



# **BOGAN SHIRE COUNCIL**

## **Business Paper**

**23 April 2020**





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

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**16 April 2020**

## **COUNCIL MEETING NOTICE**

The next Ordinary Meeting of Council will be held via audio-visual link, on Thursday 23 April 2020 at 9.30am.

### **AGENDA**

1. Opening Prayer
2. Remembrances
3. Apologies
4. Declarations of Interest
5. Confirmation of the Closed and Confidential Minutes of the Council Meeting held on 26 March 2020
6. Development & Environmental Services' Closed and Confidential Report
  1. NetwasteTender for Collection and Recycling of Waste TyresThe General Manager is of the opinion that consideration of these items is likely to take place when the meeting is closed to the public for the following reason: because it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
7. Confirmation of the Ordinary Minutes of the Council Meeting held on 26 March 2020
8. Committee Meeting Minutes
9. General Manager's Report incorporating reports from:-
  - People and Community Services
  - Finance and Corporate Services
  - Engineering Services
  - Development and Environmental Services
10. Correspondence

Your attendance at this meeting would be appreciated.

Yours sincerely

*Cathy Ellison*

**Executive Assistant**







**Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020**

**COMMITTEE MEETING MINUTES**

**1 ORANA JOINT ORGANISATION BOARD ORDINARY MEETING**

Attached are the Minutes of the Orana Joint Organisation Board Meeting held Via Teleconference on 27 March 2020.

**1.1 Recommendation**

That the Minutes of the Orana Joint Organisation Board Meeting held Via Teleconference on 27 March 2020 be received and noted.

**2 ORANA JOINT ORGANISATION BOARD EXTRAORDINARY MEETING**

Attached are the Minutes of the Orana Joint Organisation Board Extraordinary Meeting held Via Teleconference on 7 April 2020.

**2.1 Recommendation**

That the Minutes of the Orana Joint Organisation Board Meeting held Via Teleconference on 7 April 2020 be received and noted.

**Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020**

## minutes

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**MEETING OF:** Orana Joint Organisation Board  
**DATE:** 27 March 2020  
**TIME:** Midday  
**VENUE:** Via Teleconference

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**ATTENDEES:**

Cr C Davies <b>(Chair)</b>	Narromine Shire Council
Cr M Quigley	Warren Shire Council
Cr D Batten	Gilgandra Shire Council
Cr D Todd	Warrumbungle Shire Council
Cr R Donald	Bogan Shire Council
Cr D Kennedy	Mid-Western Regional Council
David Neeves	General Manager, Gilgandra Shire Council
Roger Bailey	General Manager, Warrumbungle Shire Council
Glenn Wilcox	General Manager, Warren Shire Council
Derek Francis	General Manager, Bogan Shire Council
Jane Redden	General Manager, Narromine Shire Council
Brad Cam	General Manager, Mid-Western Regional Council
Ashley Albury	NSW Premier and Cabinet, Director Western NSW
Alayna Gleeson	Project Officer - Orana Water Utilities Alliance
Belinda Barlow	Interim Executive Officer Orana Joint Organisation
Carolyne Marchant	(Minute Taker)

**Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council  
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**1. WELCOME:**

The Chair declared the meeting open at 12.00 pm.

**2. APOLOGIES:**

Nil

**3. DECLARATIONS OF INTEREST**

Nil

**4. ADOPTION OF MINUTES OF PREVIOUS MEETING 9 DECEMBER 2019**

**2020/001 RESOLVED** Crs Todd/Donald that the Minutes of the Meeting held 9 December 2019 be adopted as a true and correct record of the meeting.

CARRIED

**5. MATTERS ARISING FROM MINUTES**

**a. DROUGHT**

**2020/002 RESOLVED** Crs Donald/Todd that the Orana JO write to NSW Drought Response Coordinator Ken Harrison requesting for drought assistance be targeted to grants rather than loans.

CARRIED

**2020/003 RESOLVED** Crs Donald/Quigley that the information is noted.

CARRIED

**6. CHAIRPERSON'S MINUTE**

**7.1 FINANCE REPORT BUDGET REVIEW – 29 February 2020**

**2020/004 RESOLVED** Crs Batten/Kennedy that:

1. That the document entitled 'Budget Review – 29 February 2020', as attached to the report, be noted;
2. That subject to any further commitment by the State Government towards recurrent funding of the day to day operations of the Orana JO, the Board wind down functions effective 30 June 2020 noting:
  - i) The Orana JO writes to the NSW Minister for Local Government specifying the name of each member council to be removed from the Orana JO boundary (LG Act 400ZC amendment and dissolution of Joint Organisations), in addition highlighting the Orana JO Board's concern of operating in deficit past June 2020;
  - ii) The uncertainty of the financial and resource impost of increased governance activities including Risk Management and Internal Audit and Integrated Planning and Reporting; and

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### 6. CHAIRPERSON'S MINUTE (cont'd)

#### 7.1 FINANCE REPORT BUDGET REVIEW – 29 February 2020 (cont'd)

- iii) The 2020 NSW Audit Office's Engagement Plan highlights a key issue that may impact this year's audit – Going concern risk, uncertainty may exist over the sustainability and/or going concern principle of the Joint Organisation.
3. That next JO Board meeting be held on 24 April 2020 at which the Executive Officer and Office of Local Government will report on any outstanding governance items with the view to finalising the Orana JO's commitments by 30 June 2020.

CARRIED

### 7 EXECUTIVE OFFICER – REPORTS PART A (ACTION)

Glen Wilcox joined the meeting at 12.28pm.

#### 7.2 NSW AUDIT OFFICE ANNUAL ENGAGEMENT PLAN 2020

**2020/005 RESOLVED** Crs Batten/Quigley that the information be noted.

CARRIED

Ashley Albury joined the meeting at 12.29pm.

#### 7.3 NSW JOINT ORGANISATIONS CHAIRS' FORUM ADVISORY COMMITTEE - ONGOING FINANCIAL SUSTAINABILITY OF JOINT ORGANISATIONS and TERMS OF REFERENCE

**2020/006 RESOLVED** Crs Batten/Kennedy that:

1. That the Orana Joint Organisation Board acknowledge the Terms of Reference and the definition of sustainability of NSW Joint Organisation Steering Committee:  
'A Joint Organisation will be financially sustainable over the long term when it is able to generate sufficient funds and deliver on the Strategic Regional Priorities agreed with its members and stakeholders'.
2. That the Orana Joint Organisation acknowledge the NSW Joint Organisation Advisory Committee report in respect to ongoing sustainability.

CARRIED

#### 7.4 JOINT ORGANISATION CAPACITY BUILDING FUND

**2020/007 RESOLVED** Crs Batten/Kennedy that:

1. That the Orana JO Board direct the Executive Officer to enter into the Funding Agreement; and
2. The Orana JO Board seek a variation to the Capacity Building funding agreement after June 2020, and give approval for a member Council to accept the funding in the case of the Orana JO winding down its functions effective 30 June 2020.

CARRIED

## minutes

### 7 EXECUTIVE OFFICER – REPORTS PART A (ACTION) (Cont'd)

#### 7.5 ORANA JO ALTERNATE FREIGHT NETWORK DRAFT V1.1

**2020/008 RESOLVED** Crs Batten/Quigley that:

1. That the document 'Alternate Freight Network Draft V 1.1' as attached to the report, be noted;
2. That additional information be collated and published in the 'Alternate Freight Network';
3. That the Orana JO Board prioritise the roads using the suggested methodology of
  1. Time savings - travel time avoiding pinch points;
  2. Connectivity to highways;
  3. Primary Production freight – local delivery (mines, silos, grain rail sidings, saleyards, cotton gins, abattoirs).

CARRIED

### 8 EXECUTIVE OFFICER – REPORTS PART B (INFORMATION)

#### a. ORANA WATER UTILITIES ALLIANCE (OWUA) REPORT

**2020/009 RESOLVED** Crs Donald/Quigley that the information be noted.

CARRIED

#### 8.2 SIX MONTHLY PROGRESS AND EXPENDITURE REPORT TO OLG JOINT ORGANISATION ESTABLISHMENT FUNDS 2018-2020

**2020/010 RESOLVED** Crs Batten/Todd:

1. That the progress and expenditure report for the period 1 July 2019 to 31 December 2019 Orana JO Establishment Funding be accepted and forwarded to the Office of Local Government.

CARRIED

#### 8.3 DELIVERY PROGRAM PROGRESS REPORT DECEMBER 2019 TO MARCH 2020

**2020/011 RESOLVED** Crs Todd/Batten:

1. That the Delivery Program Progress Report from December 2019 to March 2020 be noted.

CARRIED

#### 8.4 CENTRAL WEST ORANA REGIONAL PLAN 2036 DELIVERY COORINDATION AND MONITORING COMMITTEE ORANA JO REPRESENTATION and REPORT FROM MEETING

**2020/012 RESOLVED** Crs Quigley/Donald:

1. That the Orana Joint Organisation Board acknowledge Mr Glenn Wilcox, General Manager, Warren Shire Council as the Orana Joint Organisation's General Manager representative to the Delivery, Coordination and Monitoring Committee – Central West Orana Regional Plan.
2. That the information supplied is noted by the Board.

CARRIED

Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council  
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### 8. EXECUTIVE OFFICER – REPORTS PART B (INFORMATION) (Cont'd)

#### 8.5 CENTRAL WEST ORANA REGIONAL PLAN, FREIGHT NETWORK MAPS

**2020/013 RESOLVED** Crs Batten/Todd that NSW DPIE's Regional Freight Network Map be noted.

CARRIED

### 9. EXECUTIVE OFFICER – REPORTS PART C (CONFIDENTIAL)

Nil reports

### 10. NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil reports

### 11. MATTERS OF URGENCY

Each member Council updated the Board on their situation of the Covid-19 response.

**2020/014 RESOLVED** Crs Donald/Quigley that all member Council's take the resolution from item 7.1 (2020/004) to each Council for a recommendation back to the Orana JO Board.

CARRIED

### 12. CORRESPONDENCE

**2020/015 RESOLVED** Crs Donald/Batten that the Orana JO Board note the correspondence report.

CARRIED

### 13. COMMITTEE OF THE WHOLE

**14. NEXT MEETING** – will be held on 24 April 2020 at 12.00 midday via teleconference.

There being no further business the meeting closed 1.15 pm.

The Minutes (pages 1 to 5) were confirmed at a meeting held on the day of \_\_\_\_\_ 2020, and are a full and accurate record of proceedings of the meeting held on 27 March 2020.

Chair

# minutes

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**EXTRAORDINARY MEETING OF: Orana Joint Organisation**

**DATE: 7 April 2020**

**TIME: 2.30pm**

**VENUE: Via Teleconference**

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**ATTENDEES:**

Cr C Davies (Chair)	Narromine Shire Council
Cr M Quigley	Warren Shire Council
Cr D Batten	Gilgandra Shire Council
Cr D Todd	Warrumbungle Shire Council
Cr R Donald	Bogan Shire Council
Cr D Kennedy	Mid-Western Regional Council
David Neeves	General Manager, Gilgandra Shire Council
Roger Bailey	General Manager, Warrumbungle Shire Council
Glenn Wilcox	General Manager, Warren Shire Council
Derek Francis	General Manager, Bogan Shire Council
Jane Redden	General Manager, Narromine Shire Council
Brad Cam	General Manager, Mid-Western Regional Council
Peter Evans	Council Engagement Manager, Office of Local Government
Ashley Albury	Director Western, Department of Regional NSW
Belinda Barlow	Executive Officer Orana Joint Organisation
Marion Truscott	Executive Manager Corporate Governance Narromine Shire Council
Carolyne Marchant	Governance Officer Narromine Shire Council (Minute Taker)

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## 1. WELCOME:

The Chair declared the meeting open at 2.31pm.

