



BOGAN SHIRE COUNCIL

Minutes

25 August 2022



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**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

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

Also present were Mr Derek Francis (General Manager), Mrs Cathy Black (Director of Development & Environmental Services, 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), and Mrs Melissa Salter (Executive Officer).

APOLOGIES: Councillor AJ Elias

DISCLOSURE OF INTEREST:

The following disclosure of interests were declared:

- Councillor Milligan declared a pecuniary interest in Finance and Corporate Services Report 5 Financial Assistance to Community Service Organisations. The reason for such interest is that Councillor Milligan has an interest in Nyngan Baptist Fellowship.
- The General Manager, Derek Francis, declared a pecuniary interest in the Director of People and Community Services Report 6 Resources for Regions Round 9. The reason for such interest is that The General Manager has a family member employed as the Bush Care Coordinator.

181/2022 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 28 July 2022, copies of which have been circulated to Councillors be taken as read and confirmed. **(Jackson/Deacon)**

Business Arising: Nil

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 25 August 2022:

177/2022 RESOLVED EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed session of Council with the public excluded, in accordance with the Local Government Act 1993, Clause 10A d) (i) as involving commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. **(Jackson/Menzies)**

178/2022 RESOLVED that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 28 July 2022, copies of which have been circulated to Councillors be taken as read and confirmed.

(Menzies/Deacon)

Business Arising: Nil



**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

179/2022 RESOLVED that Council accept the tender of Water Treatment Australia at a value of \$992,498.80 (including GST) for the upgrade of the Nyngan Water Treatment Plant. **(Milligan/Jackson)**

180/2022 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Jackson/Bright)**

MAYORAL MINUTE

182/2022 RESOLVED that Council adopt the new wording of the Council prayer.
(Neill/Milligan)

COUNCIL PRAYER

Holy God, grant to the members of Bogan Shire Council wisdom and skill, imagination and energy.

Help us to commit ourselves to serving the common good. *As we acknowledge the traditional custodians of the land on which we meet today and pay respects to Elders past and present, help us to build one community in the Bogan Shire.*

Please help the members of this Council to make wise decisions that will be a blessing, not only to the residents of our Shire, but well into the future.

May justice, honesty and truth prevail in the operation of our Council.

Help all the members of Council to carry out their work with diligence and enthusiasm.

Help them to work in harmony with one another.

AMEN

COMMITTEE MEETING MINUTES

1 MUSEUM COMMITTEE MEETING MINTUES

183/2022 RESOLVED that the minutes of the Nyngan Museum Committee meeting held at the Nyngan Museum on 6 July 2022, be received and noted. **(Douglas/Deacon)**



**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

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	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	<p>Pending discussions closer to State Elections.</p> <p>UPDATE: Mayor and GM held site visit with Scott Barrett MLC.</p>
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	<p>Letter written to Minister for Water.</p> <p>UPDATE: Scott Barrett MLC has been requested to follow up on letter to Minister for Water.</p>

Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022

3	28/11/2019	368/2019	Repairs to Nyngan & Cobar Emergency Water Storage	The General Manager be authorised to procure sufficient quantities Geosynthetic Clay Liner & Geotextile material to complete the remediation works, according to specifications provided by NSW Public Works. The procurement be carried out by way of quotations.	DES	Remediation work postponed due to wet weather and soft floor. Floor continues to be wet and soft from rain. Requires warm weather to dry out sub- base A contract variation has been issued to the Contractor for change of scope for repairs to inside batters.
4	17/12/2020	373/2020	Lack of Vacation Care/Before and After School Care in Nyngan	Council approach both primary schools in Nyngan. Council bring this matter to the attention of local State Member and Hon. Sam Faraway MLC.	DPCS	Meetings held with Principals of Nyngan Public and St Joseph's Schools. Letter sent to Hon. Bronnie Taylor MLC, Minister for Mental Health, Rural Youth and Women. UPDATE: Council has been informed that tenders for the new Before and After School Care service are to be issued by the Department of Education



