
	The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
	Condition reason:
19	Toilet Facilities
	Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
	Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.
	Condition reason: To ensure adequate toilet facilities are supplied during construction

During building work

20	Clearing for asset protection zones (APZ)
	While site work is being carried out, clearing or modifying vegetation to establish the APZ must be confined within the marked APZ boundary in accordance with the supporting documentation approved under this consent, to the satisfaction of Bogan Shire Council.
	Condition reason: To ensure vegetation clearance or modification during construction is confined within the APZ.
21	Discovery of relics and Aboriginal objects
	While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:
	<ul style="list-style-type: none"> a. the work in the area of the discovery must cease immediately; b. the following must be notified <ul style="list-style-type: none"> i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.
	Site work may recommence at a time confirmed in writing by:

	<p>a. for a relic – the Heritage Council; or b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</p> <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
22	<p>Hours of work</p> <p>Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
23	<p>Implementation of the site management plans</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request. <p>Condition reason: To ensure site management measures are implemented during the carrying out of site work.</p>
24	<p>Noise and Vibration requirements</p> <p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of <5dB above background noise, when measured at a lot boundary of the site.</p> <p>Condition reason: To protect the amenity of the neighbourhood during construction.</p>
25	<p>Procedure for critical stage inspections</p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Condition reason: To require approval to proceed with building work following each critical stage inspection.</p>
26	<p>Tree protection during work</p>

	<p>While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ol style="list-style-type: none"> 1. the construction site management plan <Insert required/approved> under this consent; 2. the relevant requirements of AS 4970 Protection of trees on development sites; 3. any arborist's report approved under this consent. <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p> <p>Condition reason: To protect trees during the carrying out of site work.</p>
27	<p>Waste management</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> 1. all waste management must be undertaken in accordance with the waste management plan; and 2. upon disposal of waste, records of the disposal must be compiled and provided to Bogan Shire Council detailing the following: <ol style="list-style-type: none"> a. The contact details of the person(s) who removed the waste; b. The waste carrier vehicle registration; c. The date and time of waste collection; d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; e. The address of the disposal location(s) where the waste was taken; f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p> <p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.</p>

Before issue of an occupation certificate

29	<p>Road Reserve Upgrade</p> <ol style="list-style-type: none"> 1. The road reserve is to be upgraded at the applicant's expense from the centreline of Pepper Lane to the access gate of the subject property approximately 700m in total. 2. The carriageway referred to above is to be a minimum of 4m wide and formed with a 3%-4% crossfall to assist in shedding water. 3. As the first 400m of the proposed road from the intersection of Pepper Lane is through a low-lying section that regularly floods for extended periods during high flows and flooding of the Bogan River as such the new road formation shall be constructed above the flood level and at least one (1) culvert shall be provided in this location. 4. It is a condition that details of these proposed works are to be provided prior to the issue of the Construction Certificate and that all works are to be undertaken by an approved Council contractor. 5. All the above works are to be inspected and approved by Council's Roads Manager or Roads Co-ordinator, prior to the issue of a Final Occupation Certificate for the dwelling. <p>Condition reason: To ensure adequate provision of services in accordance with Section 4.15 (1) (b) of the EP&A Act.</p>
30	<p>Stormwater</p> <p>Prior to issue of an OC, roof water from the dwelling shall be conducted to the water storage tank/s in accordance with BASIX requirements. Any additional roof water, and overflow from the water storage tank/s, is to be conveyed clear of the buildings without nuisance to adjoining properties, or to the sewage wastewater disposal area.</p> <p>Condition reason: To ensure compliance with the BASIX Requirements and Section 7.9 of the Bogan LEP 2011.</p>

Occupation and ongoing use

31	<p>Management of asset protection zones (APZ)</p> <p>During ongoing use of the site, the APZ must be managed in accordance with Condition 6 of this consent, Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's Standards for Asset Protection Zones.</p> <p>Condition reason: To ensure ongoing protection from bush fires.</p>
32	<p>Maintenance of Landscaping</p> <p>Landscaping shall be maintained in a healthy state, and in perpetuity, by the existing or future owners and occupiers of the development.</p> <p>Condition reason:</p>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
 Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means BOGAN SHIRE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Western Regional Planning Panel.

DRAFT

14.4 RECLASSIFICATION OF LAND - 8 TABRATONG STREET NYNGAN

1. Introduction

The purpose of this report is to seek Council concurrence for the possible reclassification of public land legally described as Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184, 8 Tabratong Street Nyngan (subject site), which was the site of the former Palais Theatre. The current classification is Community Land, and the proposal is to reclassify the subject site to Operational Land.

2. Background

On 28 November 2019 Council resolved as follows:

- 1. Council provide a Letter of Support to the Nyngan Community Homes Association to accompany their application to the Building Better Regions Fund Program Round 4 for funding to construct senior's living units on the former Palais Theatre site in Cobar Street, Nyngan.*
- 2. Should the Nyngan Community Homes application to the Building Better Regions Fund Program Round 4 be successful, Council will donate the land to the Association. (358/2019)*

This resolution was conditional on Nyngan Community Homes being successful with their application under Round 4 of the Building Better Regions Fund. Unfortunately, they were not successful in this instance.