## 2. APOLOGIES:

Nil

## 3. DECLARATIONS OF INTEREST

Nil

**2020/016 RESOLVED** Crs Batten/Donald that Orana Joint Organisation suspend standing orders, to consider item 4.2 Orana Joint Organisation Funding prior to Item 4.1 Rescission Motion.

CARRIED

## 4. REPORTS

### 4.2. ORANA JOINT ORGANISATION FUNDING

Ashley Albury joined the meeting at 2.32pm via teleconference.

David Neeves joined the meeting at 2.35pm via teleconference.

The Chair spoke to meeting, advising that the Office of Local Government would alter the \$150,000 agreement for the Capacity Building Fund and re-direct it towards sustainability funding.

In addition, the Orana Joint Organisation has been advised by Director Western NSW Department of Regional NSW that the project identified for the Capacity Building Fund, will be funded via an alternate source of State Government funding along with the Orana Joint Organisation now being in a position to have a real opportunity to partner with the State Government for the delivery of two (2) regional scale projects being the Gig State and the Narromine to Nyngan pipeline, thereby providing further ongoing funding streams for the Joint Organisation.

**2020/017 RESOLVED** Crs Batten/Donald that Orana Joint Organisation resume standing orders.

CARRIED

## 4. REPORTS

### 4.1. RESCISSION MOTION – ORANA JOINT ORGANISATION FUNDING

It was moved Crs Donald/Todd that Item 2 of the Rescission Motion be amended to state that the Orana JO Board direct the Executive Officer to enter into the Capacity Building Funding Agreement after June 2020, and that a variation be sought under the existing terms of the agreement to redirect this to towards sustainability funding, and give approval for a member Council to accept the funding in the case of the Orana JO winding down its functions effective 31 December 2020.

The Rescission motion with the above amendment was put to the vote and LOST.



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Cr Donald gave notice by way of a Notice of Motion that the Rescission Motion be deferred for consideration until 30 December 2020.

Cr Batten requested that the Appointment of the Executive Officer be considered at the Extra Ordinary Board Meeting to be held on 24 April 2020.

5. **NEXT MEETING** – the next meeting of the Orana Joint Organisation will be held on 24 April 2020 at 12.00 midday via teleconference.

There being no further business the meeting closed at 3.45 pm.

The Minutes (pages 1 to 3) were confirmed at a meeting held on the day of \_\_\_\_\_ 2020, and are a full and accurate record of proceedings of the meeting held on 7 April 2020.

Chair

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General Manager’s Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020

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

**Mayor and Councillors**

The following report is submitted for consideration:-

**1 CHECKLIST**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	27/10/2016	423/2016	<b>Seniors Living – Rental Units</b>	Ensure compliance with Stronger Communities grant milestones.	<b>DDES</b>	Steel framing erected.  Estimated completion date of July 2020.
	28/11/2019	376/2019		All applications for tenancy of the Bogan Shire Seniors Living Units shall be assessed by a Tenancy Approvals Committee	<b>DPCS</b>	<b>UPDATE:</b> <b>Expression of Interest advertisements for Committee Members were placed in the Nyngan Observer on 25 March 2020, 1 April 2020 and 8 April 2020.</b>

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020

2	28/09/2017	283/2017	<b>Medical Centre</b>	The General Manager in consultation with PHN proceeds to recruit & engage a second doctor for the BSMC.	<b>GM</b>	Recruitment agencies engaged to source locum / permanent second doctor.  Second Locum secured until 22/5/2020. Renewed recruitment effort underway for permanent doctor with the Rural Doctors Network.
3	21/12/2017	392/2017	<b>Increase of train speed through Nyngan</b>	Strong letter of concern & a request to address Council be sent to the relevant rail authorities & a copy to local member.	<b>GM</b>	Letter sent to Minister for Transport & Infrastructure, with copy to Kevin Humphries.
	21/06/2018	293/2018		Council seek further follow up from the responsible Minister, reiterating Council's safety concerns for pedestrians & road users due to the nature of the crossing & variation of speeds & that the best control measures would be to erect flashing lights at	<b>GM</b>	406 Petitions received.  On-site meeting held with Deputy Premier.  Met with Minister for Regional Transport & Roads in Bourke on 25 November 2019.  Council advised that this crossing is not a priority for

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020

				the Hoskins Street Crossing.		John Holland Rail.
4	25/10/2018	340/2018	<b>Palais Theatre</b>	Council has been approached by interested parties to construct seniors living accommodation at the site.	<b>DDES</b>	Demolition works commenced.  <b>UPDATE:</b> <b>Expected completion date extended to 28 April 2020.</b>
5	28/02/2019	021/2019	<b>Drought Works</b>	<p>The General Manager continues to pursue grant funding opportunities to meet the cost to improve water security for Girilambone &amp; Hermidale.</p> <hr/> <p>Council strongly points out to the relevant authorities that paying for water tanks will save the NSW Government money in the medium to long term rather than paying for the carting of water to fill overhead tanks.</p>	<b>DES</b>	<p>No additional funding currently available from NSW Government.</p> <hr/> <p>NSW Government advice at this stage is that individual tanks do not meet the drought funding criteria.</p>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020**

6	24/04/2019	117/2019	<b>Cobar Water Board</b>	<p>Whilst Council is prepared to have discussion with CWB to explore options for delivery of water to minor users within the Bogan Shire LGA, it does not agree to the Board's proposal at this stage.</p>	<b>GM</b>	<p>Further correspondence sent to CWB.</p> <p>Following meeting with CWB held on 11 January 2020, further agreements are to be negotiated.</p> <p>Agreed with Secretary CWB on the need for a further meeting to negotiate arrangements. Meeting on hold in current pandemic circumstances.</p>
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General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020

7	22/08/2019	263/2019	<b>Stronger Country Communities Fund – Round 3</b>	Council makes a grant application to the Stronger Country Communities Fund for the construction of a Community Centre on the site of the old tennis courts incorporating a sum of money for a part-time Youth Worker for a period of one year.	<b>DPCS</b>	Application submitted.  Letter sent to Deputy Premier regarding length of approval process.  <b><u>UPDATE:</u></b> <b>Verbal update to be provided at the meeting</b>
	22/08/2019	264/2019		Council works with community orgs who deliver youth and other community support services to investigate methods of funding for ongoing employment of a part-time Youth Worker & further upgrading to the facility.		Discussions yet to commence – reprioritised due to current pandemic circumstances.

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8	26/09/2019 <hr/> 24/10/2019	292/2019	<b>Garford Fire Engine</b>	<p>Council proceed with the respray of the Garford Fire Engine, with funds to be provided from the Historical Society \$5,224, Community Arts and Culture Fund \$15,362 and Accumulated Funds \$9,414.</p> <hr/> <p>Council examine options on the best way forward.</p>	<b>DES</b>	<p>Quotes for the Garford to be resprayed and the exterior restored have been requested.</p> <hr/> <p>Verbal report to be given at meeting.</p>
9	28/11/2019	359/2019	<b>Burrendong Dam</b>	<p>Council contact the relevant departments to request that as a matter of priority, a system be put in place which would have trigger points as to the</p>	<b>GM</b>	<p>Letter sent.</p>



General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020

				level of Burrendong Dam and the release of water for use for fodder crops.		
10	28/11/2019	360/2019	<b>Weirs along Bogan River</b>	Council approach the relevant departments that, as a matter of urgency, landholders along the Bogan River where weirs were previously located be allowed to reinstate these immediately and be subsidised for the work under a drought strategy plan.	<b>GM</b>	Letter sent.
11	28/11/2019	366/2019	<b>Regional Supply Network Water Pipe</b>	1. Council supports in principle the investigation of a Regional Water Supply Network servicing the communities currently supplied by the	<b>GM</b>	Meeting held 11 February 2020 with Water NSW at their request. Water NSW is progressing investigation for pipeline from Narromine bore fields to Nyngan.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020

				Macquarie River downstream of Burrendong Dam.		
12	28/11/2019	368/2019	<b>Repairs to Nyngan &amp; Cobar Emergency Water Storage</b>	The General Manager be authorised to procure sufficient quantities of Geosynthetic Clay Liner & Geotextile material to complete the remediation works, according to specifications provided by NSW Public Works. The procurement be carried out by way of quotations.	<b>DES</b>	Remediation work in progress.  <b>UPDATE:</b> <b>Remediation work postponed due to wet weather and soft floor.</b>
13	28/11/2019	385/2019	<b>EPA – Clean Up Notice</b>	Clean up Notices under POEO Act received from NSW EPA for suspected asbestos contamination at Nyngan Waste Facility and Pangee Street	<b>DDES</b>	Staged clean up works commenced at Nyngan Waste Facility with final clearance required by December 2020.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020

				Works Depot.		
14	26/03/2020	038/2020	<b>Drought Affected Local Government Services Grant</b>	Council send the draft letter concerning Local Govt Drought Affected Services Grant to the Federal Member for Parkes, Mark Coulton, & make mention of Council's current total rates & services charges arrears of 12%.	<b>GM</b>	<b><u>UPDATE:</u></b> <b>Letter has been sent.</b>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
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## **1.1 Recommendation**

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

## **2 COVID-19**

### **Summary:-**

*The purpose of this report is to provide Council with information in relation to the impact of the Covid-19 pandemic.*

### **2.1 Introduction**

The purpose of this report is to provide Council with information in relation to the impact of the Covid-19 pandemic.

### **2.2 Background**

Following confirmed cases of COVID-19 in Australia, the Prime Minister announced on 27 February 2020 the activation of a Coronavirus Emergency Response Plan. During March the Federal and State Governments implemented a range of measures aimed at curbing the spread of COVID-19. Of these, the most relevant for our general community are contained in Public Health Orders issued by the NSW Minister for Health and Medical Research.

In particular, Public Health Order (COVID-19 Restrictions on Gathering and Movement) issued on 30 March 2020 has had impacts on every facet of our society.

The General Manager's report to Council on 26 March 2020, written a week earlier, set out certain pre-emptive measures that had been implemented, in consultation with the Mayor, and actions taken at that stage.

### **2.3 Discussion**

Following the last Council meeting the pace of change for all Australians accelerated with the publication of the Order referred to above. The General Manager and certain

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key staff have been almost exclusively occupied since then with Council's response according to its responsibilities during the Pandemic.

This response includes

- Complying with Council's responsibilities under Public Health Orders to close certain Council facilities such as village halls and playground equipment and communicating these to the community.
- Identifying essential services, such as water and sewage treatment, garbage collection and road safety inspections, and then putting in place contingency plans to ensure they can continue should further movement restrictions be announced or staff become infected with COVID-19.
- Negotiating and making alternative arrangements for employees affected by closures including Library and Visitor Information Centre.
- Complying with the General Manager's obligations under the Work Health and Safety Act to ensure, as far as reasonably practicable, that all necessary measures have been taken to ensure the health and safety of Council staff during the pandemic including in high risk areas such as the Bogan Shire Early Learning Centre and Medical Centre.
- Working with colleagues at a State level, and with Local Government NSW to develop an Industrial Instrument to govern large scale workplace shutdowns arising from COVID-19 impacts to protect the livelihoods of Council's employees, our capacity to provide services post-COVID-19 and to manage Council's financial situation responsibly.
- Work through the potential funding crisis for Council-run childcare centres brought about withdrawal of children coupled with the Federal Government's announcement of free childcare.
- Ongoing liaison with bodies such as the NSW State Emergency Operations Centre, NSW Health, NSW Education, Primary Health Network, Office of Local Government and Local Government NSW.

