





4. Attachments

1. Invitation to Participate in the Big Bogan Street Festival - Business/Organisation
2. The Big Bogan Street Festival - Road Closures Letter
3. Invitation to Participate in the Big Bogan Street Festival - Pangee Street Businesses
4. Big Bogan Street Festival - graph of ticket sales

5. Recommendation

That:

1. The Big Bogan Street Festival 2024 report be received and noted.
2. Councillors provide feedback on behalf of the community for planning of potential future events.



"Comfortable Country Living"

24 June 2024

Dear Business/Organisation

Invitation to Participate in the Big Bogan Street Festival

We are excited to invite you to be a part of the Big Bogan Street Festival, taking place on Saturday 28 September 2024. This event is a highlight of our calendar and a fantastic opportunity for local involvement and community spirit.

Council has received grant funding under the NSW Government's *Vibrant Streets Package – Open Streets Program*, to temporarily close Pangee Street to vehicles for a day and open it to people with placemaking activations. The Open Streets Program aims to inject vibrancy into our streets and help create thriving local places that support local business, creative sectors, and the community through events and activations.

Local organisations and committees are invited to join us in running various activities on the day. This could include managing entry gates, overseeing community BBQs, handling bar and licensing services, organising fun activities, and catering for different sections of the festival. You will have the opportunity to invoice Bogan Shire Council for services provided.

We also welcome participation from food vendors and market stall holders who would like to showcase their talents and products during the festival. We also offer preassembled marquee tents to enhance your presence at the event.

We are committed to providing these opportunities to local members and groups within our community before extending invitations beyond Bogan Shire. This event is a chance to celebrate our vibrant community and support one another.

If you are interested in participating, please contact Haylee Martin on (02) 6835 9000 or via email community@bogan.nsw.gov.au for further information. We look forward to working with you to make the Big Bogan Street Festival a memorable and successful event.

Yours sincerely,

Derek Francis
General Manager

Telephone: (02) 6835 9000
Facsimile: (02) 6835 9011
Email: admin@bogan.nsw.gov.au
www.bogan.nsw.gov.au
ABN: 68 886 242 083

Address all
communications to:
The General Manager
PO Box 221
Nyngan NSW 2825

Council Chambers
81 Cobar Street
Nyngan
New South Wales
Australia



"Comfortable Country Living"

14 June, 2024.

Dear _____,

The Big Bogan Street Festival – Road Closures

Council would like to inform you of the Big Bogan Street Festival, taking place on Saturday 28 September 2024, from 12.00pm to 11.00pm. This event is a highlight of our calendar and a fantastic opportunity for local involvement and community spirit.

Council has received grant funding under the NSW Government's *Vibrant Streets Package – Open Streets Program*, to temporarily close Pangee Street to vehicles for a day and open it to people with placemaking activations. The Open Streets Program aims to inject vibrancy into our streets and help create thriving local places that support local business, creative sectors, and the community through events and activations.

Please note that road closures are expected to begin at 6am on the day of the event. We understand this may disrupt your normal business operations, and we apologise for any inconvenience. We are committed to working with you to make any necessary arrangements to keep your business running as smoothly as possible during the festival.

While the road will be closed to vehicles, Council will ensure the footpath and pedestrian access on your side of the street remains unobstructed so customers can still access your business on foot.

If you have any questions or concerns, please contact Haylee Martin on (02) 6835 9000 or via email community@bogan.nsw.gov.au for further information.

Yours sincerely,

Derek Francis
General Manager



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"Comfortable Country Living"

14 June, 2024.

Dearxxx,

Invitation to Participate in the Big Bogan Street Festival

Council would like to invite your business to be a part of the Big Bogan Street Festival, taking place on Saturday September 28 2024, from 12pm to 10.30pm. This event is a highlight of our calendar and a fantastic opportunity for local involvement and community spirit.

Council has received grant funding under the NSW Government's *Vibrant Streets Package – Open Streets Program*, to temporarily close Pangee Street to vehicles for a day, and open it to people with placemaking activations. The Open Streets Program aims to inject vibrancy into our streets and help create thriving local places that support local business, creative sectors, and the community through events and activations.

To ensure smooth coordination, we will also be hosting meetings with food vendors closer to the date to avoid overlapping menus and to finalise other important details. We believe open communication is key to making the day a success for everyone.

If you are interested in participating, please contact Haylee Martin on (02) 6835 9000 or via email community@bogan.nsw.gov.au for further information.

We look forward to working with you to make the Big Bogan Street Festival a memorable and successful event.

Yours sincerely,

Derek Francis
General Manager



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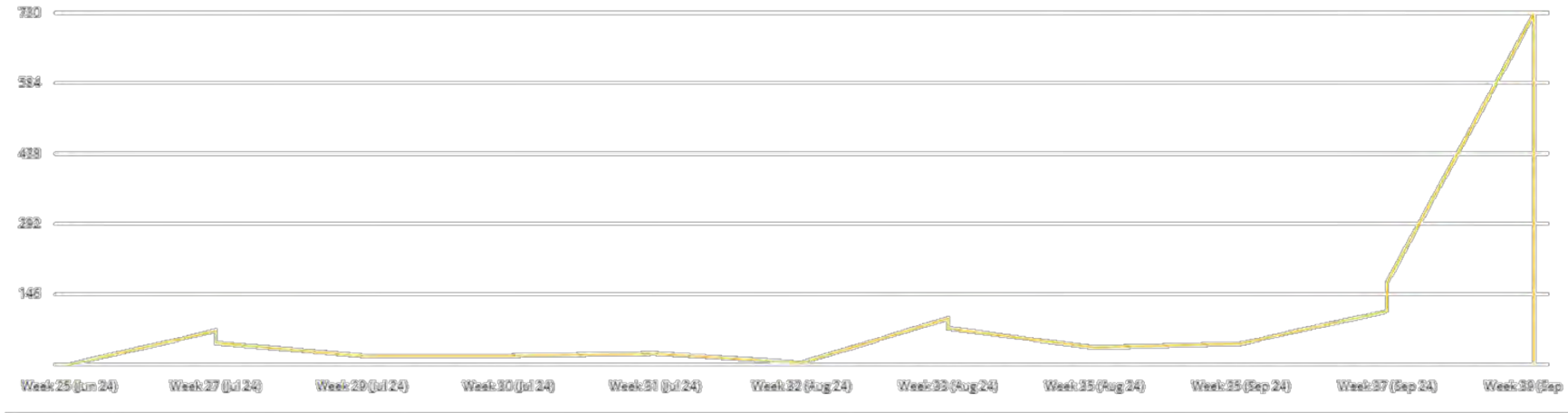
Council Chambers
81 Cobar Street
Nyngan
New South Wales
Australia

Big Bogan Street Festival ticket sales

Broken down into sales over weeks:

TICKET SALES OVER TIME

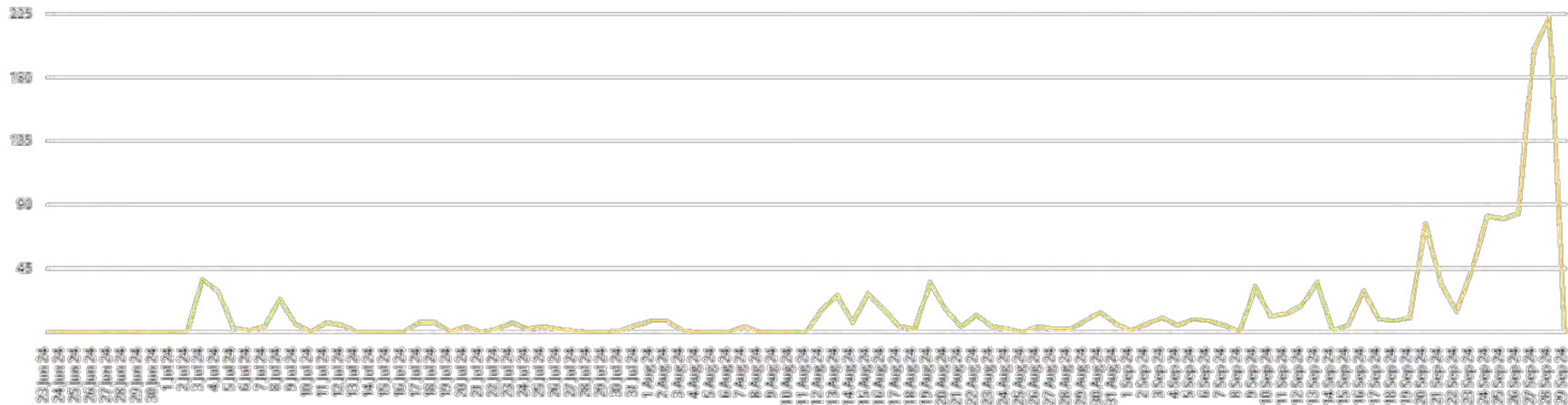
From date: 23 Jun 24 To date: 29 Sep 24 Day **Week** Month



Broken down into sales over days:

TICKET SALES OVER TIME

From date: 23 Jun 24 To date: 29 Sep 24 Day **Week** Month



11.7 PRODUCTIVITY COMMISSION FINAL REPORT ON EARLY CHILDHOOD EDUCATION AND CARE

1. Introduction

The purpose of this report is to inform Council of the Productivity Commission's Inquiry into the Early Childhood Education and Care (ECEC) sector in Australia, provide an overview of the Final Report, and to recommend that Council makes representation to government on behalf of the community in relation to centre-based long daycare and outside school hours care.

2. Background

The Australian Government asked the Productivity Commission to undertake an inquiry into the ECEC sector in Australia and make recommendations that will support affordable, accessible, equitable and high-quality ECEC that reduces barriers to workforce participation and supports children's learning and development.

The Productivity Commission is the Australian Government's independent research and advisory body on a range of economic, social and environmental issues affecting the welfare of Australians. Its role, expressed most simply, is to help governments make better policies, in the long term interest of the Australian community.

The Australian, state and territory governments share responsibility for the ECEC sector, which comprises centre-based day care, preschools, family day care, outside school hours care and in home care.

The Productivity Commission's Final Report outlines what a universal ECEC system would look like, and the significant reforms necessary to achieve it. These reforms tackle issues that affect ECEC availability, inclusion, affordability, quality and equity.

The report's recommendations aim to remove barriers to ECEC access and support better outcomes for children and families, was sent to the Australian Government on 28 June 2024 and publicly released on 18 September 2024.

3. Discussion

The Productivity Commission's Final Report covers Volumes 1, 2 and 3 and is available by accessing the following link: <https://www.pc.gov.au/inquiries/completed/childhood/report>

Copies of the Productivity Commission's Inquiry Report will be provided at the meeting and are available from the General Manager's office on request.

Of most relevance to Bogan Shire Council are the following excerpts of Findings and Recommendations:

PRODUCTIVITY COMMISSION'S FINAL REPORT***Finding 3.1 and Recommendation 3.1******Workforce constraints affecting the capacity of the sector risk persisting without action.***

Workforce constraints are affecting the ECEC sector, and there are risks that, without action, there will be fewer ECEC workers than needed.

The Australian, state and territory governments should set goals for the ECEC workforce. The outcomes for the ECEC workforce identified in the draft National Vision for ECEC can form the basis for these goals, but the goals should also include reference to:

- the pay and conditions being sufficient to attract and retain enough qualified workers in the sector so that all children and families have access to at least 30 hours or three days of high-quality ECEC for 48 weeks per year for children aged 0-5 if they choose to, and for outside school hours care to be available in all public schools where there is sustainable demand
- there being a pipeline of future educators and teachers that will meet future ECEC demand
- the ECEC workforce having access to pathways that facilitate career advancement and that encourage ECEC workers (both current and future) to view a career in the sector as attractive and rewarding.

Relevance to Bogan Shire Council

- The ELC is required to operate 50 weeks per year, with equivalent qualifications for Early Childhood Teachers (ECTs) and longer working days.
- Teachers working in Primary School settings are able to have up to 12 weeks' leave per year, work shorter days and are paid more than ECTs.
- Teachers in rural and remote NSW public schools receive additional financial benefits such as relocation subsidies and generous rental subsidies.
- Salary packaging is also available to eligible NSW public school teachers, allowing them to maximise their disposable income by receiving part of their pre-tax pay in the form of benefits rather than receiving it all in salary.
- Council has been requesting the NSW Government to address the lack of outside school hours care in Nyngan since 2021 (Refer Finding 10.1).

Finding 3.3**Government support can help to offset the impacts of wage increases on ECEC affordability and accessibility.**

Wage increases for ECEC staff will result in higher costs for services, which can be expected to lead to adverse impacts on ECEC affordability and accessibility.

Government funding to support a wage increase – which the Australian Government has indicated it will provide – would help to mitigate some of these impacts.

Relevance to Bogan Shire Council

- The Australian Government has announced Early Childhood Education and Care Worker Retention Payment Grant Opportunity Guidelines.
- Council is awaiting further advice from LGNSW on the implications for Councils that operate long day care services.

Finding 3.4**Accelerated qualifications for Diploma-qualified educators should help lift early childhood teacher numbers.**

With demand for early childhood teachers (ECTs) set to remain high, accelerated pathways that allow Diploma-qualified educators to obtain an early childhood teaching qualification in a reduced time frame can play an important role in growing the pool of ECTs.

Relevance to Bogan Shire Council

- We have a number of Diploma qualified staff working towards Early Childhood degree qualifications who would benefit from accelerated pathways to ECT qualifications.

Finding 3.6 and Recommendation 3.5**Unpaid professional experience requirements are a barrier to upskilling.**

The requirement to undertake supervised professional experience as part of teaching qualifications presents a significant barrier to some educators upskilling to become early childhood teachers, especially where this professional experience is unpaid.

Many cannot afford to go without income while completing placements, and placements that involve travelling long distances and staying away from home create additional challenges for educators from remote and regional areas.

A recommendation to reduce barriers for qualified educators to upskill to early childhood teachers is to provide financial support to ECEC services so they can provide a reasonable amount of paid leave to educators to complete supervised professional experience requirements associated with early childhood teaching qualifications.

Relevance to Bogan Shire Council

- Currently staff are required to undertake anywhere between 9 and 20 weeks supervised unpaid professional experience requirements (practical placements) with other organisations (e.g., local primary schools). For this period, they are required to take annual leave or leave without pay from Bogan Shire Council.

Finding 10.1 and Recommendation 10.1***Governance arrangements - system stewardship.***

The Australian and state and territory governments should negotiate a new national agreement for ECEC. This agreement should include:

- a detailed articulation of the roles, responsibilities and functions of different governments, government agencies, and coordination mechanisms.
 - State and territory governments should also be given responsibility for ensuring access to outside school hours care services in public schools where there is enough demand for a service to be viable.

Relevance to Bogan Shire Council

- Council carried out public consultation via a survey back in March 2021 after a visit from then Minister for Mental Health, Regional Youth and Women, The Hon. Bronnie Taylor, where the matter of demand for a Vacation Care and Before and After School Care (BASC) service for families with children aged between 5 and 12 was discussed. The survey results clearly demonstrated an urgent and high demand for out of school hours and vacation care, with all families indicating their need due to working either full time, part time or studying to gain employment.
- Since then, Council has continued to lobby State Ministers, Local Members, and the Department of Education to implement a Vacation Care and BASC service at the Nyngan Public School.
- Expressions of Interest have been advertised over the past 3 years, however, to date no Service Provider has been identified and the matter seems to have fallen by the wayside.
- As recently as July 2024, Council resolved to request Roy Butler, MP, Member for Barwon, to make further contact with the Minister for Education about the lack of before and After School Care in Nyngan. Council will continue to make requests to the local Member and the Minister, on behalf of our Community, in relation to this critical matter.

SMALL BUSINESS COMMISSION'S SUBMISSION

One of the key stakeholders to the Productivity Commission's Inquiry was the NSW Small Business Commissioner. Their submission, which is accessible by accessing the following link:

<https://www.smallbusiness.nsw.gov.au/sites/default/files/2023-07/220926 - Final - Childcare report.pdf>

The Report includes the following excerpts of Recommendations:

Recommendation 1
Staffing requirements.

The benefits of NSW’s higher educator to child ratio requirements should be assessed, with additional requirements removed unless clear and measurable benefits are found to outweigh their cost.

Relevance to Bogan Shire Council

In some states, allowances are made to provide flexibility in educator to child ratios to accommodate short staffing breaks, or reduced ratios during rest periods. In NSW, educator to child ratios must be always maintained, so additional staff are required to cover all staff breaks, regardless of the length of break, or if it occurs during rest periods for children.

Additional challenges relating to staff breaks for ECTs are also mitigated in other jurisdictions as ECTs are required to be in attendance 60 per cent of the time, whereas in NSW services with more than 30 children must have an ECT in attendance at all times.

Nationally, centres have the option to substitute additional ECTs with ‘suitably qualified persons’ if required. However, centres in NSW do not have this option. Bogan Shire Early Learning Centre has had to undergo a process of applying for waivers to meet the requirements.

The National Law and National Regulation set educator and child ratios and educator qualification requirements for long day care. However, NSW has a number of state-specific provisions that exceed the national standards. This means long day care operators such as Bogan Shire Early Learning Centre, are required to meet higher staffing requirements than operators in other states and territories.

Table 1 – Educator to child ratio requirements for centre-based services

Age of children	NSW educator to child ratio	Relationship to minimum requirements in other state and territories
Birth to 24 months	1:4 at all times	Consistent ratio. Provisions in QLD, Tas, SA and WA allow staff to take short breaks
Over 24 months and less than 36 months	1:5 at all times	Consistent ratio. Provisions in QLD, Tas, SA and WA allow staff to take short breaks
36 months up to and including preschool age (3 to 6 years)	1:10 at all times	Higher ratio (national ratio is 1:11). Provisions in QLD, Tas, SA and WA allow staff to take short breaks

Relevance to Bogan Shire Council

Additional NSW requirements for ECTs are regarded as particularly difficult for long day care providers with 30 to 80 children as they are significantly higher than the national standards.

Table 2 — NSW ECTs requirements for centre-based services

Number of children	ECTs in NSW	ECTs in other states	Multiple of national requirement
Less than 25 children	1 ECT 20 per cent of the time (reg 130)	1 ECT 20 per cent of the time (reg 130)	1
25-29 children	1 ECT 60 per cent of the time (reg 272)	1 ECT 60 per cent of the time (reg 132)	1
30-39 children	1.0 ECT at all times (reg 272)	1 ECT 60 per cent of the time (reg 132)	1.67
40-59 children	2.0 ECTs at all times (reg 272)	1 ECT 60 per cent of the time (reg 132)	3.33

Recommendation 2

Staff-break provisions to be adopted in NSW.

Additional provisions in other jurisdictions that provide flexibility to facilitate staff breaks appear to sensibly balance the need to maintain quality care with the practical need for staff to take breaks.

Feedback should be sought on the operation of these provisions, and if they are functioning well in other jurisdictions, then equivalent provisions should be adopted in NSW.

Relevance to Bogan Shire Council

Other states and territories have state-specific provisions which provide flexibility to meet ratio and ECT requirements. In Queensland, Tasmania, South Australia and Western Australia there are specific provisions enabling staff ratios to be modified when educators are taking short breaks and not working directly with children.

In order to maintain the NSW ratios, Bogan Shire Early Learning Centre is required to employ an additional Educator to cover all breaks.

Recommendation 9***Removing restrictions on work placements.***

Representations should be made to universities to consider changing mandatory unpaid work placement requirements for early childhood education degrees to recognise paid employment undertaken with the student's existing ECE employer.

Relevance to Bogan Shire Council

A key barrier to upskilling existing staff is that universities require students studying early childhood education to undertake three-month unpaid placements in centres which cannot be the same as their usual place of employment.

A model like apprenticeships, where paid work undertaken on the job with the student's current employer is recognised for mandatory work experience requirements for early childhood education degree courses, was suggested.

Several Bogan Shire Early Learning Centre staff have and will continue to be impacted by these onerous requirements.

4. Attachments

Nil

5. Recommendation

That:

1. The Productivity Commission's Final Report be received and noted.
2. Council writes to the Hon Mark Coulton MP, Member for Parkes, and Mr Roy Butler, MP, the Member for Barwon, commending the Productivity Commission's Final Report to them and requesting that its contents be raised in discussions with their respective governments.
3. Council writes to the Alliance of Western Councils, requesting their support on behalf of all Councils, to bring the contents of the Productivity Commission's Final Report to the attention of the Australian and New South Wales Government.

12 FINANCE AND CORPORATE SERVICES REPORTS

12.1 INVESTMENTS AUGUST AND SEPTEMBER 2024

1. Introduction

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

2. Background

In accordance with Clause 212 of the Local Government (General) Regulation 2005 a report must be presented to the Council setting out details of all the money that the Council has invested under section 625 of the Act.

3. Discussion

The Investment Report for August 2024 and September 2024 are shown below. At the 30th September 2024 Council had \$33 million invested. Council needs to be aware that as at the 30th June 2024 only \$6 million of these funds were unrestricted.

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

Investment Movements for August 2024

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

REF	Source	Taken Up	Maturity	% rate	Bal July 24	Bal Aug 24
42-150-6894	NAB - Professional Funds	4/05/2016	At Call	4.350%	15,287,707.16	16,474,919.16
11271016	Westpac	15/12/2023	16/12/2024	5.150%	6,000,000.00	6,000,000.00
87-912-8864	NAB	22/02/2024	21/02/2025	5.080%	2,000,000.00	2,000,000.00
41-459-6828	NAB	22/02/2024	21/02/2025	5.080%	2,000,000.00	2,000,000.00
76-111-0458	NAB	9/05/2024	9/05/2025	5.250%	2,800,000.00	2,800,000.00
76-135-1489	NAB	9/05/2024	9/05/2025	5.250%	2,000,000.00	2,000,000.00
88-392-4994	NAB	29/05/2024	29/05/2025	5.200%	2,000,000.00	2,000,000.00
	Balance securities held				32,087,707.16	33,274,919.16
	Balance Ledger 19010.8200.8200				33,453,534.18	33,274,919.16
	Summary by institution					
	WESTPAC				6,000,000.00	6,000,000.00
	NAB				26,087,707.16	27,274,919.16
	COMMONWEALTH				0.00	0.00
					32,087,707.16	33,274,919.16

Investment Movements for September 2024

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

REF	Source	Taken Up	Maturity	% rate	Bal Aug 24	Bal Sep 24
42-150-6894	NAB - Professional Funds	4/05/2016	At Call	4.350%	16,474,919.16	16,557,234.33
11271016	Westpac	15/12/2023	16/12/2024	5.150%	6,000,000.00	6,000,000.00
87-912-8864	NAB	22/02/2024	21/02/2025	5.080%	2,000,000.00	2,000,000.00
41-459-6828	NAB	22/02/2024	21/02/2025	5.080%	2,000,000.00	2,000,000.00
76-111-0458	NAB	9/05/2024	9/05/2025	5.250%	2,800,000.00	2,800,000.00
76-135-1489	NAB	9/05/2024	9/05/2025	5.250%	2,000,000.00	2,000,000.00
88-392-4994	NAB	29/05/2024	29/05/2025	5.200%	2,000,000.00	2,000,000.00
	Balance securities held				33,274,919.16	33,357,234.33
	Balance Ledger 19010.8200.8200				33,274,919.16	33,357,234.33
	Summary by institution					
	WESTPAC				6,000,000.00	6,000,000.00
	NAB				27,274,919.16	27,357,234.33
	COMMONWEALTH				0.00	0.00
					33,274,919.16	33,357,234.33

4. Attachments

Nil

5. Recommendation

That Council receive and note the Investments Report for August and September 2024.

12.2 SUMMARY OF RATE AND ANNUAL CHARGES COLLECTION

1. Introduction

The purpose of this report is to provide a comparison of rate collections as at 30 September, 2024, with the same period last year.

2. Background

This report is provided for the information of Councillors.

3. Discussion

Rate Collections	2024-2025	2023-2024
Arrears Prior to 01/07/2024	359,964	593,312
First Instalment in arrears as at 30/09/2024	121,697	257,351
Second Instalment in arrears as at 30/09/2024	1,078,142	1,033,196
Third Instalment in arrears as at 30/09/2024	1,125,695	1,079,327
Fourth Instalment Outstanding as at 30/09/2024	1,143,413	1,094,826
Total Arrears	481,661	850,663
Total Outstanding	3,828,914	4,058,012
Monthly Transactions		
Amount Levied & B/Fwd	6,254,196	6,241,728
Add: Adjustments	26,527	45,863
Less: Payments to end of July	-2,376,370	-2,157,637
Less: Rebates	-75,463	-71,942
Gross Total Balance	3,828,914	4,058,012
Arrears of total amount levied %	7.7%	13.6%

Total arrears have decreased from \$850,663 at the 30 September 2023 to \$481,661 as at 30 September this year.

Each instalment amounts to approximately \$1,563,000 (Total Rates, Waste, Water & Sewer Access Charges)

As at the 30 September 2024 Council had collected \$218,733 more than at the same time last year. At the time of writing this report council has collected an additional \$26,974 and arrears have reduced to \$463,427 or 7.4% of the total amount levied.

4. Attachments

Nil

5. Recommendation

That Council receive and note the Rates and Annual Charges collection.

12.3 FIRST QUARTER BUDGET REVIEW 2024/2025

1. Introduction

The purpose of this report is to:

1. To review actual performance against budget for the first three months of the 2024/2025 financial year up to 30 September 2024.
2. To adjust the budget in response to changes in the financial landscape and changes to Council's corporate goals.

2. Background

Clause 203 (1) of the Local Government (General) Regulation 2005 requires that Council complete a budget review within 2 months of the end of each quarter. More importantly the review should be completed to enable good financial management of Council's resources. It is with this in mind that this report is presented within one month of the end of the first quarter.

Referring to Attachment 1, the Projected Year End Result has been adjusted to allow for carry forward items and first quarter recommended changes. The items in the carry forward column are prior year capital projects and have already been approved by Council at previous meetings. The first quarter changes are shown in a separate column and discussed below and need to be approved at this meeting.

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 2024/2025, plus items carried forward from 2023/2024, plus or minus recommended changes made at this first quarter review.

3. Discussion

Performance Against Budget

The year-to-date performance against budget shows a \$0 change to the original projected balance. Council budgeted for a cash surplus of \$75,070 overall and the changes to the budget still show a cash surplus of \$75,070 across all funds. Council should note an amount of \$8,938 was transferred from cash reserves to balance the Sewer Fund and \$606,104 was transferred in from the Plant Fund in the 2024/2025 original budget.

The general fund now shows a cash surplus of \$6,766 which is no change to the original surplus. All changes to the budget for the first quarter have been offset against other changes. One of the changes to note are adjustments by the Federal Government to the Financial Assistance Grant (FAG) which has increased in the General component and decreased in the Local Roads component to what was originally budgeted.