At its meeting held on 23 February 2023 Council received a request from Nyngan Community Homes to transfer ownership of these lots to them as a prerequisite for them to receive funding under the Community Housing Innovation Fund. This request was 'received and noted', pending further investigations.

The site of the former Palais Theatre comprising of three lots, Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 at 8 Tabratong Street Nyngan is currently classified as Community Land under Section 25 of the Local Government Act, 1993 (the Act).

3. Discussion

In 2023 Council requested that the reclassification of land be undertaken as part of the Department of Planning's Minor Amendments Project, unfortunately this was unsuccessful.

Following the unsuccessful minor amendments project application, Council requested a fee quotation be provided indicating the costs for a Planning Consultant to complete a Planning Proposal for the reclassification of the land.

This fee Proposal has now been received with a cost of \$10,527. The Proposal notes that this cost assumes that Council will arrange the public exhibition of the Planning Proposal as well as the required public hearing.

Council should note that this fee proposal does not include Council or Department of Planning fees, nor does it allow for additional consultancy time if required.

4. Attachments

Nil

5. Recommendation

That Council determines whether or not to submit a Planning Proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP 102113, Lot 2 DP 355559 and Lot 3 DP 945184 from Community Land to Operational Land.

14.5 TEMPORARY AND SEASONAL WORKERS ACCOMMODATION

1. Introduction

The purpose of this report is to provide Council with a State and local perspective on developments regarding the planning landscape for projects identified as Temporary and Seasonal Workers Accommodation (TSWA) since Council previously considered this matter at its ordinary meeting on 25 May 2023.

The Council resolution at that meeting (107/2023) was as follows:

1. *That the temporary workers accommodation report be received and noted,*
2. *That a report be prepared for Council's consideration regarding the costs and implications to change the land zoning use contents in RU1 -Primary Production under the Bogan Local Environmental Plan 2011(LEP) from a closed zone to an open zone.*

This report satisfies the intent of that Council resolution.

2. Background

The catalyst for the May 2023 report was the unauthorised development for the purpose of TSWA at a property located on Okeh Road Girilambone, which is a prohibited use in the current RU1 Primary Production zone under the LEP.

Under the current arrangements there is no flexibility for Council to consider a Development Application (DA) for this development and it was on this basis that Council was requested to consider embarking on a process that would change the planning constraints in this zone.

3. Discussion

Recent Events at State Level.

Since the May 2023 report, there have been major proposed changes by the State Government, contained in its proposed package of reforms in a suite of documents as part of the TSWA toolkit, which was exhibited during September 2023 and the submissions made are currently being considered with a view to proposed amendments of the Standard Instrument – Principal Local Environmental Plan.

It is specifically aimed at providing this sort of accommodation in regional areas where the demand is at its greatest.

The NSW Department of Planning and Environment (the Department) is suggesting the following changes:

- *amend the Standard Instrument – Principal Local Environmental Plan to include a standard definition of 'temporary workers' accommodation'*
- *include specific provisions for construction accommodation in certain renewable energy zones.*

The proposed draft definition is shown below:

Temporary workers' accommodation means any habitable buildings and/or moveable dwellings and associated amenities erected or altered for the purpose of providing temporary accommodation for persons employed or contracted to work for the purpose of, but not limited to, the rural, agricultural, mining, extractive industry or electricity-generating works.

Other matters it seeks to address is the flexibility to support Councils in preparing local provisions that suit local conditions, alongside this are draft proposals for rural workers dwellings that include a potential complying development pathway should Councils wish to pursue this approach.

Recent Events at Local Level

The local unauthorised development that sharpened Council's focus on the whole issue of Temporary Workers Accommodation (TWA) involved several planning consultants and in-depth engagement with the proponent, whilst Council officers were understanding of the issues that led to the unauthorised development taking place, the current LEP framework provided no other option but to initiate enforcement action.

A notice of intention to serve an order was issued by Council on 22 December 2022 and was the subject of much discussion between the proponent in attempt to provide a solution for all parties, however it appeared that legal action was Council's only alternative.

Council was advised in September 2023 by the proponent that the TWA development at the Girilambone site had ceased, as the contract work was complete.

Options available to Council

There appear to be two options available to Council:

1. That Council pursue the pathway to change the RU1-Primary Production zone parameters from a closed zone to an open zone outside the work that it being done at state level. This work which would be undertaken by consultants is likely to cost Council between \$60-\$80K and is likely to take between 12-18 months to complete.
2. That Council engage with the Department staff at a local level with a view to supporting the proposed changes to the Standard Instrument which will result in the permissibility of TWSA development in the RU1-Primary Production zone in a similar timeframe to that considered in option 1 above.

