



# **BOGAN SHIRE COUNCIL**

## **Ordinary Minutes**

**Date: Thursday, 27 July 2023**

**Time: 5:30pm**

**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 THURSDAY, 27 JULY 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), D Wood (Director People and Community Services), S Waterhouse (Director Finance and Corporate Services), G Bourke (Director Engineering Services), C Foley (Acting Director Development and Environmental Services)

**1 OPENING PRAYER**

**2 REMEMBRANCES**

A minute's silence was observed for the late Glad Eldridge

**3 APOLOGIES**

As noted in the Confidential Meeting, **140/2023 RESOLVED** That the apology received from Cr Elias be accepted and leave of absence granted. **(Douglas/Boag)**

**4 DISCLOSURE OF INTERESTS**

Nil

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 27 July 2023:

**Resolved 140/23**

Moved: Cr J Douglas  
Seconded: Cr V Boag

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

**Resolved 141/23**

Moved: Cr K Bright  
Seconded: Cr D Menzies

**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).

**DISCLOSURE OF INTERESTS**

The following disclosure of interests were declared:

Clr Neill declared an interest in the Confidential Section of the Meeting:

5.1 Voluntary Planning Agreement – Federation Mine

Reason: Due to position as a Director of Neill Earthmoving which carries out contract work for Aurelia Metals Limited.

**CONFIRMATION OF CONFIDENTIAL MINUTES – 22 JUNE 2023**

**Resolved 142/23**

Moved: Cr D Menzies  
Seconded: Cr G Deacon

That the minutes of the Confidential Meeting of Council held on 22 June 2023, copies of which have been circulated to Councillors be taken as read and confirmed with the following amendment:

Amendment to Minutes: Chris Foley, Acting Director Development & Environmental Services was present at meeting on 22 June 2023.

**5.1 VOLUNTARY PLANNING AGREEMENT - FEDERATION MINE**

**Resolved 143/23**

Moved: Cr D Menzies  
Seconded: Cr G Jackson

1. That Council endorse the draft Federation Mine Voluntary Planning Agreement for the purposes of public exhibition.
2. That Council place on public exhibition the draft Federation Mine Voluntary Planning Agreement for a period of at least 28 days, during the exhibition period call for and accept submissions from the public on the draft Voluntary Planning Agreement.

**LATE ITEM OF BUSINESS****Resolved 144/23**

Moved: Cr J Douglas

Seconded: Cr R Milligan

That Council discuss the late item of business in the Confidential Meeting – Tenders for Larkin Oval Changeroom.

**5.2 TENDERS FOR LARKIN OVAL CHANGEROOM****Resolved 145/23**

Moved: Cr R Milligan

Seconded: Cr G Deacon

1. That subject to additional funds being identified, Precinct Commercial Pty Ltd be awarded this contract as the Single Source provider to Bogan Shire Council in the amount of \$523,482.00 ex GST.

Moved: Cr R Milligan

Seconded: Cr J Douglas

2. That the General Manager be authorised to enquire from NSW Government about topping up the existing funds to meet the additional costs or alternatively that Council commit \$133,057 from the next round of Local Roads and Community Infrastructure grants.

**Resolved 146/23**

Moved: Cr J Douglas

Seconded: Cr G Deacon

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

**5 CONFIRMATION OF ORDINARY MINUTES -22 JUNE 2023**

**Resolved 147/23**

Moved: Cr K Bright  
Seconded: Cr G Deacon

That the minutes of the Ordinary Meeting of Council held on 22 June 2023, copies of which have been circulated to Councillors be taken as read and confirmed with the following amendment:

Amendment to Minutes:

- Chris Foley, Acting Director Development & Environmental Services was present at meeting on 22 June 2023.
- Checklist Item 6 Section 355 Committee Nyngan Museum 281/2002 Page 47 Date should read 15/12/2022

**CARRIED**

**6 NOTICE OF MOTION**

Nil

**7 MAYORAL MINUTES**

Nil

**8 COMMITTEE MEETING MINUTES**

Nil



## 9 GENERAL MANAGER'S REPORTS

### CHECKLIST

Item	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>	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.  Discussed with Roy Butler 07/06/2023, for follow-up.
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>	Letter written to Minister for Water.  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.