**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

	24/02/2022	010/2022		Council make enquiries from the State Government to find out why progress has halted on before and after school care.		COMPLETED
	27/05/2022	118/2022		Correspondence from the NSW Government Education – School Infrastructure be received and noted and representatives from the NSW Department of Education be invited to attend and address the next Council meeting.		COMPLETED



**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

5	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	Pending commencement of grant- funded works. Pending commencement of grant- funded works.
6	27/05/2021	126/2021	Addressing Local Job Vacancies	Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.	DPCS	UPDATE: Report to Council refers.
7	28/05/2022	085/2022	Refugee Employment	Council funds, and invites the Bogan Shire's business community to participate in a skills and labour shortage	DPCS	UPDATE: Engagement with business community, including agricultural sector, commenced 18/07/22 with online and paper-based survey.

**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

				mapping exercise. Following the skills and labour shortage mapping exercise, representatives from identified Refugee Recruitment service providers be invited to a meeting with Council.		Refugee recruitment specialist invited to attend August Council Meeting.
8	28/10/2021	162/2021	Section 355 Committee – Nyngan Museum	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.	GM	Initial meeting held with Museum Committee. Draft delegations prepared for further discussions with Museum Committee. Referred to Audit & Risk Committee. UPDATE: Report from Internal Auditor to be considered by ARIC before making recommendations to Council.

**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

9	25/11/2021 24/03/2022	331/2021 068/2022	<p>Recycling Bins in Town Main Street</p> <p>Recycling Bin Waste Stickers</p>	<p>Recycling bins be made available in town main street.</p> <p>That Council, as part of the recycling education program that will be conducted through schools, supply students with a sticker and encourage to stick it to their household recycling bin.</p>	DDES	<p><u>UPDATE:</u> Eight recycling bins received – considered in Council’s best interest to delay installation until main street paving completed.</p> <p><u>UPDATE:</u> In Progress.</p>
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**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

10	27/05/2022	111/2022	Nyngan's Big Bogan Festival	Interested Bogan Shire community members be invited to participate in a committee / working group.	DPCS	Invitations made to Community Members. <u>UPDATE:</u> Meetings held, verbal report given to Council.
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**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

11	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	UPDATE: Public Works currently investigating suitability of substation site.
12	23/06/2022	141/2022	Dolly Parton's Imagination Library Australia	Council establishes an Imagination Library in partnership with United Way Australia.	DPCS	UPDATE: Initial meeting held with United Way to progress.
13	23/06/22	148/2022	Pangee Street Paving	The Director of Engineering investigate options of disposing of the pavers, as alternatives of what was discussed at the meeting, including costings, and report back to Council.	DES	Most appropriate method of disposal would appear to be removing old pavers to a non-Council-owned site to enable public access to the pavers free of charge. Further investigations continuing.

**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

14	28/07/2022	162/2022	Bogan River Signage	The General Manager, in consultation with the Mayor and Deputy Mayor, have discussions with the NALC as to whether the wording should be placed on an individual sign or as part of an information sign, as well as their preference for sign location.	GM	UPDATE: Letter sent to Nyngan LALC. Further discussions to take place.
15	28/07/2022	171/2022	Hoskins Street Subdivision	Council approves the draft subdivision layout, with the 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 ² . Strong representation is made to the Minister for Western New	DES	Amended plan sent back to consultants. UPDATE: Meetings between Alliance of Western Council and NSW Government held of 17/08/22 and 19/08/22 to discuss. Verbal update given at meeting.



**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

				South Wales in relation to Biodiversity Fund contributions.		
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Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022

184/2022 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.
(Douglas/Deacon)

2 INTERNAL AUDIT

Summary: The purpose of this report is to recommend to Council the continued appointment of our existing internal auditor.

185/2022 RESOLVED that Bogan Shire Council appoints Keith Coates Auditing as its Internal Auditor for the current financial year at a total cost of \$24,000.
(Jackson/Milligan)

3 LGNSW ANNUAL CONFERENCE

Summary: The purpose of this report is to inform Council of the date for the Local Government NSW (LGNSW) Annual Conference, to nominate representatives to the Conference and for Councillors to consider any motions that they wish to submit to the Conference.

