



BOGAN SHIRE COUNCIL

Minutes

Date: Tuesday 23 April 2024

Time: 7.00pm

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

**Derek Francis
General Manager**



Published Recording of Council Meeting

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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 TUESDAY 23 APRIL 2024 AT 7.00PM**

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

IN ATTENDANCE: D Francis (General Manager), D Wood (Director People and Community Services), S Waterhouse (Director Finance and Corporate Services), G Bourke (Director Engineering Services), C Black (Director Development and Environmental Services), M Salter (Executive Officer)

1 OPENING PRAYER

2 REMEMBRANCES

3 APOLOGIES

Resolved 054/24

Moved: Cr Bright

Seconded: Cr Menzies

That the apology received from Councillor Milligan be accepted and leave of absence be granted.

4 DISCLOSURE OF INTERESTS

The following disclosure of interest was declared:

- Cr Douglas
10.1 Checklist: Item 7 Banking Situation
Reason: Due to position at Commonwealth Bank, Nyngan

5 CONFIDENTIAL MATTERS

Resolved 055/24

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).

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 23 April 2024:

5.1 BELARINGAR CREEK SYPHON TENDER UPDATE

Resolved 056/24

Moved: Cr Boag

Seconded: Cr Elias

That Council accepts the amended tender price from Ertech Pty Ltd at a value of \$1,685,846.50 including GST.

Resolved 057/24

Moved: Cr Douglas

Seconded: Cr Jackson

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

6 CONFIRMATION OF ORDINARY MINUTES

6.1 MINUTES OF ORDINARY MEETING - 28 MARCH 2024

The minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 28 March 2024 have been circulated to Council.

Business Arising: Nil

Resolved 058/24

Moved: Cr Menzies

Seconded: Cr Deacon

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 28 March 2024, be received and noted.

7 NOTICE OF MOTION

Nil

8 MAYORAL MINUTE

Email received from Roz George regarding limited phone service in rural areas, for discussion.

Resolved 059/24

Moved: Cr Boag

Seconded: Cr Jackson

That Council write to our local Federal Member and Telstra Management, addressing the implications of limited phone service in rural areas.

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 11/08/2023.
	23/11/2023	282/23		That Council respond to Minister Atchison, with a request that the train speed limit be reduced to 20km/hour, as Council is not in a position financially to provide rail crossing lights.		UPDATE: This matter was drawn to the attention of Minister Atchison on 12/01/2024 during her visit to Nyngan.

Item	Date	Minute No	Matter	Action Required	Officer	Status
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.
	23/02/2023	010/2023		Council vote for a 200mm pipe instead of 375mm pipe, on the basis of water consumption. A decision on the request for a meeting be deferred until Council receives a response from the NSW Government on	GM	Public Works have provided an alternative cost estimate of \$5.092M, based on the 200mm pipeline. On hold pending response.

Item	Date	Minute No	Matter	Action Required	Officer	Status
	27/04/2023	081/2023		<p>whether the emergency bore hole project is to be funded.</p> <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>
	24/08/2023	184/23		<p>That Council prioritises remaining available grant funding of \$7,111,871 across the following projects:</p>		<p>DPE advised accordingly.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
				<ul style="list-style-type: none"> a. Water purchases b. Belaringar Creek Syphon c. Nyngan Emergency Bore pipeline 		
3	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>

Item	Date	Minute No	Matter	Action Required	Officer	Status
4	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 pump station site when the funding deed has been signed. Site investigation in progress UPDATE: Report to April meeting refers.

Item	Date	Minute No	Matter	Action Required	Officer	Status
5	28/07/2022	171/2022	Hoskins Street Subdivision	<p>Council notes the proposed changes to the design and layout of the Hoskins Street subdivision and that Council staff progress detailed design and development of tender specifications accordingly.</p> <p>The General Manager be authorised to lodge a development application for Stage 1 of the Hoskins Street subdivision.</p>	DES	UPDATE: In progress
	23/11/2023	279/23		<p>The General Manager be authorised to proceed to final preparation of tender documents, based on the layout contained in the Concept Plan, attached to report 5.3, with a view to inviting tenders for</p>		

Item	Date	Minute No	Matter	Action Required	Officer	Status
	22/02/2024	005/24		<p>construction on a “subject to DA” basis.</p> <p>That consideration be given in 2024-2025 budget discussions to cover any shortfall in available grant funding, with this to be recovered from land sales.</p>		
6	23/03/2023	053/2023	Reclassification of Land – 8 Tabratong Street	<p>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.</p>	DDES	UPDATE: In progress.