Council will receive additional Financial Assistance Grant in 2024/2025 to what was originally budgeted. \$89,411 extra in the General Purpose component and \$20,156 less in the Local Roads component of the grant, making a net favourable adjustment of \$69,255. Council also received Grant funding of \$100,000 for sustainability funding for the Early Learning Centre (ELC), these funds have helped to offset the deficit for the ELC and puts

funds back into the General Fund that have helped Council pay for some additional costs in the first quarter.

The Sewer Fund has no changes to the original budget.

The Water Fund has no changes to the original budget.

The state of the individual funds is shown in Attachment 3:

As always Councillors and staff need to be aware of decisions made and the impact of these decisions on Councils budget. It is always important that corresponding savings are found when making decisions on additional spending and this is not always possible, therefore funds would need to come from any available surplus cash.

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

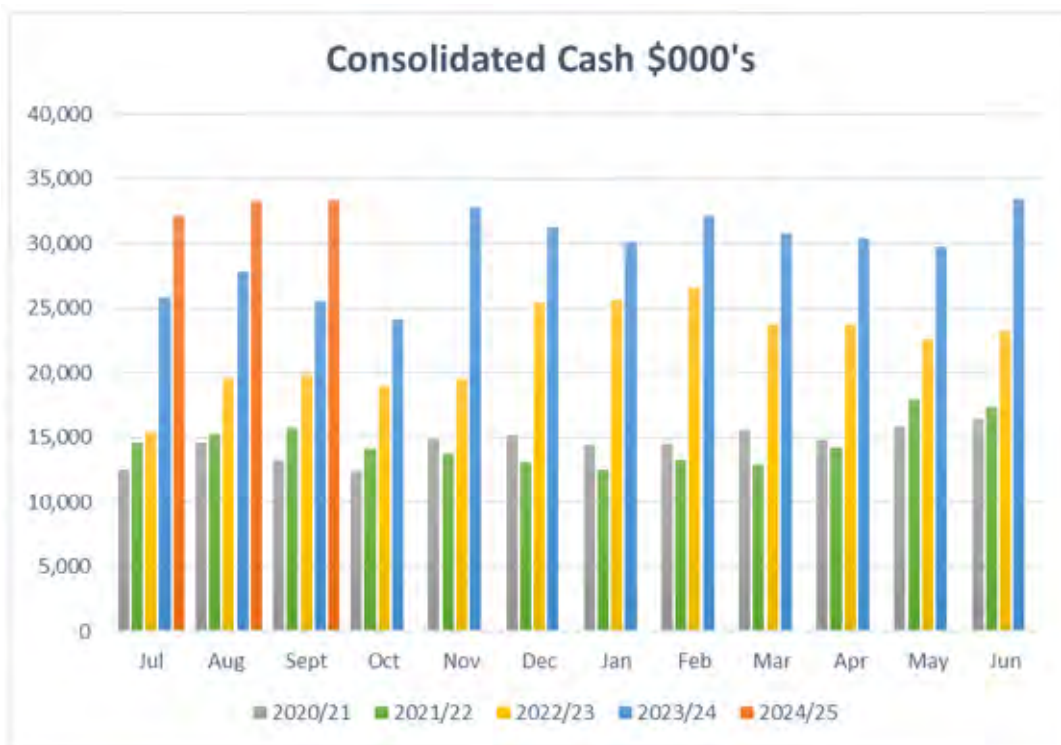
Favourable adjustments are where Council has found that it is going to get more income than budgeted or expects to spend less than originally budgeted. Unfavourable adjustments are the reverse. These are where the program is going to cost more than originally budgeted, income is going to be less, or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

All changes have been summarised in Attachment 2.

Cash

Council is holding significant cash balances once again due to prepayment of approximately 85% of the 2024/2025 Financial Assistance Grant (FAG) as well as receiving the first quarterly instalments of the FAG and the majority of the first instalment of rates having been paid. Council also, still holds significant grants funds that are restricted for their specific purpose as well as the Waste, Water and Sewer Funds being externally restricted and can only be used for the Waste, Water and Sewer operations. Consequently, the cash balance is expected to decrease over the next nine months as funds are expended.

As at 30th June 2024 Council had only \$6,074,000 in unrestricted cash.



Consulting and Legal Expenses

The budgeted and actual spending on consultants and legal expenses is shown below. The consultancy expenditure has been spent on Council owned buildings, Development and Environmental Operations, Children’s Services, Water and Sewer services.

CONSULTING & LEGAL EXPENSES			
Expense	Budget \$	Expenditure YTD \$	Revised \$
Consultancies	325,890	62,938	325,890
Legal	47,000	2,033	48,470

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 30/09/2024 indicates that Council’s projected financial position at 30/6/25 will be *satisfactory* at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Stephanie Waterhouse

Signed: _____ date: 14/10/2024

Stephanie Waterhouse, Responsible Accounting Officer, Bogan Shire Council

4. Attachments

1. Budget Review Report - September 2024/2025
2. Budget Review Summary of Changes - September 2024/2025
3. Cash Position of Funds - September 2024/2025

5. Recommendation

1. That Council note the report on Actuals compared to Budget for the quarter ended 30 September 2024.
2. That Council adopt the adjustments to the 2024/2025 budget as shown in the Budget Review Statement at Attachment 1 to this report.

**Bogan Shire Council
First Quarter Budget Review
For Period 2024/25 - September**

Resource	2024/25 Full Year Budget	2024/25 Carry Forwards	2024/25 Review1 Recommended Changes	2024/25 Review1 Projected Year End Result	2024/25 YTD Actuals (including Commit) September
Grand Total	5,141,472	16,221,042	0	21,362,514	2,564,226
Operating	1,883,262	6,626,025	-96,107	8,413,180	2,384,643
Social	2,554,294	129,231	-116,606	2,566,919	1,152,338
Emergency Services	238,515	36,568	-16,606	258,477	68,028
Education	1,800	0	0	1,800	0
Social & Cultural	179,589	92,663	0	272,252	163,794
Inclusive Communities	425,823	0	-100,000	325,823	137,385
Community Centres	1,212,593	0	0	1,212,593	566,720
Public Health	495,974	0	0	495,974	216,411
Infrastructure	2,068,827	6,084,629	103,831	8,257,287	3,266,714
Sewer	218,938	0	0	218,938	(191,189)
Water	2,696	0	0	2,696	(493,529)
Transport Networks	2,305,089	6,084,629	103,831	8,493,549	4,136,453
Plant System	(457,896)	0	0	-457,896	(185,020)
Environmental	2,573,152	337,165	11,180	2,921,497	593,357
Built Environment	1,657,036	219,569	0	1,876,605	989,297
Natural Environment	269,079	0	0	269,079	104,963
Health, Safety & Regulation	689,200	117,596	11,180	817,976	168,639
Waste & Recycling	(42,163)	0	0	-42,163	(669,542)
Economic	287,838	25,000	6,883	319,721	122,142
Public Transport and Air Services	67,217	0	0	67,217	29,833
Local Industries and Business	83,868	25,000	0	108,868	56,405
Tourism	136,753	0	6,883	143,636	35,905
Civic Leadership	(5,600,849)	50,000	-101,395	-5,652,244	(2,857,994)
Leadership, Advocacy & Governance	840,822	50,000	16,344	907,166	282,440
Disaster Management	8,000	0	0	8,000	17,110
Managing Our Business	(6,449,671)	0	-117,739	-6,567,410	(3,157,545)
Labour Overheads	0	0	0	0	107,376
Labour Overheads System	0	0	0	0	107,376
Not Defined	0	0	0	0	710
Not Defined	0	0	0	0	710
Capital	3,258,210	9,595,017	96,107	12,949,334	179,583
Social	462,801	1,849,680	13,307	2,325,788	(166,893)
Inclusive Communities	171,271	941,579	9,807	1,122,657	(344,473)
Community Centres	202,000	908,101	3,500	1,113,601	137,428
Public Health	89,530	0	0	89,530	40,152
Infrastructure	2,509,440	6,079,613	42,800	8,631,853	307,036
Plant System	1,854,000	18,647	0	1,872,647	582,077
Transport Networks	126,440	6,060,966	42,800	6,230,206	(3,011,946)
Sewer	30,000	0	0	30,000	98,819

Water	499,000	0	0	499,000	2,638,087
Environmental	165,869	1,244,210	40,000	1,450,079	98,365
Built Environment	108,900	701,311	40,000	850,211	(66,398)
Waste & Recycling	46,969	120,647	0	167,616	23,312
Health, Safety & Regulation	0	370,521	0	370,521	79,149
Natural Environment	10,000	51,731	0	61,731	62,302
Economic	69,000	343,669	0	412,669	(115,282)
Local Industries and Business	24,000	303,669	0	327,669	(116,536)
Tourism	5,000	0	0	5,000	1,255
Public Transport and Air Services	40,000	40,000	0	80,000	0
Civic Leadership	51,100	77,845	0	128,945	56,357
Managing Our Business	51,100	2,845	0	53,945	13,758
Disaster Management	0	75,000	0	75,000	42,599

OPERATING BUDGET		September Budget Review Statement of Adjustments 2024/2025				
		Favourable	Unfavourable	Neutral Transfers	Net	Notes
		- 234,345	138,238	-	- 96,107	
1 Social		- 116,606	-	-	- 116,606	
Revenue						
	Emergency Services	- 3,308			- 3,308	Adjustment to Emergency Services Levy - SES
	Emergency Services	- 13,298			- 13,298	Adjustment to Emergency Services Levy - RFS
	Inclusive Communities	- 100,000			- 100,000	Early Learning Centre - Grant Received
Expenditure						
2 Infrastructure		-	103,831	-	103,831	
Revenue						
	Transport Networks		20,156			Adjustment to Financial Assistance Grant - Local Road component
Expenditure						
	Engineering Administration		83,675			Revaluation costs for Roads, Water, Sewer, Buildings and Other structures
3 Environmental		-	11,180	-	11,180	
Revenue						
Expenditure						
	Health, Safety & Regulation		11,180			Repairs to Pound CCTV
4 Economic		-	6,883	-	6,883	
Revenue						
Expenditure						
	Tourism		6,883			Bogan Shire Tourism brochure
5 Civic Leadership		- 117,739	16,344	-	- 101,395	
Revenue						
	Managing Our Business	- 89,411				Adjustment to Financial Assistance Grant - General Component
	Managing Our Business	- 28,328				Workers Compensation Refund
Expenditure						
	Leadership, Advocacy & Governance		1,987			Election Costs - wages
	Leadership, Advocacy & Governance		14,357			New website development additional costs

CAPITAL BUDGET	Budget Review Adjustments				
	Favourable	Unfavourable	Neutral Transfers	Net	Description
	- 39,229	135,336	-	96,107	
1 Social	- 39,229	52,536	-	13,307	
Revenue					
Inclusive Communities	39,229				Capital Grant for ELC playground additions
Expenditure					
Inclusive Communities		49,036			Capital expenditure plus Councils own contribution as per grant funding for ELC playground additions
Community Centres		3,500			Replacement Plaques for Davidson Park
2 Infrastructure	-	42,800	-	42,800	
Revenue					
Transport Networks			227,885		Increase to R2R allocation for 2024/2025
Expenditure					
Transport Networks		42,800			Footpath Bogan & Hoskins St 180 metres (Wynne request)
Transport Networks			227,885		Increase to expenditure from R2R allocation 2024/2025
3 Environmental	-	40,000	-	40,000	
Revenue					
Expenditure					
Built Environment		40,000			Renovations to 25 Ellen St - Council residence
4 Economic	-	-	-	-	
Revenue					
Expenditure					
5 Civic Leadership	-	-	-	-	
Revenue					
Expenditure					

Cash Position of Funds - 2024-2025 projected operating result

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

	<u>General Fund</u> (Incorporating Waste and Plant) (Columns A+B+C)	September Recommended Changes	General Fund Total Budget after First Quarter Changes
1 General Fund			
Operating Income	25,564,923	205,795	25,770,718
Less: Operating Expenditure	27,226,551	109,688	27,336,239
	- 1,661,628	96,107	- 1,565,521
Add back depreciation	3,791,500		3,791,500
Cash from current year available to fund Capital	2,129,872	96,107	2,225,979
Add Capital Grants to fund Capital Projects	1,841,944	267,114	2,109,058
Add Sale of Capital Plant Items	476,000		476,000
Less Gross Capital Spending as per Draft Capital Budget	4,882,044	363,221	5,245,265
Less loan repayments used to fund capital projects	165,110		165,110
	- 599,338	-	- 599,338
Transfer from Reserves	606,104		606,104
Cash Balance	6,766	-	6,766
2 Sewer Fund	<u>Sewer Fund</u>	September Recommended	<u>Sewer Fund</u>
Operating Income	682,924		682,924
Less: Operating Expenditure	901,862		901,862
	- 218,938		- 218,938
Add back depreciation	240,000		240,000
Cash from current year available to fund Capital	21,062		21,062
Gross Capital Spending as per Draft Capital Budget	30,000		30,000
Transfer In from Sewer Reserve	8,938		8,938
Cash Balance	-	-	-
3	<u>Water Fund</u>	September Recommended Changes	<u>Water Fund</u>
Operating Income	2,410,878		2,410,878
Less: Operating Expenditure	2,413,574		2,413,574
	- 2,696	-	- 2,696
Add back depreciation	570,000		570,000
Cash from current year available to fund Capital	567,304	-	567,304
Add Capital Grants to fund Capital Projects	-		-
Gross Capital Spending as per Draft Capital Budget	499,000		499,000
Transfer In from Sewer Reserve	-		-
Cash Balance	68,304	-	68,304
4 Consolidated	<u>Consolidated</u>		<u>Consolidated</u>
Operating Income	28,658,725	205,795	28,864,520
Less: Operating Expenditure	30,541,987	109,688	30,651,675
	- 1,883,262	96,107	- 1,787,155
Add back depreciation	4,601,500	-	4,601,500
Cash from current year available to fund Capital	2,718,238	96,107	2,814,345
Add Capital Grants to fund Capital Projects	1,841,944	267,114	2,109,058
Add Sale of Plant	476,000	-	476,000
Gross Capital Spending as per Draft Capital Budget	5,411,044	363,221	5,774,265
Less loan repayments used to fund capital projects	165,110	-	165,110
Transfer from Sewer Fund Reserve	8,938	-	8,938
Transfer from Plant Fund	606,104	-	606,104
Cash Balance	75,070	-	75,070

12.4 DELIVERY PROGRAM

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.

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.

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 (NS)
- Not progressing (NP)
- Progressing with issues (PWI)
- Completed (C)

All other activities not shown in the attachment, are marked as "Progressing – No Issues".

The Report mirrors the layout of Council's Delivery Program and 2024/2025 Operating Plan and Budget. Directors responsible for each of the activities listed under the Strategies and Outcomes have indicated the current status of the activity and, where appropriate, have included comments.

4. Attachments

1. Extract of Delivery Program Report - 2024/2025 Activities

5. Recommendation

That Council receive and note the Delivery Program report.

Key - Status

NS: Not Started

NP: Not Progressing

PWI: Progressing with Issues

C: Completed

Only add a very brief comment for activities that have the following status:

NS), (NP) or (PWI).

No comment is required for C (Completed) or PNI (Progressing no Issues) activities.

Strategy 1.1.1			
Continue to support and create opportunities for community festivals, events and cultural activities through direct involvement and various forms of assistance.			
Activities 2024/25	Status	Action Comments	Council Lead
Strategy 1.1.3			
Identify, respect and preserve sites and items of historical significance.			
Activities 2024/25	Status	Action Comments	Council Lead
Maintain and preserve Council owned historic buildings	PWI	Nyngan Town Hall currently requires significant structural repair and is unusable. An engineering report has been commissioned and will form the basis for further discussion with Council.	Director Development and Environmental Services
Strategy 1.2.1			
Provide and maintain Nyngan Pool facilities to cater for a variety of users.			
Activities 2024/25	Status	Action Comments	Council Lead
Operate the Nyngan Pool and maintain best practice standards	PWI	Water Leak at Pool -Maintenance carried out during the off season appears to have decreased water loss from the pool, however some losses continue.	Director Development and Environmental Services
Strategy 1.3.1			
Provide childcare facilities, preschools, after hours care and playgroups that meet the needs of the whole community.			
Activities 2024/25	Status	Action Comments	Council Lead
Lobby Government to address the need for before and after school care	NP	Matter with Local Member, Roy Butler to address with Minister for Education and Early Learning.	Director People and Community Services

<p>Strategy 2.2.1 Encourage increased use of rail for transporting agricultural and mining products.</p>			
Activities 2024/25	Status	Action Comments	Council Lead
Work with UGL Limx, the RMS and NSW Police to ensure current standards of rail and crossing safety are maintained and promoted within the community	NP	The safety of the Hoskens Street level crossing remains a concern. Issue has been referred to Local Member, Roy Butler. Concerns around fence safety at Big Bogan Car Park Extension have also been raised with UGL.	General Manager
<p>Strategy 2.4.1 Provide a financially viable and efficient sewerage system that meets best practice and has sufficient capacity for current and projected growth requirements.</p>			
Activities 2024/25	Status	Action Comments	Council Lead
Monitor and review the development of a database of all sewerage management systems within the Local Government Area	NS	Not currently resourced to undertake this activity.	Director Development and Environmental Services
<p>Strategy 2.4.2 Ensure effective management of liquid trade waste.</p>			
Activities 2024/25	Status	Action Comments	Council Lead
Continue implementation of Trade Waste Policy, including licencing practices and inspections	NS	Not currently resourced to undertake this activity.	Director Development and Environmental Services

Strategy 3.1.3			
Ensure our community's buildings are safe, healthy and maintained.			
Activities 2024/25	Status	Action Comments	Council Lead
All essential services measures to be inspected and the register maintained	NS	Not currently resourced to undertake this activity.	Director Development and Environmental Services
Strategy 3.1.4			
Develop and implement flood management plans for all urban flood plain areas.			
Activities 2024/25	Status	Action Comments	Council Lead
Review requirements under LEP and DCP for Flood Management	NS	An updated flood study will be completed for the Housing Strategy	Director Development and Environmental Services
Develop, review and implement Flood Risk Management Plan in accordance with NSW Government Guidelines	NS	An updated flood study will be completed for the Housing Strategy, this can then be used to assist in the development of a Flood Risk Management Plan.	Director Development and Environmental Services
Strategy 3.2.1			
Provide efficient and cost effective kerbside collection of solid and recyclable waste.			
Activities 2024/25	Status	Action Comments	Council Lead
Provide, monitor and review kerbside recycling service in order to reduce contamination rates	PWI	Kerbside recycling contamination is ongoing	Director Development and Environmental Services
Strategy 3.2.2			
Provide Bogan Shire waste facilities to comply with standards, regulations and licence requirements.			
Activities 2024/25	Status	Action Comments	Council Lead
Operate village landfill sites to meet requirements	PWI	Hermidale Facility is reaching capacity	Director Development and Environmental Services
Strategy 3.4.1			
Comply with Local Liquor Accord to ensure compliance strategies are maintained to maximise public health and safety.			
Activities 2024/25	Status	Action Comments	Council Lead
Provide advisory services to the Liquor Accord	NS	As required	Director Development and Environmental Services

Strategy 4.1.1				
Support and promote our local business and industry, to identify gaps and develop initiatives for sustainable economic growth and local employment opportunities.				
	Activities 2024/25	Status	Action Comments	Council Lead
iii	Prepare an Economic Development Plan for Bogan Shire	NS	BSC operates under the Western RED Strategy	Director People and Community Services
Strategy 4.2.1				
Develop and implement a tourism strategy which includes the identification of potential opportunities for growth and new tourism products through consultation with stakeholders.				
	Activities 2024/25	Status	Action Comments	Council Lead
i	Develop a tourism strategy	NS	Scheduled for development this financial year	Director People and Community Services
Strategy 5.2.2				
Manage our people effectively to ensure Council meets its goals and can implement its mission and deliver on its vision.				
	Activities 2024/25	Status	Action Comments	Council Lead
i	Develop Council's Workforce Plan	C		Director People and Community Services
Strategy 5.2.3				
Implement sound asset management practices to ensure adequate provision is made for the maintenance and long-term replacement of Council's infrastructure assets.				
	Activities 2024/25	Status	Action Comments	Council Lead
i	Develop and adopt Council's Asset Management Strategy and Asset Management Policy	C		Director Finance and Corporate Services
ii	Develop and implement Asset Management Plans for the major categories of Council's assets: Transport and Stormwater, Water Supply and Sewerage and Buildings	C		Director Finance and Corporate Services
iii	Provide periodic asset management reports to inform decision-making	NS	Asset management systems are still under development	Director Finance and Corporate Services
Strategy 5.2.4				
Manage Council's operations effectively and on business-like principles to maximise service delivery for the community.				
	Activities 2024/25	Status	Action Comments	Council Lead
ii	Initiate a customer service training program	NS	Scheduled for development this financial year	General Manager

12.5 STATEMENT OF BUSINESS ETHICS

1. Introduction

The purpose of this report is to recommend to Council the adoption of a Statement of Business Ethics. This Statement defines the ethical business relationships between Council and its contractors and suppliers in addition to their responsibilities under the Code of Conduct as a delegate of Council.

2. Background

The Statement of Business Ethics has been developed to assist Council to ensure that it, and the businesses with which it is associated, act in a transparent, ethical and accountable manner so as to enhance and protect Council's reputation, as well as safeguarding Council's culture of integrity and ethical conduct.

3. Discussion

Bogan Shire Council works with private, public and not-for-profit sectors to provide a diverse range of services to the community. The community expects Council to have high ethical standards in everything we do. Council is expected to not have any conflict between its own interests and obligations to the community.

The Statement of Business Ethics is intended for anyone in the private, public or not for profit sectors who is involved in a business arrangement with Council or is proposing to be in such an arrangement. It explains Council's ethical position. Anyone dealing with Bogan Shire Council in a business arrangement is expected to comply with the ethical framework in which Council works.

4. Attachments

1. Statement of Business Ethics

5. Recommendation

That Council adopts the Statement of Business Ethics.

Bogan Shire Council – Statement of Business Ethics

Statement of Business Ethics



Bogan Shire Council – Statement of Business Ethics

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Bogan Shire Council – Statement of Business Ethics

1. Why a Statement of Business Ethics

Bogan Shire Council works with private, public and not-for-profit sectors to provide a diverse range of services to the community. The community expects Council to have high ethical standards in everything we do. Council is expected to not have any conflict between its own interests and obligations to the community.

This statement is intended for anyone in the private, public or not for profit sectors who is involved in a business arrangement with Council or is proposing to be in such an arrangement. It explains Council's ethical position. Anyone dealing with Bogan Shire Council in a business arrangement is expected to comply with the ethical framework in which Council works. This statement outlines what you can expect from Council and what Council will expect from you in any business dealings.

Council expects all its business partners to comply with this Statement and to acquaint themselves with, and understand, the standards prescribed by this Statement.

2. Council's Values

Underpinning this statement of business ethics are the values enounced in Council's Code of Conduct. When doing business with the private sector, Bogan Shire Council and its staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently;
- Deal fairly, honestly and ethically with all individuals and organisations; and
- Avoid any conflicts of interest (whether real or perceived).

Council is also committed to:

- Transparent and accountable practices; and
- Sustainable economic, environmental and social practices.

3. Code of Conduct

The Code of Conduct sets the minimum requirements of conduct for all Council Officials in carrying out their functions and is prescribed by the regulation. The Code of Conduct has been developed to assist Council Officials to:

To understand the standards of conduct that are expected of them;
Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence; and
Act in a way that enhances public confidence in the integrity of Local Government.

Key Principles

Council will undertake its business activities and dealings with the public on the following key principles:

Bogan Shire Council – Statement of Business Ethics

Integrity

Council Officials must not place themselves under any financial or any other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

Leadership

Council will promote the key principles by demonstrating leadership and exemplify high standards of ethical behaviour to strengthen the public's trust and confidence in Council.

Impartiality

Council decisions will be made on merit and in accordance with any statutory obligations when carrying out business dealings. This means fairness and equitable treatment for all. This includes awarding contracts, procurement and the sale of Council assets.

Accountability

Council is accountable to the public for its decisions and actions and should consider all issues on their merits, taking into account the views of others. Reasons for decisions should be recorded, appropriate records should be kept and proper audit trails established.

Openness

Council will be open and transparent about actions it has undertaken and decisions it (and its staff) have made. All information should be made available, any restriction must be based on sound wider public interest reasons or commercial confidentiality.

Honesty

Council and its staff will act honestly. Private interests relating to public duties must be appropriately declared and resolved. All relevant statutory requirements must be followed, all potential or actual conflicts of interest must be fully disclosed and the Code of Conduct observed at all times.

Respect

Council and its staff will treat others with respect at all times. All others will be treated in a professional and courteous manner.

Bogan Shire Council – Statement of Business Ethics

4. What you can expect from Council

Council will ensure that all of its policies, procedures and practices relating to tendering, contracting, purchasing of goods and services, assessment of development applications, use of consultants and the interaction with lobbyists are all consistent with best practice and the highest standards of ethical conduct.

Council's Code of Conduct binds staff and delegates. When doing business with the private, public and not-for-profit sectors, staff and delegates are accountable for their actions and are expected to:

- Use Council resources efficiently and effectively;
- Be honest, professional, accessible, open, fair and ethical;
- Communicate clearly and respond promptly to questions to resolve issues quickly;
- Comply with the law, this statement and the policies and procedures that guide our methods of operation;
- Provide open competition for work in the necessary or optimum way;
- Resolve any actual, perceived or potential conflicts of interest;
- Make objective decisions based on merit considering reasonable criteria and only relevant and material facts;
- Strive to achieve the best value for money;
- Never seek any gifts or other personal benefits;
- Protect privacy and confidentiality where necessary;
- Observe environmental sustainability considerations;
- Comply with work health & safety requirements.

To achieve probity, Council will consider at all stages of the purchasing, tendering, contracting and development application processes the following factors:

- Transparency of process;
- Accountability;
- Ethically managing potential conflicts of interest;
- Obtaining best value;
- Monitoring and evaluation of performance.

Council's dealing will be transparent, accountable and open to public scrutiny. However, there will be times when confidentiality will be required in relation to some commercial information relating to third parties with whom business has been conducted.

Bogan Shire Council – Statement of Business Ethics

5. What Council Expects from Tenderers, Contractors, Suppliers, Applicants, Consultants etc.

Council requires all suppliers of goods and services, tenderers, contractors, consultants, development applicants and anyone doing business with Council to observe the following principles:

- Act ethically and honestly in dealing with Council;
- Declare actual or perceived conflicts of interest;
- Comply with Council's procurement policies and procedures;
- Provide accurate and reliable information when required;
- Take all reasonable measures to prevent disclosure of confidential Council information;
- Refrain from engaging in any form of collusive practice;
- Refrain from offering staff and delegates gifts, benefits, inducements or incentives;
- Assist Council to prevent unethical practices in our business relationships;
- Comply with privacy legislation in relation to personal obtained through dealings with Council or work undertaken for Council;
- Comply with all the on-site work health and safety requirements;
- Act without discrimination;
- Respect and comply with environmental laws;
- Provide Council with a quality product or service on time that gives good value for money.

