



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**23 March 2023**





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



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**PRESENT:** Councillors GRJ Neill (in the Chair), VJ Boag, Councillor KJ Bright , WG Deacon, JL Douglas, AJ Elias, GN Jackson, DJ Menzies, R Milligan

Also present were Mr Derek Francis (General Manager), Mr Graeme Bourke (Director of Engineering Services), Mrs Debb Wood (Director of People and Community Services), Mrs Stephanie Waterhouse (Director of Finance and Corporate Services), Mr Chris Foley (Acting Director of Development and Environmental Services and Melissa Salter (Executive Officer)

**REMEMBRANCES:** A minutes silence was observed for the late Joseph Kennedy, a former employee of Bogan Shire Council

**APOLOGIES:** Nil

**DISCLOSURE OF INTEREST:** Nil

**038/2023 RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 23 February 2023, copies of which have been circulated to Councillors be taken as read and confirmed with the following amendment. **(Bright/Milligan)**

Amendment to the Minutes: No Mover or Seconder (015/2023)

**REPORT TO ORDINARY MEETING OF COUNCIL – DIRECTOR PEOPLE AND  
COMMUNITY SERVICES**

**1 AUSTRALIA DAY 2023**

**Summary:** *The Purpose of this report is to provide Council information relating to the recent Australia Day Ceremony and to seek feedback from Councillors on behalf of the community for planning of future events.*

**015/2023 RESOLVED** that the Australia Day 2023 report be received and noted.  
**(Boag/Deacon)**

**Business Arising:** Nil



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The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 23 March 2023:

**033/2023 RESOLVED EXCLUSION OF PRESS AND PUBLIC:** that Council move into a closed session of Council with the public excluded, in accordance with the Local Government Act 1993, section 10A (2). **(Menzies/Boag)**

**034/2023 RESOLVED** that the Minutes of the Confidential Meeting of Council held on 23 February 2023, copies of which have been circulated to Councillors, be taken as read and confirmed. **(Elias/Douglas)**

**REPORTS TO THE CLOSED AND CONFIDENTIAL SECTION OF THE ORDINARY  
MEETING OF COUNCIL – DIRECTOR ENGINEERING SERVICES**

**1 PANGEE STREET CBD FOOTPATH CONCRETING**

**035/2023 RESOLVED** that Conex Group Pty Ltd be awarded this contract as the Single Source supplier to Bogan Shire Council for the agreed period. **(Menzies/Deacon)**

**REPORTS TO THE CLOSED AND CONFIDENTIAL SECTION OF THE ORDINARY  
MEETING OF COUNCIL – DIRECTOR PEOPLE AND COMMUNITY SERVICES**

**1 TENDER – BOGAN SHIRE EARLY LEARNING CENTRE**

**036/2023 RESOLVED** that Council defer determination of the Tender – Bogan Shire Early Learning Centre Extension to a future meeting, due to the closing date for tender being extended. **(Douglas/Menzies)**

**037/2023 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. **(Menzies/Milligan)**



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

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	23/09/2021	249/2021	<b>Increase of train speed through Nyngan</b>	Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates.	<b>GM</b>	Letter written to Annette Turner NSW Nationals and Roy Butler MP on 19/12/2022.  TfNSW has informed Council that it is considering trialling a Rail Active Crossing System at Hoskins Street crossing. This is a solar powered, wireless, flashing lights system.



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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
2	27/05/2022	122/2022	<b>Nyngan Emergency Bore</b>	Council seeks advice from the Minister for Water, as to a mechanism for periodic extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage.	<b>GM</b>	<p>Letter written to Minister for Water.</p> <p>Letter sent to the Minister for Lands and Water, Kevin Anderson, on 02/02/2023, raising this matter again, and advising him that NSW Public Works have provided Council with new project estimates. Due to the delays in project commencement, rising costs of pipe materials and other costs of construction, the estimated project cost has more than doubled to \$8.7M from \$4M.</p> <p>Minister's office has advised that the question of amending the Water Sharing Plan has been referred to Department of Planning and Environment.</p>



