



BOGAN SHIRE COUNCIL

Minutes

Date: Thursday, 22 February 2024

Time: 7.00pm

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

**Derek Francis
General Manager**



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**MINUTES OF BOGAN SHIRE COUNCIL
ORDINARY COUNCIL MEETING HELD AT THE BOGAN SHIRE COUNCIL,
COUNCIL CHAMBERS, 81 COBAR STREET, NYNGAN
ON THURSDAY, 22 FEBRUARY 2024 AT 7.00PM**

PRESENT: Cr G Neill (Chairperson), Cr V Boag, Cr K Bright, Cr G Deacon, Cr J Douglas, Cr T Elias, Cr G Jackson

IN ATTENDANCE: D Francis (General Manager), S Waterhouse (Director Finance and Corporate Services), G Bourke (Director Engineering Services), M Salter (Executive Officer)

1 OPENING PRAYER

2 REMEMBERANCES

3 APOLOGIES

Resolved 001/24

Moved: Cr Boag

Seconded: Cr Jackson

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

4 DISCLOSURE OF INTERESTS

The following disclosures of interest were declared:

- Cr Neill
5.3 Hoskins Street Subdivision Tender
Reason: Due to position as Director of Neill Earthmoving, which undertakes civil construction contracts.
- Cr Douglas
10.1 Checklist, Item 11 Banking Situation
Reason: Due to position at Commonwealth Bank, Nyngan
- Cr Boag
5.1 Purchase of Industrial Land
Reason: Previously provided advice and support to vendor.
- Director of Finance and Corporate Services – Stephanie Waterhouse
14.3 Proposed Single Storey Dwelling - DA2023/023
Reason: Application from family member.

5 CONFIDENTIAL MATTERS

Resolved 002/24

Moved: Cr Douglas

Seconded: Cr Elias

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

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 22 February 2024:

5.1 PURCHASE OF INDUSTRIAL LAND

RESOLVED 003/24

Moved: Cr Douglas

Seconded: Cr Elias

That Council do not proceed with the proposed purchase of 24 Mitchell Highway, Nyngan.

5.2 BELARINGAR CREEK SYPHON TENDER

Resolved 004/24

Moved: Clr Jackson

Seconded: Clr Deacon

That Council accept the tender of the company that received the highest assessment score and provides the best value for money to Council, Ertech Pty Ltd, with an amount of \$1,530,723.22 (GST Incl.), subject to an acceptable financial check rating.

5.3 HOSKINS STREET SUBDIVISION TENDER

Resolved 005/24

Moved: Clr Jackson

Seconded: Clr Douglas

1. That the General Manager be authorised to lodge a development application for Stage 1 of the Hoskins Street subdivision.
2. That the General Manager be authorised to proceed to final preparation of tender documents, based on the layout contained the Concept Plan, attached to Report 5.3, with a view to inviting tenders for construction on a "subject to DA" basis.
3. That consideration be given in 2024-2025 budget discussions to cover any shortfall in available grant funding, with this to be recovered from land sales.

Resolved 006/24

Moved: Cr Elias

Seconded: Cr Deacon

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

6 CONFIRMATION OF ORDINARY MINUTES

6.1 MINUTES OF ORDINARY MEETING - 14 DECEMBER 2023

Business Arising from Previous Confidential Minutes: Nil

Resolved 007/24

Moved: Cr Jackson

Seconded: Cr Elias

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.

7 NOTICE OF MOTION

Nil

8 MAYORAL MINUTE

8.1 MACQUARIE HOME STAY

Resolved 008/24

Moved: Cr Jackson

Seconded: Cr Douglas

That Council refer the request for the fit-out of a room at The Macquarie Home Stay in Dubbo, to the 2024/25 Budget for consideration.

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 23/11/2023	249/2021 282/23	Increase of train speed through Nyngan	<p>Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates.</p> <p>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.</p>	GM	<p>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.</p> <p>Discussed with Roy Butler 07/06/2023 – followed up 11/08/2023.</p> <p>UPDATE: This matter was drawn to the attention of Minister Atchison on 12/01/2024 during her visit to Nyngan.</p>
2	27/05/2022	122/2022	Nyngan Emergency	Council seeks advice from the Minister for	GM	Letter written to new Minister for Water, advising them of

Item	Date	Minute No	Matter	Action Required	Officer	Status
	23/02/2023	010/2023	Bore	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	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.
	27/04/2023	081/2023		<p>Council vote for a 200mm pipe instead of 375mm pipe, on the basis of water consumption.</p> <p>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.</p> <p>Virginia and Richard Woodlock be requested</p>		<p>Public Works have provided an alternative cost estimate of \$5.092M, based on the 200mm pipeline.</p> <p>On hold pending response.</p> <p>Letter sent to Richard and Virginia Woodlock advising them of Council's resolution.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
	24/08/2023	184/23		<p>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.</p> <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.
3	25/02/2021	012/2021	Nyngan Railway Wool Dump	A colour information sign be erected at the Nyngan Railway Wool Dump on	DES	UPDATE: Sign completed and due to be installed February 2024.