Item	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.	<b>GM</b>	<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> <p>DPE have advised that no additional funding is available for the project.</p> <p><b>UPDATE:</b> Letter written to new Minister for Water, advising them of resolution 122/2022 and seeking clarification on funding.</p> <p>Public Works &amp; DPE have been advised of Council's resolution to request a 200mm pipeline.</p>
	23/02/2023	010/2023	<b>Nyngan Emergency Bore</b>	A decision on the request for a meeting be deferred until Council receives a response from the NSW Government on whether the emergency		On hold pending response.

Item	Date	Minute No	Matter	Action Required	Officer	Status
	27/04/2023	081/2023		bore hole project is to be funded. 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.		Letter sent to Richard and Virginia Woodlock advising them of Council's resolution.
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 provided by NSW Public Works. The procurement be carried out by way of quotations.	<b>DES</b>	Repairs complete – awaiting project sign-off by NSW Public Works.  <b><u>UPDATE:</u></b> Currently filling storage with water. <b>COMPLETED</b>
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	<b>DES</b>	Pending commencement of grant-funded works.

Item	Date	Minute No	Matter	Action Required	Officer	Status
				stand adjacent to the dump. A cement path from the existing walkway to the sign be constructed, with available funding.		
5	27/05/202  27/04/2023	126/2021  061/2023	<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.  Council make a preliminary start with the Marketing campaign by producing a short promotional video which can be distributed and uploaded by social media.	<b>DPCS</b>	Planning for new residential subdivision has commenced.  <b>UPDATE:</b> Promotional video now completed. Report and presentation to Council refers. <b>COMPLETED</b>
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.

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.		Investigations commenced regarding benefits of incorporation. Discussion paper circulated to Museum executive.  <b>UPDATE:</b> Meeting to be held with Museum executive on 20/07/2023 to progress discussions.
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.
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.  Council request NSW Public Works to provide a report to Council on the relative cost of the proposed substation	<b>DES</b>	Public Works to discuss with Crown Lands use of site adjacent to electricity sub-station at the end of Dandaloo Street.  Public Works has been requested to prepare a report on comparing the Dandaloo Street site with the raw
	23/03/2023	011/2023				

Item	Date	Minute No	Matter	Action Required	Officer	Status
				and existing pump station sites, including relative pros and cons.		water pumpstation site when funding deed has been signed.  <b>UPDATE:</b> Awaiting funding deed from NSW Government for Safe and Secure Water Grant for initial investigation and design of new water treatment plant.
9	27/10/2022  15/12/2022	246/2022  314/2022	<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 public to collect, for a set time, then review matter.  The Pangee Street CBD footpath be completed with a coved trowel finish including rows of pavers installed across the path at regular intervals to break up the large areas of concrete.	<b>DES</b>	To be advertised when a construction schedule has been finalised.  Advertisement posted on Facebook 05/06/2023. Report to Council refers.  <b>COMPLETED</b>  Successful tenderer has advised that the commencement of work will be delayed to July due to acceptance of other contracts before ours.  <b>UPDATE:</b> Scheduled to start 25/07/2023.
10	28/07/2022	171/2022	<b>Hoskins Street Subdivision</b>	Council approves the draft subdivision layout, with following amendments	<b>DES</b>	Meetings between Alliance of Western Council and NSW

Item	Date	Minute No	Matter	Action Required	Officer	Status
				<p>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 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>		<p>Government held of 17/08/22 and 19/08/22 to discuss.</p> <p>Alliance of Western Councils working with Urban Taskforce and making representation to Premier and Minister for Environment.</p>
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. Replacement trees have been delivered.</p> <p><b>UPDATE:</b> Site clean-up has been completed and planting commenced. <b>COMPLETED</b></p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
12	27/10/2022	260/2022	<b>Kerbside Waste</b>	Council trial the bulky kerbside collection, as a once of collection and the take-up be gauged, and a further report to Council.	<b>DDES</b>	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. Survey was run for a four-week period ending 19 May 2023. <b>COMPLETED</b>
	22/06/2023	137/2023		Council not proceed to a one-off trial service of the Bulky Kerbside Collection.  Council invites people who cannot get out to the tip to register with Council, so that Council can help facilitate assistance.		<b>UPDATE:</b> Community informed through local Newspaper, Facebook and radio. <b>COMPLETED.</b>