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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
	23/02/2023	010/2023	<b>Nyngan Emergency Bore</b>	Council vote for a 200ml pipe instead of 375ml pipe, on the basis of water consumption.		<p><b><u>UPDATE:</u></b> Precis item refers. DPE have advised that no additional funding is available for the project.</p> <p><b><u>UPDATE:</u></b> Public Works &amp; DPE have been advised of Council's resolution to request a 200mm pipeline.</p>
3	28/11/2019	368/2019	<b>Repairs to Nyngan &amp; Cobar Emergency Water Storage</b>	The General Manager be authorised to procure sufficient quantities Geosynthetic Clay Liner & Geotextile material to complete the remediation works, according to specifications	<b>DES</b>	<p>Remediation work postponed due to wet weather and soft floor. Floor continues to be wet and soft from rain.</p> <p>Requires warm weather to dry out the sub-base A contract variation has been issued to the Contractor</p>

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				provided by NSW Public Works. The procurement be carried out by way of quotations.		for change of scope for repairs to inside batters.  <b>UPDATE:</b> Work recommenced.
4	25/02/2021	012/2021	<b>Nyngan Railway Wool Dump</b>	A colour information sign be erected at the Nyngan Railway Wool Dump on stand adjacent to the dump. A cement path from the existing walkway to the sign be constructed, with available funding.	<b>DES</b>	Pending commencement of grant- funded works.

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5	27/05/2021	126/2021	<b>Addressing Local Job Vacancies</b>	Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.	<b>DPCS</b>	Planning for new residential subdivision has commenced.
6	28/10/2021	162/2021	<b>Section 355 Committee – Nyngan Museum</b>	General Manager to proceed with discussions to formalise a constitution and associated delegations for Nyngan Museum Committee as a Section 355 Management Committee of Council with a further report to Council.	<b>GM</b>	Initial meeting held with Museum Committee.  Referred to Audit & Risk Committee.

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
	15/12/2023	281/2022		Council progress investigations and discussion to progress to Section 355 or an incorporated body for the functions of managing and operating the Nyngan Museum.		<b>UPDATE:</b> Investigations commenced regarding benefits of incorporation. Discussions with Museum Committee 21/03/2023
7	25/11/2021	331/2021	<b>Recycling Bins in Town Main Street</b>	Recycling bins be made available in town main street.	<b>DDES</b>	Eight recycling bins received – considered in Council's best interest to delay installation until main street paving completed.
	24/03/2022	068/2022	<b>Recycling Bin Waste Stickers</b>	That Council, as part of the recycling education program that will be conducted through schools, supply students with a sticker and encourage		<b>UPDATE:</b> NetWaste rescheduled workshops for 16 <sup>th</sup> and 17 <sup>th</sup> March 2023.  Schools are to be invited and stickers are to be distributed to students attending the

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				to stick it to their household recycling bin.		workshops. A follow up visit to occur at the schools towards the end of Term 1.  <b>COMPLETED</b>
8	23/06/2022	126/2022	<b>New Water Treatment Plant Site</b>	A further report to Council be considered for location of the New Water Treatment Plant, including the location as presented to Council, as well as other options outside/adjacent to the levy bank.	<b>DES</b>	Public Works to discuss with Crown Lands use of site adjacent to electricity sub-station at the end of Dandaloo Street.
	23/03/2023	011/2023		Council request NSW Public Works to provide a report to Council on the relative cost of the proposed substation and existing pump station		<b>UPDATE:</b> Public Works has been requested to prepare a report on comparing the Dandaloo Street site with the raw water pumpstation site when

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				sites, including relative pros and cons.		funding deed has been signed.
9	27/10/2022	246/2022	<b>Pangee Street Paving</b>	Council seek expressions of interest from interested parties to have old pavers delivered to an appropriate site of theirs for the public to collect, for a set time, then review the matter.	<b>DES</b>	To be advertised when a construction schedule has been finalised.
	15/12/2022	314/2022		The Pangee Street CBD footpath be completed with a coved trowel finish including rows of pavers installed across the path at regular intervals to		Tender advertised, report to March Council Meeting  <b>UPDATE:</b> Report to March meeting refers.  <b>COMPLETED</b>

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
				break up the large areas of concrete.		
10	28/07/2022	171/2022	<b>Hoskins Street Subdivision</b>	<p>Council approves the draft subdivision layout, with following amendments Inclusion of a laneway between lots 18-23 and lots 28-33. Accordingly reduce the number of affected blocks to retain an average size of around 1000m<sup>2</sup>.</p> <p>Strong representation is made to the Minister for Western New South Wales in relation to Biodiversity Fund contributions.</p>	<b>DES</b>	<p>Amended plan sent back to consultants. Meetings between Alliance of Western Council and NSW Government held of 17/08/22 and 19/08/22 to discuss.</p> <p>Strong representation made to Minister for the Environment and Heritage James Griffin, via Alliance of Western Councils as well as Country Mayor's Association.</p>