If you have any concerns about this statement, any concerns about breaches of this statement or any conduct that may involve fraud or corruption, maladministration, or serious and substantial waste of public funds, please contact Council's General Manager.

Alternatively, you may consider directly contacting the NSW Independent Commission Against Corruption (ICAC), the NSW Ombudsman or the NSW Office of Local Government.

Consequences of Unethical Behaviour & Non-Compliance with the Code of Conduct

Corrupt or unethical behaviour by an entity doing business with Council could lead to the following actions or consequences:

- Termination of any contract on foot;
- Loss of future opportunities with Council;
- Loss of reputation;
- Investigation for corruption/ fraud matters;
- Criminal prosecution.

Bogan Shire Council – Statement of Business Ethics

Consequences for Council staff and delegates may include:

- Formal investigation;
- Disciplinary action;
- Criminal prosecution.

Guidance Notes

Incentives, gifts, benefits

Bogan Shire Council expects its staff to, where possible, decline gifts and benefits offered to them during the course of their work. Providers should refrain from offering any gift or benefit to Council staff.

Staff should familiarise themselves with, and be guided by, the Bogan Gifts and Benefits Policy in relation to such matters.

Conflicts of Interest

All Council staff are required to disclose any potential conflicts of interest. The Council extends this requirement to all entities doing business with Council, its contractors and suppliers.

Confidentiality

All Council information should be treated as confidential unless otherwise indicated.

Communication between Parties

All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

Use of Bogan Council Equipment, Resources and Information

All Bogan Council equipment, resources and information should only be used for proper official purposes and in accordance with Council policies.

Intellectual Property Rights

In business dealings between Bogan Council and other entities; parties to the dealings will respect each other's intellectual property rights and will formally negotiate any access, license or use of intellectual property.

Bogan Shire Council – Statement of Business Ethics

Authority

Council Resolution no. dated . .

Policy Owner / Further Assistance

Director Finance & Corporate Services

Review Date

- October 2027

Revision History

Date	Description of Change	Sections Affected
25/09/2024	Draft Statement	All

12.6 FRAUD MANAGEMENT FRAMEWORK

1. Introduction

The Fraud Management Framework, documents Council's approach to controlling fraud and corruption risk.

2. Background

Council adopted a Fraud and Corruption Policy in November 2023 at its Ordinary Meeting. The Fraud Management Framework has been developed to support Council's Policy to manage the risk of Fraud and Corruption within and against Council, and details the responsibilities of Councillors, senior management, and all staff members.

3. Discussion

Bogan Shire Council has zero tolerance for corrupt conduct or fraudulent activities. Council is committed to preventing, deterring, and detecting fraudulent and corrupt behaviour in the performance of Council activities.

The Fraud Management Framework clearly documents Council's approach to controlling fraud and corruption at both strategic and operational levels.

Councillors, staff members and key stakeholders, including customers and members of the community need to co-operate to ensure the successful implementation of this Framework in the pursuit of an environment that is free of fraudulent and corrupt behaviour at all levels of the organisation.

4. Attachments

1. Fraud Management Framework

5. Recommendation

That Council adopts the Fraud Management Framework.

Bogan Shire Council

Fraud Management Framework



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References

- *Standards Australia AS 8001-2008 - Fraud and Corruption Control.*
- Independent Commission Against Corruption
- *AS/NZS ISO 31000:2018 - Risk Management.*
- Audit Office of NSW - "*Fraud Control Improvement Kit February 2015): Managing Your Fraud Control Obligations*".
- ICAC - "*A Guide to Conducting Internal Investigations*" - Fact Finder 2009

Executive Summary

Bogan Shire Council has zero tolerance for corrupt conduct or fraudulent activities. Council is committed to preventing, deterring and detecting fraudulent and corrupt behaviour in the performance of Council activities. This Fraud and Corruption Framework clearly documents Council's approach to controlling fraud and corruption at both strategic and operational levels and is to be read in conjunction with Council's Fraud and Corruption Policy, other relevant Council policies and documents as well as related legislation and guidelines.

Council expects the co-operation of Councillors, staff members and key stakeholders, including customers and members of the community, in the successful implementation of this Framework in the pursuit of an environment that is free of fraudulent and corrupt behaviour at all levels of the organisation.

General Manager

Definitions

The following definitions are provided for key terms and phrases used in this Framework:

Corruption – is defined in Section 8 and 9 of the *Independent Commission Against Corruption Act 1988*. **Corrupt Conduct** is:

- Conduct of a person (whether or not a public official) that adversely affects, or could affect the honest and impartial exercise of public official functions, or
- Conduct of a public official that involves the dishonest or partial exercise of any of his or her public official functions, or
- A breach of public trust, or
- The misuse of information or material acquired in the course of a public official's functions.

Corrupt conduct can also include the conduct of any person (whether or not a public official) that adversely affects or could affect the exercise of official functions and involves conduct such as bribery, blackmail, fraud, forgery and various other crimes.

For conduct to be corrupt it must be covered by one of the conditions above and also any one of the following:

- A criminal offence, or
- A disciplinary offence, or
- Reasonable grounds for dismissal or dispensing or terminating the services of a public official.

Fraud – Fraud can be defined as a deliberate and premeditated turn of events which involves the use of deception to gain advantage from a position of trust and authority. The type of events include: acts of omission, theft, the making of false statements, evasion, manipulation of information and numerous other acts of deception (Audit Office of NSW).

Maladministration - Maladministration is defined as conduct that involves action or inaction of a serious nature that is contrary to law; or unreasonable, unjust, oppressive, improperly discriminatory; or based wholly or partly on improper motives (*Public Interest Disclosure Act 1994*). Refer Council Public Interest Disclosures Policy

Serious or substantial waste - refers to the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.

Code of Conduct - is Councils adopted code of conduct policy.

Control (also 'internal control') - is an existing process, policy, device, practice or other action that acts to minimise negative risks or enhance positive opportunities.

Fraud & Corruption Risk Assessment - is the application of risk management principles and techniques in the assessment of the risk of fraud and corruption within an entity.

Introduction

Council's adopted *Fraud & Corruption Policy* confirms Council's commitment to proactive and effective prevention, detection and investigation of fraud and corruption.

This Framework draws together all of the governance, policy and procedural elements to be applied throughout the organisation to manage the risk of fraud and corruption within and against Council, and details the responsibilities of Councillors, senior management and all staff members.

Scope

This Framework applies to all Council staff members; Councillors; volunteers; Section 355 Committees; key stakeholders such as suppliers, contractors and consultants; customers; members of the community; and relevant third parties with regard to functions and operations undertaken for or on behalf of Council.

Objectives

The objectives of this Framework are to:

- To support the overarching Governance Framework of Bogan Shire Council
- Eliminate or reduce opportunities for fraudulent or corrupt activities within or against Council.
- Promote an organisational environment that encourages professionalism, integrity and ethical conduct.
- Uphold a commitment to accountable and transparent decision making.
- Ensure that the identification and management of fraud and corruption risks are undertaken in line with the principles and procedures detailed in Council's Enterprise Risk Management Policy and Framework.
- Support the identification and implementation of appropriate internal controls, including procedures and policies, which support the prevention and detection of fraudulent or corrupt activities.
- Support the implementation and maintenance of effective reporting disclosure systems and investigation and disciplinary procedures for suspected or actual fraudulent or corrupt behaviour.
- Clearly define the responsibilities of Councillors, senior management, all staff and Committees of Council in relation to the prevention, detection, reporting and investigation of fraud and corruption.
- Provide Councillors, senior management and all staff with the necessary tools and understanding to meet their responsibilities in this regard.

Relevant Guidelines

This Framework aligns with the following 'Best Practice' guidelines:

- *AS8000-2003 - Corporate Governance Standards Set*, including *AS 8001-2008 - Fraud and Corruption Control*.
- *AS/NZS ISO 31000:2018 - Risk Management*.
- *NSW Audit Office Fraud Control Improvement Kit (2015)*. Specifically, the ten (10) fraud control attributes developed by the Audit Office of NSW as below and detailed at [Annexure A](#):

1. Leadership
2. Ethical Framework
3. Responsibility Structures
4. Fraud Control Policy
5. Prevention Systems
6. Fraud Awareness
7. Third Party Management Systems
8. Notification Systems
9. Detection Systems
10. Investigation Systems

Relevant Legislation

This Framework links with the following legislation:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Independent Commission Against Corruption Act 1988*
- *Public Interest Disclosures Act 1994*

Relevant Council Policies and Documents

The following Council policies and procedures support this Framework:

- Fraud and Corruption Policy
- Code of Conduct
- Public Interest Disclosures Policy
- Audit Office of NSW Fraud Control Improvement Kit
- Risk Management Policy and Framework
- Statement of Business Ethics.
- Grievance Policy.

Responsibility Structure

Council has clearly defined responsibilities for implementing and monitoring actions associated with fraud and corruption control across Council and in relation to this Framework. These responsibilities will be clearly communicated to Councillors, staff, management and relevant Council Committees and will be detailed in position descriptions and committee charters so that there is a common understanding of fraud and corruption control responsibilities and expectations.

All Staff

All Council staff are responsible to:

- Prevent and mitigate fraud, corruption, maladministration and waste within their area of operation and responsibility by, at a minimum, implementing and abiding by relevant internal controls and adhering to this Framework.
- Operate systems of internal control to prevent and detect fraud or corruption in accordance with instructions and established procedures.
- Report all instances of suspected or attempted fraudulent or corrupt conduct in accordance with Council's internal reporting procedures.
- Protect colleagues who have made reports of fraud or corruption from detrimental action.
- Have regard to fraud and corruption related risks when undertaking risk assessments in relation to Council's daily functions and operations, when specific projects or events are planned, or when changes to Council's systems, processes or functions occur.
- Provide co-operation and assistance to investigators or officials investigating suspected or reported fraud or corruption.
- Undertake any responsibilities allocated to them in other relevant Council policies.

Directors, Managers, Co-ordinators and Team Leaders

In addition to their responsibilities as Council staff members, Directors, Managers, Co-ordinators, and Team Leaders will:

- Assess the risks of fraud and corruption and the effectiveness of internal controls in place to mitigate such risks within their areas of operation and responsibility.
- Implement recommendations arising from fraud and corruption detection systems and internal audits.
- Monitor their workplaces to identify and address situations that are likely to raise ethical dilemmas or place staff in compromising situations (ie. by establishing good procedural guidance for decision- making, including the exercise of discretion).
- Be available and support staff that require guidance on ethical dilemmas.
- Foster a work environment free of harassment, discrimination, victimisation, corruption, fraud, maladministration and waste.
- Ensure that staff are aware of the principles contained in Council's Code of Conduct and the established systems and procedures for addressing ethical problems.
- Support and protect staff who report, in good faith, instances of potentially unethical, fraudulent or corrupt practices.
- Ensure that staff are treated fairly, equitably and in accordance with legislation and policy (eg. access to training and other development possibilities).
- Ensure that contractors, consultants, suppliers, and the like, engaged within their area of operation are aware of and have an understanding of Council's Fraud and Corruption Control Policy and Framework and related Council policies and procedures and that these documents are readily available to them.

Finance and Corporate Services Department

In addition to their responsibilities as Council staff members, Council's Finance & Corporate Services Department is responsible to:

- Develop, implement, and review fraud and corruption related Council policies, procedures and training proposals, including this Framework.
- Maintain a register of all reported actual or suspected fraudulent or corrupt activities and investigations and periodically report the register to Council's Audit, Risk and Improvement Committee (ARIC).
- Liaise with internal and external investigators.
- Ensure a high quality of fraud and corruption investigation procedures and reports.
- Undertake internal reporting responsibilities in accordance with Council's *Internal Reporting (under Public Interest Disclosures Act 1994) Policy*. Council's Director of Finance and Corporate Services is Council's nominated Disclosures Co-ordinator.

Management Team (MANEX)

In addition to their responsibilities as Council staff members, Manex is responsible for actively fostering an ethical culture and supporting and promoting the objectives of this Framework throughout the organisation by:

- Setting an example of observable adherence to Council's Code of Conduct, Fraud and Corruption Control Framework and related Council policies and procedures.
- Supporting and promoting ongoing identification, analysis, mitigation and review of fraud and corruption risks and internal controls.
- Setting an example of internal control adherence in relation to identified fraud and corruption risks.
- Implementing recommendations arising from fraud and corruption detection systems and internal audits.
- Supporting fraud and corruption awareness programs for Councillors and staff.
- Supporting the continued operation of Council's Audit, Risk and Improvement Committee in the pursuit of successful enterprise risk management.
- Foster a work environment free of harassment, discrimination, victimisation, corruption, fraud, maladministration and waste.
- Undertake internal reporting responsibilities in accordance with Council's *Internal Reporting (under Public Interest Disclosures Act 1994) Policy* and notify the Director of Finance and Corporate Services of all fraud and corruption matters reported via the various channels.

General Manager

In addition to responsibilities as a Council staff member, the General Manager is responsible to:

- Implement Council's Fraud and Corruption Control Policy and Framework.
- Promote ethical behaviour and awareness that fraud and corruption will not be tolerated.
- Receive reports of suspected fraud and corrupt conduct, maladministration and serious and substantial wastage; and receive allegations of reprisal action, in accordance with *Council's Internal Reporting (under Public Interest Disclosures Act 1994) Policy*.
- Ensure that all reports of suspected fraud or corruption, maladministration, serious and substantial wastage are referred to the ICAC as required. *Refer section 11 ICAC Act*
- Keep the Council informed in line with ICAC directions about confidentiality.
- Make decisions about reporting criminal matters to the New South Wales Police Force.
- Receive summary information about investigations undertaken into suspected fraud and corruption.

- Ensure that Council's Fraud and Corruption Control Framework and related policies and procedures are adequate, and that regular reviews and checks are undertaken to detect irregularities. The ARIC may assist in this process.
- Make decisions regarding restitution and criminal charges in all cases of fraud and corruption.
- Decide what disciplinary action is appropriate for employees involved in fraud and corruption.

The Council

The Council is responsible for:

- Implementing and promoting Council's overall approach to fraud and corruption control.
- Assessing and dealing with issues related to fraud and corruption control as the need arises.
- Decide what disciplinary action is appropriate for Councillors involved in fraud and corruption in cases where it is not decided by the Director General of Local Government.

Audit, Risk and Improvement Committee (ARIC)

Council's Audit, Risk and Improvement Committee is responsible to:

- Oversee Council's fraud and corruption control program;
- Approve reviews of the Fraud and Corruption Control Framework; and
- Review and Council's Fraud and Corruption Risk Assessment and Register; and
- Advise Councillors of all breaches of Fraud; and
- Recommend Fraud and Corruption Control Health Checks and Improvement Workshops at least once every three years; and
- Other relevant responsibilities in accordance with the Audit, Risk and Improvement Committee Charter.

Internal Auditor

Council recognises that internal audit is an effective part of the overall control environment.

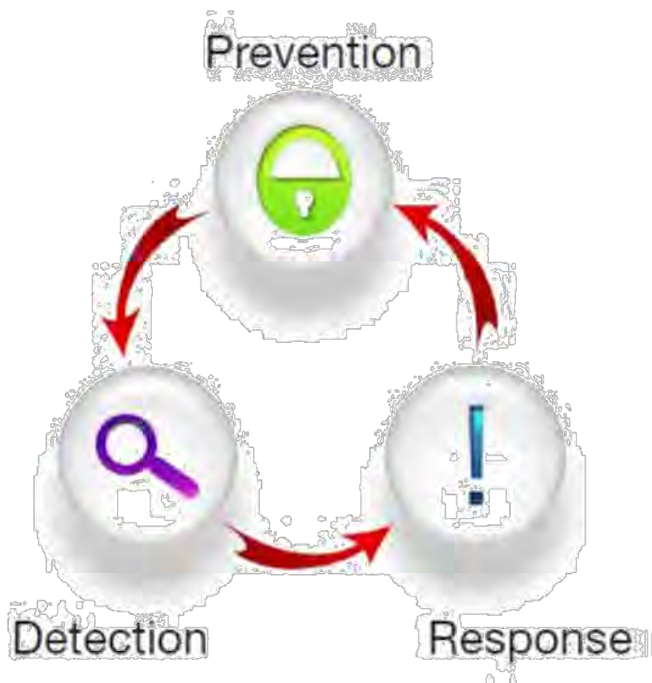
Whilst undertaking audits within Council the Internal Auditor is responsible to:

- Examine and evaluate the effectiveness of internal controls;
- Make recommendations to Council management to further enhance internal control design and effectiveness; and
- Make notifications of actual or suspected instances of fraud and corruption in accordance with relevant reporting procedures.

Principals of the Framework

The principals of the framework are shown in the figure below and detailed in the following pages. They are:

1. Prevention
2. Detection
3. Response



Audit Office "Fraud Control and Improvement Kit" 2015

These principals are further guided by the ten attributes as detailed in the Audit Office of NSW Fraud Control Improvement Kit (February 2015), Managing your fraud control obligations.

1. Leadership
2. Ethical Framework
3. Responsibility Structures
4. Fraud Control Policy
5. Prevention Systems
6. Fraud Awareness
7. Third Party Management Systems
8. Notification Systems
9. Detection Systems
10. Investigation Systems

Prevention

This section of the document details the strategies that are in place to identify and prevent fraud and corruption risks within or against Council.

Fraud and Corruption Policy

Council's adopted *Fraud and Corruption Policy* reinforces Council's commitment to fraud and corruption prevention by providing guidance regarding Council's actions and expectations in relation to fraud and corruption. The Policy also confirms that fraud and corruption prevention is the responsibility of Councillors, Senior Management and every employee of Council.

Responsibility Structure

The organisational responsibilities for implementing and managing Council's Fraud & Corruption Control Framework; and Councillor, staff and senior management responsibilities in relation to the prevention, detection and investigation of fraud and corruption; are clearly defined earlier in this document.

In addition, Council's *Public Interest Disclosures Policy* (under *Public Interest Disclosures Act 1994*) identifies the responsibilities of staff and Councillors and provides procedures for reporting and handling of Public Interest Disclosures.

Fraud and corruption control responsibilities will be communicated to all levels of the organisation to ensure that there is a common understanding of fraud and corruption responsibilities and expectations. Further details of the responsibility structure is outlined in the Fraud and Corruption policy.

Fraud and Corruption Risk Assessment

Council will undertake high level Fraud and Corruption Risk Assessment workshops in relation to the various functions and operations of Council. These workshops will:

- Identify specific fraud and corruption risks;
- Rate the likelihood and consequence of each fraud and corruption risk with and without existing controls;
- Review the adequacy of existing internal controls; and
- Develop action plans to treat the identified risks.

Council's identified fraud and corruption risks, internal controls and proposed risk treatment action plans will be documented and recorded in Council's Risk Register.

Council will continue to assess fraud and corruption risks periodically as part of Council's enterprise wide approach to risk management. Furthermore, as resources and budget permits, Council will identify high fraud and corruption risk areas and activities and conduct a more detailed risk assessment involving key staff in each section.

A review of Council's Risk Register will be undertaken on an annual basis to ensure that additional fraud and corruption risks are identified as they emerge and that Council's operations and functions, particularly those with a high predisposition to fraud and corruption, are subject to ongoing and effective internal controls.

Council recognises that internal audit complements internal assessment of fraud and corruption related risks and controls and therefore independent identification and assessment of Council's fraud and corruption risks will be arranged with Council's Internal Auditor and ARIC as warranted.

Employee and Councillor Awareness

Council will make the following clear to staff, Councillors, volunteers and contractors:

- The ethical behaviours expected of them in the workplace; and
- That the organisation will not tolerate corruption, including fraudulent dealings, and that people are encouraged to provide information if they suspect corruption is occurring.

Council has the following processes in place to ensure awareness of Council's position in respect to fraud and corruption:

- Induction training that includes elements of fraud and corruption.
- Provision of Fraud and Corruption Control Training for Managers and Team Leaders.
- Provision of Code of Conduct training to ensure an understanding of the ethical behaviour expected in the workplace and the types of activities that may constitute fraudulent or corrupt behaviour and Council's response to this type of activity.
- Public Interest Disclosure Training for all staff.
- Making Council's Fraud and Corruption Control Framework and related policies and procedures readily available.

Customer and Community Awareness

Council will communicate the following to key stakeholders, including customers and members of the general and business community, to ensure confidence in the integrity of the organisation:

- That Council will not tolerate fraudulent and corruption behaviour and perpetrators will be prosecuted; and
- That key stakeholders are encouraged to provide information if they suspect fraud or corruption is occurring and that there are channels available for them to do so.

Council will communicate the above principles via the following:

- **Statement of Business Ethics**
Council's Statement of Business Ethics outlines expected behaviour, key code of conduct principles, Council expectations, conflict of interest protocols, gifts and benefits protocols and how to report corruption, maladministration and wastage.

Council's Statement of Business Ethics is:

- Available on Council's website.
- Incorporated into and referred to in tender invitations and/or contract documentation.

- **Policy Register**
 - Council's website includes a Policy Register of all key Council policies.

Detection

This section of the Framework deals with Council's approach to the early detection of fraudulent and corrupt behaviour within or against the organisation.

It is noted that Council's Fraud & Corruption Risk Assessment and Responsibility Structure detailed earlier in the document also support this part of Council's Framework.

Detection Systems

Council recognises the importance of early warning systems to alert possible fraud and corruption and that the implementation and maintenance of a rigorous system of internal controls is the first line of defence against fraud and corruption within and against Council.

Council therefore requires all organisational activities to be designed with an awareness of the fraud and corruption risks that may arise and management controls to be put in place to reduce the risk to an acceptable level.

Council has identified a number of existing internal controls relevant to the fraud and corruption risks faced by Council. These controls include:

- Review by a senior officer.
- Segregation of duties.
- Authorisation / approval by a senior person.
- Supervisor checks.
- Visual inspections.
- Audit trails.
- Audits.
- Reconciliations.

Council will review its internal controls in conjunction with its fraud and corruption risk assessment review on at least an annual basis in consultation with relevant Council staff to ensure that internal controls remain in place and effective and that additional internal controls are identified and recorded.

Notification Systems (Reporting Suspected Fraud & Corruption)

Council recognises that ignoring fraud or corruption is tantamount to endorsement of the activity. As such Council will create and foster an organisational culture and environment:

- That supports reporting of suspect actions and behaviour.
- Where staff, volunteers and contractors feel comfortable reporting matters; and
- That promotes confidence in the fact that Council will address complaints genuinely and protect anyone who reports such an activity from reprisal.

The following policies, procedures, documents and systems establish and facilitate the notification of suspected or actual fraudulent and corrupt behaviour to Council.

Internal Reporting (under Public Interest Disclosures Act 1994) Policy

Council's adopted *Public Interest Disclosures Policy (under Public Interests Disclosures Act 1994)* complements normal communication channels between Council supervisors and staff members by providing the following:

- Appropriate avenues for reporting fraudulent and corrupt conduct internally and detailing options available for reports to be made to external authorities;
- An assurance that any person who makes disclosures receives protection from reprisals; and

- Confirming Council's commitment to appropriately investigating matters raised in public interest disclosures.

Council's Policy also details the responsibilities of Council's nominated Disclosure Co-ordinator, Disclosure Officers, General Manager and Mayor in relation to Council's Internal Notification and Reporting Systems.

Statement of Business Ethics

Council's Statement of Business Ethics is required to be written into the contracts of third parties dealing with Council, and those who may be seen by the public as representing Council, such as suppliers, consultants and contractors.

The statements makes third parties aware that they, and their employees, must adhere to Council's ethical standards; report any suspected or alleged fraud or corruption involving the Council to the General Manager; and that breaches of the Statement may result in penalties being imposed and possible cancellation of their contract.

Code of Conduct

Council's Code of Conduct establishes the standard of ethical behaviour expected of all Council staff and Councillors and therefore supports the objectives of this Framework.

Code of Conduct training is provided to Councillors and all staff upon induction and periodically throughout their term of employment to ensure awareness in this regard.

It is noted that in some cases a breach of Council's Code of Conduct may constitute fraudulent or corrupt behaviour. Such breaches will be investigated in accordance with relevant sections of this Framework and any relevant Human Resources policies and procedures. Where deemed necessary, Council will take the appropriate disciplinary action.

Complaints Management

Council's *Complaints Management Policy* sets out Council's approach and procedures for receiving and effectively and positively handling complaints from any person, group or organisation (or their representative) that uses Council's services or is impacted by Council's decisions, actions or lack of actions.

The Policy also details the avenues available for the lodgement of complaints to Council and reinforces that complainants will not be subject to disadvantage or victimisation.

Grievance Handling Procedure

Council's Grievance Procedure provides avenues for Council staff to report grievances and the manner in which such reports will be managed by Council.

The Procedure reinforces that Council will apply equity and confidentiality in dispute resolution processes and work towards expediting a return to productive and harmonious workplace relations for all involved.

External Notification Systems

Council recognises that it has a legal obligation to:

- Report fraudulent conduct to the police;
- Report suspected corruption to the Independent Commission against Corruption (ICAC); and
- Notify other external authorities as appropriate.

The following policies and procedures detail Council's approach to notifying external authorities. Other external bodies may also be relevant in particular situations (eg. ATO) and will be notified where necessary.

Internal Reporting (under Public Interests Disclosures Act 1994) Policy

Council's adopted *Public Interest Disclosures Policy (under Public Interests Disclosures Act 1994)* details the procedures for external reporting to the Independent Commission Against Corruption (ICAC), NSW Ombudsman and Office of Local Government. It also defines the responsibilities of Council's nominated Disclosure Co-ordinator, Disclosure Officers, General Manager and Mayor in relation to external notification systems and associated procedures.

Independent Commission Against Corruption (ICAC)

Under section 11 of the *Independent Commission Against Corruption Act 1988*, the principal officer of a public authority has a duty to report to the Commission any matter that the officer suspects on reasonable grounds concerns, or may concern, corruption.

The *principal officer* is defined as the person who is the head of the authority, its most senior officer or the person normally entitled to preside at its meetings. The Council's *principal officer* is the General Manager.

When another person acts as the General Manager during periods of leave or other absence, the duty applies to that person who is acting.

The reference to *suspects on reasonable grounds*, according to ICAC means that there is a real possibility that corrupt conduct may be involved. Proof is not necessary.

The ICAC encourage organisations to contact the Commission to discuss particular matters if they are unsure about whether or not to report, and to seek clarification about other issues related to reporting.

Section 11 applies despite any duty of secrecy or other restriction on disclosure.

The requirement to report suspected corruption to ICAC does not affect the obligations to report or refer matters to other bodies, such as the Police, the Ombudsman, or to carry out disciplinary procedures as required.

The Independent Commission Against Corruption (ICAC) has stated that reporting criminal matters to the Commission should not delay the matter being reported to the Police.