186/2022 RESOLVED that Council send 3 delegates to the LGNSW Annual Conference. **(Boag/Menzies)**

4 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS

Summary: The purpose of this report is to review Policy AP002 Payment of Expenses and Provision of Facilities to the Mayor and Councillors. The Policy was first adopted in 2011 and is now due to be reviewed.

187/2022 RESOLVED that Council adopts Policy AP002 Expenses & Facilities for Mayor and Councillors. **(Menzies/Jackson)**

5 ALLIANCE OF WESTERN COUNCILS (AWC)

Summary: The purpose of this report is to present, for Councillors information, the minutes of the Alliance of Western Councils Meeting held on 1 July 2022.

188/2022 RESOLVED that the information report and minutes of the Alliance of Western Councils Meeting be received and noted. **(Jackson/Deacon)**

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

1 FIT FOR WORK POLICY

Summary: *The purpose of this report is to recommend to Council the adoption of Council Policy WHS011 Fit for Work.*

189/2022 RESOLVED that Council adopts the Bogan Shire Council Policy WHS011 – Fit for Work, with inclusion of the word “Councillors”, after the word “employees”, paragraph 7, page 3. **Boag/Douglas)**

2 BOGAN SHIRE YOUTH AND COMMUNITY CENTRE

Summary: *The purpose of this report is to inform Councillors about the planned opening of the new Bogan Shire Youth and Community Centre.*

190/2022 RESOLVED that the Bogan Shire Youth and Community Centre Report be received and noted. **(Bright/Deacon)**

3 REFUGEE EMPLOYMENT

Summary: *The purpose of this report is to present to Council the results of the skills and labour shortage mapping exercise recently carried out amongst the business community in the Bogan Shire LGA and to discuss the way forward in relation to refugee employment.*

191/2022 RESOLVED that this report be received and noted. **(Jackson/Menzies)**

Kate Sowden from Work and Stay presented to Council the services her organisation provides, with a focus on refugee employment and resettling into communities.

Council adjourned for supper at 7.00pm and resumed at 7.30pm

**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

4 BOGAN BUSH MOBILE ASSESSMENT AND RATING

Summary: *The purpose of this report is to inform Councillors about the Bogan Bush Mobile Assessment and Rating under the National Quality Standards (NQS).*

192/2022 RESOLVED that this report be received and noted, with congratulations conveyed to the staff for the Bogan Bush Mobile Assessment and Rating. **(Douglas/Jackson)**

5 STRONGER COUNTRY COMMUNITIES FUND – ROUND 5

Summary: *The purpose of this report is to advise Council of availability of funding under Round 5 of the NSW Government’s Stronger Country Communities Fund and to recommend an approach for community consultation to select projects.*

193/2022 RESOLVED that the General Manager applies for funding under the Stronger Country Communities Grant for the projects below, in priority order, until all grant funds are exhausted retaining a maximum of 35% for contingencies and project management / administration costs. **(Jackson/Menzies)**

Stronger Country Communities Fund Round 5		Est. Cost
Total \$861,266		
Infrastructure		
1	Playground Soffall (new and existing playgrounds)	\$224,000
2	Larkin Oval Improvements	\$208,266
3	Golf Club Pedestrian Access	\$136,000
4	Public Art	\$143,000
5	Fire Station Museum	\$150,000

194/2022 RESOLVED that Council suspend standing orders. **(Douglas/Deacon)**
Reason: For further discussion

195/2022 RESOLVED that Council resume standing orders. **(Douglas/Milligan)**

**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

6 RESOURCES FOR REGIONS ROUND 9

Summary: *The purpose of this report is to provide information to Council on funding from the Resources for Regions Grant and for Council's consideration of eligible projects.*

196/2022 RESOLVED that the General Manager applies for funding under the Resources for Regions Grant for the projects and programs below, in priority order, until all grant funds are exhausted retaining a maximum of 35% for contingencies and project management / administration costs. **(Jackson/Deacon)**

Resources for Regions Round 9		Total \$7,592,312	Est. Cost
Programs			
1	Bushcare Programs		\$368,000
2	Youth Programs		\$358,000
3	Medical Centre Services		\$914,000

