



BOGAN SHIRE COUNCIL

Ordinary Minutes

Date: Thursday, 26 October 2023

Time: 5.30pm

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

**Derek Francis
General Manager**



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**MINUTES OF BOGAN SHIRE COUNCIL
ORDINARY COUNCIL MEETING HELD AT THE BOGAN SHIRE COUNCIL,
COUNCIL CHAMBERS, 81 COBAR STREET, NYNGAN
ON THURSDAY, 26 OCTOBER 2023 AT 5.30PM**

PRESENT: Cr G Neill (Chairperson), Cr V Boag (Deputy Chairperson), Cr K Bright, Cr G Deacon, Cr J Douglas, Cr G Jackson , Cr D Menzies , Cr R Milligan

IN ATTENDANCE: D Francis (General Manager), M Salter (Executive Officer)

1 OPENING PRAYER

2 REMEMBRANCES

3 APOLOGIES

Cr Tony Elias

Resolved 227/23

Moved: Cr Douglas

Seconded: Cr Deacon

That the apology received from Cr Elias be accepted and leave of absence be granted.

4 DISCLOSURE OF INTERESTS

Cr Douglas

- 10.1 Checklist, Item 11 Banking Situation

Reason: Due to position at Commonwealth Bank, Nyngan

5 CONFIDENTIAL MATTERS

Resolved 228/23

Moved: Cr Jackson

Seconded: Cr Menzies

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

Resolved 231/23

Moved: Cr Deacon

Seconded: Cr Jackson

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

The meeting adjourned for supper at 6.42pm, and the meeting resumed at 7.15pm.

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 26 October 2023:

**5.1 CONFIDENTIAL MAYORAL MINUTE
GENERAL MANAGER'S PERFORMANCE REVIEW**

Resolved 229/23

Moved: Cr Deacon
Seconded: Cr Douglas
Unanimous

1. That Council, having reviewed the performance of the General Manager over the last 12 months, have assessed his performance at a 4.5, based on the following scale of: 5 – Outstanding, 4 – More than satisfactory, 3 – Satisfactory, 2 – Some concerns or 1 – Unsatisfactory.

Resolved 230/23

Moved: Cr Boag
Seconded: Cr Menzies
Unanimous

That for the period from now until 31 January 2025, should the appointment of an Acting General Manager be necessary, Council appoints one or more of the following, at the discretion of the Mayor and General Manager:

- a. Stephanie Waterhouse
- b. Debb Wood
- c. Ross Earl
- d. An individual nominated by Local Government Appointments

Resolved 231/23

Moved: Cr Deacon
Seconded: Cr Jackson

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

In attendance from 7.15am: S Waterhouse (Director Finance and Corporate Services), R Davy (Acting Director Engineering Services), C Foley (Acting Director Development and Environmental Services), M Salter (Executive Officer)

6 CONFIRMATION OF ORDINARY MINUTES- 28 SEPTEMBER 2023

Resolved 232/23

Moved: Cr Jackson
Seconded: Cr Milligan

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 28 September 2023, be received and noted.

Business Arising: Nil

7 NOTICE OF MOTION

Nil

8 ORDINARY MAYORAL MINUTE

Nil

9 COMMITTEE MEETING MINUTES

Nil

10 GENERAL MANAGER'S REPORTS**10.1 GENERAL MANAGERS CHECKLIST**

Item	Date	Minute No	Matter	Action Required	Officer	Status
1	23/09/2021	249/2021	Increase of train speed through Nyngan	Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates.	GM	TfNSW has informed Council that it is considering trialing a Rail Active Crossing System at Hoskins Street crossing. This is a solar powered, wireless, flashing lights system. Discussed with Roy Butler 07/06/2023. Followed up with Roy Butlers' office 11/08/2023 who have requested a status update from the Minister.
2	27/05/2022	122/2022	Nyngan Emergency Bore	Council seeks advice from the Minister for Water, as to a mechanism for periodic extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage.	GM	Letter written to new Minister for Water, advising them of resolution 122/2022 and seeking clarification on funding. Minister for Water has advised that: <ul style="list-style-type: none"> • Work has begun on amendments to the Water Sharing Plan. • No further funding is available for the bore project.