Item	Date	Minute No	Matter	Action Required	Officer	Status
7	22/06/2023 28/03/2024	139/2023 036/24	Banking Situation in Nyngan	<p>Council write to the National Australia Bank regarding the future of the Nyngan Branch of the National Australia Bank.</p> <p>That Council write to the National Australia Bank and follow-up Council's previous correspondence addressing earlier concerns and Council's disappointment in no response to previous request.</p>	GM	<p>Letter written.</p> <p>Further letter written, November 2023. No response.</p> <p>UPDATE: Additional letter forwarded to National Australia Bank, April 2024.</p>
8	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
9	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.
10	26/10/2023 22/02/2024	247/23 009/24	Before and After School Care, Nyngan	That the Before and After School Care matter be further pursued with the Department of Education, and if necessary the Minister.	GM	Verbal update given at Council Meeting 23/11/2023. Issue of lack of Before and After School Care in Nyngan be referred to Local Member. UPDATE: Correspondence sent to Local Member.
11	23/11/2023	278/23	Nyngan Year-Round Fishery	That Council provide in principle support for the development of a Memorandum of Understanding with DPI	DES	UPDATE: In Progress

Item	Date	Minute No	Matter	Action Required	Officer	Status
				<p>Fisheries for a managed fishery in the Nyngan off-river storages, with a further report to Council to consider a draft Memorandum of Understanding.</p>		
12	28/03/2024	046/24	<p>Crown Road Off Cockies Road</p>	<p>That the General Manager, Mayor and Deputy Mayor enter into discussions with the property owners, to determine what if any alternatives they have for accessing the property via Lachlan Shire and whether they have approached Lachlan Shire Council and have discussed this matter, or have any outcome from those discussions with Lachlan Shire Council.</p>		<p>UPDATE: Meeting scheduled for May 2024.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
				<p>That Council contact Lachlan Shire Council to obtain information on their intention in relation to this matter.</p> <p>That the General Manager provides a report to Council in May or June, confirming:</p> <p>a Options for transferring the unformed Shire road, after transfer from the Crown is complete, into private ownership. Or alternatively if Lachlan Shire could take over the Crown land, either by transfer or purchase from Bogan Shire Council.</p> <p>b The costs of clearing timber and forming the road to the minimum acceptable standard.</p>		

Item	Date	Minute No	Matter	Action Required	Officer	Status
				<p>c Mechanisms to ensure current and future owners of “Hopbush Valley” property are aware that Council has no intention of upgrading the road beyond the minimum acceptable standard.</p> <p>That Council defers any decision on this matter until the General Manager’s report comes to Council.</p>		

Resolved 060/24

Moved: Cr Deacon

Seconded: Cr Bright

That the report relating to the Monthly Checklist be received and those items marked at “Completed” be removed from the Checklist.

10.2 PRE-MEETING BRIEFING SESSIONS

Resolved 061/24

Moved: Cr Boag

Seconded: Cr Douglas

That Council amend the Bogan Shire Council Code of Meeting Practice to incorporate clauses 3.33 to 3.38 of the Model Code of Meeting Practice, to provide for pre-meeting briefing sessions.

10.3 RENTAL TO NSW HEALTH

Resolved 062/24

Moved: Cr Jackson

Seconded: Cr Menzies

That the General Manager negotiates a 12-month lease of one of Council's residential units with NSW Health at an appropriate market rental.

11 PEOPLE AND COMMUNITY SERVICES REPORTS**11.1 BOGAN BUSH MOBILE - TERM 1 REPORT****Resolved 063/24**

Moved: Cr Menzies

Seconded: Cr Douglas

That the Bogan Bush Mobile report be received and noted.

11.2 BOGAN SHIRE EARLY LEARNING CENTRE**Resolved 064/24**

Moved: Cr Bright

Seconded: Cr Deacon

That the Early Learning Centre Operational report be received and noted.

11.3 PRIORITY OF ACCESS - AT RISK CHILDREN**Resolved 065/24**

Moved: Cr Douglas

Seconded: Cr Boag

That Council does not introduce a Priority of Access Policy for children at risk of harm.