In this context, it is important to note the responsibilities of other bodies in relation to the COVID-19 pandemic:

- NSW Health is responsible for measures to identify cases of COVID-19 infection and prevent transmission in NSW and for managing the recovery of confirmed

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cases. NSW Health's website provides a wide range of relevant information at <https://www.health.nsw.gov.au/Infectious/diseases/Pages/coronavirus.aspx>

- The NSW Police are responsible for enforcement of all Public Health Order matters. Any public concerns are to be reported to Crime Stoppers at <https://nsw.crimestoppers.com.au> or 1800 333 000.
- Services NSW is responsible for supporting and providing information to businesses impacted by COVID-19 and has been specifically tasked with working with federal, state and local government and the private sector to bring together all the support and services available to assist small business. Businesses should contact Services NSW via <https://www.service.nsw.gov.au/campaign/covid-19-help-small-businesses> or 13 77 88 for personalised advice on financial and business support.

As always in our small rural community, staff of Bogan Shire Council are available by phone (6835 9000) to provide whatever advice or assistance they are able. However given the complexity and fast-changing nature of the COVID-19 situation, our ability to accurately and effectively provide advice and assistance is largely limited to the services we are directly responsible for and the community is encouraged to contact State Government Agencies for COVID-19 related advice and assistance.

In relation to Council's response to the pandemic, the following are provided for Council's information:

#### Council's Public Facilities

An information flyer was sent to all residents and ratepayers of Bogan Shire on 27 March 2020 (refer attached). This flyer detailed the impact on Council's services and facilities at that stage. The only change since that date has been the closure of the Bogan Shire Council customer service counter to the public in response to social distancing guidelines.

#### Workplace Health and Safety

A number of workplace health and safety measures have been put in place in response to guidelines and Public Health Orders. These include:

- Making hand sanitiser and cleaning products widely available in all work areas including vehicles

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- Measuring work areas to ensure that social distancing can occur according to requirements
- Additional cleaning of common areas and requesting staff to clean their own work stations regularly
- Limiting occupants of Council vehicles to one per single cab ute or truck and two per car, dual cab ute or crew cab truck with the passenger seated diagonally behind the driver.

All measures have been personally communicated by the General Manager to meetings attended by all staff and by memorandum. Staff have been reminded of their own obligations under the Workplace Health and Safety Act to take reasonable care of their own health and safety. It has also been emphasised that it is in everyone's interests to take all sensible precautions so as to keep as many people working for as long as possible.

This meeting of Council is being held via audio-visual link in keeping with these objectives.

### Industrial Instrument

The NSW Local Government (State) Award 2017, which is the industrial instrument which governs employment arrangements between Council and its employees does not, like most such agreements, contain provisions for extended shutdown of workplaces in circumstances such as pandemics. When the Public Health Orders were issued, neither Council, as the employer, nor Council staff had any certainty about security of employment or the conditions under which staff would be granted leave should the pandemic cause workplace shutdowns, as has already happened with the Visitor Information Centre for example.

The General Manager held meetings with all staff to discuss these matters and Council contributed to State-wide discussions culminating in Local Government NSW and local government unions agreeing to a supplementary Award being made on 14 April 2020.

The Local Government (COVID-19) Splinter (Interim) Award, as it is known, provides special interim arrangements that give councils flexibility to provide suitable alternative duties or offer leave arrangements for permanent staff unable to perform their regular work, because of COVID-19 Public Health Orders.



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According to Local Government NSW President Linda Scott, "Without this Award, councils would face an almost impossible task and thousands of council staff would face uncertainty in the weeks and months ahead".

This is relevant because the Federal Government has determined that neither Councils, as local government employers, nor their employees will be eligible for the Job Keeper Program, despite the potential impacts of COVID-19 on council income.

The Award obliges councils to explore suitable alternative duties where staff are unable to perform their normal duties at their normal place of work. Where councils have no useful work, staff are entitled to four weeks of special COVID-19 leave at their normal pay followed by a Job Retention Allowance of \$858 per week for a maximum of three months and then leave without pay.

The provisions of the Award will provide for some ongoing income for members of local families who are employed by Council should they be unable to perform their regular work because of COVID-19 Public Health Orders, and allows them to remain employed so that Council can retain its valued staff for the recovery period and beyond.

**Bogan Shire Early Learning Centre**

The General Manger and Council staff have been actively engaging with industry bodies, Local Government NSW and government agencies to understand and address the funding issues associated with the Federal Government's announcement of free childcare.

The childcare package announced by the Prime Minister on 2 April required all childcare centres to provide free care. Under this package the Federal Government provides 50% of the fees previously received by them directly to Centres, however councils are excluded from the compensatory measures available to private sector childcare providers through the Job Keeper allowance. With revenue effectively halved many Council-run childcare centres, including the Bogan Shire Early Learning Centre could have faced closure.

The NSW Government announced, on 9 April, that they would provide up to \$82 million to be shared amongst the 260 council-run childcare centres across NSW to compensate for the other 50% of lost revenue under the free childcare policy.





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Other matters

Council has been advised that the Minister for Employee Relations will imminently issue an Order cancelling certain additional public holidays, including Nyngan Show Day, which was granted to facilitate public attendance at the Nyngan Show on 18 May 2020 now that the Show will no longer be held.

Council has been asked, at short notice, by the Deputy Prime Minister's office for information on local road projects that have the potential to be fast-tracked to support local economies recover from the impact of COVID-19. A list of road projects, based on priorities previously considered by Council, has been provided to the Deputy Prime Minister.

Also, as noted in the report on Third Quarter Budget Review report to Council, the impact of COVID-19 on Council's revenue is already being felt in relation to revenue from the Medical Centre and the Early Learning Centre.

It is worth noting that messaging from State and Federal Government appears to be that they want local government to keep as many people working for as long as possible in the interests of the national economy and recovery phase. This is linked to further messaging that local government will be required to "share the pain" (with State and Federal Governments) of drawing on our cash reserves and running budget deficits to get through the current situation. Whilst the sentiment is understood, it is obvious that, by comparison, a small rural local council has very limited cash reserves or revenue raising capacity compared to State and Federal Government.

**Attachment**

1. Information flyer – All residents and ratepayers - 27 March 2020

**2.4 Recommendation**

That this report be received and noted.

**Derek Francis  
General Manager**

## General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020

### **Attachment 1: Information flyer – All residents and ratepayers - 27 March 2020**



## CORONAVIRUS (COVID-19) INFORMATION

Current as at 27 March 2020

### **To all residents and ratepayers of Bogan Shire**

Bogan Shire Council wishes to inform residents and ratepayers of relevant matters regarding the COVID-19 pandemic. Council is currently monitoring the situation and will continue to follow the advice and directives of State and Federal Governments.

### **COUNCIL SERVICES**

#### **Bogan Shire Medical Centre**

The Bogan Shire Medical Centre is currently fully operational. In compliance with Federal guidance, the front door will be permanently locked to protect the health of patients and staff. For appointments please phone the practice on 6832 1305. On arrival for your appointment please phone and confirm your identity to gain entry.

#### **Bogan Shire Early Learning Centre**

The Bogan Shire Early Learning Centre will continue to open in line with current Department of Education guidance, which urges services to remain open for children that do not have appropriate supervision at home and accept all children who present to them needing care who are healthy and well. This includes, but is not limited to, children whose parents or carers are providing essential services. Parents and carers will be advised of any changes.

#### **Bogan Bush Mobile**

All playgroup sessions have been cancelled at this time however childcare sessions will continue as long as minimum numbers are met in accordance with Council policy and in line with Department of Education guidelines.

#### **Council Customer Service Counter**

In keeping with social distancing requests, all residents and ratepayers are requested to make use of electronic payment facilities or bank deposits and to limit the need to attend the counter in person by phoning staff on 6835 9000 for general business or enquiries.

Council's bank details are Bogan Shire Council NAB BSB 082-765 Account 888 993 710. Please ensure you put a reference number as an identifier for where funds should be directed.

#### **Other Council Services**

All other Council services will continue unless Government directives order otherwise, however certain services will be impacted by social distancing and hygiene requirements. Special arrangements will ensure that essential Local Government services including water, sewerage and garbage collection can continue.

## General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020

### CLOSURE OF CERTAIN COUNCIL AND COMMUNITY FACILITIES

In line with recent directives from National Cabinet and the NSW Government and with the welfare of our staff, volunteers and the community in mind, Council has made changes to our Pool, Library and Visitor Information Centre services and other community facilities which will remain closed from Thursday 26 March 2020 until further notice.

#### **Bogan Shire Library**

Staff will be providing a click and collect service whereby Library members can select their books online from our catalogues for collection from the Library during specified times. Books may be returned via the returns chute at the Library. This service will continue as long as circumstances and regulations permit.

We are encouraging Library members to access and use our online services such as Story Box Library, BorrowBox and Kanopy, which can be accessed from the North Western Library webpage: <https://www.northwesternlibrary.com.au/>

Please contact the Library on 6835 9080, Tuesday to Friday for more information or assistance.

#### **Visitor Information Centre**

Visitor information can be obtained by phoning 6832 1052. 'Big Bogan' and 'Nyngan NSW' merchandise can be purchased over the phone or by emailing [nynganvic@bogan.nsw.gov.au](mailto:nynganvic@bogan.nsw.gov.au)

#### **Nyngan Museum**

The Nyngan Museum, which is currently undergoing renovations will remain closed until further notice.

#### **Nyngan Pool**

The Nyngan Pool, which was due to close at the end of April, will be closed immediately in line with the directive from the National Cabinet.

#### **Flood Memorial Park Free Camping Area**

The Flood Memorial Park Free Camping Area has been closed until further notice.

#### **Shearing Shed Museum**

The Shearing Shed Museum is closed until further notice.

#### **Nyngan Men's Shed**

Nyngan Men's Shed is closed until further notice.

#### **Halls**

Nyngan Town Hall, Senior Citizens Hall and community halls at Collerreina, Coolabah and Hermidale are closed until further notice.

## General Manager's Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020

### PUBLIC EVENTS

In line with directives from the National Cabinet and State authorities and in compliance with appeals from the Prime Minister and NSW Premier, public events on Crown and Council owned land / premises have been cancelled or postponed. These include:

- Anzac Day Ceremonies
- Anzac Day Races
- Flood Commemorations
- Nyngan Show

### MAYOR'S NOTE

History tells us that former international crises similar to this one have occurred before and communities have recovered. The current personal and economic effect on Bogan Shire residents, similar to other areas, remain severe and the immediate future largely unknown. We must carry our personal hygiene measures, exercise social distancing, stay home where possible and look after each other to help limit the spread of the virus. Council will continue to keep the residents and ratepayers up dated on local situations.

We thank all residents and ratepayers for their understanding during this time

A handwritten signature in black ink, appearing to read "Ray Donald".

Ray Donald OAM  
Mayor

A handwritten signature in black ink, appearing to read "Derek Francis".

Derek Francis  
General Manager

General Manager's Report to the Ordinary Meeting of Bogan Shire Council  
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## REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR PEOPLE AND COMMUNITY SERVICES

### Mayor and Councillors

The following report is submitted for consideration:-

#### 1 **BOGAN BUSH MOBILE – TERM 1 REPORT**

**Summary:-**

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

#### 1.1 Introduction

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

#### 1.2 Background

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

#### 1.3 Discussion

##### Term 1 Dates

3 February 2020 - 21 April 2020

##### Statistics:

Total children enrolled: 97 official enrolments, 68 families

Term 1 attendance: 73 children

Term 1 sessions: 41 sessions

KM'S travelled: 5,345km

##### Current Areas being visited:

Marthaguy, Marra, Hermidale, Trangie, Collie, Collereina, Tottenham, Mungery, Warren, Nyngan and Narromine.



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### Term 1 2020 Activities

Bogan Bush Mobile had a busy start to Term 1, with new families enrolling in play sessions as well as day care sessions which is encouraging to see. The team also received delivery of the new BBM Ute at the start of the term.