197/2022 RESOLVED that the General Manager applies for funding under the Resources for Regions Grant for the projects and programs below, in priority order, until all grant funds are exhausted retaining a maximum of 35% for contingencies and project management / administration costs. **(Jackson/Bright)**

Infrastructure – General Community			
4	Larkin Oval Recreational Precinct		
	a. Tennis Courts & Clubhouse Improvements		\$318,000
	b. BSYCC Improvements		\$723,312
	c. Pool Improvements		\$196,000
5	Village Improvements		\$300,000
6	Sewer Main		\$700,000
7	Mine Village Carpark and Toilet Block		\$320,000

**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

198/2022 RESOLVED that the General Manager applies for funding under the Resources for Regions Grant for the projects and programs below, in priority order, until all grant funds are exhausted retaining a maximum of 35% for contingencies and project management / administration costs. **(Jackson/Menzies)**

Infrastructure - Roads		
8	Rural Roads	
	a. Pangee Road Construction	\$1,000,000
	b. Coffils Lane (construction & causeways)	\$1,450,000
	c. Okeh Road causeways	\$300,000
9	Nyngan Town Streets	
	a. Resealing	\$300,000
	b. Footpath/Kerb & Gutter replacement	\$300,000
	c. New footpath Dandaloo Street	\$45,000

**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

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

1 INVESTMENTS JULY 2022

Summary: The report is to outline the performance of Council's Investment Portfolio for the month of July 2022. The Investment Report for July 2022 is shown below. At the 31st July 2022 Council had \$15.4 million invested. There has been a decrease of \$1,849,675 due to expenditure paid out and not yet claimed as at 31st July 2022 on both Transport for NSW projects and Water Storage projects.

199/2022 RESOLVED that the Investments Report be received and noted.
(Milligan/Deacon)

2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary: This report is to provide a comparison of rate collections as at 31st July 2022, with the same period last year.
Total arrears have decreased from \$857,841 as at the 31st July 2021 to \$721,566 as at 31st July 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 \$721,566.

Rate Collections	2022-2023	2021-2022
Arrears Prior to 30/06/2022	721,566	857,841
First Instalment outstanding as at 31/07/2022	651,679	1,121,045
Second Instalment outstanding as at 31/07/2022	1,160,074	1,240,644
Third Instalment outstanding as at 31/07/2022	1,186,579	1,259,811
Fourth Instalment outstanding as at 31/07/2022	1,197,486	1,265,772
Total Arrears	721,566	857,841
Total Outstanding	5,726,502	5,745,113
Monthly Transactions		
Amount Levied & B/Fwd	6,015,283	6,157,663
Add: Adjustments	3,595	3928
Less: Payments to end of May	-1,025,662	-339,557
Less: Rebates	-78,377	-76,921
Add: Postponed	0	0
Gross Total Balance	5,726,502	5,745,113
Arrears of total amount levied %	12.6%	14%

200/2022 RESOLVED that the Rates and Annual Charges Collection Report be received and noted. (Jackson/Menzies)



Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022

3 AUDIT OF 2021/2022 FINANCIAL ACCOUNTS

Summary:

This report is to advise Council of the timeline for the Audit of the 2021/2022 Statutory Accounts.

201/2022 RESOLVED that Council refer the 2022 Annual Financial Statements for Audit and that the necessary elected members and staff be authorised to sign the Statement by Councillors and Management on the General Purpose and Special Purpose Financial Statements for the year ended 30th June 2022. **(Jackson/Deacon)**

4 LICENCE AGREEMENT WITH NYNGAN RUGBY UNION CLUB INC.

Summary: *The report is to:*

- (a) Advise Council of the renewal of the licence agreement with the Nyngan Rugby Union Club Inc. in relation to use of the Clubhouse at Larkin Oval; and*
- (b) Advise Council that the charge for the Nyngan Rugby Union Club Inc. is the statutory minimum rental applicable to tenures under the Crowns Land Act 1989 (NSW).*

202/2022 RESOLVED that the Licence Agreement with Nyngan Rugby Union Club Inc. Report be noted. **(Jackson/Douglas)**

**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

Clr Milligan left the room.