Item	Date	Minute No	Matter	Action Required	Officer	Status
	23/02/2023	010/2023		<p>Council vote for a 200mm pipe instead of 375mm pipe, on the basis of water consumption.</p> <p>A decision on the request for a meeting be deferred until Council receives a response from the NSW Government on whether the emergency bore hole project is to be funded.</p>	GM	<p>Public Works have provided an alternative cost estimate of \$5.092M, based on the 200mm pipeline.</p> <p>On hold pending response.</p>
	27/04/2023	081/2023		<p>Virginia and Richard Woodlock be requested to provide Council with specific concerns of concerned landholders and rate payers in writing, so that responses can be prepared, and arrangements made for appropriate NSW Government staff to be available.</p>		<p>Letter sent to Richard and Virginia Woodlock advising them of Council's resolution.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
	24/08/2023	184/23		That Council prioritises remaining available grant funding of \$7,111,871 across the following projects: <ul style="list-style-type: none"> a. Water purchases b. Belaringar Creek Syphon c. Nyngan Emergency Bore pipeline 		DPE advised accordingly.
3	25/02/2021	012/2021	Nyngan Railway Wool Dump	A colour information sign be erected at the Nyngan Railway Wool Dump on stand adjacent to the dump. A cement path from the existing walkway to the sign be constructed, with available funding.	DES	UPDATE: Research underway for information sign in collaboration with Nyngan Museum.

Item	Date	Minute No	Matter	Action Required	Officer	Status
4	27/05/2021 28/09/2023	126/2021	Addressing Local Job Vacancies	<p>Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.</p> <p>Council provides a budget of \$25,000 for production of videos for the relocation campaign.</p>	DPCS	<p>Planning for new residential subdivision has commenced.</p> <p>Scheduled for 2024/25.</p>
5	28/10/2021	162/2021	Section 355 Committee – Nyngan Museum	<p>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.</p>	GM	<p>Initial meeting held with Museum Committee.</p> <p>Referred to Audit & Risk Committee.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
	15/12/2022	281/2022		Council progress investigations and discussion to progress to Section 355 or an incorporated body for the functions of managing and operating the Nyngan Museum.		UPDATE: The General Manager met with the Museum Committee 04/10/2023 who have elected to progress formalisation of a Section 355 Committee.
6	23/06/2022	126/2022	New Water Treatment Plant Site	A further report to Council be considered for location of the New Water Treatment Plant, including the location as presented to Council, as well as other options outside/adjacent to the levy bank.	DES	Public Works to discuss with Crown Lands use of site adjacent to electricity sub-station at the end of Dandaloo Street.
	23/03/2023	011/2023		Council request NSW Public Works to provide a report to Council on the relative cost of the proposed substation and existing pump station sites, including relative pros and cons.		Public Works has been requested to prepare a report on comparing the Dandaloo Street site with the raw water pumpstation site when the funding deed has been signed.

Item	Date	Minute No	Matter	Action Required	Officer	Status
7	28/07/2022	171/2022	Hoskins Street Subdivision	<p>Council approves the draft subdivision layout, with following amendments Inclusion of a laneway between lots 18-23 and lots 28-33.</p> <p>Accordingly reduce the number of affected blocks to retain an average size of around 1000m².</p> <p>Strong representation is made to the Minister for Western New South Wales in relation to Biodiversity Fund contributions.</p>	DES	<p>Meetings between Alliance of Western Council and NSW Government held on 17/08/2022 and 19/08/2022 to discuss.</p> <p>Alliance of Western Councils working with Urban Taskforce and making representation to Premier and Minister for Environment.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
8	27/10/2022	261/2022	Proposed Amendment to Bogan Local Environmental Plan	The General Manager investigates a process to identify suitable land, for large lot residential and undertakes community consultation, with a further report to Council.	DDES	<p>Following discussion with the Department of Planning and Environment (DPE), it has been identified that the additional R5 land creation could not be considered in isolation, and that it would need to be considered as part of a broader Housing Strategy for the Shire.</p> <p>DPE indicated funding may be available after 30 June 2023, but that Council would have to prepare a scope of works for the strategy to be eligible for funding.</p> <p>Grant submitted.</p>
9	23/03/2023	053/2023	Reclassification of Land – 8 Tabratong Street	Council submits a planning proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 from Community Land to Operational Land.	DDES	<p>Council has requested Department of Planning to consider undertaking the reclassification as part of its Minor Amendments Project.</p> <p>Awaiting DoP consideration and advice.</p> <p>UPDATE: Awaiting DoP Advice.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
10	25/05/2023	107/2023	Temporary Workers Accommodation	Report be prepared for Councils consideration regarding the costs and implications to change the land zoning using contents in RU1 – Primary Production under the Bogan Local Environmental Plan (LEP) 2011 from a 'closed zone' to an 'open zone'.	DDES	Report for future Council Meeting.
11	22/06/2023	139/2023	Banking Situation in Nyngan	Council write to the National Australia Bank regarding the future of the Nyngan Branch of the National Australia Bank.	GM	Letter written.
12	27/07/2023	160/23	School Exchange Program	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.	GM	Not yet commenced.