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						<p>Chair of Alliance of Western Councils, Cr Craig Davies has also raised the matter with the Shooters, Fishers and Farmers Party, as well as the Labor Party, ahead of NSW elections.</p> <p><b><u>UPDATE:</u></b> Draft subdivision (engineering) design plans received for review. Report to Council on Biodiversity Trust matter refers.</p>



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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
11	25/08/2022	207/2022	<b>Removal of Athel Pines</b>	<p>Council removes all Athel Pines located adjacent to the airport.</p> <p>Council plants native species to replace the Athel Pines that will be removed, with funding to be allocated at the next budget review.</p>	<b>DDES</b>	<p>All Athel Pines have been removed.</p> <p>Planting of replacement species schedule for March/April 2023.</p>
12	27/10/2022	260/2022	<b>Kerbside Waste</b>	<p>Council trial the bulky kerbside collection, as a once of collection and the take-up be gauged, and a further report to Council.</p>	<b>DDES</b>	<p>Currently seeking quotations from contractors to complete the kerbside collection. Estimating the anticipated uptake to engage contractors has been difficult. To assist with this, a community survey has been prepared which will better inform Council's decision-making.</p>

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
13	27/10/2022	261/2022	<b>Proposed Amendment to Bogan Local Environmental Plan</b>	The General Manager investigates a process to identify suitable land, for large lot residential and undertakes community consultation, with a further report to Council.	<b>GM</b>	<b>UPDATE:</b> In Progress Staff workshop held 09/02/2023 with a further report to Council pending.
14	24/11/2022	274/2022	<b>Voluntary Planning Agreement – Aurelia Resources</b>	The General Manager negotiates a VPA with Aurelia Resources in the best interest of Council in consultation with the Mayor and Deputy Mayor.	<b>GM</b>	In progress  <b>UPDATE:</b> Discussions held with Aurelia and Department of Planning.



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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
15	24/11/2022	296/2022	<b>Memorial Wall at Nyngan Cemetery</b>	Council investigate the cost, options and suitable location for a new memorial wall at the Nyngan Cemetery	<b>DES</b>	<b><u>UPDATE:</u></b> Report to March meeting refers
16	23/02/2023	027/2023	<b>Bureau of Meteorology</b>	Council approach interested parties to undertake the manual weather observations, with a report back to Council.	<b>GM</b>	<b><u>UPDATE:</u></b> Notice placed in Nyngan Weekly newspaper.

**039/2023 RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.  
**(Boag/Jackson)**

## 2 RESIDENTIAL SUBDIVISION – HOSKINS STREET

**Summary:**

*The purpose of this report is to update Council on the process and timeframes involved in obtaining development consent for the proposed Hoskins Steet residential subdivision.*

**040/2023 RESOLVED** that the Residential Subdivision – Hoskins Street report be received and noted. **(Douglas/Elias)**

## 3 LG NSW ELECTION PRIORITIES

**Summary:**

*The purpose of this report is to inform Council of LGNSW’s election priorities for the NSW State Election.*

**041/2023 RESOLVED** that the LG NSW Election Priorities report be received and noted. **(Jackson/Deacon)**

## REPORT TO ORDINARY MEETING OF COUNCIL – DIRECTOR PEOPLE AND COMMUNITY SERVICES

### 1 BOGAN SHIRE EARLY LEARNING CENTRE

**Summary:**

*The purpose of this report is to advise Council of the activities and statistics of the operation of the Bogan Shire Early Learning Centre.*

**042/2023 RESOLVED** that the Early Learning Centre report be received and noted. **(Jackson/Menzies)**

### 2 BOGAN SHIRE EARLY LEARNING CENTRE – PRIORITY ACCESS

**Summary:**

*The purpose of this report is to recommend the adoption of a Priority Access policy for managing the Bogan Shire Early Learning Centre (ELC) waitlist.*

**043/2023 RESOLVED** that:

1. Council adopts a Priority of Access policy position when waitlisting and allocating childcare places for the Bogan Shire Early Learning Centre that gives first priority to children of Bogan Shire Council Children's Services educators and early childhood teachers. **(Douglas/Jackson)**

It was **MOVED** that Council recognises the acute shortage of health care professionals, especially nurses in the Bogan Shire, affecting the Nyngan Multi-Purpose Service and the Bogan Shire Medical Centre. To help address this situation, Council will give priority of access to children of clinical staff on the ELC waitlist. This policy position is to be reviewed in 12 months' time. **(Milligan/Boag)**