Item	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>DDES</b>	In progress.
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>	<b>UPDATE:</b> Negotiations completed. Report to Council refers.
15	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>	Notice placed in Nyngan Weekly newspaper.  Names of interested parties forwarded to Bureau of Meteorology.  <b>UPDATE:</b> Weather observations resumed at Nyngan Airport.  <b>COMPLETED</b>

Item	Date	Minute No	Matter	Action Required	Officer	Status
16	23/03/2023	053/2023	<b>Reclassification of Land – 8 Tabratong Street</b>	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.	<b>DDES</b>	Council has requested Department of Planning to consider undertaking the reclassification as part of its Minor Amendments Project.  <b>UPDATE:</b> Awaiting DoP consideration and advice.
17	27/04/2023	080/2023	<b>Precis – John and Penny Hoy</b>	Council request John and Penny Hoy to meet with the Mayor and General Manager to discuss their concerns.	<b>GM</b>	Letter sent to John and Penny Hoy advising them of Council's resolution.  Meeting held 01/06/2023. Agreement that Bogan Shire Council would seek comment from NSW Public Works as to action required.  <b>UPDATE:</b> Response comments from NSW Public Works, which indicates that they don't believe the storage dams are the cause of undue flooding on their property, forwarded to John and Penny Hoy.
18	25/05/2023	107/2023	<b>Temporary Workers Accommodation</b>	Report be prepared for Councils consideration regarding the costs and implications to change the land zoning using contents in	<b>DDES</b>	<b>UPDATE:</b> Report for future Council Meeting

Item	Date	Minute No	Matter	Action Required	Officer	Status
				RU1 – Primary Production under the Bogan Local Environmental Plan (LEP) 2011 from a 'closed zone' to an 'open zone'.		
19	22/06/2023	139/2023	<b>Banking Situation in Nyngan</b>	Council write to the National Australia Bank regarding the future of the Nyngan Branch of the National Australia Bank.	<b>GM</b>	<b><u>UPDATE</u></b> – Letter written

## 14.1 CHECKLIST

### Resolved 148/23

Moved: Cr V Boag

Seconded: Cr G Jackson

That the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the Checklist.

**CARRIED**

**10 PEOPLE AND COMMUNITY SERVICES REPORTS****15.1 BOGAN BUSH MOBILE - TERM 2 REPORT****1. Introduction**

The purpose of this report is to advise Council on the Term 2 activities of the Bogan Bush Mobile service.

**Resolved 149/23**

Moved: Cr G Jackson

Seconded: Cr D Menzies

That the Bogan Bush Mobile report be received and noted.

**CARRIED****15.2 BOGAN SHIRE YOUTH AND COMMUNITY CENTRE****1. Introduction**

The purpose of this report is to provide information to Council on the operations and statistics of the Bogan Shire Youth and Community Centre (BSYCC).

**Resolved 150/23**

Moved: Cr D Menzies

Seconded: Cr J Douglas

That the Operational Report for the Bogan Shire Youth and Community Centre be received and noted.

**CARRIED****15.3 BOGAN SHIRE SHORT PROMOTIONAL VIDEO****1. Introduction**

The purpose of this report is to present to Council a short promotional video for distribution to local businesses, organisations, and government agencies to assist with recruitment efforts.

**Resolved 151/23**

Moved: Cr G Jackson

Seconded: Cr R Milligan

That the Bogan Shire short promotional video be made available for distribution to local businesses, organisations, and government agencies to assist with recruitment efforts.

**CARRIED**

**11 FINANCE AND CORPORATE SERVICES REPORTS****16.1 INVESTMENTS JUNE 2023****1. Introduction**

The purpose of this report is to outline the performance of Council's investment portfolio for the month of June 2023.

**Resolved 152/23**

Moved: Cr J Douglas  
Seconded: Cr G Jackson

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

**CARRIED**

**16.2 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<sup>th</sup> June, 2023, with the same period last year.

**Resolved 153/23**

Moved: Cr V Boag  
Seconded: Cr G Deacon

That Council receive and note the Rates and Annual Charges Collection report.