Term 1 was cut short due to the COVID-19 pandemic, with the last play session across all venues being delivered on March 20. Day care sessions have also been cancelled at Collie due to families opting to self-isolate and the CWA informing Council that due to the Public Health Order, they were no longer allowing access to their halls for public use. Day care sessions have continued however at the Marra each Tuesday and will continue business as usual so long as current Public Health Orders and Department of Education directives remain in place.

All Work Health and Safety measures are being adhered to, such as traveling with no more than two occupants in the BBM Ute, with the passenger seated in the back, diagonally opposite the driver, cleaning and sanitising the vehicle upon entry and exit and changeover of driver and increasing cleaning practices at the Marra venue as required and more often on high-use areas or frequently used items.

### Transition to Assessment and Rating

The Bogan Bush Mobile will now be assessed and rated against the National Quality Standards (NQS). Bogan Bush Mobile staff had a recent visit from the government appointment transition authority (CCSA) and were informed that a representative will attend the day care sessions at each venue later in the year, in addition to checking the licences to ensure the Service is supported and guided through the Assessment and Rating period, which will be an important process for recognising the high level education service that is being provided to remote families by the Bush Mobile Team.

## **1.4 Recommendation**

That the Bogan Bush Mobile report be received and noted.

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
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## **2 LIBRARY REPORT**

### **Summary:-**

*The purpose of this report is to provide Council with information both statistical and informative in regards to the Library's function over the past three months.*

### **2.1 Introduction**

The purpose of this report is to provide Council with information both statistical and informative in regards to the Library's function over the past three months.

### **2.2 Discussion**

#### Library Activities

- Held 4 holiday craft sessions with 70 children and 14 parents attending,
- Held a Summer Reading Presentation with 13 children and 4 parents attending,
- Held 11 Story Time sessions with 78 children and 35 adults in attendance,
- Held 4 Lego mornings with 65 children and 16 parents attending, and
- Held sand art, painting on cardboard, button art and boomerang and Australian animal decorating and painting sessions

#### Library Space Usage

- Provided access to the eFun computer table for 86 children,
- Provided access to the children's play area for 80 children with 34 parents,
- 296 Children used the computers, 138 Indigenous children used computers, with 692 users of computers in total,
- Provided meeting space for APM Employment Agency,
- Held a Netwaste Morning Tea for Seniors with 12 in attendance,
- Living Better clients and carers visited several times, and
- Community members used library space for study/work and Wi-Fi.

The Summer Reading Program continued until Wednesday 25th January. All Children who participated were awarded a Book Prize and certificate at the Presentation Party held on Wednesday 8 February.

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“Library Lovers Day” was celebrated in mid-February with a draw in a Hamper of Chocolates which was won by Ms Jody Stewart at a Morning Tea with 22 community members in attendance. North Western Library also launched the North Western Library App and the Kanopy App which provides free online member access to movies. These new Apps will make it easier for members to use our website and also provide more online entertainment for all ages.

Story Time has been held every Wednesday with good attendances from the Early Learning Centre children and staff as well as parents and carers and children under 5.

On 26 March 2020, the Library closed to the public under the rules contained in the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020. Staff are continuing to provide a ‘Click and Collect’ service whereby members can order books and other resources from the online catalogue and pick them up from outside the Library door during set hours.

Additional free services being provided are phone and collect and a home delivery service in addition to the online BorrowBox, for eBook and eAudio, Kanopy for movies, Story Box Library, Ancestry Library. In addition to this, the staff are providing craft and activity packs for preschool and primary school children and Library stock is continuing to be rotated through the North Western Library group, with preparations being made for the May/June stocktake.

Statistics

Statistics for the past quarter dating from 1.1.20 to 31.03.20 are as follows with a comparison of the previous year figures for the same period:

<b>January 1<sup>st</sup> – March 31<sup>st</sup>, 2020</b>		<b>January 1<sup>st</sup> – March 31<sup>st</sup>, 2019</b>	
<b>Adult Fiction</b>	<b>728</b>	<b>Adult Fiction</b>	<b>785</b>
<b>Western Fiction</b>	<b>37</b>	<b>Western Fiction</b>	<b>99</b>
<b>Large Print</b>	<b>232</b>	<b>Large Print</b>	<b>312</b>
<b>Magazines</b>	<b>108</b>	<b>Magazines</b>	<b>150</b>
<b>Adult Non Fiction</b>	<b>113</b>	<b>Adult Non Fiction</b>	<b>96</b>
<b>Talking Books</b>	<b>69</b>	<b>Talking Books</b>	<b>48</b>
<b>Junior Fiction</b>	<b>305</b>	<b>Junior Fiction</b>	<b>208</b>
<b>Junior Non Fiction</b>	<b>2</b>	<b>Junior Non Fiction</b>	<b>5</b>
<b>Easy &amp; Easy2 &amp; RR</b>	<b>448</b>	<b>Easy &amp; Easy2 &amp; RR</b>	<b>291</b>
<b>Toys</b>	<b>24</b>	<b>Toys</b>	<b>43</b>
<b>Junior Talking Books</b>	<b>2</b>	<b>Junior Talking Books</b>	<b>5</b>
<b>Young Adult Fiction</b>	<b>34</b>	<b>Young Adult Fiction</b>	<b>35</b>
<b>Equipment</b>	<b>0</b>	<b>Equipment</b>	<b>2</b>
<b>DVD's</b>	<b>260</b>	<b>DVD's</b>	<b>176</b>
<b>TOTAL ISSUES</b>	<b>2362</b>	<b>TOTAL ISSUES</b>	<b>2257</b>
<b>TOTAL MEMBERS</b>	<b>2502</b>	<b>TOTAL MEMBERS</b>	<b>2427</b>
<b>New Members</b>	<b>21</b>	<b>New Members</b>	<b>18</b>
<b>Internet Usage hours</b>	<b>1475</b>	<b>Internet Usage hours</b>	<b>903</b>



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<b>IT Help</b>	<b>131</b>	<b>IT Help</b>	<b>117</b>
<b>Wi-Fi</b>	<b>54</b>	<b>Wi-Fi</b>	<b>73</b>
<b>People counter</b>	<b>2852</b>	<b>People counter</b>	<b>3363</b>
<b>Reference Inquiries</b>	<b>77</b>	<b>Reference Inquiries</b>	<b>38</b>

Note: This report includes reference inquiries (searching for customer's requests), Wi-Fi usage and IT Help, which staff give to computer users. These figures have been added to show the hands on help staff provide to customers. Internet usage is measured in half hour bookings.

The Library is being used increasingly in different ways. The people count is still strong with continuing numbers of people using the Library as a community hub – a place to meet, a space to visit for play, work, study and meetings, computer usage to print from, scan to emails and check their emails and spend time while waiting for appointments, car services/repairs, children's sporting activities etc.

The Library staff also provide faxing, scanning, photocopying and laminating services as well as a house- bound service for residents unable to come to the Library.

As this report demonstrates, the Bogan Shire Library provides many services to our community and the community is keen to use the Library for their various needs.

**2.3 Recommendation**

That the Library report be received and noted.

**Debb Wood**  
**Director People and Community Services**

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

**Mayor and Councillors**

The following reports are submitted for consideration:-

**1 INVESTMENTS MARCH 2020**

**Summary:**

*The report is to outline the performance of Council's Investment Portfolio for the month of March 2020.*

*At the 31<sup>st</sup> March 2020 Council had \$13.3 million invested. There has been an increase of \$511,000 due to the quarterly R2R payment being received and payments for money spent on other grants.*

**1.1 Introduction**

The purpose of this report is to outline the performance of Council's investment portfolio for the month of March 2020

**1.2 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.

**1.3 Discussion**

The Investment Report for March 2020 is shown below. At the 31<sup>st</sup> March 2020 Council had \$13.3 million invested. There has been an increase of \$511,000 due to council receiving the quarterly Roads to Recovery payment as well as payments received for other grants where funds had been expended before payment.

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

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**Investment Movements for March 2020**

REF	Source	Maturity	Days	% rate	Bal Feb 20	Bal Mar 20
3204	NAB	8/06/2020	181	1.550%	2,000,000.00	2,000,000.00
4608	NAB	25/02/2021	365	1.450%	2,000,000.00	2,000,000.00
3994	NAB	2/03/2021	365	1.370%	2,800,000.00	2,800,000.00
9467	NAB	13/07/2020	180	1.600%	1,000,000.00	1,000,000.00
6894	NAB - Professional Funds	At Call		0.650%	4,956,864.08	5,467,886.84
	Balance securities held				12,756,864.08	13,267,886.84
	Balance Ledger 19010.8200.8200				12,756,864.08	13,267,886.84
	<b>Summary by institution</b>					
	Commonwealth				0.00	0.00
	NAB				12,756,864.08	13,267,886.84
	BankWest				0.00	0.00
					12,756,864.08	13,267,886.84

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

**1.4 Recommendation**

That the Investments Report be received and noted.

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

*The report is to provide a comparison of rate collections as at 31<sup>st</sup> March 2020, with the same period last year.  
Total arrears have increased from \$424,484 at the 31<sup>st</sup> March 2019 to \$642,709 as at 31<sup>st</sup> March this year.*

### **2.1 Introduction**

The purpose of this report is to provide a comparison of rate collections as at 31<sup>st</sup> March, 2020, with the same period last year.

### **2.2 Discussion**

This report is provided for the information of Councillors.

<b>Rate Collections</b>	<b>2019-2020</b>	<b>2018-2019</b>
Arrears Prior to 01/07/2019	340,494	222,266
First Instalment in arrears as at 31/3/2020	43,573	45,273
Second Instalment in arrears as at 31/3/2020	112,574	58,136
Third Instalment Outstanding as at 31/3/2020	146,068	98,809
Fourth Instalment Outstanding as at 31/3/2020	987,395	951,383
<b>Total Arrears</b>	<b>642,709</b>	<b>424,484</b>
<b>Total Outstanding</b>	<b>1,630,104</b>	<b>1,375,867</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	<b>5,510,714</b>	<b>5,324,041</b>
Add: Adjustments	37,931	14,263
Less: Payments to end of March	-3,840,723	-3,886,248
Less: Rebates	-80,847	-79,175
Add: Postponed	3029	2,986
<b>Gross Total Balance</b>	<b>1,630,104</b>	<b>1,375,867</b>
<b>Arrears of total amount levied %</b>	11%	8%

Total arrears have increased from \$424,484 at the 31<sup>st</sup> March 2019 to 642,709 as at 31<sup>st</sup> March this year.

Each instalment amounts to approximately \$1,377,000  
(Total Rates, Waste, Water & Sewer Access Charges)



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As at the 31<sup>st</sup> March 2020 Council had collected \$45,525 less than at the same time last year however, an additional \$28,386 had been collected at the time of writing this report.

3.1% of rates were unpaid on the first instalment.

8.1% of rates were unpaid on the second instalment.

10.6% of rates were unpaid on the third instalment.

This percentage has improved to 9.8% at the time of writing this report.

### **2.3 Recommendation**

That the Rates and Annual Charges collection report be received and noted.

Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
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### 3 Third Quarter 2019/2020 Budget Review

#### **Summary**

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

*Cash Balance is strong although expected to decrease over the next three months as income received in advance is expended.*

#### **3.1 Introduction**

The purpose of this report is twofold:

1. To review actual performance against budget for the first nine months of the 2019/2020 financial year up to 31 March 2020.
2. To adjust the budget in response to changes in the financial landscape and changes to Council's corporate goals.

#### **3.2 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 third quarter recommended changes. The third quarter changes are shown in a separate column and discussed below and need to be considered 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 2019/2020, plus or minus approved changes made at the first and second quarter review, plus or minus recommended changes at this third quarter budget review.