ICAC has advised that the following items should be included in reports:

- details of the allegations
- the name and position of any public official/s alleged to be involved
- the name and role of any other people relevant to the matter
- when the alleged conduct occurred
- whether the alleged conduct appears to be a one-off event or part of a wider pattern or scheme
- when the allegation was made or you became aware of the alleged conduct
- what your organisation has done about the suspected conduct, including notification to any other agency
- what further action is proposed
- an indication of the estimated amount of money (if any) involved
- any other indicators of seriousness
- any other relevant information

The Commission may use the matters reported to ICAC in the following ways:

- all information is assessed in terms of the contribution it may make to the work of the Commission;
- a small number of reports are selected for full investigation by ICAC;
- reports may form the basis of corruption prevention advice and project work;
- reports may be referred to more appropriate investigative authorities.

Police

Where the General Manager reasonably believes that a Council employee, Councillor or related party has committed a criminal offence, the matter will be referred to the police.

According to Section 316 of the *Crimes Act 1900*, concealing a serious offence is a criminal offence:

If a person has committed a serious offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.

Where any other Council employee or Councillor suspects on reasonable grounds that a crime has been committed, this will be reported in accordance with Council's adopted *Public Interest Disclosures Policy* (under *Public Interests Disclosures Act 1994*).

Response (Investigation)

Council will deal fairly with all parties in the course of investigating allegations of fraud or corruption, however if fraud or corruption is proven Council will apply the appropriate sanctions.

Guiding Principles

The overall guiding principles of any investigation into alleged improper conduct will be independence, impartiality and objectivity; however it is noted that matters referred to the Independent Commission Against Corruption (ICAC) or NSW Police may lead to criminal proceedings.

Council's investigation standards are clearly documented in various Council policies and procedures, including Council's *Fraud & Corruption Control Policy*, *Code of Conduct*, *Public Interest Disclosures Policy (under Public Interests Disclosures Act 1994)* and *Workplace Investigations Policy and Procedure*.

Investigation Systems

Internal Investigations Procedures

The investigation procedure undertaken by Council will ensure fairness and consistency in accordance with the rules of natural justice and with respect for the civil rights of staff members and citizens.

All Councillors, staff members and stakeholders are expected to fully co-operate in relation to such investigations.

When an allegation of fraud is made against an employee, the General Manager and / or Director(s), will discuss the matter with the person making the allegation. This person may be asked to make a written statement regarding the allegations.

The staff member alleged to have committed the fraud may be interviewed during this preliminary stage. Staff members can be accompanied during the interview by their manager or other nominated member of staff.

The applicable Director will organise a preliminary assessment of the allegation and provide details to the General Manager on the findings. If the matter concerns the General Manager than it shall be reported to be public officer who will deal with the matter in accordance with the code of conduct complaints handling procedures.

If the allegation is serious enough and / or the evidence is compelling, then the matter may warrant a full investigation.

If a full investigation is to be followed, the General Manager/independent investigator will need to determine whether the matter is referred to an external agency such as the Police, ICAC or the Ombudsman. The General Manager/independent investigator may wish to refer it to the Code of Conduct Complaints Coordinator and have the matter referred to using the Code of Conduct Investigation procedures.

Where the matter concerns a Councillor the General Manager will refer the complaint to an independent investigator

Responsibilities

Internal investigations into potential fraud and corruption related activities will be undertaken by Council's suitably authorised and trained staff in accordance with Council's *Public Interest Disclosures Policy (under Public Interests Disclosures Act 1994)* and investigation procedures detailed in *AS8001- 2008 Fraud and Corruption Control* and ICAC's *"Guide to Conducting Internal Investigations"*. This would normally be by Councils Directors or General Manager or if appropriate an independent investigator.

It is noted that when potential internal investigators have conflicts of interest, an external consultant will be engaged to assist with the conduct of the investigation. All persons engaged will be appropriately qualified by reason of formal qualifications and relevant experience.

Record Keeping and Information Protection

Council recognises that the manner in which evidence is collected and stored in relation to any fraud or corruption investigation will have a critical impact on its value as evidence in any later inquiries or court proceedings.

Council officers involved in internal investigations will keep records in accordance with Council's record keeping policies and procedures, the *State Records Act 1998 (NSW)* and the following procedure:

1. Investigation files and reports should be kept securely locked when not in use. They should not be left unattended on desks even for short periods.
2. Evidence collected will be stored and labelled systematically, and kept confidential. Additionally original documents will not be altered or annotated in any way.
3. Access to files and reports should only be given to people for official purposes and on a needs basis.
4. People to whom access is given must observe the same security procedures. This should be explained to them.
5. The name of the person suspected of the conduct should not be mentioned on the cover of any files.
6. The name of the person who reported the suspected conduct should not be mentioned on the cover of any file.
7. No information from the investigation report is to be attached to any employee's personnel file.
8. The Disclosure Co-ordinator is responsible for maintaining a record (Investigation Register) of any investigation conducted as a result of suspected instances of fraud and corrupt conduct being reported.
9. The Disclosure Co-ordinator is responsible for all investigation files dealing with suspected fraud, corruption, maladministration and wastage.
10. All investigation files and related records will be retained and destroyed by Council in accordance with the *State Records Act 1998 (NSW)* and related Council record keeping policies and procedures.

Investigation Register

Council's Disclosure Co-ordinator (Director of Corporate and Community) will maintain a register of all investigations conducted as a result of suspected or actual instances of fraud and corruption being reported.

The Investigation Register will include the following information in relation to every reported fraud and corruption incident:

- Date and time of report.
- Date and time that incident was detected.
- How the incident came to the attention of management (e.g. anonymous report, normal report, supplier report).
- The nature of the incident.
- Value of loss (if any) to the entity.
- The action taken following discovery of the incident.

Each case will stay on the schedule and not be reported until all action is finalised. Once all action for a case is finalised, including all managerial action, it will be reported as finalised.

All investigation action, including any managerial disciplinary action, if applicable, is expected to be completed within 3 months of the allegation being received.

All preventative action, if any, required by management as recommended and agreed with the investigator, is to be implemented within 3 months of the investigation being completed.

The Disclosure Co-ordinator is responsible for analysing and undertaking trend analysis of information contained on the register/database, e.g. by location, by investigation type.

Investigation Results

Details of investigations will be communicated to the General Manager by the Disclosures Co-ordinator as per Council's *Public Interest Disclosures Policy (under Public Interests Disclosures Act 1994)* or by the Relevant Director. It is acknowledged that in many cases the General Manager may have been part of the investigation.

The General Manager will have access to:

- Council's Risk Register
- Council's Management Investigation Report

The General Manager shall also report to the Audit Risk and Improvement Commitment all breaches of the Fraud and Corruption Policy in accordance with privacy and confidentiality requirements.

The General Manager will take relevant fraud and corruption information into account when reviewing Council's Fraud and Corruption Control Framework.

Conduct & Disciplinary Systems

Fraud and corruption will not be tolerated by Council and perpetrators will face disciplinary action and will be prosecuted if necessary.

Where crimes have been committed Council will report the matters to the police and where appropriate criminal prosecution will be undertaken. Civil and administrative action may also be instituted to recover any losses to Council.

To support a sound conduct and disciplinary system, Council's related policies and procedures will ensure that staff members and Councillors understand that:

- Fraud is a crime and will not be tolerated;
- The rules and requirements, values and behaviour expected of them; and
- Those committing fraud or corruption will be prosecuted.

Disciplinary Standards

In all cases of fraud and corruption, consideration will be given to restitution and criminal charges. The General Manager is responsible for making the decision about these matters.

The General Manager will be responsible for deciding what disciplinary action is appropriate for staff members involved in fraud and corruption.

The Council and/or the Director General of Local Government is responsible for deciding what disciplinary action is appropriate for Councillors involved in fraud and corruption.

Council's *Public Interest Disclose Policy (under Public Interests Disclosures Act 1994)* details Council's approach to the notification of instances of fraud and corruption to external authorities.

Implementation

The successful implementation and the achievement of Council's Fraud and Corruption Framework objectives relies heavily on the provision of effective staff and Councillor education and training.

Any person employed by Council and Councillors will be required to undertake training in relation to Council's Fraud and Corruption Control Framework, Code of Conduct; *Public Interest Disclosures Policy (under Public Interest Disclosures Act 1994)* and *Complaints Policy*. A copy of these documents will be provided to staff at that time.

Fraud and corruption investigation training will also be provided to relevant Council staff as appropriate.

Council undertakes regular culture surveys and it should be noted that if Council's observable ethical culture falls below acceptable levels, remedial action, including a broad-based communication and training program, will be undertaken as a matter of priority.

Council's Fraud and Corruption Control Framework, along with related Council policies and procedures, will be made readily available including at induction to Council staff, Councillors and stakeholders. Such availability will ensure a continued awareness and understanding of what constitutes fraudulent and corrupt conduct, reinforce Council's approach should such behaviour be suspected or substantiated, and ensure the continued promotion of ethical and professional conduct throughout the organisation.

Council will develop and maintain an Implementation Action Plan to ensure the appropriate implementation of this Framework.

Monitor and Review

Monitoring and reviewing Council's Fraud and Corruption Control Framework and associated procedures and systems will ensure effective ongoing implementation and improvement of all aspects of the Framework across the organisation, and in particular will:

- Identify specific work areas where implementation of some elements of the Framework may need modification or improvement;
- Identify elements of this Framework that may need attention across the entire organisation;
- Develop a targeted plan for improving implementation of this Framework;
- Monitor the ongoing extent of the implementation of the Framework across all areas within Council;
- Identify resourcing requirements and, in particular, ensuring that the anti-fraud and anti-corruption human resources are appropriately senior and skilled for the role and that they have a sufficient allocation of time to discharge their responsibilities; and
- Ensure Council meets its legislative obligations.

Framework Review

Council's Fraud & Corruption Control Framework will be reviewed at minimum of once every two years by Council's Director of Corporate and Community to ensure it remains current and effective. During such reviews, regard will be given to the results of Council's fraud and corruption "Health Checks" and "Improvement Workshops".

Health Checks and Improvement Workshops

Council will undertake fraud and corruption "Health Checks" at least once every 3 years in all work areas across the organisation, in line with the requirements of the Audit Office of NSW, Better Practice Guide *"Fraud Control Improvement Kit"*. A Health Check may also be undertaken more regularly as deemed necessary by the Audit, Risk and Improvement Committee, particularly in areas that present a higher level of fraud and corruption related risks.

The results of the Health Check will be considered by Council's Audit, Risk and Improvement Committee and the results will assist in the identification of the areas of Council that require a fraud and corruption control "Improvement Workshop" to be undertaken. Such workshops will be undertaken in line with the requirements of the Audit Office of NSW, Better Practice Guide "*Fraud Control Improvement Kit*".

Fraud and Corruption Risk Assessments

Council's enterprise wide fraud and corruption risk assessment will be reviewed on an annual basis by Council's Executive Management Team and reported to Council's Audit, Risk and Improvement Committee, in order to ensure:

- Additional fraud and corruption related risks are identified and managed appropriately; and
- Ensure the ongoing effectiveness of fraud and corruption prevention and detection related controls utilised throughout the organisation.
- The ongoing awareness and commitment of Manex to fraud and corruption control throughout the organisation.

It is recommended that within their area of operations and responsibility, Managers continually monitor their fraud and corruption related risks to ensure that appropriate measures are being implemented to reduce those risks and that any amendments are reflected within Council's Risk Register.

Code of Conduct

The Code is required to be revised on a regular basis to ensure that it remains relevant, comprehensive and continues to meet the standards of the Model Code of Conduct issued by the Office of Local Government.

Annexure A - Top 10 Attributes of Fraud

The "critical factors for success" (top 10 attributes) suggested under the "Fraud Control Improvement Kit (February 2015): Managing Your Fraud Control Obligations" developed by the Audit Office of NSW, that underpin Council's Fraud and Corruption Control Framework are outlined below.

EVENTION		
Attribute No.		Aim of Attribute is to ensure that:
1.	Leadership	<ul style="list-style-type: none"> ▪ Senior Management commitment is demonstrated through behavior and allocation of resources.
2.	Ethical Framework	<ul style="list-style-type: none"> ▪ A suite of Policies and procedures have been developed to establish a standard of behavior ▪ A strong governance framework has been developed and is entrenched in ethical and transparent decision making
3.	Responsibility Structure	<ul style="list-style-type: none"> ▪ There is a clear accountability and responsibility for implementation and monitoring of the Fraud and Corruption Control Framework; ▪ This accountability is well known by all staff at all levels and in all sections of the organisation; ▪ There is a common understanding that everyone in the organisation has a role to play in effective fraud management.
4.	Fraud & Corruption Control Policy	<ul style="list-style-type: none"> ▪ Council has in place the necessary policies, systems and procedures to minimise fraud and corruption in all sections, and at all levels of an organisation; ▪ Policies, systems and procedures respond, and are proportionate, to the fraud risks faced by Council.
5.	Prevention Systems	<ul style="list-style-type: none"> ▪ Proactive and integrated fraud risk assessments are conducted and reviewed in a timely manner ▪ High Risk areas are an organisational focus ▪ There is a commitment to planning, accountability and reporting
6.	Fraud Awareness (Employees, Councillors & the Community)	<ul style="list-style-type: none"> ▪ All employees understand the ethical behaviours required of them in the workplace; ▪ Training programs in ethical behaviours are in place across the organisation; ▪ Training deals with the fraud risks faced by individuals in their workplaces. ▪ Employees understand that fraud will not be tolerated and that perpetrators will face disciplinary action; ▪ Employees have access to written information to assist them understand their ethical obligations; ▪ Approaches will be developed that are consistent with both perceived risks and the organisation's approach to human resources management.
7.	Third Party Management Systems	<ul style="list-style-type: none"> ▪ Effective third party controls are in place particularly in the area of procurement and engaging contractors ▪ A secondary employment policy is implemented and communicated to third parties ▪ A statement of business ethics sets expectations and mutual obligations

DETECTION		
<i>Attribute No.</i>		<i>Aim of Attribute is to ensure that:</i>
8.	Notification Systems	<ul style="list-style-type: none"> ▪ There is a culture within the organisation that supports and encourages reporting of actual and suspected fraud and corruption ▪ Reporting under section 11 of the ICAC Act is undertaken ▪ Policies, systems and procedures are in place to encourage the reporting of suspect behaviours; ▪ Council has policies which clearly identify the nature of suspect actions which require reporting to the Police, the ICAC, the Ombudsman, etc; ▪ External notification takes place as required in light of the above legal and policy requirements. ▪ Fraud notification systems give the complainant the opportunity to report the suspect behaviours anonymously; ▪ "Whistle-blowers" are protected by the organisation Policies, systems and procedures and give equal opportunities to managers, staff, contractors, consultants, customers, suppliers etc. to notify the organisation of suspect behaviours.
9.	Detection Systems	<ul style="list-style-type: none"> ▪ Available data is thoroughly monitored and reviewed to ensure that irregularities and warning signals are picked up at a very early stage and flagged for further detailed review; ▪ Internal audits regularly examine samples of medium and high risk financial decision making across the organisation; ▪ The ARIC make decisions and recommendations, based on risk, about key systems and decisions to be audited; ▪ Outcomes of audits are reported to executive management on a quarterly basis. ▪ A separate fraud risk assessment is undertaken by the organisation; ▪ The fraud risk assessment quantifies the level, nature and form of the risks to be managed; ▪ Actions will be taken by the organisation to mitigate the risks identified in the fraud risk assessment.
RESPONSE / INVESTIGATION		
<i>Attribute No.</i>		<i>Aim of Attribute is to ensure that:</i>
10.	Investigation Systems	<ul style="list-style-type: none"> ▪ Procedures and other appropriate support (including training, where required) is provided to staff undertaking investigation activity on behalf of the organisation; ▪ Investigation actions undertaken should be consistent with commonly used investigation standards; ▪ Where appropriate expertise is not available internally, then external assistance should be sought; ▪ All investigations consider what improvements can be made to policies, systems and procedures within the organisation; ▪ All investigation reports are referred to the ARIC or an equivalent, and the organisation's senior executive, for action.

12.7 MODERN SLAVERY PREVENTION POLICY

1. Introduction

The purpose of this report is to recommend to Council the adoption of a Modern Slavery Prevention Policy.

The Modern Slavery Amendment Act 2021 (NSW) commenced on 1 January 2022. As a result, the following requirements were included in the Local Government Act 1993 (NSW) and came into effect from 1 July 2022.

Section 438ZE 'A council must take reasonable steps to ensure that goods and services procured by and for the council are not the product of modern slavery within the meaning of the NSW Modern Slavery Act 2018.'

Section 428 (4) 'A council's annual report must contain.....

(c) a statement of the action taken by the council in relation to any issue raised by the Anti-slavery Commissioner during the year concerning the operations of the council and identified by the Commissioner as being a significant issue,

(d) a statement of steps taken to ensure that goods and services procured by and for the council during the year were not the product of modern slavery within the meaning of the Modern Slavery Act 2018.'

2. Background

Modern slavery is the exploitation of other people for personal or commercial gain. Modern slavery comes in many forms. The most common forms are:

- Human trafficking –transporting, recruiting, or harbouring people using violence, threats or coercion for the purpose of exploitation.
- Forced labour – any work or service that people are forced to do against their will under the threat of some form of punishment.
- Debt bondage / bonded labour – when people borrow money they cannot repay and are required to work to pay off the debt but lose control over the conditions of both their employment and the debt.
- Descent–based slavery – a person born to an enslaved parent inheriting their slave status.
- Slavery of children – exploiting a child for someone else's gain.
- Forced and early marriage – a person is married without their consent and/or against their will.

Under legislation all NSW councils are required to take reasonable steps to ensure that the goods and services they procure are not the product of modern slavery. They must report annually to the NSW Anti-slavery Commissioner on the steps they have taken.

3. Discussion

Regardless of legislative requirements, as a spender of public monies, Bogan Shire Council places high importance on our ethical obligation to consider, identify and manage modern slavery risks within our supply chain.

As a first step Council is required to adopt the attached Policy on Modern Slavery Prevention. Once this is adopted Council procurement staff will work through the steps in the Policy, as time and resources are available, to help Council comply with the Policy.

4. Attachments

1. Modern Slavery Prevention Policy AP017

5. Recommendation

That Council adopts the Modern Slavery Prevention Policy AP017.

**MODERN SLAVERY PREVENTION POLICY
AP017**



Bogan Shire Council Policy AP017 (Modern Slavery Prevention)

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Bogan Shire Council Policy AP017 (Modern Slavery Prevention)**Policy Outcomes Statement**

Bogan Shire Council is committed to ensuring:

- (a) its operations and supply chains do not cause, involve, or contribute to modern slavery; and
- (b) its suppliers, relevant stakeholders, and others with whom we do business respect and share our commitment regarding minimising the risk of modern slavery.

Statement of Intent

Bogan Shire Council is committed to combating modern slavery by:

- Identifying where our modern slavery risks are in our supply chain and assessing the degree of those risks.
- Engaging with our suppliers to identify which are committed to minimising the risk of modern slavery in their own supply chains and operations. This will primarily be done by asking suppliers to complete a Modern Slavery Questionnaire.
- Completing a modern slavery risk checklist prior to making a purchase.
- Including modern slavery clauses in RFX documents and Contracts.
- Providing adequate training for all staff to ensure they are aware of what modern slavery is, what Council's modern slavery risks are and how to raise any identified or potential concerns.
- Working with and supporting our suppliers to reduce the risk of modern slavery, where appropriate.
- Establishing a complaint process enabling staff and others to raise concerns about modern slavery.

Applicability

This policy applies to all persons employed by Bogan Shire Council or on Council's behalf in any capacity. The prevention, detection, and reporting of modern slavery in any part of Bogan Shire Council's operations or supply chain is their responsibility.

Bogan Shire Council Policy AP017 (Modern Slavery Prevention)

Legality and Responsibility of Enforcement

The General Manager overall responsibility for ensuring this policy complies with Bogan Shire Council's legal and ethical obligations, and that all those under Council's control comply with it. The Director Finance & Corporate Services has primary and day-to-day responsibility for implementing this policy and ensuring all employees are given adequate and regular training on it and the issue of modern slavery in supply chains.

Authority

Council

Policy Owner / Further Assistance

Director Finance and Corporate Services

Related Documents

Procurement Policy

Review Date

October 2026

Revision History

Date	Description of Change	Sections Affected
18/09/2024	New policy drafted	All

12.8 ANNUAL FINANCIAL REPORTS

1. Introduction

The Financial Reports for the year ended 30 June 2024 have been completed. The Council's auditors conducted their final audit and Council has received their Audit Report.

A full set of the Financial Reports including the Auditor's Report is tabled at this meeting and is also available on Council's website. They will also be available for inspection from the Director Finance & Corporate Services prior to the meeting.

Consideration of this report means that Council is complying with the Local Government Act 1993.

2. Background

The Financial Reports for the year ended 30 June 2024 have been prepared in accordance with the *Local Government Act 1993* and the Regulations made there under, the Australian Accounting Standards and Professional Pronouncements and the Local Government Code of Accounting Practice and Financial Reporting.

3. Discussion

Section 418 to Section 421 of the Local Government Act 1993 outlines the procedures that Council must follow with regards to the presentation of its Financial Reports.

In accordance with Section 418 Council is required to hold a public meeting in order to present the Financial Reports. Notification of the meeting was advertised on Council's website and Facebook Page on 17th October 2024 and as an insert in the Nyngan Weekly on 17th October 2024. The presentation of the audited financial reports is to occur at this meeting.

In accordance with section 420 "any person may make submission to the Council with respect to the Council's audited financial statements". At the time of writing this report, no submissions had been received.

4. Attachments

Nil

5. Recommendation

That Council receive and note the Financial Reports and Auditor's Report for the period 1 July 2023 to 30 June 2024 and these be presented to the public.

13 ENGINEERING SERVICES REPORTS

13.1 DEPARTMENTAL ACTIVITY REPORT

1. Introduction

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

2. Background

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

3. Discussion

Roads

Road work undertaken for the reporting period 12 August 2024, to 11 October 2024 consisted of the following:

No.	Name	Comments
	Local Roads	
54	Jefferys Road	Maintenance grading completed
24	Canonba Road	Shoulder grading completed
40	Plummers Road	Maintenance grading/flood damage repairs completed
52	Healy’s Road	Maintenance grading completed
41	Shannonvale Road	Maintenance grading/flood damage repairs completed
82	Pepper Lane	Maintenance grading completed
22	Moonagee Road	2km re-sheeting completed
84	Budgery Road	Maintenance grading completed
5	Peisley Road	Maintenance grading continuing
21	Gongolgon Road	Maintenance grading/flood damage repairs completed
53	Sarona Downs Road	Maintenance grading completed
24	Canonba Road	2km of re-sheeting commenced
64	West Bogan Road	2km of re-sheeting commenced
92	Colane Road	Heavy patching of flood damage repairs commenced
25	Merryanbone Road	Maintenance grading/flood damage repairs continuing
8	Bobadah Road	Maintenance grading/flood damage repairs completed

31	Wera Road	2km of re-sheeting completed
44	Koomanganon Road	Maintenance grading/flood damage repairs completed
14	Gilgai Road	5km of re-sheeting works commenced
74	Doneys Road	Maintenance grading/flood damage repairs commenced
11	Honeybugle Road	Maintenance grading/flood damage repairs completed
49	Temples Lane	Maintenance grading commenced
77	Tubbavilla Road	Maintenance grading/flood damage repairs completed
	Regional Roads	
7514	Cockies Road	Flood damage repairs to sealed section completed
	Cockies Road	Maintenance grading commenced
	Condo Cobar Road	Maintenance grading/flood damage repairs commenced

	State Highways	
HW7	Mitchell Highway	Routine Maintenance continuing
HW8	Barrier Highway	Routine Maintenance continuing
MR70	Arthur Hall VC Way	Routine Maintenance continuing

Council has completed pothole repairs on the following roads:

• Old Warren Road	• Nyngan Town Streets
• Pangee Road	• Hermidale Nymagee Road
• Yarrandale Road	• Canonba Road
• Colane Road	• Buckiinguy Road
• Nyngan Town Streets	• Murrawombie Road
• Girilambone Village	• Tottenham Road
• Cockies Road	• Cockies Road
• Hermidale Village	• Barrier Highway

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

- Completing heavy patching of the following sealed roads,
 - Colane Road
 - Canonba Road
 - Murrawombie Road
 - Moonagee Road
 - Yarrandale Road
- Maintenance grading, re-sheeting, or flood damage repairs on the following roads,
 - Cooneybar Road
 - Tubbavilla Road
 - Glengarriff Road
 - Monkey Bridge Road
- Commencing works funded under Infrastructure Betterment Funding for Coffills Lane, Currans Road, Budgery Road and Gilgai Road.
- Commencing Pangee Road Construction and sealing of 6km.
- Installation of 3 culverts on the Mitchell Highway northwest of Nyngan near the John Butler Road intersection.

Works and Services

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

Civil Works

- Installed 240m of new footpath, Dandaloo Street, between Bogan & Canonbar Streets.
- Installed new long jump pit Larkin Oval to accommodate increasing numbers in Little Athletics.
- Carried out drainage repairs Hospital Road.
- Repaired boundary fence Larkin Oval.
- Assisted in Skate Park upgrade.
- Commenced safe pedestrian access path to Junior League Oval/Golf Club.

Community Facilities

- Mowing/slashing and maintenance of ovals, reserves and highway approaches to Nyngan (ongoing).
- Cleaning of town facilities.
- Cleaning and sweeping of the Nyngan CBD.
- Cleaning and maintenance of town streets and nature strips.
- Cleaning of town streets gutters and culverts.
- Assisted in set up for Big Bogan Street Festival.
- Prepared showground for Pony Club camp
- Carried out tree maintenance approaches to town and Rotary Park.

- Ant spraying carried out on levee bank and nature strips (ongoing).