**CARRIED**

## **16.3 ACCOUNTING TREATMENT FOR RURAL FIRE SERVICE FIRE-FIGHTING EQUIPMENT**

### **1. Introduction**

The purpose of this report is to bring to Council's attention again, the ongoing issue concerning the recording of the Rural Fire Service (RFS) red fleet assets in Council's annual financial statements. The Report also seeks confirmation that Council wishes to continue with the current accounting treatment of such assets – which is to not include them in Council's asset registers, even though this position will more than likely see Council with a qualified audit for 2022/2023.

### **Resolved 154/23**

Moved: Cr J Douglas

Seconded: Cr G Deacon

That Council, considering the risks involved in receiving a qualified report for the 2022/2023 Financial Year, does not include Rural Fire Service Red Fleet assets in Bogan Shire Council's annual financial statements, based on the fact that Council does not control, manage, or govern Rural Fire Service assets.

**CARRIED**

## **16.4 CARRY FORWARDS AND REVOTES FROM 2022/2023 CAPITAL BUDGET**

### **1. Introduction**

The purpose of this report is to advise Council of the carry-forward amounts for the 2023/2024 budget and to ask Council to revote on projects that had not commenced as at 30th June 2023.

### **Resolved 155/23**

Moved: Cr V Boag

Seconded: Cr R Milligan

1. That Council note the Carry Forwards from 2022/2023 to 2023/2024.
2. That Council revote the items listed that had not commenced prior to the 30th June 2023.

**CARRIED**

## 12 ENGINEERING SERVICES REPORTS

### 17.1 DEPARTMENTAL ACTIVITY REPORT

#### 1. Introduction

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

#### **Resolved 156/23**

Moved: Cr G Jackson

Seconded: Cr G Deacon

That the Engineering Departmental Report be received and noted.

**CARRIED**

### 17.2 NYNGAN AERODROME LIGHTING

#### 1. Introduction

The purpose of this report is to advise Council that the Nyngan aerodrome lighting system has completely failed and to recommend its replacement as soon as possible.

#### **Resolved 157/23**

Moved: Cr G Jackson

Seconded: Cr G Deacon

1. That the General Manager makes arrangements to replace the Nyngan aerodrome lighting system as a matter of urgency in the best interests of Council given its vital role in enabling emergency night time landings.
2. That the General Manager seeks a variation in R4R Round 9 grant funding from the Upgrade of Okeh, Pangee and Coffils thoroughfare Roads in the Bogan Shire Project (Pangee Road Section), to provide funds for the replacement of the Nyngan Aerodrome Lighting System.

**CARRIED**



## 17.3 NYNGAN CEMETERY LAWN SECTION HEADSTONES

### 1. Introduction

The purpose of this report is for Council to consider options for a headstone style for the new section of the Nyngan lawn cemetery.

#### **Moved:**

That Council introduces a new headstone style for the new section of the Nyngan lawn cemetery, as shown as figure 3 in this report, taking into consideration maintenance and construction cost.