#### **3.3 Discussion**

##### ***Performance Against Budget***

The year to date performance against the original budget is unfavourable. Net unfavourable adjustments for March total \$226,230. Council budgeted originally for a cash surplus of \$15,716 but changes to the budget for the past three quarters result in a cash deficit of \$275,637 across all funds which may be funded from unrestricted cash reserves.

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The reasons for these changes include:

- First budget review net adjustments of \$67,657. These adjustments included both Operational and Capital items that were mostly offset by an increase in the Financial Assistance Grant and other Grants obtained by Council and are summarised in the Budget Review Report for September 2019 considered by Council at its meeting in October 2019
- Second budget review adjustments of \$10,000 for Bush Fire Appeal Donation and Town Hall plans \$10,480 both included as per Council resolutions. All other adjustments in this quarter were offset against other savings and are detailed in the Budget Review Report considered by Council at its meeting in February 2020.

The third 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 or 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.

Council has a \$226,230 net result for recommended changes in March. This adjustment is all attributable to the Water Fund. All other recommended adjustments have been offset against savings identified with the current budget. These have been summarised in Appendix B.

**The general fund** is still showing a cash deficit of \$275,637 which is the same as it was at the December review and may be funded from unrestricted cash reserves. All budget changes for the third quarter have been offset against changes in other areas.

Some of the major items adjusted in the General Fund for the March 2020 review are as follows;

All capital items that have been adjusted in the March review are to ensure Council still produces a balanced budget. These adjustments have been shown in the 3<sup>rd</sup> Budget Review column of the Capital Budget Program for 2019/2020 and have mostly arisen from savings on completed projects. These have been used to offset costs for the repairs to Council's residence at 25 Ellen Street.

It is recommended that the Extensions to the Bogan Shire Medical Centre, originally budgeted for at \$400,000 be deferred at this stage and this item removed from the Capital Budget. Part of the proposed funding for this project is to be used for the Bogan Shire Medical Centre rooms at 76B Pangee Street (former Nyngan Observer offices) and to offset operational costs. Provision has also been made for the sale of surplus

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
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residential property associated with the Bogan Shire Medical Centre with a report on options being presented to a future Council meeting.

Investment income has also been estimated to reduce by approximately \$30,000 at the end of June 2020 to what was originally budgeted. This is due to the decline in interest rates that has had a major effect on Council's income. Adjustments to staff training costs have been indentified at this time to offset this reduction in income.

Council has been successful in negotiating a Voluntary Planning Agreement with Hera Gold Mine, with an annual contribution to be spent on maintenance and upgrades to the Hermidale/Nymagee Rd for the life of the mine. This has been included in the March review.

**The sewer fund** also has an estimated reduced interest income due to the fall in interest rates over the past few months, this has been offset against consultant expenditure that has not needed to be utilised.

**The water fund** has suffered some additional costs due to the drought that have been included in this quarterly review. There is an estimated \$100,000 reduction in user charges which would be due to the restrictions placed on users and shows that the majority of ratepayers were abiding by the restrictions. Water cartage to villages during a six month period was substantially funded by the State Government but there are costs that were not covered and Council has to pay for these. In addition to this there was a Council resolution to desilt Wilga Tank which was, as it turns out, a very timely decision. Wilga Tank has been desilted and its capacity increased and is now full to the brim with recent rain. Current changes to the Water Fund see an estimated year end result of \$23,014 in deficit for which Council has \$841,000 in reserves which can be applied here.

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

As always Councillors and staff need to be aware of decisions and their impact on Councils budget. It is important that corresponding savings are found when making decisions on additional spending.

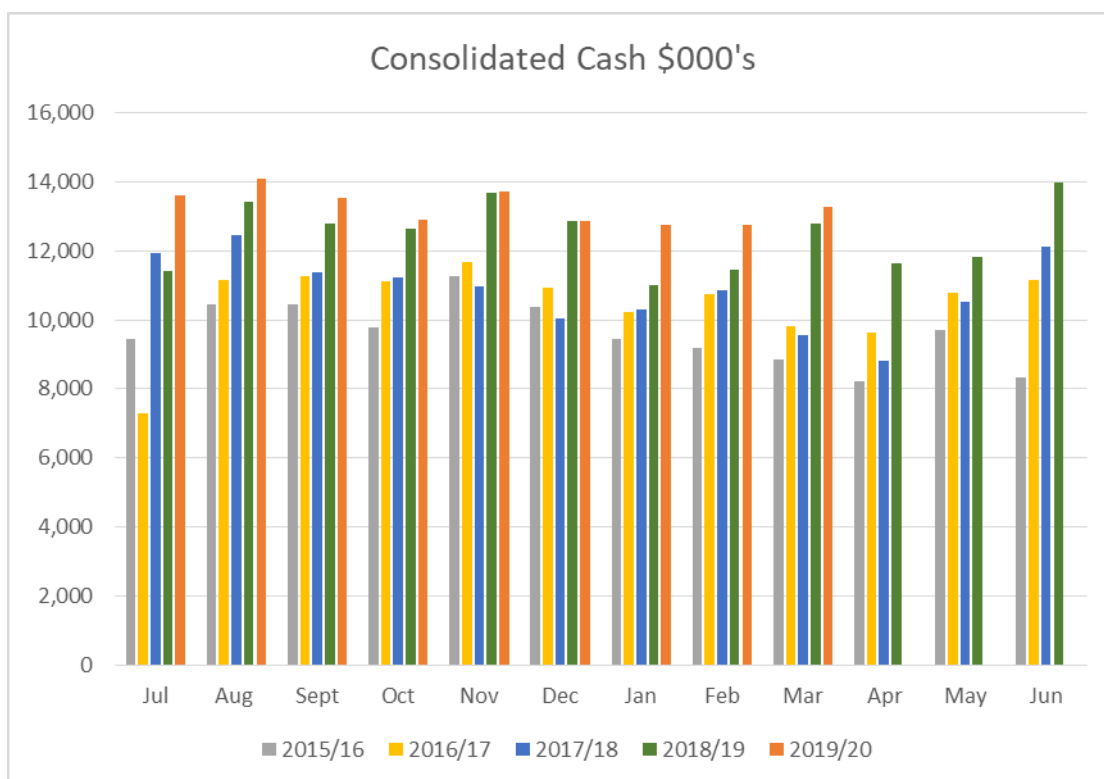
Council, over the next few months, may also have costs that are unforeseen in relation to COVID 19 and unfortunately it is not known, at this stage, whether or not these costs will be reimbursed by the Government, either Federal or State, or Council will have to cover these themselves. The impact of reduced fees at the Bogan Shire Medical Centre and Early Learning Centre as a result of COVID-19 measures is already being felt. This could potentially eat into any accumulated funds that Council has in its reserves and therefore it is very important that prudent financial decisions are made.



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
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**Cash**

Council is still holding significant cash balances at the moment due to the prepayment of 2019/2020 Financial Assistance Grants and the Third Instalment of rates being paid. The cash balance has increased since the last review due to the receipt of Grant funds. The cash balance will decrease further over the next three months.



**Consulting and Legal Expenses**

The budgeted and actual spending on consultants and legal expenses is shown below. The consultancy expenditure has been spent on ELC, Library, Medical Centre, IT, WH&S, Town Planning, Development Control, Water, and other Engineering and Environmental services.

<b>CONSULTING &amp; LEGAL EXPENSES</b>			
<b>Expense</b>	<b>Budget \$</b>	<b>Expenditure YTD \$</b>	<b>Revised</b>
Consultancies	396,819	246,884	416,126
Legal	28,000	33,140	53,000

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
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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 31/3/2020 indicates that Council's projected financial position at 30/6/20 will be *satisfactory* at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

A handwritten signature in black ink, reading "Stephanie Waterhouse". The signature is written in a cursive, flowing style.

Signed: \_\_\_\_\_ date: 14/04/2020  
Stephanie Waterhouse  
Responsible Accounting Officer, Bogan Shire Council

### **3.4 Recommendation**

That Council:

1. That this report be received and noted.
2. That Council adopts the budget amendments shown on the Budget Review Statement (Appendix A) for the 2019/2020 Operating and Capital Budgets.

Attachments:

- Appendix A - 2019/2020 Third Quarter Budget Review Summary – Recommended Changes
- Appendix B - 2019/2020 Budget Review Adjustments Statement
- Appendix C - 2019/2020 Cash Position of Funds Projected Operating Result
- Appendix D - 2019/2020 Capital Budget Updated

Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
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## 4 DELIVERY PROGRAM

*Summary:*

- *This report is to provide information regarding progress with respect to the principal activities detailed in Council's adopted Delivery Program.*
- *The General Manager is required under the provisions of Section 404(5) of the Local Government Act to provide Council with regular reports regarding progress with respect to the principal activities detailed in Council's Delivery Program.*
- *Council previously resolved that these reports be provided in October and April.*
- *Directors responsible for each of the activities listed under the Strategies and Outcomes have indicated the current status of the activity.*

### 4.1 Introduction

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

### 4.2 Background

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

Council previously resolved that these reports be provided in October and April.

### 4.3 Discussion

A full Delivery Program Report listing each strategy and activity in the Delivery Program is available on request from the General Manager or on Council's website. Attached to this report, however, is an extract of the full Delivery Program Report showing those activities which are marked as:-

- Not started
- Not progressing
- Progressing with issues
- Completed

All other activities are marked as "Progressing – No Issues".

The Report mirrors the layout of Council's Delivery Program and 2019/2020 Operating Plan and Budget. Directors responsible for each of the activities listed under the



**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
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Strategies and Outcomes have indicated the current status of the activity and, where appropriate, have included comments.

**4.4 Attachment**

Extract of Delivery Program Report – 2019/2020 Activities.

**4.5 Recommendation**

That the Delivery Program Report be received and noted.

**Stephanie Waterhouse**  
**Director Finance and Corporate Services**

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

### Mayor and Councillors

I submit the following report for consideration:-

### 1 OPERATIONAL REPORT

**1.1 Roads** The road work undertaken during this reporting period consisted of the following:

No.	Name	Comments
	<b>Local Roads</b>	
5	Peisley Road	Causeway repairs continuing.
9	Glenngariff Road	Maintenance grading continuing.
10	Pangee Road	Construction completed.
13	Bourkes Road	Maintenance grading continuing.
17	Booramugga Road	Maintenance grading continuing.
51	Currans Road	Resheeting continuing.
40	Plummers Road	Maintenance grading continuing.
	<b>Regional Roads</b>	
MR461	Condo Cobar Road	Maintenance grading commenced.
MR228	Hermidale Nymagee Road	Scour repairs completed.
MR424	Monkey Bridge Road	Maintenance grading continuing.
MR7514	Cockies Road	Construction commenced.
	<b>State Highways</b>	
HW7	Mitchell Highway	Culvert improvements continuing. Re-sealing completed.
HW8	Barrier Highway	Heavy Patching completed. Re-sealing completed. Slashing commenced.
HW70	Arthur Hall VC Way	Re-sealing completed

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
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Council's jet patching truck has completed work on the following roads.

- Pangee Road
- Cannonbar Road
- Barrier Highway
- Nyngan Town Streets
- Tottenham Road
- Hermidale Nymagee Rd

The works program for Council's Rural Works for the remainder of April and May includes, but is not limited to the following works,

- Commencing 4.8km of shoulder widening works on the Mitchell Highway near the property Wilgaree.
- Continuing the construction of the footpath in Pangee Street from the river to the Flood Memorial Rest Area.
- Continuing the construction and sealing of 2km of Cockies Road under the Regional Roads Repair Grant.
- Continuing the slashing of Council's Rural Road & State Road network.
- Continuing maintenance grading, or re-sheeting of the following roads: Doney's Road, Bourkes Road, Coffill's Road, Gilgai Road, Glenngariff Road, Plummer's Road, Shanonvale Road, and Whiterock Road.