Water & Wastewater

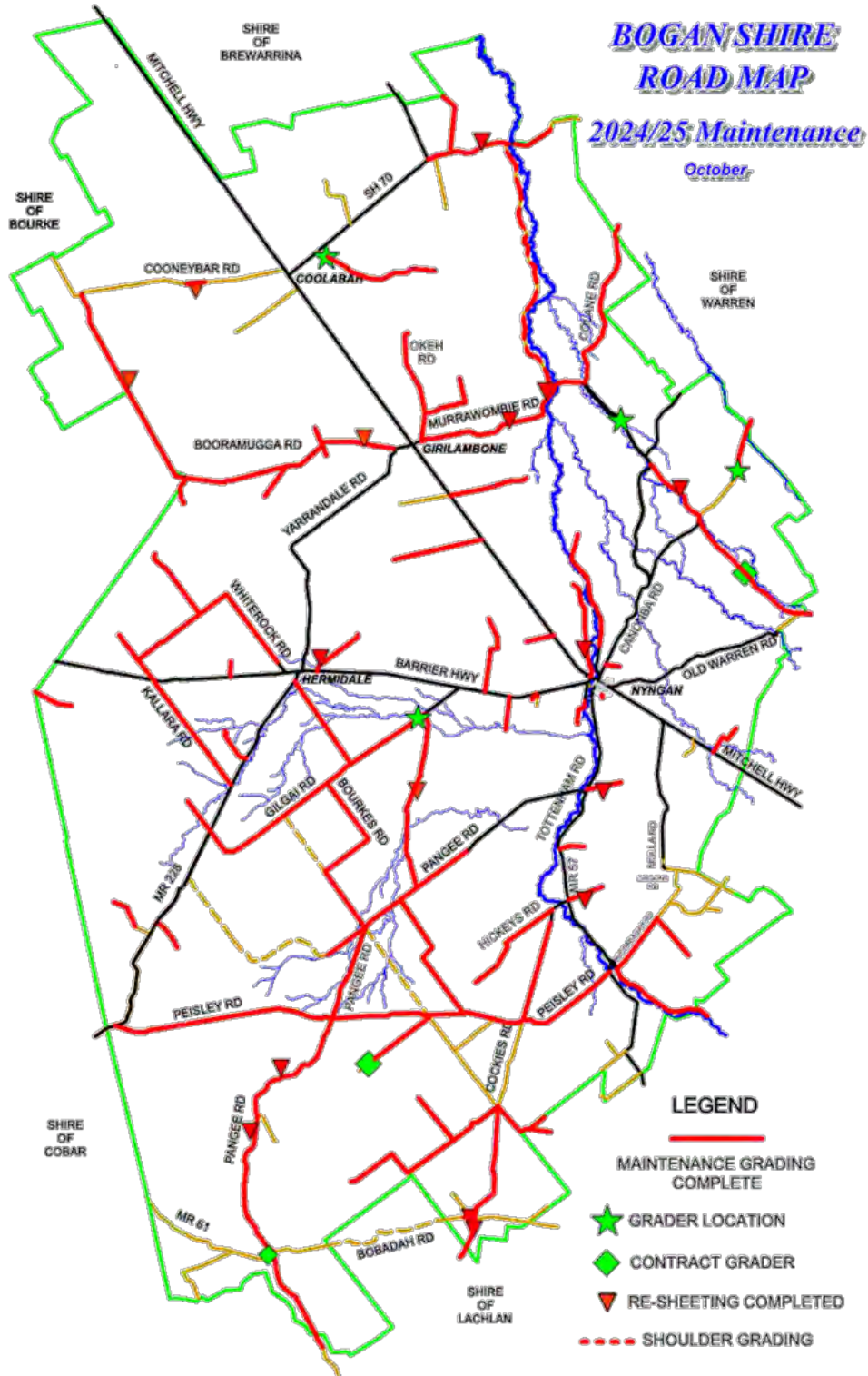
- Repaired broken water main Moonagee Street.
- Installed water trough at the rodeo yards at the Showground.
- Pumping from Wilga Tank to Girilambone ground tank (ongoing).
- Belaringar Syphon Replacement ongoing completion expected late November (Weather permitting).
- Replaced stormwater pipe Moonagee Street, between Bogan & Cobar Streets.
- Installed water connection to mine village carpark.
- Carried out quarterly water meter reads.
- Slashed APC and cleaned around gates.
- Serviced & replaced pressure relief valves hot water systems Larkin Oval dressing sheds
- Installed water service to new bubbler at Skate Park
- Carried out ongoing water mains flushing.
- Additional water treatment being carried out due to turbidity in Bogan River.

4. Attachments

1. Road Maintenance Map

5. Recommendation

That the Engineering Departmental Report be received and noted.



13.2 WATER TOWER ART

1. Introduction

The purpose of this report is to seek direction from Council in relation to determining the style and subject matter of artwork to be placed on the water tower near the skate park.

2. Background

At its meetings held on 23 May 2024, Council considered a report in relation to determining the style and subject matter of artwork to be placed on the water tower near the skate park.

Community consultation was undertaken in June 2024 with 78 responses being received from an online survey and 12 responses via email and written submissions.

Following consideration of a report setting out this community feedback at its meeting held on 25 July 2024 Council resolved (151/24) as follows:

That Council gives direction to an artist to determine the style and subject matter of artwork to be placed on the water tower near the skate park.

Themes that are iconic to Bogan Shire including artwork with aboriginal designs

- *Theme One: Flood and Evacuation Scene*
- *Theme Two: Mining & Agricultural industries of Bogan Shire*
- *Theme Three: Olympic Gold Medallists*
- *Theme Four: Bogan River & Wildlife/recreation*

3. Discussion

Council staff approached Scott Nagy and Krimson, who had been recommended based on work done by Lachlan Shire, with a brief as expressed in the resolution of Council. They were requested to provide a concept drawings which are included as Attachments 2 and 3 for Council's consideration.

Also included for Council's information as Attachment 1 are examples of Scott's other work on water towers.

It is recommended that Council provide specific feedback on any amendments they would like to see made to the concept drawing.

As this project is grant funded it is critical that the project is completed by 31 March 2025 or there is a risk of losing the funding.

4. Attachments

1. Examples of Water Tower Art undertaken by Scott Nagy and Krimson
2. Suggestion of Water Tower Art undertaken by Scott Nagy and Krimson
3. Suggestion of Water Tower Art undertaken by Scott Nagy and Krimson

5. Recommendation

That Council gives specific feedback on any amendments they would like to see made to the attached concept drawings so as to give direction as to the style and subject matter of artwork to be placed on the water tower near the skate park.

Attachment 1

Examples of Water Tower Art undertaken by Scott Nagy and Krimson



Attachment 1

Examples of Water Tower Art undertaken by Scott Nagy and Krimson







13.3 VERMONT HILL ROAD

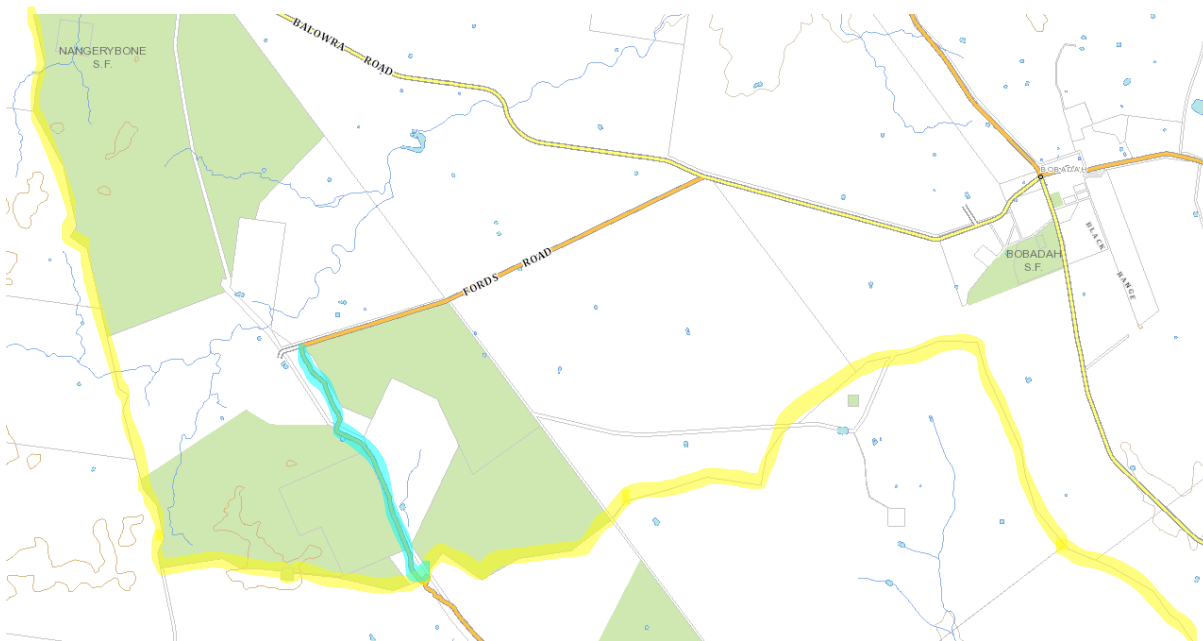
1. Introduction

The purpose of this report, which follows an initial report in August 2024, is to provide further information to Council to enable consideration of a request from Sam and Amy Gunn at Sunset Station in Lachlan Shire to have the Vermont Hill Road maintenance graded.

2. Background

Sunset Station is located on the Vermont Hill Road with a secondary access road 750 metres south of the Bogan/Lachlan Shire boundary and its Primary access road is 3.4km from the Shire boundary.

Vermont Hill Road, highlighted in blue on the plan below, is approximately 46km long running from South to North from the Henry Parkes Way in Lachlan Shire to Fords Road in the Bogan Shire. 4.9 kms of the road is in Bogan Shire.



3. Discussion

Mr & Mrs Gunn have requested Lachlan Shire to maintain the full length of Vermont Hill Road in their LGA, the Council advised *“this issue has been considered previously and it was determined that Lachlan Shire would only maintain the road up to the property entrance to Sunset Station.*

It is our understanding that the road beyond this point was only ever a farm access track and the access through to Bobadah area was only opened up by a previous owner of the property, which does not necessarily make it a Council maintained road.”

At the time of writing the report to Council in August 2024, this aligned with the understanding of Bogan Council Staff that we maintained Fords Road up to where it headed South (to start

of the section now known as Vermont Hill Road) and the 4.9km of road to the Shire boundary was a privately maintained property access road.

Lachlan Shire has also advised that the road is currently not in good condition as substantial damage was sustained in 2022 storms and no repair funding has been approved so the road has only been made trafficable.

Mrs Gunn advises that the road is being used as a through road causing drivers of vehicles that are not aware of the conditions to get stuck, although users like the Cobar Mobile Playgroup and the mail contractor that are familiar with the road condition do not use it.

The photos supplied below show that the road appears to be used but, has not been formed up with table drains and a crown to assist with drainage during rain. The road is currently, and has been for some time, a four-wheel-drive vehicle track.



The request to Council is to maintenance grade the 4.9km of road from the Shire boundary to Fords Road, providing a safe trafficable route for emergency services and a reasonable access from Sunset Station through to their nearest town, Tottenham. Access to and from Sunset Station to Tottenham and Condobolin is currently via Vermont Hill Road to the South.

The cost for routine maintenance grading of 4.9kms is \$7,500 but for the additional work required to completely form the road the estimated cost is \$15,000. It is also recommended that an additional \$25,000 be allocated to this road for gravel and drainage improvements in low lying areas if it is to be improved as an access road.

The new Roads to Recovery 2024 to 2029 five-year program has just commenced and if Council was to proceed with improvements to Vermont Hill Road, \$40,000 could be allocated from that funding for the proposed work. The section of road within Bogan Shire varies from hilly and rocky to flat and boggy and may require ongoing improvements in future years if it is continually damaged during heavy rain.

This report was presented to the August 2024 Council meeting and Council resolved to reconsider the report after the status of road could be confirmed. A land search has now been completed and Crown Lands confirm that the Vermont Hill Road was dedicated as a

public road in 1894. The road was then vested in Council as a control road in 1910, effectively placing the road under Council control twice.

An option for Council could be to investigate closure of the road.

4. Attachments

1. Vermont Hill Road Land Search Report

5. Recommendation

That Council allocate \$40,000 in the Roads to Recovery Program for the necessary improvements to Vermont Hill Road.



Status Report

TO	Bogan Shire Council
FROM	Jessica Cox
DATE	27-Sep-2024
SUBJECT	Status Request LANDSEARCH/4935 – Status of , Parish: WICKLOW, County: CUNNINGHAM

According to the records available to Crown Lands, the status of the land has been determined as follows.

Description of Land

The land is defined as:-

Vermont Hill Road from Lot 7003 DP 1024329 to Lot 61 DP 1208176 in the Parish of Nangerybone, County of Flinders shown in red outline in Appendix 1.

Current Search

The land is currently subject to:-

Dedication as a public road, vide Gazette 20 April 1894 Folio 2547 (Appendix 2)

Dedication as a public road known as a “Control Road” by signed approval of the Secretary for Lands under Section 8 (3)(b) of the Local Government (Amending) Act 1908. Refer to Roads Branch file Rds 10-92 (Appendix 3) and the Roads Branch Parish Map (Appendix 4).

Comment

Our records indicate that the Road was declared public road vide gazette 20 April 1894 Folio 2547 (Appendix 2).

The road was then vested in Council as a control road in 1910, effectively placing the road under Council control twice.

The road is under the control of Bogan Shire Council.

This status report does not constitute legal advice.

All information contained within any map or diagram provided with this report has been provided in good faith. Whilst all effort has been made to ensure the accuracy and completeness of this information the data providers take no responsibility for errors or omissions nor any loss or damage that may result from the use of this information.

Regards,

Jessica Cox

Phone: 1300 886 235

Email: cl.reserves@crowland.nsw.gov.au

PO Box 2215, DANGAR NSW 2309

LSTATUSJ
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13.4 TRAFFIC COMMITTEE MEETING REPORT

1. Introduction

The purpose of this report is to present the discussions of the Traffic Committee meeting held on Wednesday 11th September 2024 and for Council to consider their recommendations.

2. Background

The Traffic Committee meets quarterly to discuss traffic and pedestrian facilities and related issues, and to make recommendations to Council.

3. Discussion

The following issues were discussed:

Hermidale Nymagee Road Intersection at the Hermidale Park

The Committee had previously agreed to change the configuration of the through road at the intersection and have Northbound traffic give way at the T intersection in front of the park.

Hera Mine have advised they do not expect to haul ore to Hermidale for at least 2 years.

The Committee recommended keeping the Give Way sign as it is, and continue with the Hermidale Nymagee Road having the right of way. This can be reviewed if the need arises after haulage recommences.

Request for Safer Crossing of Nymagee Street.

The request was considered but it was felt that there was no location along the central section of Nymagee Street that provides a good location for a lot of pedestrians to cross.

Due to the low number of pedestrians, it was considered that the criteria for a pedestrian refuge would not be met. Kerb blisters were also discussed but, with good sight distances, it was felt that they would provide little benefit.

The Committee recommended that no action be taken at present.

Request to Restrict Parking – Derrybong Street.

The request was to restrict customers from the Fitness Centre in Derrybong Street from parking in front of the residence on the corner of Wambiana Street. The Committee agreed that this may set a precedent and lead to similar requests, and therefore recommended the parking be changed to 45-degree nose to kerb in the vicinity of the Fitness Centre to provide more parking away from the residence.

Request for Highway Signage

WIRES have requested Council permission to install “Injured Wildlife” signs on the State Highways with the Shire.

Transport for NSW have received this request from many Councils and advised they are preparing an internal policy to respond for these requests.

A request was received from the CMCA Caravan Park on the Old Warren Road asking for a white on blue advanced caravan/camping sign on the Mitchell Highway approaching the Old Warren Rd intersection. The Committee recommended the request be approved.

Nyngan Hotel Parking

The Committee recommended 45-degree rear to kerb parking on the Mitchell Highway in front of the Nyngan Hotel, to be consistent with the Aussie Hotel and Outback Motel.

Nose to kerb parking was recommended in Dandaloo Stret along the side of the Hotel.

4. Attachments

Nil

5. Recommendation

That Council accept the recommendations of the Traffic Committee

14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS

14.1 DEVELOPMENT APPLICATIONS REPORT

1. Introduction

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

2. Discussion

Development Applications

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

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2022/040	A.T & B.M Burton	24 Pangee Street, Nyngan	New Serviced Apartments	\$700,000	Additional Information Required
2023/021	Mr D Boyd	33-39 Oval Place, Nyngan	New Private Shed	\$30,000	Additional Information Required
2024/004	Mr I Bennett	60 Nymagee Street, Nyngan	New Awning	\$35,000	Additional Information Required
2024/012	Mr J Bourke	40 Dandaloo Street Nyngan	New Private Awning and In-Ground Swimming Pool	\$40,000	Additional Information Required
2024/013	Mr M Arnott	19 Pangee Street Nyngan	New Multi-Dwelling Housing	\$405,027	Additional Information Required
2024/016	Mr B Rope	2 Warren Street Nyngan	New Single Dwelling	\$607,300	Approved
2024/017	Mr S McCarthy	21-23 Terangion Street Nyngan	Electronic Sign	\$23,000	Approved
2024/018	Bogan Shire Council	Oxley Street Nyngan	Subdivision	\$1,676,584	Additional Information Required
2024/019	Mr M Beetson	30 Cathundril Street Nyngan	New single Dwelling and private shed	\$500,000	Under Assessment

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

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

3. Attachments

1. Development Applications Statistics

4. Recommendation

That the Development Applications Report be received and noted.

	Application Type							Application Value
	Totals		Breakup					
	DA	CDC	Dwellings	Shed/Garage/ Patio/Awning	Pool	Sub- division	Other	
July 2024	1	0	0	1	0	0	0	\$60,000.00
August 2024	3	0	1	0	0	1	1	\$2,306,884.00
September 2024	1	0	1	0	0	0	0	\$500,000.00
October 2024								
November 2024								
December 2024								
January 2025								
February 2025								
March 2025								
April 2025								
May 2025								
June 2025								
Total 2024/25	5	0	2	1	0	1	1	\$2,866,884.00
Total 2023/24	27	0	8	14	1	0	4	\$7,576,651.00
Total 2022/23	33	1	7	12	5	2	8	\$7,443,708.00
Total 2021/22	26	0	13	8	2	1	5	\$6,354,396.00
Total 2020/21	34	3	5	14	3	5	9	\$4,107,610.00
Total 2019/20	24	0	0	10	1	3	10	\$11,294,300.00

14.2 WASTE AND RESOURCE MANAGEMENT REPORT

1. Introduction

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

2. Discussion

The Nyngan Waste and Resource Facility (NWRf) continues to operate four days per week, Thursday, Friday, Saturday and Sunday between the hours of 9.00am to 4:30pm. There are generally two employees onsite during opening hours.

The NWRf operates in accordance with the Environmental Protection Licence (EPL) 20471 and the Landfill Environmental Management Plan.

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

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

Kerbside garbage collection continued as usual with few interruptions. Since the July report, the garbage truck has disposed of 287.2 tonnes of waste to the NWRf. Waste management statistics are outlined in Attachment 1. Kerbside recycling collection also continued with few disruptions. Council serviced a total of 4,007 bins during the reporting period. See Attachment 1. Recycling continues to be transported to the Gilgandra Materials Recycling Facility for processing. This facility is run by Carlindra Enterprises and all materials are sorted manually. The contamination rate of recycling during this period averaged 28.68%. See Attachment 1.

During July, August and September, a total of 145kg of cardboard was removed from the Nyngan site which includes the NWRf and the works depot. Tyres and mattresses were also removed from the NWRf for recycling which continues to demonstrate Council's commitment towards a circular economy.

The Resource for Regions grant funded Resource Recovery Shed (RRS) has been open to members of the public during NWRf operating hours since July 2024. The RRS contains items that are in usable condition and may be of use to members of the community. The RRS will assist in minimizing waste to landfill and demonstrates Council's continued dedication to recycling. In lieu of payment, donations are made to Nyngan Can Assist. Donations received at the RRS during this period are listed below:

- July - \$109.56
- August - \$19.95
- September - \$79.63

Donations were also made via the Council's front counter. \$90.00 was received in total raising \$299.14 for Can Assist during the reporting period.

Council again participated in the annual Netwaste SIMS Metal 'Waste 2 Art' competition this year. This was a successful event receiving many creative entries from varied sections of the community including local schools, creative local artists, and some of the residents of the Mick Glennie Hostel.

The theme for this year was "Packaging".



The exhibition and judging were held in conjunction with the Nyngan Show with the art works on display in the Walker Pavilion. The increased number of entries received has demonstrated the community's interest in upcycling and recycling a wide range of materials.

The winners from this competition were exhibited in the Regional Exhibition which was held in Parkes from 10 - 31 August 2024. Bogan Shire had one artist receive a Highly Commended at this exhibition and it has been reported verbally from NetWaste that the standard of entries continues to improve every year, as do the number of art pieces entering the competition. Next year's theme is "Toys" and we look forward to again seeing the standard of art works that will be created.

3. Attachments

1. Waste Management Statistics

4. Recommendation

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

Kerbside Waste Collection

	No of Premises with	Services Provided (Bins	Tonnes Collected
July 2024	1,039	6,040	103.80
August 2024	1,039	5,144	89.00
September 2024	1,039	5,462	94.40
October 2024			
November 2024			
December 2024			
January 2025			
February 2025			
March 2025			
April 2025			
May 2025			
June 2025			
Total 2024/25	1,039	16,646	287.20
Total 2023/24	1,039	63,845	1,098.60
Total 2022/23	1,035	46,420	1,042.10
Total 2021/22	1,036	65,737	1085.64
Total 2020/21	1,029	N/A	302.10

Kerbside Recycling Collection

	No of Premises with Service	Services Provided (Bins Emptied)	Tonnes Collected	Tonnes Recycled	% Contamination
July 2024	894	1,689	12.80	9.24	27.81
August 2024	894	1,116	10.60	7.04	33.58
September 2024	894	1,202	11.70	8.81	24.67
October 2024					
November 2024					
December 2024					
January 2025					
February 2025					
March 2025					
April 2025					
May 2025					
June 2025					
Total 2024/25	894	4,007	35.10	25.09	28.69
Total 2023/24	894	14,706	142.10	105.22	23.35
Total 2022/23	891	5,812	92.50	71.84	21.99
Total 2021/22	898	7,635	110.10	78.62	21.72
Total 2020/21	896	N/A	117.50	90.92	22.53

Nyngan Landfill - Disposal, Recycling and Resource Recovery

	Mixed Waste (Tonnes)	Recoverable Materials (Tonnes)			Recyclable Materials (Tonnes)		
		Organic	Masonry	Soil	Paper / Cardboard	Metal / eWaste	Other
July 2024	98.55	38.60	9.00	-	3.36	8.70	1.23
August 2024	126.59	46.32	6.00	-	3.60	14.52	0.15
September 2024	425.57	36.04	-	-	4.98	12.96	0.51
October 2024							
November 2024							
December 2024							
January 2025							
February 2025							
March 2025							
April 2025							
May 2025							
June 2025							
Total 2024/25	650.71	120.96	15.00	-	11.94	36.18	1.89
Total 2023/24	1,199.07	566.10	244.56	-	59.40	118.35	9.72
Total 2022/23	1,325.62	617.09	440.40	-	45.46	100.27	13.28
Total 2021/22	2,025.65	601.71	192.74	-	55.02	73.18	14.84
Total 2020/21	1,921.52	680.78	452.54	-	56.28	78.96	34.84

Vouchers and Actual Resource Recovery

	Vouchers			Out for Recycling / Recovery				
	No Issued	No Redeemed	Value Redeemed	Cardboard*	Metal / eWaste	Mattresses	Tyres	Other
July 2024		181	\$ 8,888	51.75	-	3.00	3.56	-
August 2024		210	\$ 10,887	48.30	-	-	-	-
September 2024		262	\$ 13,787	44.85	-	-	-	-
October 2024								
November 2024								
December 2024								
January 2025								
February 2025								
March 2025								
April 2025								
May 2025								
June 2025								
Total 2024/25		653	33562	144.9	0	3	3.56	0
Total 2023/24		4,189	\$ 156,847	560.66	53.52	8.80	9.66	2,351.35
Total 2022/23	14,604	2,851	\$ 141,845	369.15	94.76	13.64	9.42	3,300.64
Total 2021/22	14,604	12,710.00	140,590.00	203.55	153.78	17.18	6.16	0.12
Total 2020/21	N/A	4,015	N/A	639.98	185.54	16.68	7.52	-

* Includes from Works Depot

14.3 RECLASSIFICATION OF LAND - 8 TABRATONG STREET NYNGAN NSW 2825

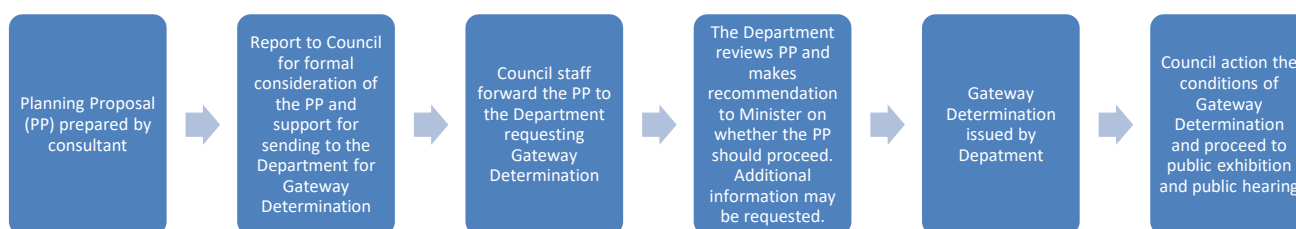
1. Introduction

The purpose of this report is to seek direction from Council regarding the Planning Proposal (Attachment 1) and if it should be forwarded to the NSW Department of Planning, Housing and Infrastructure (the Department) for the purpose of seeking a Gateway Determination.

The Planning Proposal (Attachment 1) seeks to reclassify three parcels of Council-owned land from “community” to “operational”.

This report also seeks direction from Council to place the Planning Proposal on public exhibition and hold a public hearing should the Department issue the Gateway Determination.

The flowchart below shows the process up to the stage of public exhibition and public hearing.



After the public exhibition of the Planning Proposal and the public hearing are completed, a further report will be provided to Council detailing any submissions received and making a recommendation on whether to proceed with the land reclassification. Should Council decide to proceed with the land reclassification, it will formally request that the Department make an amendment to *the Bogan Shire Local Environmental Plan (LEP) 2011* to reclassify the land as ‘operational’.

2. Background

The Planning Proposal relates to three parcels of land (the land) in the employment precinct of Nyngan. The land to be reclassified is:

- Lot 1 DP 102113
- Lot 2 DP 355559
- Lot 3 DP 945184

Collectively the land is identified as 8 Tabratong Street Nyngan. The land is not mapped as a public reserve and is currently vacant. A theatre was formerly located on the site but was demolished in 2020 as it was in a state of dilapidation and posed a safety risk.

The Local Government Act 1993, (the Act) requires all public land to be classified as either “community” or “operational”.

Community land is land that Council makes available for use by the public and it usually includes land for parks or sports grounds.

Operational land is land that facilitates the functions of a Council and may not be open to the public.

The land classification determines the way that a Council is required to manage and deal in the land.

Community land requires a plan of management and must not be sold, exchanged or otherwise disposed of by a Council. There are no such restrictions on a Council to manage, dispose of or change the nature of operational land.

Under the Act, public land is classified or reclassified by either a Council resolution under sections 31, 32 or 33 or through an LEP amendment.

The Planning Proposal (Attachment 1) seeks to give effect to a previous council resolution (refer to Attachment A of the Planning Proposal) by pursuing an LEP amendment pathway to reclassify the land from community to operational.

Historical records show that at its Ordinary Meeting of 23 June 1994, Council resolved to reclassify “8 Tabratong Street Section 39 Lot 1 Youth Centre” from community land to operational land. As no deposited plan number was provided, it is not clear whether this refers to Lot 1 DP102113, therefore Lot 1 has been included in the Planning Proposal, along with Lots 2 and 3 for the purposes of clarity and transparency, and to ensure that the parcel of land (8 Tabratong Street), in its entirety, is legally reclassified from community to operational and that all relevant interests can be discharged.