Reason: Declaration of Interest in Report 5 Financial Assistance to Community Service Organisations

5 FINANCIAL ASSISTANCE TO COMMUNITY SERVICE ORGANISATIONS

Summary:

The report is to advise Council of requests received for Financial Assistance in relation to Rates and Charges levied on Community Service Organisations.

Council has in the past granted Financial Assistance to the below organisations to help with payment of their Annual Rates and Charges. The request is that the same assistance applies to this current financial year.

203/2022 RESOLVED that Council:

1. Provides financial assistance to The Nyngan Baptist Fellowship to the value of \$1,746, which represents all rates and charges levied on the Nyngan Baptist Fellowship. This would exclude any usage charges for water.
2. Provides financial assistance to the Trustees of the Bobadah Hall to the value of \$348, which represents the Waste Depot Levy.
3. Provides financial assistance to the Christian Community Church to the value of \$1,746, which represents all rates and charges levied on the Christian Community Church. This would exclude any usage charges for water.
4. Provides financial assistance to the Nyngan Water Ski Club to the value of \$911, which represents all rates levied.

(Deacon/Boag)

Clr Milligan returned to the room.



**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

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

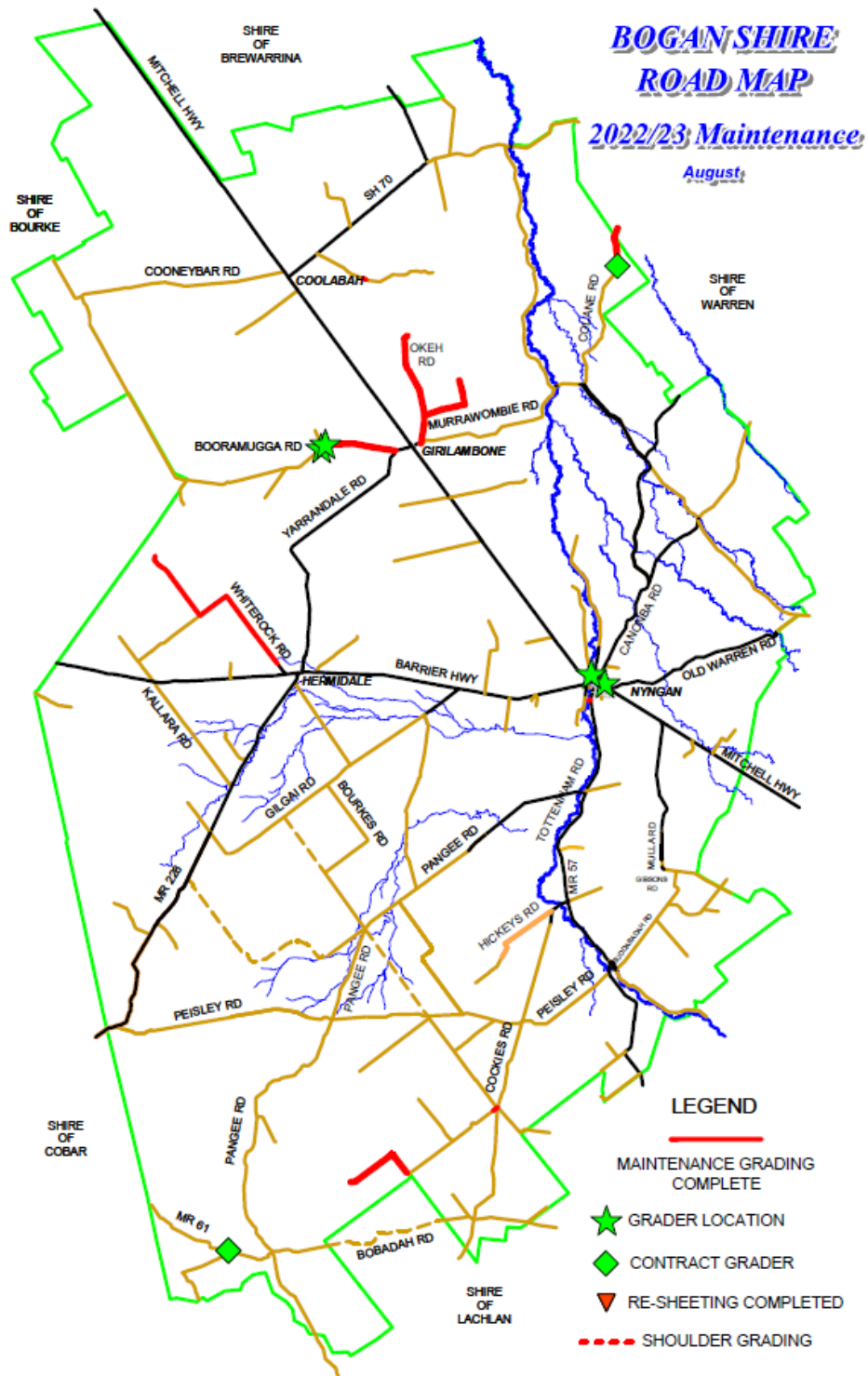
1 DEPARTMENTAL ACTIVITY REPORT

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.

204/2022 RESOLVED that the Operational Report be received and noted.
(Douglas/Boag)

Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022



Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022

**REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR OF
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 regards to the activities of the Development and Environmental Services Department.*

205/2022 RESOLVED that:

1. Council charge a fee of \$500 for Major Events Waste Disposal for unseparated waste with the understanding that the fee is waived if the waste is separated. **(Milligan/Boag)**
2. The Development and Environmental Services Departmental Activity Report be received and noted. **(Jackson/Deacon)**

2 BOGAN RIVER BUSH CARE PROGRAM

Summary: *The purpose of this report is to inform Council of the Bogan River Bush Care Program.*

206/2022 RESOLVED that the Bogan River Bush Care Program report be received and noted. **(Douglas/Milligan)**