## **1.2 Works and Services**

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

### **Civil Works**

- Continuing to assist with the building renovations/improvements to the old SES building/museum/VIC in Pangee Street.
- Continuing culvert improvements on HW7 as part of the Wilgaree Shoulder Widening Project.
- Completing building maintenance at the works depot in Nymagee Street.
- Painting of the grandstand at Larkin Oval.
- Completing maintenance on the Nyngan Junior League building in Cannonba Street.
- Completing repairs to the toilets in Davison Park in Pangee Street.
- Completing repairs at the Nyngan Town Hall.
- Monitoring river height, levee gates and operating town levee pumps when required.

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
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**Community Facilities**

- Mowing and maintenance of ovals and reserves.
- 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.

**Water & Wastewater**

- Additional water treatment carried out due to the high water turbidity as a result of current river conditions.

The works program for the Water & Wastewater for the remainder of April and May includes but is not limited to the following works:

- De-silting sections of the Albert Priest Channel.
- Installation of several new crossings along the Albert Priest Channel.
- Installation of new overhead water supply tanks at Hermidale Village.
- Commencing mains replacement along the Tottenham Road in Nyngan.

**1.3 Recommendation**

That the Operational Report be received and noted.

## 2 STREET LIGHT UPGRADE TO HIGH EFFICIENCY LED TECHNOLOGY

### **Summary:-**

The purpose of this report is to seek Council's approval for the bulk upgrade of Council's street lighting assets from aged low efficiency technology to modern high efficiency Light Emitting Diode (LED) technology.

### **2.1 Introduction**

The purpose of this report is to seek Council's approval for the bulk upgrade of Council's street lighting assets from aged low efficiency technology to modern high efficiency Light Emitting Diode (LED) technology.

### **2.2 Background**

Bogan Shire's existing stock of 443 street lighting luminaires consists of high-pressure sodium (HPS) technology. This is an aged technology with high energy use, requires high maintenance to provide an acceptable level of service and provides a relatively poor quality of light with poor colour rendition.

In recent years light emitting diode (LED) technology has been proven to be a preferred technology for street lighting luminaires. LED technology is low energy use with improved reliability and lower maintenance costs and provides improved lighting quality with good colour rendition.

Reduced energy use and lower maintenance costs result in savings that can fund the bulk replacement of the in-service aged technology luminaires with modern LED technology.

### **2.3 Discussion**

Essential Energy provides Council with street lighting services connected to and supported by the Essential Energy distribution network. The charges for the service being a monopoly are regulated by the Australian Energy Regulator (AER).

Essential Energy provided Council with a proposal to change the street lights in Nyngan and the villages to LED.

Consultants EMS have validated the proposed charging of the replacement works and ongoing maintenance charges and savings have been confirmed.



**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
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As street lighting is a monopoly service Council can not engage another service provider for this work resulting in a negotiated service from Essential Energy being the only option under current legislation.

Essential Energy have conducted an initial evaluation of the existing lighting installations and lighting levels and developed a proposed replacement for each luminaire with a schedule of rates for each luminaire type. Any variance in costs that the more detailed reviews may determine is expected to be small and can be accommodated within a small contingency allowance.

In general lighting levels would increase in most areas. The vast bulk of residential luminaires will have higher lighting levels providing an improved service and safety to the community.

The bulk replacement project will result in the following benefits:

- An approximate 56% reduction in energy consumption, saving \$37,600 per annum
- An approximate 3% reduction in streetlight luminaire charges, saving \$951 per annum for the initial 10 years, followed by an ongoing annual reduction in luminaire charges of \$18,700 per annum for the balance of the luminaires life
- An improved standard of reliability from annual failure rates currently over 10% to less than 2%
- Improved lighting standards and improved colour rendition
- More robust luminaire diffusers less prone to external damage

The proposed bulk replacement programme provides the following benefits to Council:

- Reduction in energy consumption and resultant greenhouse gas emissions
- Reduction in ongoing operating costs
- General improvement in amenity for the community through an improved quality of lighting and its reliability

### **Financial Implications**

The project has been assessed against the status quo of continuing with the existing in-service luminaires and results in a positive Net Present Value as detailed in the table below:

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
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Upgrade Costs	\$	
Cost Payable to EE	\$2,302	Residual value of existing lights
Contingency	\$5,000	
Estimated ESC Credits	(\$31,780)	Estimate refundable from NSW Government
Net Capital Credit	(\$24,478)	
Change in Annual Costs	\$	
Streetlight Charges	(\$951)	Reduction for first 10 years then (\$18,743) reduction after 10 years
Energy Costs (Saving)	(\$30,639)	Energy and Network charge savings
Total Annual Savings cost years 1 to 10	(\$31,590)	After 10 years annual saving increases to (\$49,382)
Net Present Value	\$	
NPV 15 Years @ 5%	\$399,661	Compared to existing in-service luminaires of old technologies
NPV 15 Years @ 3%	\$462,228	

### **Risk Implications**

The incremental risks over the existing in-service luminaires are summarised in the table below:

Risk Description	Description	Mitigation
Premature Failure	The LED luminaires may have a shorter life than expected	<ul style="list-style-type: none"> <li>• Essential Energy capital is at risk</li> <li>• Extensive EE trials</li> <li>• 3-year luminaire and installation warranty to replace</li> <li>• 10-year luminaire only warranty</li> </ul>
Glare Complaints	Improved lighting may result in some glare complaints from residents	<ul style="list-style-type: none"> <li>• Glare shields are available</li> <li>• Desk top lighting design review prior to installation</li> </ul>



Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
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## Options

Council has three options to consider:

**Option 1** - Do nothing and replace at failure - The business case is such that the replacement is self-funding as detailed in the Financial Implications section. Failure to take a bulk replacement approach would result in a piecemeal approach at failure by Essential Energy which would have negative amenity impacts due to variable lighting standards and the potential savings in maintenance and energy would only be realised over many years.

**Option 2** - Bulk Replacement funded by Council – This exposes Council to the risk of premature failure where Essential Energy will replace failed luminaires and charge a higher tariff to recover capital. Council's capital is at risk rather than Essential Energy's. For this option the NPV over 15 years with a discount rate of 3% is \$431,964 compared to Option 3 – Essential Energy Funded with an NPV over the same period of \$462,228.

**Option 3** - Bulk Replacement funded by Essential Energy – This does not expose Council to the risk of premature failure of luminaires and has a higher NPV than Option 2 at \$462,228 over 15 years with a discount rate of 3%.

This is the preferred option as the only cost payable to Essential Energy is \$7,300 for residual capital and project contingency. With estimated NSW Government credits for energy savings of \$31,800 the net upfront gain to Council is \$24,500 plus ongoing annual savings in energy and maintenance of \$31,600.

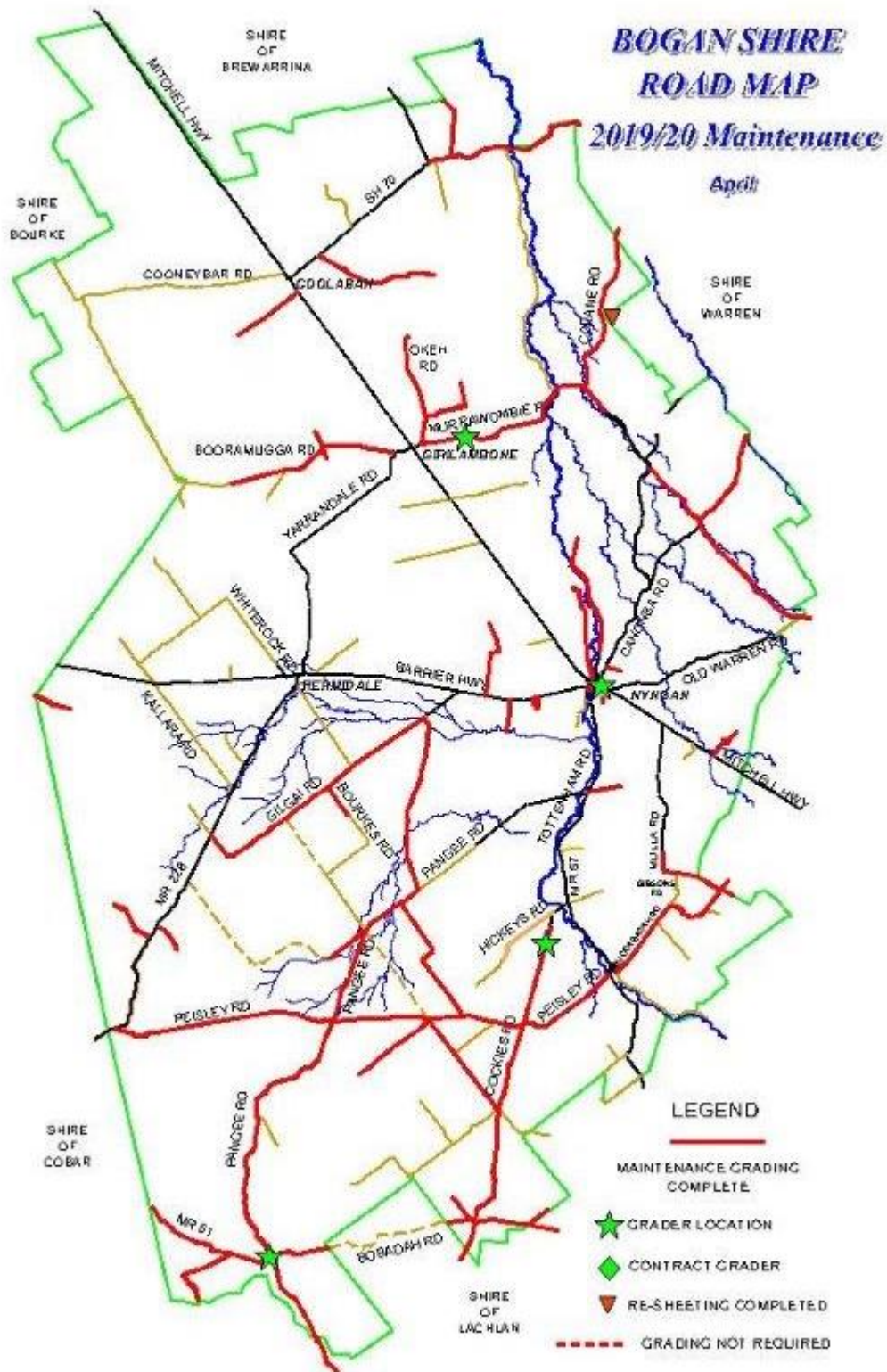
## 2.4 Recommendation

That Council approve Option 3, the bulk replacement of Councils 443 street lights to LED technology with funding by Essential Energy

**Graeme Bourke**

**DIRECTOR ENGINEERING SERVICE**

**Engineering Services' Report to the Ordinary Meeting of Bogan Shire Council  
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## REPORTS TO ORDINARY MEETING OF COUNCIL – DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES REPORT

### Mayor and Councillors

I submit the following reports for consideration:-

## 1 DEVELOPMENT APPLICATIONS

### 1.1 Introduction

One (1) application has been approved since Council's meeting of 26 March 2020 as indicated in the table below.

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2019/022	John Hoare	51 Cobar Street, Nyngan	New Carport	\$7000	Approved

### 1.2 Recommendation

That the Development Applications Report since 26 March 2020 Council Meeting be received and noted.

## 2 OPERATIONAL REPORTS

### 2.1 Gardens

Work undertaken during this reporting period consisted of the following:

- Routine upkeep and maintenance duties including manual watering, whipper snipping, mowing and weed removal at Nyngan Cemetery, Davidson Park, Vanges Park, Medical Centre, Teamsters Rest, Town Hall/Senior citizens area, Flood Memorial rest area, Council Administration building, Early Learning centre, Pioneer Park, Centenary Park and Council doctor's housing.