3. Discussion

Reclassification of the subject land will allow it to be considered for another purpose as it currently provides limited community benefit, being a vacant and unused parcel of land.

The land has been identified as having site-specific locational advantages for community housing. With its close proximity to the commercial area of Nyngan, it provides good access to shops, supermarkets, medical services and civic services such as the Library and Post Office. It is also close to public transport bus stops which provide services to larger centres such as Dubbo. And, most of these services are available within walking distance of the land, thereby reducing reliance upon private transport.

The location of the land is shown in Figure 1 below:



Figure 1: Location of Subject Land (Source: eplanning Spatial Viewer)

In 2019 the Nyngan Community Homes Association (NCHA) wrote to Council requesting support for an application by NCHA, to the NSW government, to provide 5 independent living units for the purpose of community housing on the land.

At its Ordinary Meeting on 28 November 2019, Council resolved (258/2019):

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

The resolution was conditional on NCHA being successful with their grant application. They were not successful in that round of funding.

On 11 June 2021 Bogan Shire Council approved a development application for the construction of 5 self-care dwellings for seniors, or people with a disability, on the land (Development Application 10/2021/002/001). The approved dwellings are similar in style and character to the community housing development to the east of the subject land.

In February 2023, Council received a request from NCHA to transfer the land to the Association as a prerequisite for them to receive funding under the Community Housing Innovation Fund to construct the approved dwellings.

At its Ordinary Meeting on 23 March 2023, Council resolved the following (053/2023):

1. *Council defer a decision on whether, in principle, it wishes to dispose of (transfer ownership of) Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184, until a determination on the reclassification of the land.*
2. *Council submits a planning proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 from Community Land to Operational Land.*

At its Ordinary Meeting on 27 June 2024, Council considered a letter from Nyngan Community Homes in which they requested transfer of ownership of the land. Council resolved as follows (134/24):

That Council request that Nyngan Community Homes Association presents a satisfactory Business Plan and shows it has the capacity to build planned homes on the land, Council will consider an appropriate arrangement to facilitate the provision of the land which was formerly the Palais Theatre, on the basis of that plan.

A Business Plan was received from Nyngan Community Homes Association on 1 October 2024 with a request for the Association to address Council at a future meeting.

4. Attachments

1. Planning Proposal for Gateway Determination - Land Reclassification 8 Tabratong Street Nyngan

5. Recommendation

That Council resolve to:

1. Lodge the Planning Proposal to Reclassify Public Land at 8 Tabratong Street Nyngan with the Department of Planning, Housing and Infrastructure for a Gateway Determination; and
2. Undertake community consultation in accordance with the Gateway Determination.



Planning Proposal to Reclassify Public Land

8 Tabratong Street Nyngan

October 2024

Version 1 for Gateway Determination



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Version	Purpose of Document	Author	Date
1	For Gateway Determination	LP	16 September 2024

PART 1 OBJECTIVES AND INTENDED OUTCOMES

1.1 Introduction

This planning proposal has been prepared by Blue Sky Planning & Environment Pty Ltd on behalf of Bogan Shire Council. The objective of this planning proposal is to amend *Schedule 4 Classification and reclassification of public land* of the *Bogan Local Environmental Plan 2011* (the LEP).

This planning proposal seeks to reclassify three parcels of public land from “community” to “operational”. Collectively the land is identified as 8 Tabratong Street Nyngan. The land is not mapped as a public reserve and there is no Plan of Management applying to the land. Reclassification of the land will allow it to be considered for community housing.

The *Local Government (LG) Act 1993* requires all public land to be classified as either “community” or “operational”. Community land is land that council makes available for use by the public and it usually includes land for parks or sports grounds. Operational land is land that facilitates the functions of Council and may not be open to the public. Operational land often includes council works depots, pounds or the like.

The land classification determines the way that council is required to manage and deal in the land. Community land requires a plan of management and must not be sold, exchanged or otherwise disposed of by a council. There are no such restrictions on council to manage, dispose of or change the nature of operational land.

Under the LG Act, public land is classified or reclassified by either a council resolution under sections 31, 32 or 33 or through an LEP amendment. This planning proposal seeks to give effect to a previous Council resolution (Attachment A) by pursuing an LEP amendment pathway to reclassify the land from community to operational.

Section 30 of the LG Act 1993 provides that:

(1) A local environmental plan that reclassifies community land as operational land may make provision to the effect that, on commencement of the plan, the land, if it is a public reserve, ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for—

(a) any reservations that except land out of a Crown grant relating to the land, and

(b) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

This planning proposal seeks to ensure that the land is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants that may affect further operations and the use of the land for community housing.

1.2 Description of the Land and Surrounds

This planning proposal relates to three parcels of land (the land) in the employment precinct of Nyngan. The land to be reclassified is:

- Lot 1 DP102113
- Lot 2 DP355559
- Lot 3 DP 945184

The land is currently vacant. A theatre was formerly located on the site but was demolished in 2020 as it was in a state of dilapidation and posed a safety risk. Asbestos containing materials were used in the construction of the theatre and all known asbestos containing materials were removed from the building in 2020 prior to its demolition. A clearance certificate for the removal of asbestos from the building was issued on 07 April 2020.

The site is entirely cleared of vegetation and all structures and is primarily flat, draining to Council's stormwater system along Cobar Street and Tabratong Street.

The land has been identified as having site-specific locational advantages for community housing, being in close proximity to the commercial area of Nyngan and therefore providing good access to shops, medical services and civic services such as the library, as well as bus stops which provide services to larger centres such as Dubbo. Most services are available within walking distance of the land, thereby reducing reliance upon private transport.

The location of the land is shown in the figure below.



Figure 1: Location of Subject Land. Source: eplanning Spatial Viewer.

The land is zoned E1 Local Centre as shown in the figure below. The planning proposal does not propose to rezone the land as residential accommodation is permitted with consent in the E1 zone. Any proposal to rezone the land to a residential zone will be considered as part of the Bogan Shire Local Housing Strategy which is currently under preparation.



Figure 2: Zoning of Subject Land. Source: eplanning Spatial Viewer 2024.

To the south the land adjoins Cobar Street, with the Bogan Shire Council administration building located on the opposite side of Cobar Street. To the west the land adjoins Tabratong Street, with a supermarket located on the opposite side of Tabratong Street. To the east the land adjoins residential development comprising five two-bedroom dwellings managed by a local community housing association, specifically for the purpose of residential accommodation for seniors or people with a disability. To the north the land adjoins Pangee Lane. On the opposite side of Pangee Lane are several commercial and retail buildings, including a bank, gymnasium and cafe. Legal access to the land would be available from Tabratong Street, Cobar Street and Pangee Lane.



Figure 3: Aerial photo of Subject Land (prior to demolition of theatre). Source: eplanning Spatial Viewer.

The photos below show the land and its proximity to surrounding land uses.



Photo 1: Facing north-west from Cobar Street and showing proximity to the supermarket. Photo taken May 2024.



Photo 2: Facing east from Tabratong Street and showing adjoining seniors living development. Photo taken May 2024.

1.3 Background and Interests

It is critical that all interests in the land are identified as part of the planning proposal so that relevant interests can be discharged. The following interests have been identified:

- a) **Right of Way:** The certificate of title lists a right of way benefitting Lot 1 and burdening Lot 2. Lot 3 also has a right of way affecting part of the land. It is not intended to extinguish the right of way as part of this planning proposal.
- b) **Covenant:** Covenant J652653 relates to a memorandum of mortgage held over the land in 1964.
- c) **Lease to a private party:** The certificate of title lists a lease to a private party that expires on 29/03/1996 with the option of a 5 year renewal. There are no current leases applying to the land.

There are no records held by Council to indicate why the land was dedicated to Council, however the certificate of title indicates that the land may have been a Crown dedication.

The certificate of title held by Council for the land is included at Attachment D.

In 2019 the Nyngan Community Homes Association (NCHA) wrote to Council requesting that support for an application by NCHA, to the NSW government, to provide 5 independent living units for the purpose of community housing on the land.

On 28 November 2019 Council resolved:

1. To provide a letter of support to the Nyngan Community Homes Association to accompany a grant application for funding to construct seniors living units on the land.
2. Should the Nyngan Community Homes grant application be successful, Council will donate the land to the Association.

The resolution was conditional on Nyngan Community Homes being successful with their grant application. They were not successful in that round of funding.

On 11 June 2021 Bogan Shire Council approved a development application for the construction of 5 self-care dwellings for seniors, or people with a disability, on the land (Development Application 10/2021/002/001). The approved dwellings are similar in style and character to the community housing development to the east.

In February 2023 Council received a request from NCHA to transfer the land to the Association as a prerequisite for them to receive funding under the Community Housing Innovation Fund to construct the approved dwellings.

At its ordinary meeting on 23 March 2023 Council resolved to defer a decision on whether to dispose of the land (i.e. donate it to NCHA) until the land was reclassified from community to operational. Council also resolved to submit a planning proposal in accordance with the LG Act section 27(1) to reclassify the land from community to operational.

The figure below shows the layout of the approved community housing on the land.

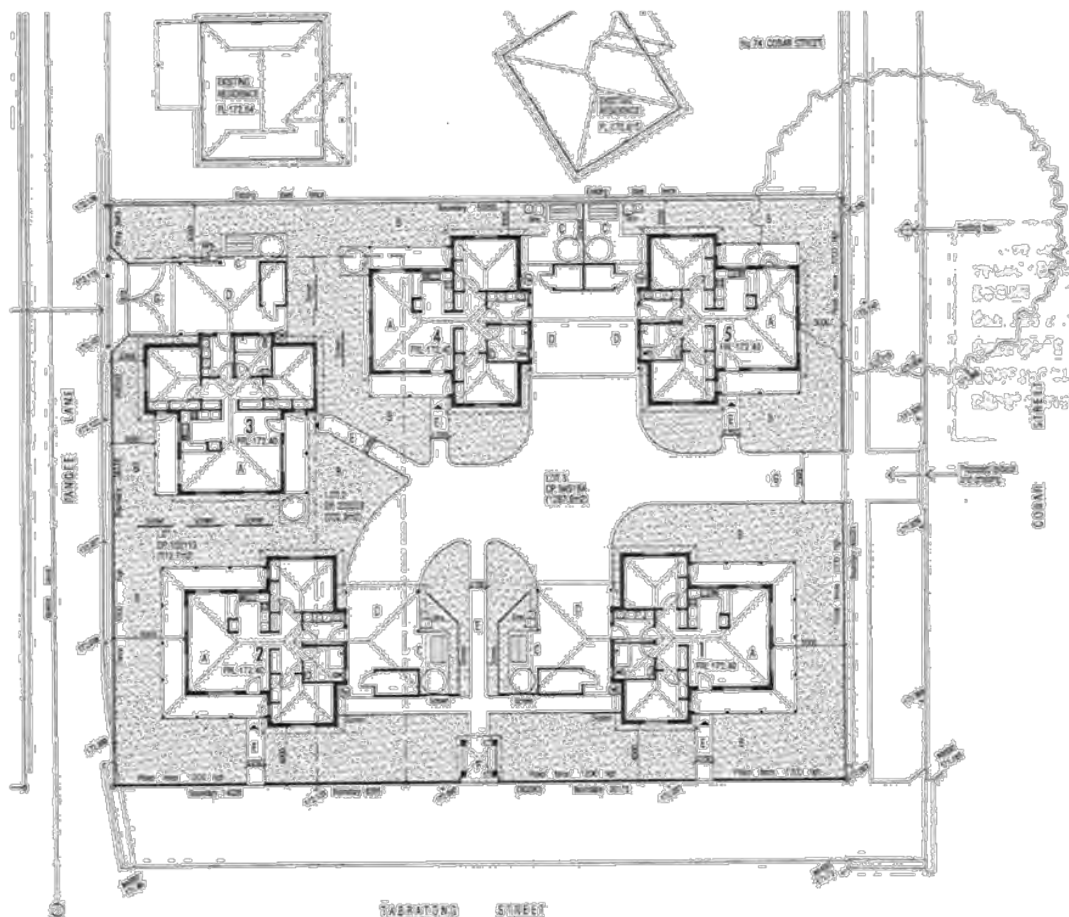


Figure 4: Layout of approved development on the land

Part 2 - Explanation of provisions

Part 5 Clause 5.2 of the LEP enables council to reclassify public land as “operational land” in accordance with Part 2 of Chapter 6 of the LG Act 1993. This planning proposal seeks to amend the *Bogan Local Environmental Plan 2011* by listing Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 within Schedule 4 of the LEP. Should Council seek to dispose of the land it is assumed that the land would be listed in part 2 of the LEP as the interests will be changed so that Council is no longer the owner of the land.

Part 3 - Justification

Section A – Need for the Planning Proposal

Question 1: Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report??

The planning proposal has been prepared in accordance with the LG Act 1993 to reclassify public land.

The Bogan Shire Local Strategic Planning Statement (LSPS) identifies housing diversity and affordable housing provision as important to the community. Housing for an ageing population close to existing services and amenities is also identified in the LSPS as a priority.

The Bogan Shire Local Housing Strategy is currently under preparation and Council staff have advised that land appropriate for community housing is likely to be identified as a priority in that Strategy.

Question 2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Section 31 of the LG Act 1993 provides that a council may resolve that the land be classified as community or operational before or within three months after it acquires the land. Bogan Shire Council did not adopt any such resolution within these designated timeframes for the entire parcel of land (though historical records indicate that a resolution may apply to Lot 1), therefore a planning proposal is currently the only way to reclassify land from community to operational and ensure that interests affecting the subject land are appropriately discharged.

Section B – Relationship to Strategic Planning Framework

Question 3: Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The Central West and Orana Regional Plan 2041 (Regional Plan 2041)

The Regional Plan 2041 is the strategic framework for the region. It has been prepared in accordance with section 3.3 of the *Environmental Planning and Assessment Act 1979*. It applies to the local government areas of Bathurst, Blayney, Bogan, Cabonne, Coonamble, Cowra, Dubbo, Forbes, Gilgandra, Lachlan, Lithgow, Mid-Western, Narromine, Oberon, Orange, Parkes, Warren, Warrumbungle and Weddin.

The Regional Plan 2041 includes a set of objectives and strategies for achieving those objectives. The following Parts of that Plan are of particular relevance to Bogan Shire and have been considered in this planning proposal.

Part 2 of the Regional Plan 2041 – A sustainable and resilient place

This part focusses on the region's natural resources and systems. The following objectives of the Regional Plan 2041 are relevant to this planning proposal:

Objective 6: Support connected and healthy communities. Western NSW rivers: The region's rivers, including the Bogan River, and their related groundwater sources face competing demands for recreation, town water supply, rural uses and environmental needs. The Regional Plan 2041 recognises the diverse landscapes in which the river systems occur, the interdependencies with human and non-human use of the land and water, and the need to protect the Bogan River.

Development pressures for residential subdivision could, if not well planned, decrease public access to rivers and waterways, decrease natural amenity and increase clearing in the river corridors, which can impact runoff and ultimately water quality.

The subject land is a “brownfield” site in the central part of Nyngan. Development of the land will not place additional pressure on the local river system.

Objective 7: Plan for resilient places and communities: The changing climate is increasing the impact of natural hazards on communities. Building resilient places and communities requires a consideration of shocks and stresses from a people-centred, cultural, economic, built form and environmental perspective. New development must avoid areas affected by relevant hazards or mitigate the effects of hazards within affected areas.

The subject land is not located in an area subject to any natural hazards.

Part 3 of the Regional Plan 2041 – People, centres, housing and communities

This part notes that by 2041 the population of the Central West and Orana region is projected to grow to more than 324,943 people. This equates to the need for at least an additional 21,664 new homes. Existing housing stock in the region is mostly detached housing with three or more bedrooms. This housing is not well suited for the projected shift in housing demand with approximately 60% of families in the region expected to be singles or couples without children by 2041.

If Council resolves to dedicate or lease the land to a community housing provider, the use of the subject land for community housing will provide housing diversity to address the projected shift in housing demand.

Objective 12: Sustain a network of healthy and prosperous centres. The Regional Plan 2041 notes that while the population of some smaller centres (like Nyngan) are projected to remain relatively stable, these are dynamic communities with temporary visitors and worker populations that fluctuate at different times of the year. Smaller centres will continue to reflect the growth aspirations of their local communities, support new industries and provide housing, services, attractive lifestyles and jobs in agribusiness, mining, and tourism.

E-commerce and online access to services creates opportunities for smaller centres to reverse population decline and foster new economic opportunities. These changes, when combined with long-term trends such as the ageing of the population, provide the opportunity for councils to rethink the role and function of smaller centres and ensure their ongoing vitality. If Council resolves to dedicate or lease the land to a community housing provider, the reclassification of the land will assist in encouraging a greater mix of housing in the town centre, close to essential services.

Objective 13: Provide well located housing options to meet demand. The Central West and Orana region needs an adequate supply of affordable, well-designed housing in the places where people want to live.

Future residential growth will be predominantly accommodated in existing urban areas or in new development areas identified in local housing strategies. Strengthening smaller centres (like Nyngan) can also be supported through better utilisation of existing infrastructure and brownfield sites as an alternative to greenfield development.

The region's centres will support housing by making efficient use of existing infrastructure and services. This will involve identifying areas for intensification and renewal, prioritising the development of unused or underutilised land and identifying new areas for growth.

Re-using and repurposing sites where the historic land use is no longer needed, or buildings have been abandoned or destroyed, avoids the cost of developing new infrastructure. This process is important for smaller centres such as Nyngan and can be realised through the reclassification and development of the subject land for community housing, if Council resolves to dedicate or lease the land to a community housing provider.

Objective 14: Plan for diverse, affordable, resilient and inclusive housing. While regional NSW continues to experience economic growth and industry diversification, there is growing evidence of housing stress and homelessness. Housing affordability is becoming an increasing issue for the region. Between 2017 and 2020 average house prices in the region grew by 10%, which is above the NSW average of 6% for the same period.

People older than 65 will make up a quarter of the region's population by 2041. Housing for seniors includes independent smaller homes, specifically built to meet the needs of people as they age as well as communal independent living arrangements. Slow growth in the provision of seniors housing and infrastructure in the region may be attributed in part to economies of scale and economic viability. Smaller housing types, dual occupancy and multi-dwelling housing are filling this gap in some areas.

Increased housing affordability will result from better and more diverse housing designs, delivered in places free from hazards, close to infrastructure and community services.

Community housing assists people who are unable to access suitable accommodation in the private rental market. Modelling suggests an estimated 60% increase in homelessness in the Far West and Orana areas since early 2020. Investment into community housing can also provide a strong economic stimulus and recovery mechanism.

A range of sustainable housing choices should be provided including housing that is more appropriate for seniors, including low-care accommodation and innovative solutions for older people, multigeneration families, group housing, people with special needs or people from different cultural backgrounds.

The reclassification and availability of the subject land for community housing will make a contribution to the achievement of this objective, if Council resolves to dedicate or lease the land to a community housing provider.

Question 4: Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The Bogan Shire Local Strategic Planning Statement (LSPS) December 2019 sets the framework for Bogan Shire's economic, social and environmental land use needs over the next 20 years.

A number of priorities in the LSPS are relevant to the proposed land reclassification:

Priority 4 – Safe and Liveable Communities:

Providing housing choice and enough, suitably located residential land...is key to attracting and retaining a diverse population.

The following policies and actions from the LSPS are relevant to the use of the land for community housing:

- Utilise existing zoned and serviced land for a range of urban development outcomes, particularly the provision of housing for older people and affordable housing near existing services and amenities.
- Encourage a range of housing options, including affordable housing, housing for older people, family housing and temporary worker accommodation in Nyngan.
- Support ageing in place in Nyngan to make the best use of existing infrastructure and services in the town.
- Investigate the options for new housing release having regard to servicing and hazards.

Question 5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

As the planning proposal is for the purpose of land reclassification, it is of an administrative nature and therefore has limited alignment with State Environmental Planning Policies (SEPPs).

The following SEPP is considered to be relevant:

State Environmental Planning Policy (Housing) 2021

The principles of this SEPP are as follows:

- (a) enabling the development of diverse housing types, including purpose-built rental housing,*
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*
- (c) ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*
- (e) minimising adverse climate and environmental impacts of new housing development,*
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,*

(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,

(h) mitigating the loss of existing affordable rental housing.

Chapter 3 Part 5 of the SEPP deals with housing for seniors and people with a disability. The purpose of this planning proposal is to facilitate a land reclassification to allow Council to dispose of the land, or lease it, to a community housing provider, for community housing, if it so resolves.

Chapter 3 Part 5 Division 4 of the SEPP provides the site related requirements for seniors housing. The subject land complies with the site related requirements in relation to proximity to services.

Question 6: Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following is a list of Directions issued by the Minister to relevant planning authorities under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*.

The table below demonstrates that the planning proposal is largely consistent with the relevant Ministerial Directions. One inconsistency of minor significance has been identified. That inconsistency is well justified.

Relevant Direction	Consistency
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	The planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan’s vision, land use strategy, goals, directions or actions.
1.3 Approval and Referral Requirements	The planning proposal does not introduce any LEP provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority and does not identify development as designated development.
1.4 Site Specific Provisions	The planning proposal does not introduce any site specific planning controls.
1.4A Exclusion of Development Standards from Variation	The planning proposal does not propose to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.

Focus area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable. The land is not in this area.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable. The land is not in this area.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable. The land is not in this area.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable. The land is not in this area.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable. The land is not in this area.
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable. The land is not in this area.
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable. The land is not in this area.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable. The land is not in this area.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable. The land is not in this area.
1.14 Implementation of Greater Macarthur 2040	Not applicable. The land is not in this area.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable. The land is not in this area.
1.16 North West Rail Link Corridor Strategy	Not applicable. The land is not in this area.
1.17 Implementation of the Bays West Place Strategy	Not applicable. The land is not in this area.
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable. The land is not in this area.
1.19 Implementation of the Westmead Place Strategy	Not applicable. The land is not in this area.
1.20 Implementation of the Camellia-	Not applicable. The land is not in this area.

Rosehill Place Strategy	
1.21 Implementation of South West Growth Area Structure Plan	Not applicable. The land is not in this area.
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable. The land is not in this area.
Focus area 2: Design and Place	This focus area was blank when the Directions were made.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	The land does not contain any environmentally sensitive areas, conservation zones or areas otherwise identified for environmental conservation or protection in an LEP.
3.2 Heritage Conservation	The land does not contain any known items, areas, objects or places of environmental heritage significance or indigenous heritage significance.
3.3 Sydney Drinking Water Catchments	Not applicable. The land is not in this area.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The land is not in this area.
3.5 Recreation Vehicle Areas	Not applicable. The land is not located within an area used by recreational vehicles.
3.6 Strategic Conservation Planning	Not applicable. The land is not located in an area identified as avoided land or a strategic conservation area.
3.7 Public Bushland	<p>Not applicable. The land is not in a listed local government area.</p> <p>Notably, the site is entirely cleared of native vegetation and does not contain any biodiversity or habitat corridors, links between bushland, natural drainage lines, watercourses, wetlands and foreshores.</p> <p>The land does not have recreational, educational, scientific, aesthetic, environmental, ecological or cultural values.</p>
3.8 Willandra Lakes Region	Not applicable. The land is not in this area.
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable. The land is not in this area.

3.10 Water Catchment Protection	Not applicable. The land is not within a regulated catchment.
Focus area 4: Resilience and Hazards	
4.1 Flooding	The land is not mapped as flood prone. The land is located within the Nyngan flood levee, therefore it is unlikely to be affected by flooding.
4.2 Coastal Management	Not applicable. The subject land is not located within the coastal zone.
4.3 Planning for Bushfire Protection	Not applicable. The land is not mapped as bushfire prone.
4.4. Remediation of Contaminated Land	The land is not registered as contaminated. All known asbestos containing materials were removed from the theatre on the site prior to its demolition. A clearance certificate for the asbestos removal was issued on 07 April 2020.
4.5 Acid Sulfate Soils	Not applicable. The land is not mapped as containing acid sulfate soils.
4.6 Mine Subsidence and Unstable Land	Not applicable. The land is not located within a declared mine subsidence district.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	This Direction is not applicable as it does not propose to change a land use zone. Notably, the planning proposal achieves the objectives of this Direction by potentially improving access to housing in proximity to services, thus reducing travel demand.
5.2 Reserving Land for Public Purposes	Not applicable. The planning proposal does not propose to reserve land for public purposes as the land is already in the ownership of Council.
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable. The land is not located near a regulated airport or defence airfield.
5.4 Shooting Ranges	Not applicable. The land is not located near a shooting range.
Focus area 6: Housing	
6.1 Residential zones	Not applicable as it does not affect land within an existing or proposed residential zone.

	<p>Notably, the planning proposal achieves the objectives of this Direction as it facilitates the availability of land to provide a variety and choice of housing types to provide for existing and future housing needs, makes efficient use of existing infrastructure and services and ensures that new housing has appropriate access to infrastructure and services.</p>
6.2 Caravan Parks and Manufactured Home Estates	<p>This Direction is not applicable as the planning proposal is not seeking to identify suitable zones, locations and provisions for caravan parks or manufactured home estates.</p>
Focus area 7: Industry and Employment	
7.1 Employment Zones	<p>The planning proposal is not seeking to change an employment zone.</p> <p>The subject land is within an employment zone (E1 Local Centre). The land reclassification is proposed for the purpose of facilitating community housing on a vacant Council-owned site that is not being used for any public purpose.</p> <p>Although the objective of this direction is to protect employment land in employment zones, the land is not being used for employment purposes.</p> <p>The inconsistency is of minor significance and well justified.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	<p>Not applicable. The planning proposal will not facilitate the use of the land for short-term rental accommodation.</p>
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	<p>Not applicable. The land is not located in this area.</p>
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	<p>Not applicable. The planning proposal would not prohibit or restrict land for the purposes of mining, petroleum production or extractive industries.</p>
Focus area 9: Primary Production	
9.1 Rural Zones	<p>Not applicable. The land is not located in a rural zone.</p>

9.2 Rural Lands	Not applicable. The land is not located in a rural or conservation zone.
9.3 Oyster Aquaculture	Not applicable. The planning proposal does not affect any oyster aquaculture area.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable. The land is not located in this area.

Section C – Environmental, Social and Economic Impact

Question 7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land is entirely cleared of native vegetation and is located in a highly urbanised area devoid of bushland connections or corridors and surrounded on all sides by either commercial or residential development or infrastructure.

No critical habitat, threatened species, populations or ecological communities or their habitats are likely to be adversely affected as a result of the proposal.

Question 8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Stormwater: The land generally drains in a southerly direction towards Tabratong and Cobar Streets. On-site stormwater detention would be included in the developed land to ensure that post-development flow rates from the land are not greater than pre-development flow rates, including runoff from impermeable surfaces.

Servicing: The land is capable of being fully serviced. The design and construction of all water and sewer infrastructure required to service the development would be undertaken by the developer in accordance with relevant standards. The developer would be responsible for the costs of design and construction of water and sewerage infrastructure required to service the development, as well as the development charges applicable at the time of development.