11.4 BIG BOGAN STREET FESTIVAL**Resolved 066/24**

Moved: Cr Jackson

Seconded: Cr Menzies

That:

1. Council endorses the General Managers acceptance of the grant funding under the Open Streets Program, for the hosting of the Big Bogan Street Festival.
2. The Big Bogan Street Festival takes place on Saturday 28 September 2024.

12 FINANCE AND CORPORATE SERVICES REPORTS

12.1 INVESTMENTS MARCH 2024

Resolved 067/24

Moved: Cr Boag

Seconded: Cr Douglas

That Council receive and note the investments report for March 2024.

12.2 SUMMARY OF RATE AND ANNUAL CHARGES COLLECTION

The Director of Finance and Corporate Services gave the following updates at the meeting:

Rate Collections	2023-2024	2022-2023
Arrears Prior to 01/07/2023	363,099	501,657
First Instalment in arrears as at 31/3/2024	-25,423	68
Second Instalment in arrears as at 31/3/2024	56,418	58,338
Third Instalment in arrears as at 31/3/2024	233,428	110,999
Fourth Instalment Outstanding as at 31/3/2024	971,588	984,833
Total Arrears	627,522	671,062
Total Outstanding	1,599,112	1,655,895
Monthly Transactions		
Amount Levied & B/Fwd	6,259,330	6,045,433
Add: Adjustments	96,383	36,002
Less: Payments to end of March	-4,683,091	-4,344,151
Less: Rebates	-74,174	-81,390
Add: Postponed	0	0
Gross Total Balance	1,666,617	1,655,895
Arrears of total amount levied %	10%	11%

Resolved 068/24

Moved: Cr Deacon

Seconded: Cr Menzies

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

12.3 THIRD QUARTER BUDGET REVIEW

Resolved 069/24

Moved: Cr Jackson

Seconded: Cr Menzies

That Council:

1. Note the report on Actual compared to Budget for the quarter ended 31 March 2024.
2. Adopt the adjustments to the 2023/2024 budget as shown in the Budget Review Statement at Appendix B to this report.

12.4 REVIEW OF COUNCIL PROCUREMENT POLICY

Resolved 070/24

Moved: Cr Boag

Seconded: Cr Elias

That Council review and adopt the Procurement policy FIN004.

12.5 DELIVERY PROGRAM

Resolved 071/24

Moved: Cr Jackson

Seconded: Cr Elias

That Council receive and note the Delivery Program report.

13 ENGINEERING SERVICES REPORTS

13.1 DEPARTMENTAL ACTIVITY REPORT

Resolved 072/24

Moved: Cr Bright

Seconded: Cr Menzies

That the Engineering Departmental Report be received and noted.

13.2 MONKEY BRIDGE LOW LEVEL BYPASS

Resolved 073/24

Moved: Cr Boag

Seconded: Cr Jackson

That:

1. Council applies to Fisheries for a permit to remove the excess gravel on the bypass crossing.
2. Council requests Fisheries to retain the existing low-level bypass.

13.3 NEW WATER TREATMENT PLANT SITE SELECTION

Resolved 074/24

Moved: Cr Douglas

Seconded: Cr Jackson

That the General Manager enters into negotiations with the NSW Aboriginal Lands Council for the compensation they require for the new water treatment plant on site 3, with a further report to Council on the outcome of those negotiations as soon as possible.