3 REMOVAL OF ATHEL PINES

Summary: *The purpose of this report is to inform Council of its responsibility under the Biosecurity Act 2015 in relation to Athel Pine (*Tamarix aphylla*).*

207/2022 RESOLVED that:

1. Council removes all Athel Pines located adjacent to the airport.
2. Council plants native species to replace the Athel Pines that will be removed, with funding to be allocated at the next budget review.

(Menzies/Milligan)

**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022**

4 KERBSIDE WASTE

Summary:

The purpose of this report is for Council to determine if a bulky kerbside waste collection should proceed.

208/2022 RESOLVED that Council determine that the bulky kerbside collection trial proceed and determine associated costs at the next budget review.
(Jackson/Menzies)

5 SUBDIVISION OF LAND BELOW THE MINIMUM LOT SIZE

Summary:

The purpose of this report is to inform Council of the statutory framework that supports the minimum subdivision lot size requirements.

209/2022 RESOLVED that:

1. This report regarding the statutory framework that supports the minimum lot size requirements of Bogan LEP be received and noted by Council.
2. That the General Manager investigates the costs involved in a housekeeping amendment to the Bogan LEP 2011, and report back to a future Council Meeting **(Douglas/Deacon)**



Minutes of the Ordinary Meeting
of Bogan Shire Council held on 25 August 2022

PRECIS OF CORRESPONDENCE

1 SCOTT BARTLEY, RENEWAL OF POOL MANAGER CONTRACT FOR 2022/23 SEASON

210/2022 RESOLVED that Mr Bartley be appointed as the Pool Manager for the duration of the 2033/23 Season, on the same previous terms and conditions. **(Douglas/Deacon)**

2 NYNGAN COMMUNITY HOMES ASSOCIATION INC

211/2022 RESOLVED that correspondence from Nyngan Community Homes Association Inc, be received and noted. **(Douglas/Jackson)**

3 NYNGAN GARDEN CLUB

212/2022 RESOLVED that the General Manager informs the Nyngan Garden Club that grant funding has been applied for painting a mural on the water tower. **(Jackson/Douglas)**

4 GIRILAMBONE COMMUNITY ASSOCIATION

213/2022 RESOLVED that Council agrees to the use of village funds for the replacement of the hot water system for the Girilambone Campground toilet block. **(Milligan/Menzies)**

There being no further business, the meeting closed at 9.45pm.

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

.....
GENERAL MANAGER

.....
MAYOR

NOTES