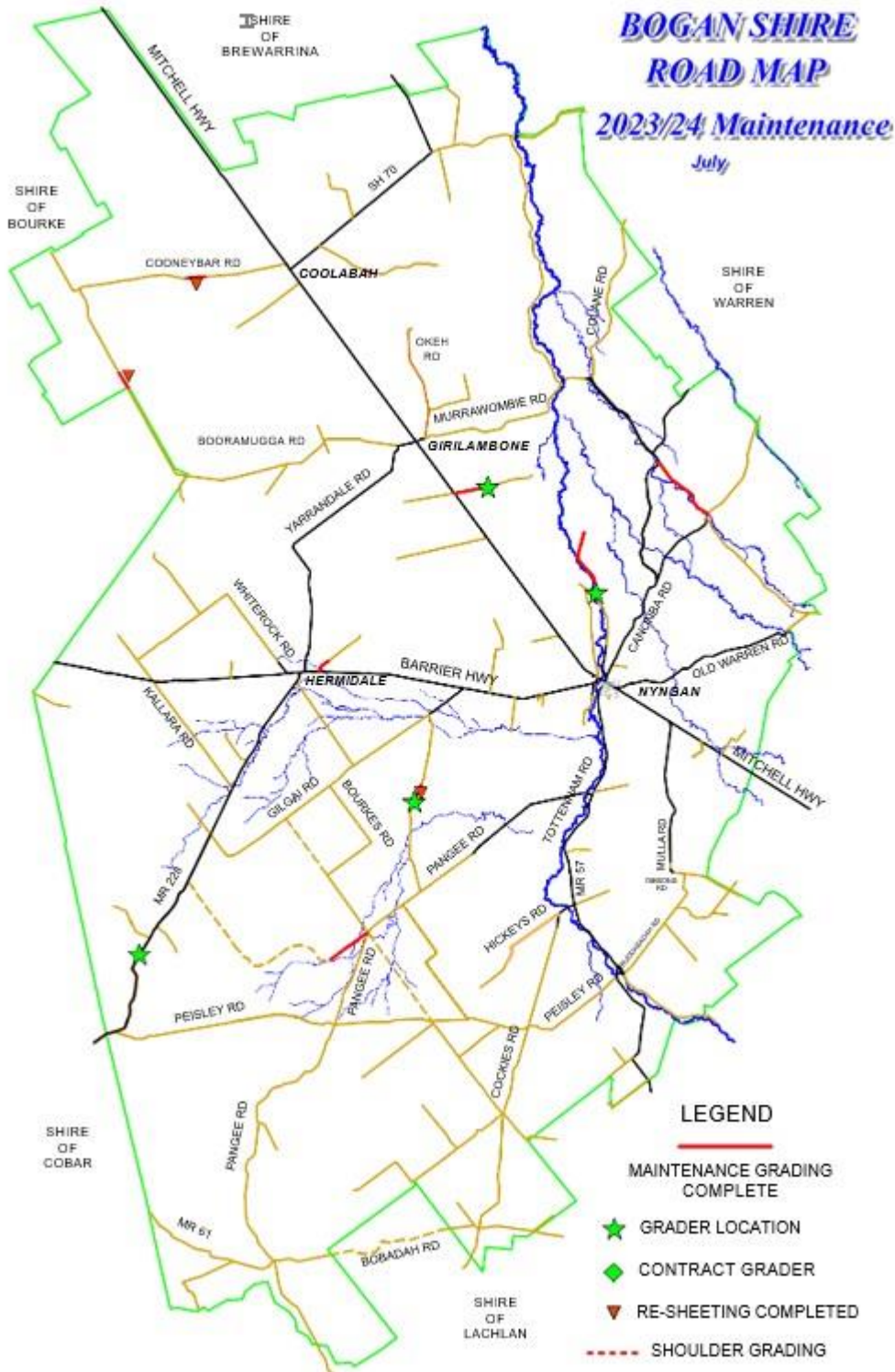
**(Milligan/Menzies)** *the motion was put to a vote lost.*

#### **Resolved 158/23**

Moved: Cr V Boag

Seconded: Cr J Douglas

That consideration of the Nyngan Cemetery Lawn Section Headstones Report be held over until the next meeting. **CARRIED**



## **13 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS**

### **18.1 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 Development and Environmental Services Department.

#### **Resolved 159/23**

Moved: Cr K Bright

Seconded: Cr G Deacon

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

**CARRIED**

**14 PRECIS OF CORRESPONDENCE****19.1 CORRESPONDENCE FROM NYNGAN HIGH SCHOOL, SPONSORSHIP REQUEST****Resolved 160/23**

Moved: Cr R Milligan

Seconded: Cr J Douglas

1 That Council respond to the request with a donation of \$2000 to Nyngan High School, with the funding to come from the funds allocated to the Tongling program.

Moved: Cr V Boag

Seconded: Cr J Douglas

2 That the General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.

**CARRIED****19.2 GIRILAMBONE COMMUNITY ASSOCIATION****Resolved 161/23**

Moved: Cr D Menzies

Seconded: Cr K Bright

That the correspondence from the Girilambone Community Association be received and noted.

**CARRIED****19.3 CORRESPONDENCE FROM SCOTT PHILLIPS, CHIEF EXECUTIVE LG NSW****Resolved 162/23**

Moved: Cr K Bright

Seconded: Cr V Boag

That the correspondence from Scott Phillips, LG NSW be received and noted.

**CARRIED**

**15 MEETING CLOSURE**

There being no further business, the meeting closed at 8.27pm 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**