### 2.2 Ranger

Work undertaken during this reporting period consisted of the following:

- Investigation of complaints concerning:  
Nuisance noise (barking dog)  
Nuisance cats
- One (1) surrendered dog was euthanased as the dog was not suitable to rehome.

**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council  
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- One (1) abandoned dog housed and rehomed with Rural Outback Animal Respite (ROAR) following expiration of mandatory claim period.
- Under police instruction, goats were collected from a vehicle and released to a suitable location.
- One (1) dog was microchipped and registered before being released to the owner.

### **2.3 Weeds**

Work undertaken during this reporting period consisted of the following:

- Boundary and road side inspections
- Property inspections as required under the *Biosecurity Act 2015*
- Spraying of highways, town streets, roadsides
- Preparation for the 2020-2025 Weed Action Plan

### **2.3 Recommendation**

That the Operational Report, including Council's Gardening Team, Ranger and Noxious Weeds Officer be received and noted.

## **3 BOGAN BULLS RUGBY UNION CLUBHOUSE USE AS A TEMPORARY FOOD PREMISES**

### **Summary:-**

The purpose of this report is to provide information to Councillors on the approval for the use of the Bogan Bulls Rugby Union Clubhouse as a Temporary Food Premises.

### **3.1 Introduction**

The purpose of this report is to provide information to Councillors on the approval for the use of the Bogan Bulls Rugby Union Clubhouse as a Temporary Food Premises.

### **3.2 Background**

On 9 March 2020, Council received a complaint regarding the sale of food to the general public from two separate premises, namely, the Nyngan War Memorial Swimming Pool and the Nyngan High School.

On 10 March 2020, Council staff met with the contracted Manager of the pool to advise that the sale of food from the pool kiosk could only be to paying patrons or season pass

**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020**

holders of the pool. This was complied with and a clause has now been inserted into Council's Swimming Pool Management Policy to reflect this requirement.

On 13 March 2020, Council staff spoke with the Principal of the Nyngan High School who advised that the school was aware the operators of the school canteen were retailing food to the general public as well as to staff and students. The Principal indicated that the school did not object to food sales continuing to be made on that basis from the canteen.

On 1 April 2020, the Nyngan High School canteen was closed by the Principal following advice to do so due to the COVID-19 pandemic.

On 2 April 2020, the operators previously utilising the Nyngan High School canteen prior to its closure, approached Bogan Shire Council indicating they wanted to explore options to continue their business from other premises.

The operators discussed options with Council staff and indicated an intention to make a formal application to operate a Temporary Food Premises from the Rugby Clubhouse at Larkin Oval in accordance with Section 68 of the *Local Government Act 1993 (LGA)*.

Later that day, a formal application in this regard was lodged with Council by the operators (Application).

Section 68 of the LGA specifies a range of activities where approvals are required to be obtained from Council. Council is the only authority that can issue section 68 approvals.

Engaging in a trade or business on Community Land (which includes the Rugby Clubhouse) is one of the activities which are permitted only with the consent of Council under LGA Section 68.

Approvals under Section 68 of the LGA can be sought from Council under two separate assessment processes, namely, either as (a) a standalone application for the activity using the specified forms and upon payment of the relevant application fees, or (b) in conjunction with a Development Application seeking approval under the *Environmental Planning and Assessment Act 1979* for a use to which the activity is related.

Section 89 of the LGA lists exhaustively the matters that Council must consider in assessing such application, namely:

*"(1) In determining an application, the council-*

*(a) must not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation, and*

**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020**

*(b) must take into consideration any criteria in a local policy adopted under Part 3 by the council which are relevant to the subject-matter of the application, and*

*(c) must take into consideration the principles of ecologically sustainable development.*

*(2) If no requirements are prescribed for the purposes of subsection (1)(a), and no criteria are adopted for the purposes of subsection (1)(b), the council in determining an application-*

*(a) is to take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application, and*

*(b) is to seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.*

*(3) Without limiting subsection (2), in considering the public interest the matters the council is to consider include--*

*(a) protection of the environment, and*

*(b) protection of public health, safety and convenience, and*

*(c) any items of cultural and heritage significance which might be affected."*

On 3 April 2020, the Application was assessed by Council staff which included an inspection of the Rugby Clubhouse to determine if the kitchen and its facilities met the requirements of the *Australia New Zealand Food Standards Code*, in particular *Standard 3.2.3 – Food Premises and Equipment*.

Upon completing the assessment of the Application, Council staff issued a conditional approval to the operators for the operation of a Temporary Food Premises from the Rugby Clubhouse under delegated authority CAR01. The consent is restricted for a period not exceeding twelve (12) months, and permits the sale of baked goods, chicken and beef dishes from the premises only on Thursdays, Fridays and Saturdays between the hours of 8am to 5pm.

Coincidentally, on the same day, the Minister for Planning and Public Spaces issued the *Environmental Planning and Assessment (COVID-19 Development – Takeaway Food and Beverages) Order 2020* (COVID-19 Order) which permits the proposed business to operate from the premises without the approval of Council during the COVID-19 pandemic. Prior to the Minister's COVID-19 Order being issued, Section 68 of the LGA required Council approval to be given prior to engaging in a trade or business on



**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 23 April 2020**

community land. In either case, a food business is still required to sell safe and suitable food in accordance with the provisions of the *NSW Food Act 2003*.

On 6 April 2020, Council received a complaint regarding the sale of food to the general public from the Rugby Clubhouse, including Council's approval of such activity.

### **3.3 Discussion**

Condition 8 of the Section 68 approval issued by Council on 3 April 2020 states:

*"Council reserves the right to alter, add to or delete any such condition as it considers necessary in the public interest".*

If Council wishes to do so, it may consider amending or revoking the approval in the public interest, subject to one or more of the following conditions:

Section 109 of the *LGA* states that an approval may be revoked or modified in any of the following circumstances:

- (a) If the approval was obtained by fraud, misrepresentation or concealment of facts;
- (b) For any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the council not to have granted the approval (or not to have granted it in the same terms);
- (c) For any failure to comply with a requirement made by or under this Act relating to the subject of the approval; and/or
- (d) For any failure to comply with a condition of the approval.

If Council were to consider the above action, it should be noted that the following rights are available to the applicant:

#### Right of Review

Section 100 of the Local Government Act 1993 confers the right of an applicant to request the Council to review its determination within 28 days after the date of determination.

#### Right of Appeal

Section 176 of the Local Government Act 1993 confers the right of an applicant who is dissatisfied with the determination of Council to appeal to the Land and Environment Court within 12 months after the date of determination.



**Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council  
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Notwithstanding the above, it is the opinion of the Director of Development and Environmental Services that the subject activity could be conducted without Council approval under the terms of the *COVID-19 Order* issued by the Minister for Planning and Public Spaces on 3 April 2020. This opinion was confirmed in writing by the NSW Department of Planning, Industry and Environment on 6 April 2020.

**3.4 Recommendation**

That this report be received and noted

**Cathy Black**

**ACTING DIRECTOR  
DEVELOPMENT & ENVIRONMENTAL SERVICES**



Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020

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## PRECIS OF CORRESPONDENCE

### 1 LOCAL GOVERNMENT GRANTS COMMISSION

Attached is a copy of correspondence received from NSW Local Government Grants Commission referring to Council's special submission on expenditure disabilities with the general purpose component (GPC) for federally funded Financial Assistance Grants (FAGs) for consideration by the Grants Commission. The Commission notes that Council's submission is focused on two particular areas of expenditure disability which are the Bogan Shire Medical Centre and the Bogan Shire Early Learning Centre. Council is to be commended for providing these services. The Commission advises in the correspondence the measures for the allocation and distribution of the Grants. Council has been regrettably advised that its submission has been unsuccessful and it is hoped that the explanation in the correspondence will satisfy Council that the Commission is always looking to ensure that grant funding is distributed consistent with the National Principles.

**1.1 Recommendation:** That the correspondence received from the Local Government Grants Commission advising Council that its submission on expenditure disabilities with the general purpose component (GPC) for federally funded Financial Assistance Grants (FAGs) was unsuccessful be received and noted.

### 2 NYNGAN WASTE FACILITY

Attached is a letter from Lisa Quinton regarding Nyngan Waste Facility.

**General Manager's Note:** Options for increasing Nyngan Waste Facility's operating hours can be prepared for Council to consider at its Budget Estimates meeting next month. Council's compliance staff have been asked to investigate illegal dumping.

**2.1 Recommendation:** For Councils consideration.

### 3 AUSTRALIAN COMMUNITY MEDIA (RURAL PRESS PUBLICATIONS)

Attached is a letter from Rural Press t/a ACM (Australian Community Media), regarding changes to their business, including the Nyngan Observer, in relation to COVID and publication of newspapers, received on 16 April 2020.

**3.1 Recommendation:** For Councils consideration.



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
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#### **4 WEEKLY CIRCULARS**

Weekly Circulars dated 20 March 2020, 27 March 2020 and 3 April 2020 have been emailed to Councillors for information.

**4.1 Recommendation:** That the Local Government Weekly Circulars dated 20 March 2020, 27 March 2020 and 3 April 2020 have been emailed to Councillors for information.



**Precis of Corespondence to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020**



**Local Government  
Grants Commission**

NSW Local Government Grants Commission  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE: A683650  
YOUR REFERENCE:  
CONTACT: Helen Pearce  
(02) 4428 4131  
helen.pearce@olg.nsw.gov.au

Mr Derek Francis  
General Manager  
Bogan Shire Council  
PO Box 221  
NYNGAN NSW 2825

Email: [steph.waterhouse@bogan.nsw.gov.au](mailto:steph.waterhouse@bogan.nsw.gov.au)

31 March 2020

Dear Mr Francis

I refer to the Council's special submission on expenditure disabilities within the general purpose component (GPC) of the federally funded Financial Assistance Grants (FAGs) for consideration by the Grants Commission. I apologise for the delay in responding. An acknowledgement letter was sent to Council on 13 January 2020 advising Council that the Commission would be meeting in February 2020 (in conjunction with visits to councils in Northern NSW), which was the earliest opportunity for the Commission to consider Council's submission.

The Commission notes that Council's submission is focused on two particular areas of expenditure disability which are the Bogan Shire Medical Centre, and the Bogan Shire Early Learning Centre. The Council's efforts to provide these services are to be commended.

In allocating the FAGs the Commission is constrained by the National Principles mandated by the *Local Government (Financial Assistance) Act 1995 (Cwlth)*. As well as taking into account data collected from all 128 councils, the Commission is required to distribute the funds not just on a horizontal equalisation basis (which has regard to the level of relative needs of councils assessed against the derived state standard) but also on an effort neutral basis (a council's policy decisions should not influence the grant calculation).

Under the National Principles, the Commission is also required to determine relative revenue raising capacity of councils. The Commission uses land values as a proxy to measure the relative revenue raising capacity of councils. The model is effort neutral as the Commission uses Valuer-General property valuation data to determine State average property values and rate income from all councils to determine the average rate in the dollar. This process is applied across all councils for both urban and non-urban properties. Council's rateable land value is then compared with the State average value. Councils with high values above the State average receive a negative allowance. Councils such as Bogan Shire, with below average values, receive a positive allowance.

T 02 4428 4131 F 02 4428 4199 TTY 02 4428 4209  
E [grants@olg.nsw.gov.au](mailto:grants@olg.nsw.gov.au)  
W <http://www.olg.nsw.gov.au>  
(follow the "Commissions & Tribunals" links)



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020**

2

In our visits to councils around the State we often find that how the Commonwealth determines the level of assistance, and how the FAGs are distributed to councils, is not widely understood. Council will appreciate that as it reports its annual expenditure against items in the net cost of services to the Office of Local Government (OLG), those costs are accounted for by the Commission when it determines relative need across the six expenditure functions for all councils. Including all councils' expenditure ensures that individual council's expenditure decisions are taken into account on an effort neutral basis.