4. Attachments

Nil

5. Recommendation

That Council adopt Option 2 and support the proposed changes to the Standard Instrument being pursued at State level by the Department.

14.6 RESOURCE RECOVERY SHOP - NYNGAN WASTE AND RESOURCE FACILITY**1. Introduction**

The purpose of this report is to advise Council of the construction of the Resource Recovery Shop (RRS) at the Nyngan Waste and Resource Facility (NWRF) and to seek direction as regards its operations.

2. Background

Grant Funds were used to assist with upgrades at the Nyngan Waste and Resources Facility. As part of the upgrades, a Resource Recovery Shop was constructed at the Waste Facility with the intent to reduce 'waste' entering landfill. Currently all general household 'waste' is disposed of within the waste cell. Some of this 'waste' is unwanted items that are no longer needed however, are still in usable condition.

3. Discussion

The RRS will operate out of the recently constructed colour bond shed located at the NWRF.

The following are the proposed operating rules for the RRS:

- Staff will identify and collect 'waste' items deemed to be in good operational condition which will then be stored at the RRS.
- The RRS will be unmanned (although staff will be within the vicinity of the NWRF) and it will be operational during the existing NWRF hours, being Thursday, Friday, Saturday and Sunday between 9.00am and 4:30pm.
- The public will have access and be able to take items on a first in, first serve basis.
- A QR code will be displayed which will allow donations to be made to a Council determined charity in exchange for any items taken on a voluntary basis. All waste received at the NWRF (including items intended for the RRS) will incur the usual waste disposal charge and or voucher exchange.

These operating rules are proposed to avoid the additional cost to employ another staff member to operate the RRS which would be an impost on Council's budget. Removing the need to handle cash, price items and negotiate with customers on the value of RRS items means existing staff should be able to manage the additional workload. Retaining the usual waste disposal charge for items again removes the need for negotiation as to whether an item is suitable for the RRS or not with resulting savings in staff time.

Overall, it is considered that the intended outcome and benefit of the RRS will be to reduce waste to landfill – it is not intended to be a revenue generating operation.



4. Attachments

Nil

5. Recommendation

1. That the Resource Recovery Shop – Nyngan Waste and Resource Facility Report be received and noted.
2. That the operating rules as set out in this report be adopted on a trial basis with a further report to Council within six months.
3. That Council determine a local charity to receive donations collected from the RRS.

15 PRECIS OF CORRESPONDENCE

15.1 HERMIDALE GYMKHANA COMMITTEE

Attached is a copy of correspondence, with a request received from The Hermidale Gymkhana Committee.

Attachments

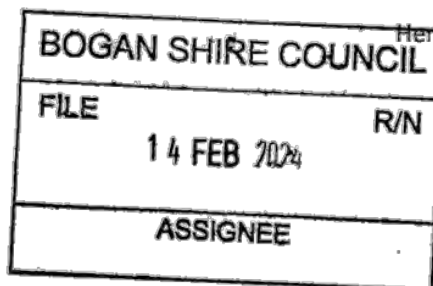
1. Hermidale Gymkhana Committee Request

Recommendation

That the request from The Hermidale Gymkhana Committee be noted and referred to the 2024/25 Estimates Meeting.



Bryan Perry
 Hermidale Gymkhana President
 1690 Nymagee Rd
 Hermidale NSW 2831



14/02/2024
 0420872165

Attn Derek Francis,

I, Bryan Perry, on behalf of the Hermidale Gymkhana Committee would like to propose several small but necessary upgrades to infrastructure at the Hermidale sports ground for compliance and safety reasons.

Traditionally the Bogan Shire Council and the Hermidale Gymkhana association have worked tirelessly together to make every Easter Sunday event a success. It is the one showcase event of the year for the people of Hermidale to show how great our small village is. The Hermidale Gymkhana doesn't only just bring visitors to Hermidale but the Bogan Shire as a whole. I'd like to propose the following upgrades for the Gymkhana on the 31/03/2024 -

- 1- Upgrade of the outer facer of amenities building. This is the first building every visitor sees when arriving to the grounds. Current condition is very poor and it isn't just a bad reflection on the building but also the Bogan Shire if not repaired.
- 2- Horse wash bay and small drain to vegetation area. With Easter being early this year horse welfare is on top of the list with the heat. A designated wash bay will allow all horses to be hosed down in a safe environment and with waste water being diverted it removes the potential slip hazard for children and elderly visitors as the current wash area is on a red dirt pedestrian thoroughfare.
- 3- Cubical doors and toilet upgrades in amenities building. Current condition of toilet doors wont allow the locking mechanism to work properly. This is a potential privacy concern for anyone trying to utilise this facility. Current toilet conditions are showing signs of wear and cracks on the porcelain load bearing section of the bowl. If this gives away whilst someone is sitting on the toilet theres a potential scenario where an injury may occur.

Regards

Bryan Perry

16 MEETING CLOSURE