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

**044/2023 RESOLVED** that:

2. Council recognises the acute shortage of health care professionals, especially nurses in the Bogan Shire, affecting the Nyngan Multi-Purpose Service and the Bogan Shire Medical Centre. To help address this situation, Council will give priority of access to children of clinical staff on the ELC waitlist. This policy position is to be reviewed in 12 months' time. **(Milligan/Boag)**

### 3 BOGAN SHIRE EARLY LEARNING CENTRE – FEE INCENTIVES

**Summary:**

*The purpose of this report is to recommend to Council the adoption of an Early Learning Centre (ELC) fee discount to help attract and retain an adequate early childhood workforce at the Bogan Shire ELC, to ensure its sustainability for the ongoing delivery of long day care services to the Bogan Shire community.*

**045/2023 RESOLVED** that a discount of 10% for each session of care be applied to the fees paid by Bogan Shire children’s services educators and early childhood teachers as an attraction and retention strategy to address early childhood workforce shortages. **(Jackson/Milligan)**

### 4 BOGAN SHIRE MEDICAL CENTRE

**Summary:**

*The purpose of this report is to provide information to Council on the operations and statistics of the Bogan Shire Medical Centre.*

**046/2023 RESOLVED** that the Operational Report for the Bogan Shire Medical Centre be received and noted. **(Jackson/Elias)**

### 5 VISITOR INFORMATION CENTRE OPERATIONAL REPORT

**Summary:**

*The purpose of this report is to provide information to Council on the operations of the Visitor Information Centre.*

**047/2023 RESOLVED** that the Operational Report for the Visitor Information Centre be received and noted. **(Menzies/Deacon)**

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

### 1 INVESTMENTS FEBRUARY 2023

**Summary:** The report is to outline the the performance of Council's Investment Portfolio for the month of February 2023. At the 28th February 2023 Council had \$26.6 million invested. There has been an increase of \$1 million due to the 3rd quarter Financial Assistance Grant funding and the Regional and Local Roads Repair Program Grant funding having been received.

**048/2023** RESOLVED that the Investments Report be received and noted.  
(Jackson/Deacon)

### 2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

**Summary:** This report is to provide The report is to provide a comparison of rate collections as at 28th February 2023, with the same period last year. Total arrears have increased from \$845,705 as at the 28th February 2022 to \$948,046 as at 28th February this year.

The Director of Finance and Corporate Services reported at the meeting, that at the date of the meeting, current arrears had decreased to \$689,063.

Rate Collections	2022-2023	2021-2022
Arrears Prior to 01/07/2022	501,071	505,992
First Instalment in arrears as at 28/2/2023	4,915	27,349
Second Instalment in arrears as at 28/2/2023	59,659	71,205
Third Instalment in arrears as at 28/2/2023	123,418	241,159
Fourth Instalment Outstanding as at 28/2/2023	992,452	1,017,466
<b>Total Arrears</b>	<b>689,063</b>	<b>845,705</b>
<b>Total Outstanding</b>	<b>1,681,517</b>	<b>1,863,171</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	6,045,306	5,867,648
Add: Adjustments	30,875	27,827
Less: Payments to end of February	-4,314,309	-3,953,464
Less: Rebates	-81,283	-78,840
Add: Postponed	0	0
<b>Gross Total Balance</b>	<b>1,956,128</b>	<b>1,863,171</b>
<b>Arrears of total amount levied %</b>	<b>11.4%</b>	<b>14%</b>

**049/2023** RESOLVED that the Rates and Annual Charges collection report be received and noted. (Douglas/Elias)

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

### 1 DEPARTMENTAL ACTIVITY REPORT

**Summary:** *The purpose of this report is to provide Council with information that is both statistical and informative in regards to the activities of the Engineering Services Department.*