Item	Date	Minute No	Matter	Action Required	Officer	Status
13	28/09/2023	209/23	Relocation Marketing Campaign – Promotional Videos	Council investigates creating an artwork that acknowledges Country that can be used in the videos and other purposes, with a report to a future meeting of Council.	DPCS	Not yet commenced.
14	8/09/2023	219/23	Skate Park Tender	The General Manager enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.	DDES	Not yet commenced.

1. Attachments

Nil

Checklist item 11**Banking Situation in Nyngan (22/06/2023) (139/2023)**

Clr Douglas declared an interest and left the room.

Resolved 233/23

Moved: Cr Neill

Seconded: Cr Deacon

That Council follow up with an email to the National Australia Bank (NAB), that if NAB cannot respond to Councils correspondence, that Council will take their business elsewhere.

Clr Douglas returned to the room.

Resolved 234/23

Moved: Cr Boag

Seconded: Cr Milligan

That the report relating to the Monthly Checklist be received.

10.2 CHRISTMAS - NEW YEAR CLOSURE**Resolved 235/23**

Moved: Cr Jackson

Seconded: Cr Deacon

1. That Council closes the Shire administration offices as well as the Library, Bogan Shire Medical Centre and Bogan Shire Youth and Community Centre on Wednesday 27 December 2023, Thursday 28 December 2023 and Friday 29 December 2023 and advises the community accordingly.
2. That Council closes the Bogan Shire Early Learning Centre between Wednesday 20 December 2023 and Friday 12 January 2024 and informs the community accordingly.
3. That the Bogan Shire Council Christmas Party take place between 12.00pm and 3.00pm on Thursday 14 December 2023, involving all Councillors, Staff and their partners, and that Council covers the cost of this event.

10.3 DECEMBER 2023/JANUARY 2024 RECESS

Resolved 236/23

Moved: Cr Milligan

Seconded: Cr Bright

1. That Council goes into recess from Friday 22 December 2023 until 31 January 2024 and consequently does not have an Ordinary Meeting during January 2024.
2. Pursuant to and subject to the limitations of Section 377 of the Local Government Act, Council grants authority to the Mayor, Deputy Mayor and General Manager, to collectively make decisions on behalf of Council during this recess period, with Councillors to be consulted if practical.
3. Any such decisions are to be reported to the Council at its first meeting in 2024.

10.4 DAVIDSON PARK UPGRADES

Resolved 237/23

1. That Council supports:
 - a. The removal and replacement of the six palm trees in Davidson Park, with shade trees, and not an avenue of trees. **(Clr Menzies/Clr Bright)**
 - b. The reconstruction of the raised garden beds along the street in Davison Park. **(Clr Boag/Clr Jackson)**
 - c. The relocation of existing plaques, with a further report submitted to council with possible locations. **(Clr Jackson/Clr Deacon)**
 - d. Replanting of garden beds and new areas of turf as required. **(Clr Douglas/Clr Milligan)**
2. That costs incurred as a result of these works be covered as far as possible from existing grant funds and operating budget. If further funding is required, this is to be sought through the budget review process. **(Clr Milligan/Clr Bright)**

11 PEOPLE AND COMMUNITY SERVICES REPORTS

11.1 NYNGAN SHOW DAY

Resolved 238/23

Moved: Cr Milligan

Seconded: Cr Boag

That Council make application to the Department of Premier and Cabinet for a declared full day public holiday on Monday 6 May 2024, for the 2024 Nyngan Show Day.

11.2 BOGAN BUSH MOBILE TERM 3 REPORT

Resolved 239/23

Moved: Cr Deacon

Seconded: Cr Menzies

That the Bogan Bush Mobile report be received and noted.

11.3 PURCHASE OF ULTRASOUND MACHINE

The report was presented, and then the Council moved into closed Council for discussion.

This matter is considered to be confidential under Section 10A(2) of the Local Government Act, as discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with:

- *Information that would, if disclosed, confer a commercial advantage on a competitor of Council.*
- *Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

Resolved 240/23

Moved: Cr Jackson

Seconded: Cr Bright

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

Discussion took place in a closed session of Council on the potential increased revenue and cost of purchasing a new Ultrasound machine.