Contamination: The land is not mapped as potentially contaminated. Asbestos containing materials were used in the construction of the theatre that previously occupied the site. The asbestos containing materials were removed prior to the demolition of the theatre.

Acoustics: The land is surrounded by commercial land to the west and north, residential development to the east and a civic precinct to the south. There are unlikely to be any acoustic impacts as a result of the development of the land for residential purposes, or on the use of the land from surrounding land uses. The landuse zone would not permit any industrial uses likely to generate significant noise. No further consideration of acoustic impacts is required for the planning proposal.

Landscape and Amenity: The land currently has a low level of amenity as it presents to the street as a vacant block of land. The development of the land will comprise areas of

landscaping and will activate the site. The planning proposal is likely to result in a positive impact on landscape and amenity.

Air Quality: The development of the land for residential purposes has the potential to have a minor negative impact on air quality during the construction phase. Measures to minimise construction air quality issues will be a condition of any consent for development of the land. The planning proposal is unlikely to have a long-term negative impact on air quality.

Soils: The land is currently not vegetated and is subject to erosion during high rainfall events whilst the soil is exposed. Impacts on soils will be considered at development application stage when proposed development will be subject to erosion and sediment control. The planning proposal is unlikely to have a negative impact on soils.

Traffic and Access: The land has two public street frontages and a laneway frontage. It is proposed to reclassify the land to facilitate community housing. The DA approved on the land shows 5 independent living units. Although this would generate some traffic, it is not anticipated to have a negative impact on the local road system.

Archaeology and Cultural Heritage: The subject land does not contain any listed or potential items of European heritage significance. It is located diagonally opposite the locally listed Nyngan Courthouse, however development of the land would be unlikely to have a negative impact on the courthouse.

No Aboriginal places or items have been recorded on the site (AHIMS database search 10/07/2024). The land has been highly modified and disturbed and there are unlikely to be any items of archaeological or cultural significance on the site.

Question 9: Has the planning proposal adequately addressed any social and economic effects?

The planning proposal can potentially facilitate the delivery of community housing, should Council resolve to do so. Community housing is in low supply in the Shire. It makes efficient use of existing infrastructure and services and ensures that if housing is provided on the site, that it has appropriate access to infrastructure and services.

Re-using and repurposing sites where the historic land use is no longer needed, or buildings have been abandoned or destroyed, avoids the cost of developing new infrastructure. This process is important for smaller centres such as Nyngan and can be realised through the reclassification and development of the subject land.

The planning proposal is consistent with the objectives and actions of the relevant state and local strategies as they relate to the provision of housing. It will have a positive socio-economic effect.

Section D – State and Commonwealth Interests

Question 10: Is there adequate public infrastructure for the planning proposal?

The land is serviced by reticulated water, sewer and electricity and has two public road frontages. The development of the land would not require any public infrastructure upgrades and there is adequate public infrastructure for the planning proposal.

Question 11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

A Gateway determination has not yet been issued for this planning proposal. It is not anticipated that any public authorities would need to be consulted for the planning proposal, however relevant authorities will be consulted in accordance with the requirements of the Gateway Determination and this section would be updated.

Part 4 - Mapping

The planning proposal does not affect LEP mapping.

Part 5 – Community Consultation

Public Exhibition: Council will place the planning proposal on public exhibition for a period of not less than 28 days and undertake consultation with all stakeholders in accordance with conditions of the Gateway Determination. The Department's LEP Practice Note PN 16-001 will be included with the exhibition material.

Community consultation will commence with placing a public notice in the local newspaper and on the website of Bogan Shire Council and access to all relevant documents in Council's administration office and Library in Nyngan. In addition, adjoining landowners will be notified in writing.

Public hearing: Councils must hold a public hearing when reclassifying public land from community to operational (LG Act s.29). After the exhibition period has ended at least 21 days public notice is to be given before the public hearing.

This section of the planning proposal will be updated upon completion of the community consultation to provide a summary and consideration of community feedback.

Part 6 – Timeframe

An indicative timeline is provided below, which includes the tasks deemed necessary for the making of this local environmental plan amendment. The timeline will be updated after the Gateway Determination is received.

Task	Responsibility	Timeframe	Date (approximate)
Council resolution to support the Planning Proposal and to send it to the Department for a Gateway Determination	Council	Delay in timeframe due to Local Government elections and “caretaker” period.	October 2024
Lodgement of Planning Proposal for Gateway Determination	Council	-	October 2024
Gateway Determination Issued	Department	-	November 2024
Public exhibition of Planning Proposal and consultation with public authorities (if required).	Council	Minimum 28 days	November / December 2024
Public hearing	Council (appointment of independent facilitator)	28 days	February
Report to Council	Council	-	March 2025
Lodgement of Planning Proposal (with any amendments as a result of submissions)	Council	-	March 2025
Making of local environmental plan amendment	Department	6 – 8 weeks	April 2025

Part 7 – Summary and Conclusion

The aim of the planning proposal is to reclassify the land from community to operational, to capitalise on the land’s locational strengths and to activate an unused parcel of council-owned land. This will be achieved by amending *Schedule 4 Classification and reclassification of public land* of the *Bogan Local Environmental Plan 2011*.

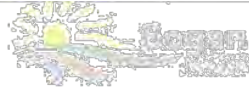
The planning proposal is considered to have strategic merit as it:

- is consistent with the objectives and actions in the Central West and Orana Regional Plan 2041;

- is consistent with the Bogan Shire Local Strategic Planning Statement;
- would provide a significant contributor to the provision of much-needed community housing in the Shire, should Council resolve to dedicate, lease or sell it to a community housing provider;
- has distinctive site-specific locational advantages due to its proximity to the town centre, civic services and medical services; and
- activates a currently vacant and unused parcel of land.

The land is free of any hazards or constraints or can be fully serviced by reticulated systems. The reclassification of the land will have highly beneficial socio-economic impacts as it could be used for community housing (subject to Council resolution). No environmental impacts are likely as a result of the proposed land reclassification.

**ATTACHMENT A – Council Resolutions Relating to the Proposed
Land Reclassification**



Precis of Correspondence
Ordinary Meeting of Council Wednesday 23 February 2023

From: nyngancommunityhomes@gmail.com [<mailto:nyngancommunityhomes@gmail.com>]
Sent: Wednesday, 1 February 2023 12:08 PM
To: Admin <admin@bogan.nsw.gov.au>
Subject: Funding for Units Palais Theatre Site

Hi Derek

Nyngan Community Homes are now registered as a Community Housing Provider and will be eligible for tendering for funding in the upcoming Community Housing Innovation Fund. As part of the criteria the CHP needs to own the land the project will be built on – this needs to happen before reply back if successful with tender.

If NCH are successful with the tender would Council transfer the land to the Association, as without title of land we will not be eligible for funding, it was mentioned previously the land would be leased to NCH.

Your earliest response to this would be appreciated.

Regards

Mary Burley
Nyngan Community Homes Association Inc.
PO Box 385
Nyngan NSW 2825
Phone: 0407 919749
Email: nyngancommunityhomes@gmail.com



Minutes of the Ordinary Meeting of
of Council held on 23 March 2023

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

1 DEPARTMENTAL ACTIVITY REPORT

Summary:

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

052/2023 RESOLVED that the Development and Environmental Services Departmental Activity Report be received and noted. **(Deacon/Elias)**

2 RECLASSIFICATION OF LAND – 8 TABRATONG STREET

Summary:

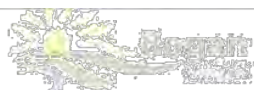
The purpose of this report is to advise Council of the process to reclassify the former Palais Theatre site and to seek direction as to whether to proceed with the process.

It was **MOVED** that Council defer a decision on whether, in principle, it wishes to dispose of (transfer ownership of) Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184, until a determination on the reclassification of the land. **(Douglas/Milligan)**

It was **PUT** to Council and **CARRIED**.

053/2023 RESOLVED that:

- 1 Council defer a decision on whether, in principle, it wishes to dispose of (transfer ownership of) Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184, until a determination on the reclassification of the land. **(Douglas/Milligan)**
- 2 Council submits a planning proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 from Community Land to Operational Land. **(Douglas/Jackson)**



Precis of Correspondence
Ordinary Meeting of Council Wednesday 23 February 2023

PRECIS OF CORRESPONDENCE

1 NYNGAN COMMUNITY HOMES ASSOCIATION INC

Attached is correspondence received from Nyngan Community Homes Association, Inc.

General Managers Note:

Council resolved on 28 November 2019 as follows:

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

Notwithstanding the use of the word "donate" in this resolution, the General Manager is of the recollection that it was not Council's intention to transfer ownership of the land. This is echoed by Mrs Burley's phrase in her email "It was mentioned previously the land would be leased to NCH".

In any event Council's resolution was contingent on Nyngan Community Homes Association being successful with that particular round of funding and the matter now needs to be considered afresh.

As the land is categorised as Community Land (not Operational Land) under the Local Government Act there are significant processes that Council will have to follow should it wish to transfer ownership of the land. The General Manager will provide a report to Council on this matter at the next Council meeting.

1.1 Recommendation: For Councils' information and noting.



Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 23 March 2023

2 RECLASSIFICATION OF LAND – 8 TABRATONG STREET

Summary:

The purpose of this report is to advise Council of the process to reclassify the former Palais Theatre site and to seek direction as to whether to proceed with the process.

2.1 Introduction

The purpose of this report is to advise Council of the process to reclassify the former Palais Theatre site and to seek direction as to whether to proceed with the process.

2.2 Background

On 28 November 2019 Council resolved as follows:

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

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

At its meeting held on 23 February 2023 Council received a request from Nyngan Community Homes to transfer ownership of these lots to them as a prerequisite for them to receive funding under the Community Housing Innovation Fund.

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



Development and Environmental Services' Report to the Ordinary Meeting of Bogan Shire Council held on 23 March 2023

Section 45 of the Act does not permit the disposal of community land which is intended to held intact on behalf of the community for general public use:

45 What dealings can a council have in community land?

- (1) A council has no power to sell, exchange or otherwise dispose of community land.
- (2) A council may grant a lease or licence of community land, but only in accordance with this Division.
- (3) A council may grant any other estate in community land to the extent permitted by this Division or under the provisions of another Act.

Note -

The word estate has a wide meaning. See the Interpretation Act 1987, section 21(1).

- (4) This section does not prevent a council from selling, exchanging or otherwise disposing of community land for the purpose of enabling that land to become, or be added to, Crown managed land or to become, or be added to, land that is reserved or dedicated under the National Parks and Wildlife Act 1974.

2.3 Discussion

Should Council wish to dispose of this land to Nyngan Community Homes or any other person it will be necessary to follow the process set out in the Local Government Act to reclassify the land as Operational.

Sections 25 to 34 of the Act detail the process of classification and reclassification of public land. As such there appears to be only one option which is outlined in Section 27 of the Act namely by amending the Local Environmental Plan (LEP).

This process requires the preparation of a planning proposal under Section 28 of the Act which will require the approval of the Minister for Planning.

Funding may be available from the Department of Planning for a consultant to undertake the application.

2.3 Recommendation

1. That Council determines whether, in principle, it wishes to dispose of (transfer ownership of) Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184.
2. That Council determines whether it wishes to submit a planning proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 from Community Land to Operational Land.

Chris Foley

Acting Director Development and Environmental Services

15.2 CORRESPONDENCE FROM NYNGAN COMMUNITY HOMES

Attached is a copy of correspondence received from the Nyngan Community Homes.

General Managers Note:

1. Nyngan Community Homes has provided the following additional information regarding their proposed development and grant application:

In reply to your email, Nyngan Community Homes Association Inc propose to build total of five individual units as per approved Development Application 10/2021/002/001. I have attached a copy of approval letter along with copy of plans and pictorial view of proposed development.

These units will be tenanted out as affordable housing to Aged Pensioners including Aged disabled and veteran pensioners, under the guidelines of our registration as a Community Housing Provider. These are the same guidelines used for our existing units at 72-74 Cobar Street. We have found over the 30 plus years of operating these units that our tenants tend to stay long term, only vacating when no longer being able to care for themselves, resulting in moving into aged care.

We have funds available to commence building some of the units, this is made up of our own finances and private donations.

Councillors may obtain a copy of the site plan and business plan from the General Manager's office on request.

Council has been advised that the process to reclassify the subject land from Community to Operational could take another six to nine months.

2. At its meeting on 23 March 2023 Council resolved as follows: Resolution **053/2023** - Council submits a planning proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 from Community Land to Operational Land.
3. Provided for the information of Councillors is a copy of the report to Council that gave rise to the resolution above.

Attachments

1. Correspondence from Nyngan Community Homes
2. Report to Council - 23 March 2023

Recommendation

For Council's Consideration.

Ordinary Council Meeting Agenda

From: nyngancommunityhomes@gmail.com <nyngancommunityhomes@gmail.com>
Sent: Tuesday, May 21, 2024 11:25 AM
To: Bogan Shire Council <administrator@bogan.nsw.gov.au>
Subject: Palais Theatre Land

Hi Derek

Nyngan Community Homes Association were pleased to hear that Council is seeking change of title of the land at 8 Tabratong Street (previously Palais Theatre), to enable use for Aged Housing. We hope that Council's previous commitment to donate the land to Nyngan Community Homes still stands. This will enable us to fulfil the approved development application to erect the five individual units on the land.

Nyngan Community Homes are applying for funding in the Social Housing Accelerator Fund Project and in order for us to apply we need written assurance from Council that ownership of land will be transferred to us on change of title. (This is a requirement of the funding). Irrespective of successful outcome of the funding NCHAI wish to commence building at least two (maybe more) of the units as soon as possible with finances we have on hand.

We are seeking a quick response from Council to this request for a written assurance of land being transferred to apply for the funding, and/or to take the next step in securing builder etc for progress on Units.

Regards,

Mary Burley
Nyngan Community Homes Association Inc.
PO Box 385
Nyngan NSW 2825
Phone: 0407 919749
Email: nyngancommunityhomes@gmail.com

ATTACHMENT B – Information Checklist for Proposals to Reclassify Public Land Through an LEP

Matter for consideration	Section of Planning Proposal
Current and proposed classification of the land	Part 1 Section 1.1
whether the land is a ‘public reserve’ (defined in the LG Act)	Part 1 Section 1.1
the strategic and site specific merits of the reclassification and evidence to support this	Part 3
whether the planning proposal is the result of a strategic study or report	Part 3
whether the planning proposal is consistent with council’s community plan or other local strategic plan	Part 3
a summary of council’s interests in the land, including: <ul style="list-style-type: none"> - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution); - if council does not own the land, the land owner’s consent; - the nature of any trusts, dedications etc 	Part 1 Section 1.3
whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why	Part 1 Section 1.3
the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged)	Part 3 Section C
evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents)	Part 1 Section 1.3
current use(s) of the land, and whether uses are authorised or unauthorised	Part 1 Sections 1.2 and 1.3
current or proposed lease or agreements applying to the land, together with their duration, terms and controls	Part 1 Section 1.3
current or proposed business dealings (e.g. agreement	Part 1 Section 1.2

Matter for consideration	Section of Planning Proposal
for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time)	
any rezoning associated with the reclassification	Part 1 Section 1.2
how council may or will benefit financially, and how these funds will be used;	Part 1 Section 1.3
how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal	Not relevant.
a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot	Not relevant.
preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable	Not relevant.

ATTACHMENT C – PN16-001 Classification and Reclassification of Public Land Through a Local Environmental Plan



LEP practice note

LOCAL PLANNING

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- *Community* land – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- *Operational* land – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

What is public land?

Public land is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council’s strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased,

but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.

Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.33¹) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

Public reserve is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

Interests in land refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

¹ Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(f)).

Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at: <http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.

Tel: 1300 305 695

Email: information@planning.nsw.gov.au

Authorised by:
Carolyn McNally
Secretary

Important note: This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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www.planning.nsw.gov.au

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ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary’s requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary’s requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- the current and proposed classification of the land;
- whether the land is a ‘public reserve’ (defined in the LG Act);
- the strategic and site specific merits of the reclassification and evidence to support this;
- whether the planning proposal is the result of a strategic study or report;
- whether the planning proposal is consistent with council’s community plan or other local strategic plan;
- a summary of council’s interests in the land, including:
 - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)
 - if council does not own the land, the land owner’s consent;
 - the nature of any trusts, dedications etc;
- whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);
- evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);
- current use(s) of the land, and whether uses are authorised or unauthorised;
- current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);
- any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- how council may or will benefit financially, and how these funds will be used;
- how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;
- a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and
- preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

BOX 155S
(052984)

NEW SOUTH WALES

CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900

TORRENS TITLE



REFERENCE TO FOLIO OF THE REGISTER	
IDENTIFIER	1/102113
EDITION	DATE OF ISSUE
1	1. 3. 1995

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

K. Melle

REGISTRAR GENERAL



LAND

LOT 1 IN DEPOSITED PLAN 102113
LOCAL GOVERNMENT AREA: BOGAN
PARISH OF NYNGAN COUNTY OF OXLEY
TITLE DIAGRAM: DP102113

FIRST SCHEDULE

BOGAN SHIRE COUNCIL

(T R901742)

SECOND SCHEDULE

-
1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
 2. A81417 RIGHT OF WAY APPURTENANT TO THE PART OF THE LAND ABOVE DESCRIBED DESIGNATED (A) IN DP102113 AFFECTING THE LAND 12 FEET 0 1/4 INCHES WIDE SHOWN IN DP102113
 3. J652654 COVENANT
 4. 052984 LEASE TO GEORGE EDWARD LING & SALLY ANNE LING. EXPIRES 29-3-1996 OPTION OF RENEWAL 5 YEARS

ATTACHMENT D – Certificate of Title for the Land

BOX 155S
(052984)

NEW SOUTH WALES

CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900

TORRENS TITLE



REFERENCE TO FOLIO OF THE REGISTER	
IDENTIFIER	2/355559
EDITION	DATE OF ISSUE
1	1. 3. 1995

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

K. Melle

REGISTRAR GENERAL



LAND

LOT 2 IN DEPOSITED PLAN 355559
LOCAL GOVERNMENT AREA: BOGAN
PARISH OF NYNGAN COUNTY OF OXLEY
TITLE DIAGRAM: DP355559

FIRST SCHEDULE

BOGAN SHIRE COUNCIL (T R901742)

SECOND SCHEDULE

-
1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
 2. A81417 RIGHT OF WAY APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING THE LAND SHOWN SO BURDENED IN VOL 5687 FOL 91
 3. 052984 LEASE TO GEORGE EDWARD LING & SALLY ANNE LING. EXPIRES 29-3-1996 OPTION OF RENEWAL 5 YEARS

BOX 155S
(052984)

NEW SOUTH WALES

CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900

TORRENS TITLE



REFERENCE TO FOLIO OF THE REGISTER	
IDENTIFIER	3/945184
EDITION	DATE OF ISSUE
1	1. 3. 1995

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

K. Melle

REGISTRAR GENERAL



LAND

LOT 3 IN DEPOSITED PLAN 945184
AT NYNGAN
LOCAL GOVERNMENT AREA: BOGAN
PARISH OF NYNGAN COUNTY OF OXLEY
TITLE DIAGRAM: DP945184

FIRST SCHEDULE

BOGAN SHIRE COUNCIL

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. A81417 RIGHT OF WAY AFFECTING THE PART OF THE LAND ABOVE DESCRIBED DESIGNATED (X) IN DP945184
3. 052984 LEASE TO GEORGE EDWARD LING & SALLY ANNE LING. EXPIRES 29-3-1996 OPTION OF RENEWAL 5 YEARS



Reg: 454544 / Doc: 0135559 at / Doc: 26-Nov-1992 / Doc: 188 / Page: 10 / Doc: 27-Jun-2024, 11:43:11 / Page: 1 of 1
 © Office of the Registrar-General, RESOURCES / RESOURCES / RESOURCES

D572084 **EP355559**
Allot

PLAN OF PROPOSED SUBDIVISION OF LAND, RANGAL

SECTION 88 PAVING FRONTAGE OF 66' to CLASHON STREET, NYNGAN

1990 TWO BLOCKS HAVING FRONTAGE OF 46' AND 20' RESPECTIVELY

OWNER - CRILL OIL SERVICES

R. Nyngan, Co. Oxley

LANE

CLASHON STREET

BLOCK 1

BLOCK 2

SEC 87

Municipality of Nyngan (R.P.)
Reg. No. 55559

[Signature]
Applicant

The above subdivision was approved by the Council of the Municipality of Nyngan, at a meeting held on the 21st day of August, 1946.

The Comm. Seal of the Council of the Municipality of Nyngan was hereto affixed on the 21st day of August, 1946, in pursuance of a resolution of the Council passed at a meeting held on the 21st day of August, 1946.

[Signature]
L. Maitland Mayor

Covered by the Council Clerk's Certificate No. 5 of 1946

[Signature]
Council Clerk

17 JUL 1946

CRILL OIL SERVICES (PROPRIETARY)
DEPARTMENT OF LANDS

DP 355559

FEET INCHES	METRES
20 -	4.899
46 -	14.023
66 - 3 3/4	20.970
AC/RS: 4	59 4
- 8 3/4	221.3
- 20 1/4	512.2

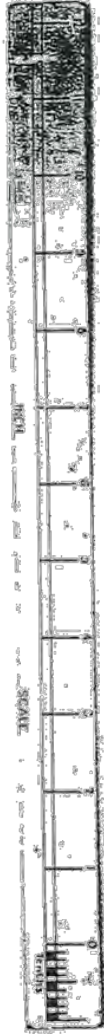
100 METRES SCALE TO ACCURATE CENTRE LINE POSITION

1: 100 METRES SCALE TO ACCURATE CENTRE LINE POSITION

1: 100 METRES SCALE TO ACCURATE CENTRE LINE POSITION



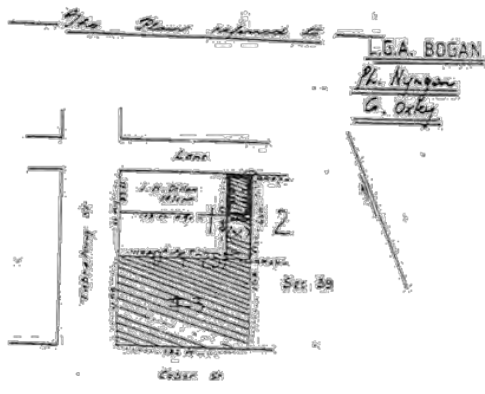
REGISTRATION NUMBER: 0448264 of 0/rev:04-Mar-2009. Also JMS /Project: Zoning: 03-04-001. Also: 03 /Project: 04. A office of the Registrar-General, /Registrar-General /REGISTRATION NUMBER



Signed in my presence by the said *[Signature]*
I, the undersigned, being a Justice of the Peace for the purposes of the Real Property Act.
R. Barringer
Deputy Registrar
This document is signed by the holder, who is entitled to do so, in accordance with the provisions of the Real Property Act. It is subject to the provisions of that Act and to the provisions of any regulations made thereunder. It is subject to the provisions of any regulations made thereunder. It is subject to the provisions of any regulations made thereunder.

AD1417

F.P. 945184 (E)



Tebrautong St

FORM OF DECLARATION BY ATTESTING WITNESS

I, the undersigned, being a Justice of the Peace for the purposes of the Real Property Act, do hereby certify that the above instrument is a true and correct copy of the original instrument as shown to me, and that the same has been duly registered in the office of the Registrar-General.
I, the undersigned, do hereby certify that the above instrument is a true and correct copy of the original instrument as shown to me, and that the same has been duly registered in the office of the Registrar-General.

VOL. 2453 PD
LOT NO. ADDET

Reg:R245843 /Doc:DP 0102113 P /Rev:06-Mar-2019 /NSW LRS /Prt:27-Jan-2021 15:23 /Seq:1 of 2
Office of the Registrar-General /Src:INFOTRACK /Ref:Palais Theatre



Form 1

OFFICE USE ONLY

PLAN OF Part of Allot. 1 of Sec. 39.

DP 102113

Copy of Plan formerly recorded as

Plan in D 543032

Mun./Shire/City Nyngan

Town or Locality Nyngan

Parish Nyngan

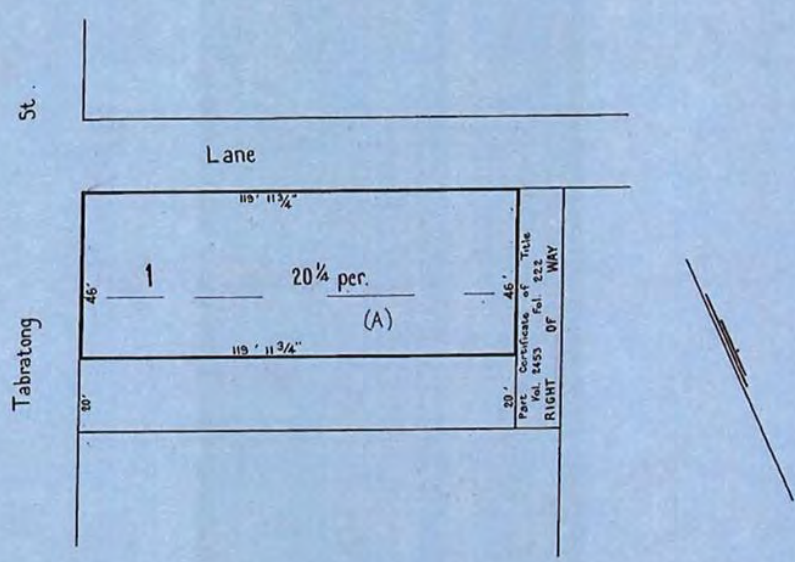
County Oxley

Scale: 30 feet to one inch

C.A.: -

Charting Map: Nyngan Sh.1.

Ref. Map: ..



(A) BENEFITED BY RIGHT OF WAY - A81+17

Surveyor: -
Date: 30-8-1946

Standard Tracing Prepared in Registrar General's Dept.: P-26/10/64
Exmd.: P-28/10/64

PLAN AMENDED AT L.T.O. 23-11-88

J 652654



Lodgment
Endorsements
Total

£ s d
2 10
11 5 6 1

NEW SOUTH WALES

MEMORANDUM OF MORTGAGE
REAL PROPERTY ACT, 1900.