Item	Date	Minute No	Matter	Action Required	Officer	Status
				stand adjacent to the dump. A cement path from the existing walkway to the sign be constructed, with available funding.		
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.
5	28/10/2021	162/2021	Section 355 Committee – Nyngan Museum	General Manager to proceed with discussions to formalise a constitution and associated delegations	GM	Initial meeting held with Museum Committee. Referred to Audit & Risk Committee.

Item	Date	Minute No	Matter	Action Required	Officer	Status
	15/12/2022	281/2022		<p>for Nyngan Museum Committee as a Section 355 Management Committee of Council with a further report to Council.</p> <p>Council progress investigations and discussion to progress to Section 355 or an incorporated body for the functions of managing and operating the Nyngan Museum.</p>		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 presented to Council, as well as other options outside/adjacent to the levy bank.	DES	Public Works to discuss with Crown Lands use of site adjacent to electricity sub-station at the end of Dandaloo Street.

Item	Date	Minute No	Matter	Action Required	Officer	Status
	23/03/2023	011/2023		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.		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. UPDATE: Site investigation in progress
7	28/07/2022	171/2022	Hoskins Street Subdivision	Council approves the draft subdivision layout, with following amendments Inclusion of a laneway between lots 18-23 and lots 28-33. Accordingly reduce the number of affected blocks to retain an average size of around 1000m ² . Strong representation is made to the Minister for Western New South	DES	Meetings between Alliance of Western Council and NSW Government held on 17/08/2022 and 19/08/2022 to discuss. Alliance of Western Councils working with Urban Taskforce and making representation to Premier and Minister for

Item	Date	Minute No	Matter	Action Required	Officer	Status
	23/11/2023	279/23		<p>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>Environment.</p> <p>UPDATE: Report to Council refers.</p> <p>UPDATE: Report to Council refers.</p>
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	DDES	Following discussion with the Department of Planning and Environment (DPE), it has been identified that the additional R5 land creation could not be

Item	Date	Minute No	Matter	Action Required	Officer	Status
				consultation, with a further report to Council.		<p>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>
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	DDES	UPDATE: Report to Council refers.

Item	Date	Minute No	Matter	Action Required	Officer	Status
				945184 from Community Land to Operational Land.		
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. COMPLETED
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.
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.

Item	Date	Minute No	Matter	Action Required	Officer	Status
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: Contract 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 Department of Education, and if necessary the Minister.	GM	Verbal update given at Council Meeting 23/11/2023. Issue of lack of Before and After School Care in Nyngan be referred to Local Member.
16	23/11/2023	278/23	Nyngan Year-Round Fishery	That Council provide in principle support for the development of a Memorandum of	DES	UPDATE: In Progress

Item	Date	Minute No	Matter	Action Required	Officer	Status
				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.		

10.1 GENERAL MANAGERS CHECKLIST

Resolved 009/24

Moved: Cr Douglas

Seconded: Cr Boag

That the issue of lack of Before and After School Care in Nyngan be referred to Local Member for Barwon, Roy Butler.

Resolved 010/24

Moved: Cr Bright

Seconded: Cr Deacon

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****Resolved 011/24**

Moved: Cr Elias

Seconded: Cr Jackson

That the Bogan Bush Mobile report be received and noted.

11.2 LIBRARY REPORT**Resolved 012/24**

Moved: Cr Jackson

Seconded: Cr Bright

That the Library report be received and noted.

11.3 BOGAN SHIRE YOUTH AND COMMUNITY CENTRE**Resolved 013/24**

Moved: Cr Boag

Seconded: Cr Bright

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

11.4 AUSTRALIA DAY 2024**Resolved 014/24**

Moved: Cr Douglas

Seconded: Cr Deacon

That:

1. The Australia Day 2024 report be received and noted.
2. Councillors provided the following feedback about the event on behalf of the community for planning of future events:
 - Good representation of the community at the event, good to see younger members of our community in attendance, especially in the hot weather conditions.
 - Australia Day Event and Ambassador Dinner were well organised.
 - Great Ambassador
 - More marquees for future events to ensure ample shade for attendees.
 - Words of both verses of the national anthem to be provided at future events, and with a person singing the National Anthem at the event, in a lower pitch.
 - Breakfast in the park was a success.