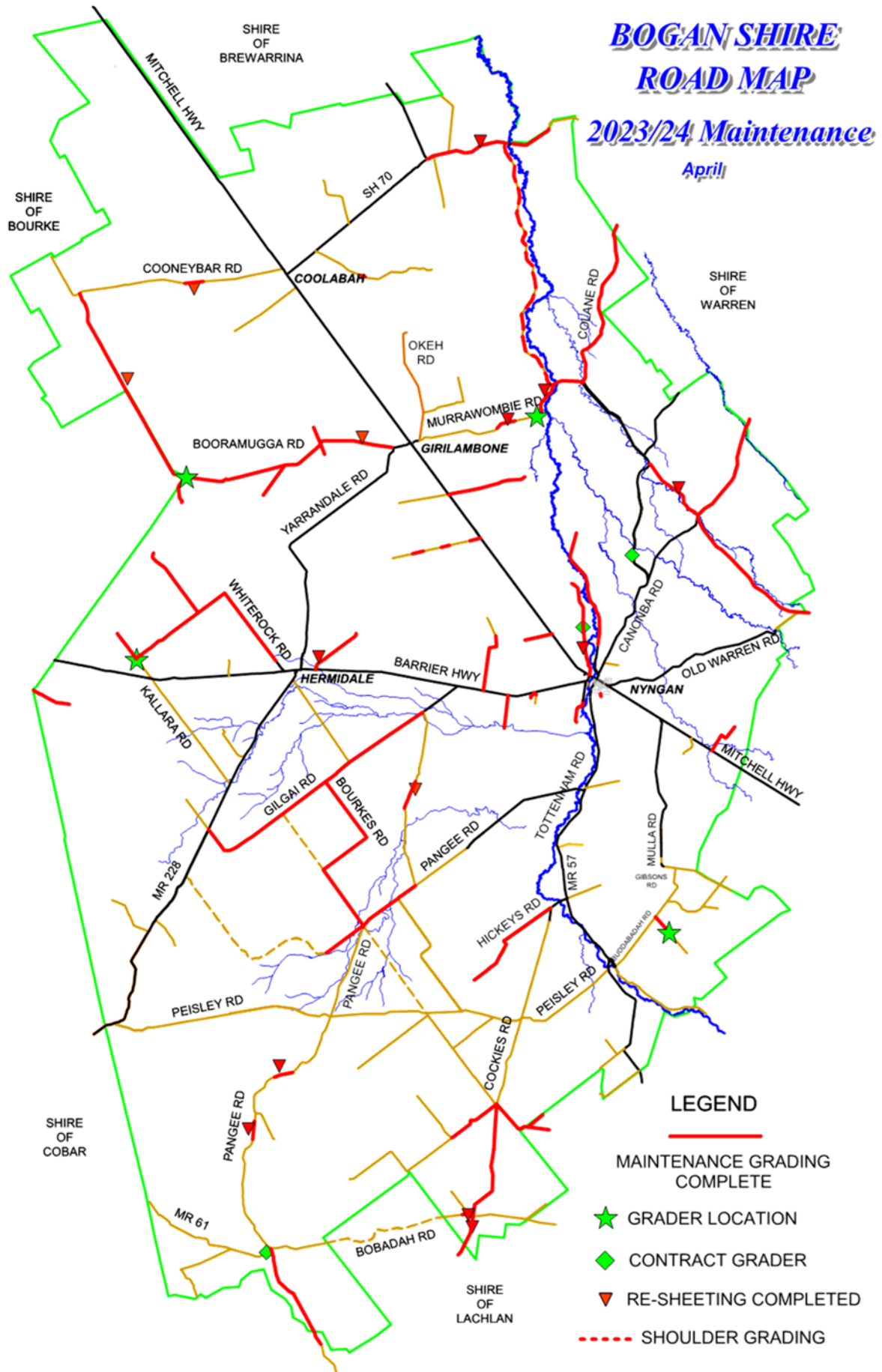
13.4 TRAFFIC COMMITTEE MEETING REPORT

Resolved 075/24

Moved: Cr Boag

Seconded: Cr Elias

That the Traffic Committee Meeting Report be received and noted.



14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS

14.1 DEVELOPMENT APPLICATIONS REPORT

Resolved 076/24

Moved: Cr Bright

Seconded: Cr Menzies

That the Development Applications Report be received and noted.

14.2 NYNGAN WAR MEMORIAL POOL ACTIVITY REPORT

Resolved 077/24

Moved: Cr Jackson

Seconded: Cr Deacon

That the Nyngan War Memorial Pool Activity Report be received and noted, with thanks to the Pool Manager for a successful season.

15 PRECIS OF CORRESPONDENCE

15.1 CORRESPONDENCE FROM THE HON. RON HOENIG MP, MINISTER FOR LOCAL GOVERNMENT

Resolved 078/24

Moved: Cr Boag

Seconded: Cr Bright

That the Correspondence from The Hon. Ron Hoenig MP, Minister for Local Government be received and noted.

16 MEETING CLOSURE

There being no further business, the meeting closed at 7.45pm.

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

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GENERAL MANAGER **MAYOR**