In terms of relative need, the Commission notes that Council is in the Rural Agricultural Medium OLG group of councils and is receiving \$1,071.06 per capita. This is in contrast to the metropolitan councils, many of which are only receiving the minimum grant allocation of \$21.09 per capita. What we do know is that through the efforts of the Commission, and despite non-metropolitan councils having 35% of the State's population, non-metropolitan councils receive 74% of the total grant funding. This is a substantial increase on the standard per capita amount and it demonstrates how the allocation methodology benefits councils like Bogan Shire.

Further, the distribution of the GPC to councils differs from that which would occur if grants were allocated on a full fiscal equalisation basis. Unfortunately for many non-metropolitan councils, under the Commonwealth Act the Commission must ensure that each council in the State must receive not less than the amount that the council would receive if 30% of the amount to which the State is entitled were allocated among local governments in the State on a per capita basis (the 30% per capita minimum). There is clear evidence that in its application, this National Principle improves the financial capacity of relatively wealthy metropolitan councils to the detriment of poorer rural and regional councils. This mandatory legal obligation imposes a significant constraint on the Commission.

The FAGs afforded by the Commonwealth have been declining as a proportion of total Commonwealth revenue since at least 1991-92. The Australian Local Government Association has recently submitted that the level of FAGs should be increased and set at one per cent of total Commonwealth taxation receipts. If the Commonwealth Government agreed with this proposal then the pool of funds available for distribution would virtually double the size of the grant to most councils. But until such assistance is provided, the Commission remains constrained in how it can distribute the Commonwealth funds. In noting that, the Commission passes on the total amount of available funds for distribution to councils. There is no 'skimming off' of the grant funds by the Commission. Its running costs are wholly funded by the NSW Government.

The NSW Government supports the Commission targeting the FAGs to communities with greatest relative need. To facilitate this objective the Commission has started to quarantine a proportion of the Consumer Price Index component of the grant for allocation under the Relative Disadvantage Allowance (RDA). These funds are isolated for allocation to councils with unsealed local roads, councils which are isolated and councils which are experiencing population decline. Bogan Shire was a beneficiary of the RDA receiving an additional \$143,991.



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020**

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The Commission notes that Council believes that its allocation should be more based on the difficulties associated with funding the provision of Bogan Shire Medical Centre, and the Bogan Shire Early Learning Centre. However, Council should appreciate from the material in this letter that the Commission is bound under law to measure and assess the relative differences between councils within the available funds. The Commission has attempted to recognise Council's relative disadvantage to the extent that its allocation is already on the maximum increase of 5% on the prior year's GPC grant. In addition, Council receives the RDA bringing its total increase to 8.1%.

While the Commission regrets to advise that Council's submission has been unsuccessful, it is hoped that the explanation in this letter will satisfy Council that the Commission is always looking to ensure that grant funding is distributed consistent with the National Principles and, so far as possible, with the aim of delivering more funds to councils, such as Bogan Shire, that have the greatest relative need.

Thank you for bringing these matters to the attention of the Commission.

Yours sincerely

A handwritten signature in black ink that reads "Helen Pearce".

**Helen Pearce  
Executive Officer**



Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020

BOGAN SHIRE COUNCIL	
FILE	R/N
14 APR 2020	
ASSIGNEE:	

Lisa Quinton  
49 Cannonbar st  
Nyngan NSW  
2825

To our mayor + councillors,

I wish to discuss the waste facilities currently available to us, the problems that I, as a local business person face and how this is affecting other locals. I also wish to make council aware of illegal dumping and ask them to consider these costs before making changes to our tip hours and hopefully implementing some of the other suggestions.

At present we have only a rubbish and recycle bin and I've never seen a kerbside pick up. The tip only being open 4 days a week means I, personally, spend most Thursdays doing half a dozen tip runs. I am forced to stack woolpacks of garden rubbish at my house and others houses. I have spoken to a number of individuals and business owners who all agree this isn't the best set-up.

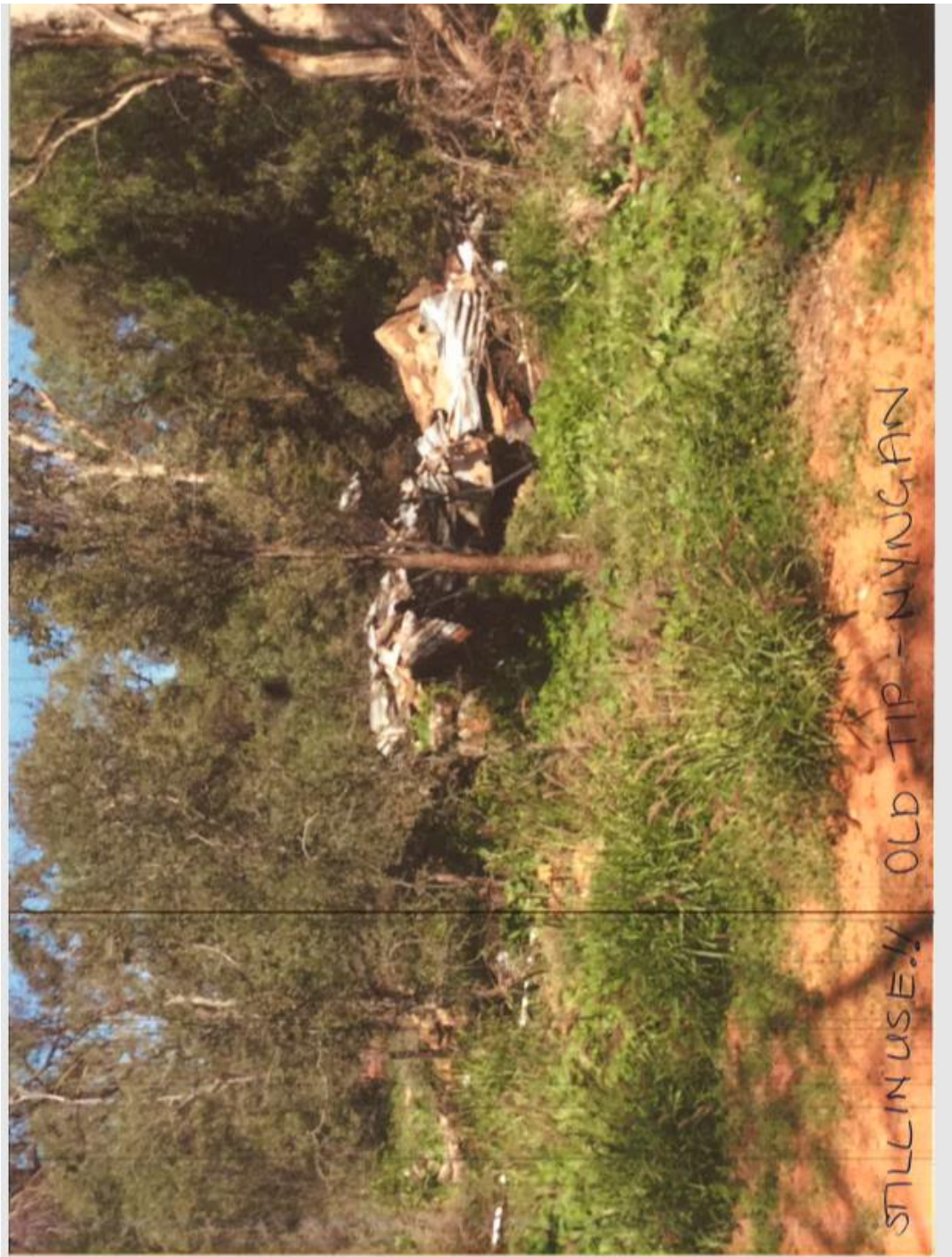
The reduction in tip days/hours has meant there is a lot more illegal dumping going on, mostly on crown land. Council will be responsible for this and as the mess continues to grow so will the clean up costs. It might just be cheaper in the long run to increase the tip hours!

I really think the tip days/hours need to be changed. I would like to see the tip open at least 6 days a week and clear signage at the vets corner stating if it is open or not. I think council should also consider green waste bins, street collections and a tip shop. Please feel free to contact me with any questions or for further discussions, 0268321894

Lisa Quinton



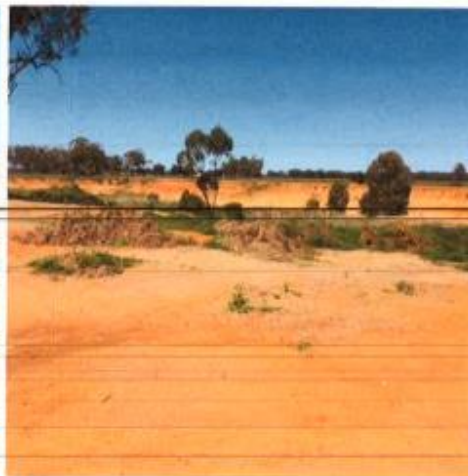
Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020



Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020

Over the levee past  
the power station.

old tip :



Precis of Corespondence to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020



April 14 2020

BOGAN SHIRE COUNCIL	
FILE	R/N
16 APR 2020	
ASSIGNEE:	

**A message to our advertisers**

The coronavirus pandemic has become the greatest crisis the world has experienced in generations.

No family, community, state, country, or company, has been able to escape some effect.

For ACM, the shutting down of large parts of the Australian economy has had a serious impact on every part of our business.

In recent weeks we have tried to battle through. Our staff have been extraordinary. They have continued to display professionalism and pride in the face of the crisis, including swiftly switching to working from home to safeguard the health of their colleagues, families and communities.

Unfortunately, ACM can no longer continue business as usual. We have no choice but to act now.

Earlier this week I advised employees that the printing operations at some of our press sites and the production of a number of our non-daily publications would be suspended for three months.

Some of our newspapers will not be published from next week. These mastheads will carry limited news coverage online.

Staff associated with the affected print sites and publications will be stood down.

This decision is going to be upsetting for a lot of people. It is an extremely difficult time for many of our staff. Our first thoughts are always for their safety and well-being.

The decision to temporarily stop publishing some newspapers has not been taken lightly. We know that our communities have a close relationship with their local paper.

But decisive action to change our operations is now necessary to ensure ACM makes it through this crisis, so that we can continue to be a vibrant part of our shared future in the towns, cities and regions we serve.

As Australia's largest independent media company, we remain committed to our audiences and advertisers. Our 14 dailies, our agricultural publications and many of our other titles will continue to operate through this difficult period.

Before the COVID-19 emergency, ACM had positioned itself as a significant player in the media landscape by investing in strategic partnerships and revenue opportunities such as realestateview.com.au, Australia's 3rd largest real estate portal, and other innovative property ventures, which, along with our stake in Prime Media Group, were helping to strengthen us for the future.

I am determined that we will come out the other side of the coronavirus crisis to resume our focus on these ventures and to renew our efforts to grow a business that sustains ACM's trusted voice all over Australia.

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159 Bells Line of Rd, North Richmond NSW 2754  
[www.acmadcentre.com.au](http://www.acmadcentre.com.au)

Rural Press Pty Ltd trading as Australian Community Media - ABN 47 000 010 382



**Precis of Correspondence to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020**

As we assist our employees through these difficult changes, I would like to acknowledge their dedication to their readers, customers and communities as true professionals.

I'd also like to thank you, our advertisers, for your continued support and understanding.

A handwritten signature in black ink, appearing to read "Antony Catalano", with a long horizontal flourish extending to the right.

**Antony Catalano**  
Executive Chairman, ACM



**Precis of Corespondence to the Ordinary Meeting of Bogan Shire Council  
held on 23 April 2020**

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