JOHN CLIFTON DOUGLAS of Flat 3,37 King Street, Waverton,
Service Representative, and EVELYN GLADYS DOUGLAS, his wife

(hereinafter referred to as the Mortgagor)
being registered as the proprietor of an estate in fee simple in the land hereinafter described (subject however to such encumbrances
liens and interests as are notified by memoranda underwritten or endorsed hereon) in consideration of One thousand
four hundred and fifty pounds
(£1450) (hereinafter called the principal sum) lent to the Mortgagor by A.G.C. (GENERAL FINANCE) ~~CO.~~ LIMITED a
Company duly incorporated under the laws of New South Wales and having a place of business at A.G.C. House, Phillip and
Hunter Streets, Sydney (hereinafter referred to as the Mortgagee) the receipt whereof is hereby acknowledged doth for the purpose
of securing to the Mortgagee the payment in manner hereinafter mentioned of the said principal sum and interest thereon hereby
mortgage to the Mortgagee,
ALL the Mortgagor's Estate and interest as such registered proprietor as aforesaid in the land comprised in the following Schedule:

Parish	County	Whole or Part	Instrument	Volume	Folio
NARRABEEN ✓	CUMBERLAND ✓	WHOLE ✓	CERTIFICATE OF TITLE	8216 ✓	152 ✓

AND for the consideration aforesaid the Mortgagor covenants with the Mortgagee

FIRSTLY—That the Mortgagor will pay to the Mortgagee the principal sum together with interest amounting to Two
hundred and eighty-three pounds eight shillings and three pence (£ 283. 8. 0.) representing a rate of
11.96 per centum per annum making a total amount of One thousand seven hundred and
thirty-three pounds eight shillings and three pence (£ 1733. 8. 0.) by 35 payments of
Forty-eight pounds three shillings and three pence (£ 48. 3. 0.) each the first of such payments to be made on
the 19th day of June 1964 and subsequent payments to be made on the 8th day of May 1967
in the sum of Forty-eight pounds three shillings and three pence (£ 48. 3. 0.)

SECONDLY—That on default being made in the payment upon the due date of any sum payable to the Mortgagee pursuant to these
presents whether in respect of principal or interest the Mortgagee shall be entitled to charge simple interest on that sum from the date
of default until the sum is paid at the rate referred to in Clause 1 hereof.

THIRDLY—That the Mortgagor will insure and keep insured all buildings now or hereafter erected on the said premises in the name
of the Mortgagee in the full insurable value thereof against fire and fire occasioned by explosion storm and tempest in some insurance
office nominated by the Mortgagee and that in the event of loss the sum recoverable on account of such insurance shall be applicable
either in or towards repair or rebuilding or in or towards repayment of the mortgage debt at the option of the Mortgagee; and the
Mortgagor will hand the policy or policies evidencing such insurance and all receipts for moneys paid and other usual evidences of
insurance to the Mortgagee immediately upon the issue thereof.

FOURTHLY—That the Mortgagor will during the continuance of this security whether the Mortgagee shall or shall not have entered
upon and taken possession of the mortgaged property make such repairs as may be necessary for keeping the messuages and buildings
now or hereafter to be erected on the land hereby mortgaged in good and tenable repair and condition and pay all rates, taxes,
charges, outgoings, and assessments (including any land or property tax) that may now or at any time be or become payable or become
chargeable or be assessed or become due upon or in respect of the mortgaged property or any part thereof under or in pursuance of
the provisions of any Statute Act or Ordinance, or any regulations thereunder now in force or that may come into operation during the
continuance of this security, and will at all times indemnify and keep indemnified the Mortgagee, from the payment of such rates,
taxes, charges, outgoings and assessments, and every or any part thereof, and from all claims and demands in respect thereof, and
that the Mortgagee shall at all times during the continuance of this security be at liberty with or without surveyors or others to enter
into and upon the mortgaged property, and view and inspect the state of repair of the buildings and improvements thereon.

AP 445(a) 10/63

FIFTHLY—That in case the Mortgagor shall at any time fail to keep the mortgaged property so insured and in good and tenable repair and condition, or to pay such rates, taxes, charges, outgoings and assessments as aforesaid, it shall be lawful for, but not obligatory upon, the Mortgagee to effect and maintain such insurance, repairs, and condition, and to pay such rates, taxes, charges, outgoings, and assessments as the case may be, and all moneys or payments so expended or made shall be repayable by the Mortgagor upon demand, and be deemed principal moneys covered by this security, and shall carry interest until such repayment at the rate chargeable on arrears pursuant to Clause 2 hereof.

SIXTHLY—That in addition to all costs and expenses which the Mortgagor may be liable at law or in Equity to pay in respect of this security or otherwise in relation thereto the Mortgagor will upon demand pay all costs and expenses incurred by the Mortgagee in consequence of any default in payment of any principal, interest, or other moneys covered by this security all of which costs and expenses shall from the time of payment or expenditure thereof respectively until repaid to the Mortgagee by the Mortgagor be deemed principal moneys covered by this security, and shall carry interest at the rate chargeable on arrears pursuant to Clause 2 hereof.

SEVENTHLY—That upon default being made in payment at the respective times and in the manner hereinbefore mentioned of the principal sum or any part thereof or of the interest thereon or any part thereof, or upon default being made in the observance or performance of any of the covenants agreements or conditions herein contained or implied whether under the provisions of the "Real Property Act, 1900" or the "Conveyancing Act, 1919" or any amendment or consolidation thereof or substitution therefor or otherwise, or if the Mortgagor's estate in the premises hereby mortgaged shall be assigned to any person or persons for the benefit of creditors, or if the Mortgagor's estate shall be sequestrated as bankrupt, the Mortgagee or the Mortgagee's attorney or attorneys shall (notwithstanding any omission, neglect or waiver of the right to exercise all or any of such powers on any former occasion) immediately or at any time thereafter be at liberty to exercise any of the powers of a Mortgagee under the "Real Property Act, 1900" and the "Conveyancing Act, 1919," or any amendment or consolidation thereof or substitution therefor, and as between the Mortgagor and the Registrar-General or his Deputy and all persons whomsoever dealing with or accepting title under the Mortgagee, it shall be lawful for and the Mortgagor doth hereby authorize the Mortgagee and the Mortgagee's attorney or attorneys to enter into possession and management of the mortgaged property or any part thereof, and to make any lease or leases thereof or any part thereof, either with or without an option of purchase, and to exercise any of the powers of sale, entry, distress, ejectment, foreclosure, and every other power vested in Mortgagees under the "Real Property Act, 1900," and the "Conveyancing Act, 1919," or any amendment or consolidation thereof or substitution therefor in respect of the property hereby mortgaged and every part thereof immediately upon or at any time after default as hereinbefore mentioned without the necessity of giving the Mortgagor any notice or notices whatsoever as required by the said Acts or any amendment or consolidation thereof or substitution therefor or otherwise previously to exercising any of such powers, and that it shall not be necessary to prove to the Registrar-General or his Deputy that any such default has been made or continued or that the exercise of any such powers as aforesaid was necessary or required and that upon tender for registration of any instrument under the said Acts or any amendment or consolidation thereof or substitution therefor duly executed by the Mortgagee or the Mortgagee's attorney or attorneys it shall not be necessary for the Registrar-General or his Deputy to enquire whether any default has been made or continues, or whether the power of sale or any other power that may have been exercised as aforesaid has arisen or been properly exercised, or into any other matter or thing whatsoever. And the Mortgagor hereby agrees that if at any time default shall be made in the performance or observance of any of the covenants and conditions herein contained or implied or if the power of sale hereby given to the Mortgagee shall become exercisable, then, if the Mortgagee shall so elect, the principal money hereby secured shall immediately fall due and the Mortgagor will thereupon pay the same on demand, and it shall be lawful for the Mortgagee (whether the power of sale or any other power has been exercised or not) to sue for recover and receive as and for debt due under covenant not only such interest as may be due as aforesaid but also the principal sum hereby secured or so much thereof as shall then remain unpaid as if there had been a default in the payment thereof, although the time for payment of the same shall not have arrived.

EIGHTHLY—That upon sale or lease as aforesaid the mortgaged property or any part thereof may be sold or leased together with the other land in mortgage from the Mortgagor to the Mortgagee, whether under the "Real Property Act, 1900," or the "Conveyancing Act, 1919," or any amendment or consolidation thereof or substitution therefor or under the general law, by one contract and at one price or at one rent or in any other manner that the Mortgagee may deem expedient.

NINTHLY—That upon the sale, under the power of sale hereinbefore contained it shall be lawful for the Mortgagee to sell for cash or upon terms, and to allow a purchaser any time for payment of the whole or any part of the purchase money with or without interest, and either with or without security therefor.

TENTHLY—That in applying the purchase money towards satisfaction of the moneys for the time being owing on the security hereof the Mortgagor shall be credited only with so much of the said moneys available for the purpose as shall be received in cash by the Mortgagee such credit to date from the time of such receipt, and all purchase money left outstanding on credit or otherwise shall until actually received by the Mortgagee in cash be deemed a continuing unsatisfied part of the Principal moneys hereby secured and carry interest accordingly, provided that any interest paid by the purchaser shall be set off *pro tanto* against the interest hereby secured.

ELEVENTHLY—And the Mortgagor hereby irrevocably appoints the Mortgagee his attorney with full power for the Mortgagor and on the Mortgagor's behalf immediately on or at any time after default made by the Mortgagor hereunder and without giving the Mortgagor any notice whatever, to lease the whole or any part of the mortgaged property, either with or without an option of purchase, for such period or periods and upon such terms and conditions as the Mortgagee shall think fit, without any election or interception by the Mortgagor or any person whomsoever and to accept surrenders and make concessions to or compromises with tenants upon terms or gratuitously and otherwise with respect to such tenancies to have all the powers of an absolute owner.

TWELFTHLY—That the Mortgagee shall, so long as any moneys shall remain due and owing on this security have and retain possession of the said Certificate of Title to the said mortgaged property and of any Certificate of Title to be hereafter issued in substitution thereof, whether to a purchaser of the equity or redemption or otherwise.

THIRTEENTHLY—That all powers rights and remedies implied in favour of or conferred upon Mortgagees by the "Conveyancing Act, 1919," shall be in enlargement and augmentation of and not in curtailment or diminution of the powers rights and remedies conferred by these presents, and shall be exercisable by the Mortgagee immediately on any default whatsoever by the Mortgagor hereunder without any notice or expiration of time under that Act being necessary AND THAT none of the restrictions contained in Sub-section 2 of Section 111 of the said Act upon the exercise by the Mortgagee of the Statutory power of sale shall apply to this security AND FURTHER that Sub-sections (3) (5) (6) (7) and (8) of Section 106 of the said Act shall not nor shall any of the conditions and restrictions on a Mortgagee's power of leasing contained in the said Section apply to any lease or sub-lease granted under the powers of leasing conferred on the Mortgagee by the said Acts or by this instrument. AND ALSO that the Mortgagor shall not be entitled to exercise the Statutory power of leasing conferred by the said Section without the previous consent of the Mortgagee.

FOURTEENTHLY—That upon any Lease or Sale made under the aforesaid Powers the Lessee or Purchaser shall not be bound to see or enquire whether such Lease or Sale is consistent with the terms of this Mortgage nor be affected by notice that such Lease or Sale is made in breach thereof.

FIFTEENTHLY—That the provisions of the Mortgages Act 1932 and of any present or future Federal or State Statute or Regulation postponing payment of money or reducing rates of interest or purporting to curtail or restrict the rights powers or remedies of a Mortgagee are hereby expressly excluded from and shall not apply to this mortgage or to any renewal or extension thereof.

SIXTEENTHLY—That the Mortgagor shall not whilst any moneys remain secured hereby sell transfer or otherwise dispose of or, without the consent in writing of the Mortgagee first had and obtained, let, lease, grant any license to use, part with possession of or give any further mortgage or other security over the property hereby mortgaged or any part thereof.

SEVENTEENTHLY—That whenever any covenant for the payment of principal moneys on the part of the Mortgagor shall become merged in any judgment or order, the Mortgagor shall pay simple interest upon the said principal moneys at the rate chargeable on arrears pursuant to Clause 2 hereof.

EIGHTEENTHLY—That the Mortgagor shall duly and punctually observe all the terms and conditions and covenants on his behalf contained in any mortgage noted in the Memorandum of Encumbrances hereto.

NINETEENTHLY—In exercise of the powers of sale hereby or by Statute conferred upon the Mortgagee the mortgaged premises may be sold either subject to or discharged from the mortgage debt secured by any Mortgage noted in the Memorandum of Prior Encumbrances hereto and interest and upon such terms as to indemnity against the same as the Mortgagee may determine and the Mortgagee may pass and settle the accounts of the person or persons for the time being entitled to the said Mortgage debt and interest and all accounts so passed or settled shall be binding on the Mortgagor.

TWENTIETHLY—Provided always that if the Mortgagor shall produce to the Mortgagee evidence satisfactory to the Mortgagee that the Mortgagor has kept and is keeping the said premises repaired and insured and the rates taxes outgoings and assessments paid in accordance with his covenants in that behalf contained in any first Mortgage noted in the Memorandum of Prior Encumbrances hereto then the Mortgagee will accept such evidence in satisfaction of the covenants contained in Clauses 3 and 4 hereof notwithstanding that the Mortgagor may be unable to deliver or produce the said Policy or the receipts to the Mortgagee.

TWENTY-FIRSTLY—In the construction of a covenant proviso condition or other agreement contained or implied in these presents unless inconsistent with the context words importing the singular or plural number or the masculine gender shall be read as also importing and including the plural or singular number and the feminine gender as the case may require, and a covenant proviso condition or agreement in which more persons than one covenant, agree or appoint, or are decreed to covenant agree or appoint shall be deemed to bind and extend to such persons and any two or greater number of them jointly and each of them severally. Whenever a corporation shall be a party hereto either as Mortgagor or Mortgagee, the words "mortgagor," or "mortgagee," or "person" whenever herein used shall be deemed to mean and include such corporation, its successors assigns and transferees, words importing the masculine gender shall be read as importing the neuter gender, and any words dealing with the Mortgagor's bankruptcy or the sequestration of the Mortgagor's estate shall in the case of a corporation-mortgagor be deemed to refer to its liquidation.

MEMORANDUM OF PRIOR ENCUMBRANCES, &c., REFERRED TO.

Covenant in ~~W-1-F~~ J 652653

IN WITNESS whereof the parties have hereunto subscribed their names at Spencer the 15 day of May in the year of our Lord one thousand nine hundred and sixty-four

Signed in my presence by the said JOHN CLIFFTON DOUGLAS and EVELYN GLADYS DOUGLAS

J. B. Douglas
E. G. Douglas

Mortgagor.

who are personally known to me

Frankie P. ...
Solicitor

Accepted and hereby certify this Mortgage to be correct for the purposes of the Real Property Act.

Signed in my presence by the said

[Signature]

who personally known to me

Solicitor for the Mortgagee, whose signature cannot be obtained without difficulty and delay.

CERTIFICATE OF J.P., ETC., TAKING DECLARATION OF ATTESTING WITNESS

Appeared before me at the 15 day of May one thousand nine hundred and sixty-four the attesting witness to this instrument and declared that he personally knew the person signing the same and whose signature thereto he has attested and that the name purporting to be such signature of the said is own handwriting, and that was of sound mind and freely and voluntarily signed the same.

J 652654

No. _____

MORTGAGE

INDEXED ✓	Particulars entered in Register Book,
CHECKED ✓	21-5-1964
PASSED IN S.D.B.	at 11 o'clock
SIGNED ✓	<i>Joubaton</i> REGISTRAR GENERAL

LODGED BY: _____
CLAYTON, UTZ & COMPANY
 SOLICITORS
 138 LIVERPOOL ST.
 SYDNEY
 PHONE No. _____

DOCUMENTS LODGED HEREWITH:—
 1. *GF* } Received Docs. Nos.
 2. _____ }
 3. _____ } Receiving Clerk

The within written mortgage was executed by the within named John Clifton Douglas and Evelyn Gladys Douglas

and on or before their execution of the same they stated to me that they knew the effect of and approved of the insertion in the said mortgage of the covenants to pay the principal and interest moneys secured by the within mortgage AND I CERTIFY that I am not the Solicitor or Conveyancer for the mortgagee.

Signature *Handwritten Signature*
 Address 66 Kent Street Sydney

D/M
K 459266

FORM OF DISCHARGE

DISCHARGE No. _____ Discharge lodged by _____

 Phone No. _____

RECEIVED from the within Mortgagee this _____ day of _____ 19____
 the sum of all moneys, being in full satisfaction and discharge of the within obligation.

Signed in my presence for the said Mortgagee by its Attorney _____ who hereby states that he has no notice of the revocation of the Power of Attorney Registered No. _____ Miscellaneous Register under the authority of which this document is executed and who is personally known to me.

A.G.C. (GENERAL FINANCE) PTY. LIMITED by its Attorney: _____

 Mortgagee.

15 PRECIS OF CORRESPONDENCE**15.1 CORRESPONDENCE THE NSW RURAL FIRE SERVICE**

Attached is a copy of correspondence received from The NSW Rural Fire Service regarding 2024-2025 Allocations – NSW Rural Fire Fighting Fund.

Attachments

1. 2024-25 Allocations – NSW Rural Fire Fighting Fund

Recommendation

That the Correspondence from The NSW Rural Fire Service regarding 2024-2025 Allocations – NSW Rural Fire Fighting Fund be received and noted.



RFS

OFFICIAL



Mr Derek Francis
 Bogan Shire Council
 81 Cobar Street
 Nyngan NSW 2825

20/09/2024

Dear Mr Derek Francis

2024-25 ALLOCATIONS – NSW RURAL FIRE FIGHTING FUND

The Minister for Emergency Services, Hon. Jihad Dib MP, has approved allocations for the 2024-25 Rural Fire Fighting Fund (RFFF), which supports the volunteer rural fire brigades that protect your local community.

Following amendments to the *Rural Fires Act 1997* in 2017, relevant councils' statutory contributions to the RFFF is now determined by reference to the 'rural fire brigade funding target' defined in section 103 of the Act. For 2024-25, the funding target is \$540.707 million.

Like councils, the RFS has not been immune from extensive cost increases driven by a range of factors in recent years, including COVID-19, supply chain difficulties and price escalation, inflation and heightened global competition for aerial firefighting resources. The RFS is facing increases in the order of 38 to 48 per cent in the cost of aircraft contracts and unprecedented increases of up to 40 per cent in construction industry costs.

While the Service continues to deliver existing and new programs, there are no significant changes to the funding target for 2024-25, nor subsequently to the emergency Services Levy relating to RFS activities.

The RFS has continued to demonstrate its commitment to community service, versatility and wide-ranging skill and expertise in the past year. Our firefighters attended 1,791 formal training courses and responded to 34,432 incidents last financial year including 9,596 bush/grass fires. The fire season started with major fire activity from the north of the state to the south before a reprieve brought by rain in late December. Our crews also attended more than 1,500 structure fires, responded to over 7,500 motor vehicle accidents and fires, supported 93 flood incidents and activated in response to 38 search and rescue taskings.

As they so capably demonstrated during the record flooding, pandemic and serious biosecurity hazards in recent years, this workload continues to illustrate the reliable, experienced and professional service our members provide to communities across NSW.

The RFS in continuing to work with our partners, including councils and land managers, to reduce your local bush fire risk and support our members to assist and protect your community during bush fires and other natural disasters and emergencies. This work includes:

POSTAL ADDRESS
OFFICIAL
 NSW Rural Fire Service
 Locked Bag 17
 GRANVILLE NSW 2142

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

RFS.NSW.GOV.AU
T (02) 8741 5555
F (02) 8741 5550



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- The RFS is working with every Bush Fire Management Committee (BFMC) across the state to develop a next generation Bush Fire Risk Management Plan. These strategic documents use sophisticated risk modelling to underpin bush fire risk-based decisions and identify particular areas for focus. The new plans also provide the community with the opportunity to identify local assets the public values and wants protected and then to review the planned treatments, including hazard reduction burns, manual clearing and community engagement to mitigate the risk to life and property of the next five years. Annual mitigation works programs are prepared to implement the treatments identified in the plans.
- Delivery of the Guardian Phase 2 project is well under way. This enhanced online system will support informed decision making and improved compliance, risk management, risk mitigation planning and engagement with volunteers and the public. This phase of the project is delivering three enhanced modules on the existing Guardian Noggin OCA platform and introducing fire additional modules through a Guardian ServiceNow platform. This includes streamlining the process involved in subsidised funding for hazard reduction activities.
- The roll-out of improved technology in RFS appliances also is continuing. In a significant upgrade, more than 5,000 RFS operational vehicles will now be equipped with Vehicle as a Node (VaaN) technology in a three-year \$69 million project to ensure personnel can communicate during a disaster in even the most remote locations or if communications systems go down. Starlink satellite technology will enable the use of radios, mobile phones and other handheld devices, providing an important back up to communications systems and location-finding technology already in use. It will also give crews the capability to live stream video of fires from anywhere in the state, providing command centres with the latest intelligence about an incident.
- This project complements the installation of Mobile Data Terminals (MDT) in operational vehicles across the fleet. MDTs enable more effective dispatch of crews to emergencies and improve their situational awareness and in-field communication and intelligence. This technology has now gone live in 11 Districts, with eight more to be completed by December 2024.

2024-25 Allocations

As you would be aware, Revenue NSW provides each council with an Annual Assessment Notice identifying the amount of its statutory contribution.

The key allocations to be provided to your council, including Infrastructure projects, firefighting appliances and equipment and support payments, in 2024-25 are detailed below.

- *Infrastructure Projects:*

All councils are encouraged to claim costs as infrastructure works progress rather than waiting to lodge a larger claim at the end of the financial year or project. This will assist councils in recouping their costs and minimise the need to seek carry over approvals.

Project Name	Value
Subtotal: Infrastructure Projects	\$0.00

Note: These allocations do not include any carry over funds from previous financial years, only the funds which are being allocated to you for this financial year. If you require any clarification, please contact your local District office.

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- **Appliances**

Type	Brigade Name	Value
Appliance - CAT 7 CC	East Bogan	\$288,018.00
Replaced Appliance - CAT 7 (BF07598)	East Bogan	\$0.00
Subtotal: Appliances		\$288,018.00

- **Equipment**

Fire Fighting Equipment	\$45,000.00
Personal Protective Clothing	\$16,531.00
Subtotal: Equipment	\$61,531.00

- **Maintenance and Repairs**

The Maintenance and Repairs support payments for each council have been increased for 2024-25. The RFS will seek to make payments to council for the Maintenance and Repairs grant towards the end of 2025, provided council has made all Rural Fire Fighting Fund contributions due to the Office of State Revenue at that time.

The Maintenance and Repair payments support councils in meeting their requirements for the costs of maintaining appliances and other vehicles (not the White Fleet), stations and Fire Control Centres, utilities and other miscellaneous costs.

Subtotal: Maintenance and Repairs	\$92,587.31
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Your attention to completing and claiming reimbursement for the outlined infrastructure and any approved hazard reduction works during the 2024-25 year is requested. It should be noted that there is no guarantee that unclaimed funds will be carried forward, particularly relating to hazard reduction works.

Councils will continue to receive ongoing additional support to volunteers including:

- **Training and Volunteer Support**

Costs associated with volunteer relations, including the cadets program, Work Health and Safety programs for volunteers, Critical Incident Support, Chaplaincy, learning and development, volunteer training and competency.

- **Fire Mitigation Works**

Bush fire mitigation works, including the Mitigation Crews that operate across Local Government Areas, completing mitigation works, fire trail and hazard management works.

- **Insurances**

Volunteer workers compensation insurance and other insurances (excluding red fleet insurance, which is covered by the Treasury Managed Fund).

- **Radio Communications**

Costs associated with communication assets, the Private Mobile Radio network, the paging network and the Government Radio Network.

- **Emergency Fund**

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Costs associated with responding to bush fire emergencies, including out of area assistance.

– *Aviation and Other Operational Support*

Provision of the State Air Desk and aviation resources for emergency events, training and support of volunteers in aircraft operations and other operational support services such as Neighbourhood Safer Places, Rapid Aerial Response Teams and vulnerable communities support.

– *Engineering and Other Infrastructure*

Design and development of mobile infrastructure, including tankers, other vehicles and firefighting equipment. Development of designs and standards for the construction of brigade stations and fire control centres.

– *Communications and Public Awareness*

Management of community bush fire safety awareness campaigns, emergency messaging during emergency events and other media and corporate communications.

I would also like to take this opportunity to draw your attention to the RFS Benevolent Fund. This is a stand-alone charity that supports volunteer fire fighters and their families in times of hardship. If you are aware of volunteers who would qualify for this type of assistance, further information can be found at this address <https://www.rfsbenevolentfund.org.au/>

If you have any questions or would like further information, please contact Mr Myles Foley, Director, Finance and Procurement on (02) 8741 5523 or at myles.foley@rfs.nsw.gov.au

Yours sincerely



**Rob Rogers AFSM
Commissioner**

cc: General Manager
RFS Area Director
RFS Area Commander
RFS District Manager

15.2 CORRESPONDENCE FROM THE HON. ROSE JACKSON MLC, MINISTER FOR YOUTH

Attached is a copy of correspondence received from The Hon. Rose Jackson MLC, Minister for Youth.

Attachments

1. The Hon. Rose Jackson MLC, Minister for Youth - Holiday Break Program

Recommendation

That the correspondence from The Hon. Rose Jackson MLC, Minister for Youth, be received and noted.

The Hon Rose Jackson MLC

Minister for Water, Minister for Housing, Minister for Homelessness,
Minister for Mental Health, Minister for Youth, Minister for the North Coast



MF24/1948

Ms Debb Wood
Acting General Manager
Bogan Shire Council
PO Box 221
NYNGAN NSW 2825
admin@bogan.nsw.gov.au

Re: Holiday Break Program

Dear Ms Wood,

Thank you for your letters of 24 July 2024 to myself and the Hon. Tara Moriarty MLC, Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, about the NSW Government's Holiday Break Program. I am responding to your letter as the Holiday Break Program falls within my portfolio responsibilities.

I appreciate Council's disappointment at not securing funding in the Winter and Spring 2024 rounds of the Program. I am also grateful to Council for taking the time to suggest changes that might be made to the design and administration of the Program. Bogan Shire Council's feedback will be considered in developing future rounds of the program.

The Holiday Break Program Guidelines align with the requirements of the NSW Grants Administration Guide and reflect feedback received from the program evaluation which can be found at: www.nsw.gov.au/sites/default/files/2023-08/Holiday_Break_Evaluation_Report.pdf.

I encourage the Council to register for our regular Youth Newsletter to ensure you are updated when the next round of applications become available. You can subscribe at: <https://newsletters.regional.nsw.gov.au/youthsubscriptions>.

I also recommend that Council monitors the NSW Government's Grants and Funding portal to ensure that you are kept abreast of any new funding rounds which become available. The portal can be found at: www.nsw.gov.au/grants-and-funding.

I trust this is of assistance, however, if you have any further enquiries or would like feedback regarding your application, I have asked Dr Charlotte Frew (Deputy Director Regional Youth), to be available to answer any questions you may have. Dr Frew can be contacted on 0450 851 208.

Sincerely,

Rose Jackson MLC
Minister for Water, Minister for Housing, Minister for Homelessness,
Minister for Mental Health, Minister for Youth, Minister for the North Coast

Thanks for writing and your feedback, not even approval etc. will be successful and we'll be below on your view.

cc The Hon. Tara Moriarty MLC, Minister for Agriculture, Minister for Regional NSW, Minister for Western New South Wales.

52 Martin Place Sydney NSW 2000
GPO Box 5341 Sydney NSW 2001

02 7225 6190
nsw.gov.au/ministerjackson

16 MEETING CLOSURE