- Great venue in Davidson Park.
 - Recommended that if award nominees are unable to attend on the day, that they have a representative to receive awards.
3. Council refers to the 24/25 Budget, 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****Resolved 015/24**

Moved: Cr Jackson

Seconded: Cr Elias

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

12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION**Resolved 016/24**

Moved: Cr Jackson

Seconded: Cr Bright

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

At the Meeting, the Director of Finance gave the following updates:

Rate Collections	2023-2024	2022-2023
Arrears Prior to 30/06/2023	402,841	585,585
First Instalment arrears as at 31/01/2024	12,058	40,666
Second Instalment arrears as at 31/01/2024	222,994	97,899
Third Instalment outstanding as at 31/01/2024	745,572	928,117
Fourth Instalment outstanding as at 31/01/2024	1,035,802	1,027,244
Total Arrears	655,893	724,150
Total Outstanding	2,420,902	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	-3,834,290	-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 %	10%	12%

12.3 SECOND QUARTER BUDGET REVIEW 2023/2024**Resolved 017/24**

Moved: Cr Boag

Seconded: Cr Jackson

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.

12.4 LEASE OF 197 PANGEE ST, NYNGAN**Resolved 018/24**

Moved: Cr Douglas

Seconded: Cr Boag

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**Resolved 019/24**

Moved: Cr Elias

Seconded: Cr Douglas

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**Resolved 020/24**

Moved: Cr Douglas

Seconded: Cr Deacon

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

13 ENGINEERING SERVICES REPORTS

13.1 DEPARTMENTAL ACTIVITY REPORT

Resolved 021/24

Moved: Cr Jackson

Seconded: Cr Boag

That the Engineering Departmental Report be received and noted.

13.2 MURAL WALL / FENCE

Resolved 022/24

Moved: Cr Bright

Seconded: Cr Deacon

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

Resolved 023/24

Moved: Cr Douglas

Seconded: Cr Elias

That Council writes a letter of thanks to Anna Corby, Donna Pumpa, Lynne Quinton for their contributions of images for the mural/wall fence.

13.3 MITCHELL HIGHWAY SCHOOL BUS STOP

Resolved 024/24

Moved: Cr Boag

Seconded: Cr Deacon

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****Resolved 025/24**

Moved: Cr Jackson

Seconded: Cr Boag

That the Development Applications Report be received and noted.

14.2 WASTE AND RESOURCE MANAGEMENT REPORT**Resolved 026/24**

Moved: Cr Boag

Seconded: Cr Deacon

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

14.3 PROPOSED SINGLE STOREY DWELLING - DA2023/023

Stephanie Waterhouse, Director of Finance and Corporate Services left the room.

Consultant to Bogan Shire Council, James Boyce, joined the meeting via an online meeting.

Resolved 027/24

Moved: Cr Jackson

Seconded: Cr Douglas

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 to report 14.3.
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.

Consultant to Bogan Shire Council, James Boyce, left the meeting

Stephanie Waterhouse, Director of Finance and Corporate Services returned to the room.

14.4 RECLASSIFICATION OF LAND - 8 TABRATONG STREET NYNGAN**Resolved 028/24**

Moved: Cr Douglas

Seconded: Cr Deacon

That:

1. Council submits 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.
2. The funding will come from Surplus Budget Funds.

14.5 TEMPORARY AND SEASONAL WORKERS ACCOMMODATION**Resolved 029/24**

Moved: Cr Jackson

Seconded: Cr Elias

That Council 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**Resolved 030/24**

Moved: Cr Bright

Seconded: Cr Elias

That:

1. The Resource Recovery Shop – Nyngan Waste and Resource Facility Report be received and noted.
2. 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

Resolved 031/24

Moved: Cr Jackson

Seconded: Cr Douglas

1. That the correspondence from The Hermidale Gymkhana Committee be received and noted
2. That item 1 “ *Upgrade of the outer facer of amenities building*”, be noted and referred to the 2024/25 Estimates Meeting.

16 MEETING CLOSURE

There being no further business, the meeting closed at 9.05pm

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

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GENERAL MANAGER

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MAYOR