**050/2023 RESOLVED** that the Engineering Services Departmental Report be received and noted. **(Deacon/Elias)**

### 2 NYNGAN CEMETERY MEMORIAL WALL

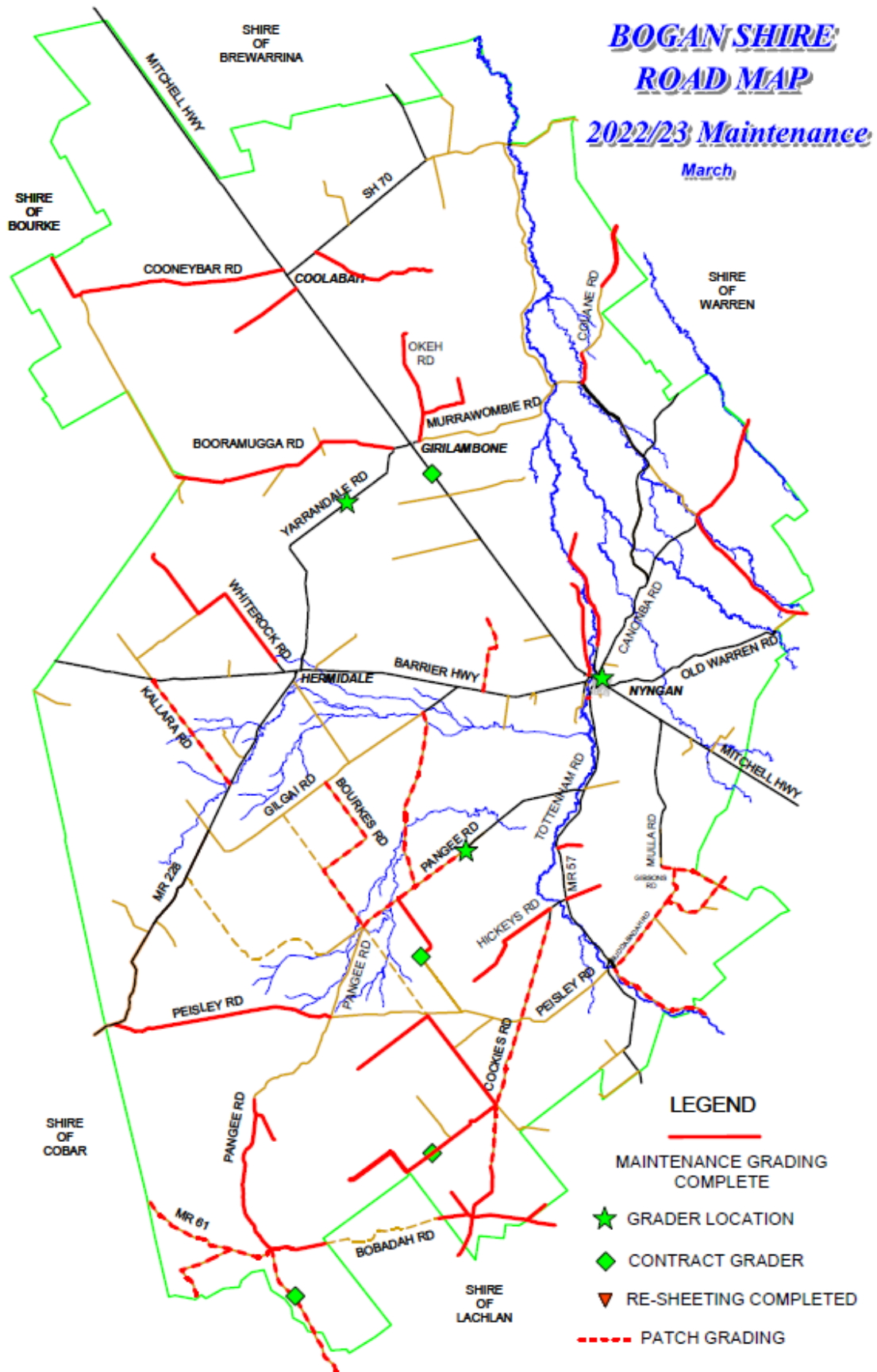
**Summary:**

*The purpose of this report is for Council to consider the construction of a memorial wall at the Nyngan cemetery for remembrance plaques of people not interred in Nyngan.*

**051/2023 RESOLVED** that Council allocate \$2,500 to provide a memorial wall at the Nyngan cemetery at the 2023-24 estimates meeting, and that council investigate the cost to render the three walls in full, on both sides. **(Douglas/Boag)**



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**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)**



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**PRECIS OF CORRESPONDENCE**

**1 DEPARTMENT OF PLANNING AND ENVIRONMENT**

**054/2023 RESOLVED** that the correspondence from the Department of Planning and Environment be received and noted. **(Jackson/Elias)**

**2 NYNGAN AMATEUR SWIMMING CLUB**

**055/2023 RESOLVED** that Council grant permission for Nyngan Amateur Swimming Club to place their club logo on the wall at the pool between the Clubhouse and the Chemical Shed. **(Deacon/Boag)**

There being no further business, the meeting closed at 6.57pm

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

.....

**GENERAL MANAGER**

.....

**MAYOR**