Resolved 241/23

Moved: Cr Milligan

Seconded: Cr Bright

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

Resolved 242/23

Moved: Cr Boag

Seconded: Cr Deacon

That:

1. Council increases the Capital Budget by \$153,500 to allow for the purchase of a new ultrasound machine to be funded through Council's Plant Fund.
2. The General Manager purchases a new ultrasound machine in the best interests of Council to a maximum of \$153,500.
3. The General Manager disposes of the current ultrasound machine in the best interests of Council.

12 FINANCE AND CORPORATE SERVICES REPORTS

12.1 INVESTMENTS SEPTEMBER 2023

Resolved 243/23

Moved: Cr Douglas

Seconded: Cr Menzies

That Council receive and note the Investments Report for September 2023.

12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Resolved 244/23

Moved: Cr Jackson

Seconded: Cr Menzies

That Council receive and note the Rate and Annual Charges collection report for September 2023.

12.3 FIRST QUARTER 2023/2024 BUDGET REVIEW

Resolved 245/23

Moved: Cr Douglas

Seconded: Cr Jackson

That Council:

1. Note the report on Actual compared to Budget for the quarter ended 30 September 2023.
2. Adopt the adjustments to the 2023/2024 budget as shown in the Budget Review Statement at Appendix A to this report, including \$23,000 for the fit out of the new room at the Early Learning Centre.

12.4 DELIVERY PROGRAM

Resolved 246/23

Moved: Cr Milligan

Seconded: Cr Jackson

That Council receive and note the Delivery Program report.

Resolved 247/23

Moved: Cr Menzies

Seconded: Cr Boag

That the Before and After School Care matter be further pursued with the Department of Education, and if necessary the Minister.

12.5 ANNUAL FINANCIAL REPORTS**Resolved 248/23**

Moved: Cr Deacon

Seconded: Cr Menzies

That Council receive and note that the Financial Reports and Auditor's Report for the period 1 July 2022 to 30 June 2023 be presented to the public.

12.6 WRITE OFF OUTSTANDING DEBTS - BOGAN SHIRE MEDICAL CENTRE**Resolved 249/23**

Moved: Cr Jackson

Seconded: Cr Boag

That Council write-off the debts of \$303.05 and the debtors be marked as finalised in Council's Medical Centre financial records.

12.7 DRAFT FINANCIAL ASSISTANCE POLICY**Resolved 250/23**

Moved: Cr Milligan

Seconded: Cr Menzies

That the Draft Financial Assistance Policy be deferred until the next meeting to allow Councillors to consider matters raised.

12.8 SECTION 355 COMMITTEE MANUAL**Resolved 251/23**

Moved: Cr Deacon

Seconded: Cr Bright

That Council adopt the Section 355 Committee Manual, including attachments.

13 ENGINEERING SERVICES REPORTS

13.1 DEPARTMENTAL ACTIVITY REPORT

Resolved 252/23

Moved: Cr Jackson

Seconded: Cr Douglas

That the Engineering Departmental Report be received and noted.

13.2 COBAR WATER BOARD RAW WATER SUPPLY

Resolved 253/23

Moved: Cr Boag

Seconded: Cr Jackson

That the Cobar Water Board Raw Water Support Report be noted.

14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS

14.1 DEPARTMENTAL ACTIVITY REPORT

Resolved 254/23

Moved: Cr Jackson

Seconded: Cr Bright

That the Development and Environmental Services Departmental Activity Report be received and noted.

The Mayor thanked Chris Foley and James Boyce for their time with Council, as Acting Director of Development and Environmental Services, during the time the Director has been on extended leave.

15 PRECIS OF CORRESPONDENCE

15.1 ST JOSEPHS PARISH SCHOOL

Resolved 255/23

Moved: Cr Jackson

Seconded: Cr Menzies

That the correspondence From St Josephs Parish School be received and noted.

15.2 ST JOSEPHS PARISH SCHOOL P & F FETE

Resolved 256/23

Moved: Cr Boag

Seconded: Cr Deacon

In regard to the Family Season Pool pass requested for St Joseph's Fete, Council is currently looking at a new donations policy and consideration may be given in the future.

16 MEETING CLOSURE

There being no further business, the meeting closed at 8.54pm

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

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GENERAL MANAGER

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MAYOR