



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**17 December 2020**





### **Published Recording of Council Meeting**

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**Minutes of the Ordinary Meeting  
of Bogan Shire Council held in the Council Chambers 17 December 2020 at 8.30am**

Also present were Mr Derek Francis (General Manager), Mr Graeme Bourke (Director Engineering **PRESENT:** Councillors RL Donald OAM (in the Chair), VJ Boag, WG Deacon, JL Douglas, VJ Dutton, AJ Elias, GN Jackson, GRJ Neill and KM Ryan.

Services), Mrs Debb Wood (Director People and Community Services, Mrs Stephanie Waterhouse (Director Finance and Corporate Services), and Mrs Melissa Salter (Acting Executive Assistant).

**DECLARATION OF INTEREST:**

Councillor Neill       Minutes of Council Meeting 26 November 2020  
Resolution 317/

**PRESENT:** Councillors RL Donald OAM (in the Chair), VJ Boag, WG Deacon, JL Douglas, VJ Dutton, AJ Elias, GN Jackson, GRJ Neill and KM Ryan.

Also present were Mr Derek Francis (General Manager), Mr Graeme Bourke (Director Engineering Services), Mrs Debb Wood (Director People and Community Services, Mrs Stephanie Waterhouse (Director Finance and Corporate Services), and Mrs Melissa Salter (Acting Executive Assistant).

**DECLARATION OF INTEREST:** Nil

**353/2020 RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 26 November 2020 copies of which have been circulated to Councillors be taken as read and confirmed with the following amendments:   **(Ryan/Dutton)**

**Amendments:**

- **Minute 326/2020** – Item 3 & 4 repetition deleted, and amended wording to read:
  2. That the General Manager convenes a meeting with the Mayor, Deputy Mayor, Water NSW, Department of Planning, Industry and Environment and NSW Public Works to discuss matters concerning the proposed Nyngan emergency bore.   **(Ryan/Neill)**
- **Minute 332/2020**

That the Annual Report, as amended, be received and noted, and is to be submitted to the Minister for Local Government for comment.   **(Boag/Neill)**

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The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 17 December 2020.

**348/2020 EXCLUSION OF PRESS AND PUBLIC: RESOLVED** that Council move into a closed section of Council with the public excluded in accordance with the Local Government Act 1993, Clause 10A (2) (c) because it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. **(Jackson/Elias)**

**349/2020 RESOLVED** that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 26 November 2020, copies of which have been circulated to Councillors be taken as read and confirmed. **(Ryan/Boag)**

**350/2020 RESOLVED** that Council accepts the tender from, WDI Earthmoving, for the supply and delivery of 17,000 tonnes of DGB20 at a rate of \$33.00/tonne. **(Neill/Boag)**

**351/2020 RESOLVED** that:

1. Council not accept any of the tenders submitted for the construction of the Bogan Shire Youth and Community Centre.
2. The General Manager enter into negotiations with any or all tenderers, as well as any other suitable person, with a view to entering into a contract in relation to the construction of the Bogan Shire Youth and Community Centre.
3. Council's reason for declining to invite fresh tenders is that:
  - a. This is the second time that tenders have been called for the Bogan Shire Youth and Community Centre with the resulting contract price being unaffordable on both occasions. The second tender was carried out with minimum requirements included.
  - b. Retendering is likely to lead to diminishing returns with increased costs in redesign and tendering.
  - c. The construction is tied to grant funding which is time sensitive.
4. Council's reason for determining to enter into negotiations is that:
  - a. Advice from Council's consultant is that a more positive result can be obtained by negotiating with contractors involving analysis and prioritisation of needs.
  - b. This negotiation process will result in a better financial outcome for Council in the best interests of our community.
5. Council requests the New South Wales Government to reallocate funding of \$160,000 within the current round of Resources for Regions grants to the Bogan Shire Youth and Community Centre from the CBD Tourism Developments project.

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6. Council provides \$200,000 in own funding from the sale of the 8A and 8B Dandaloo Street properties subject to notification of a successful outcome of current Resources For Regions funding applications.
7. Council considers including the \$160,000 taken from the CBD Tourism Development project in future rounds of grant funding.

**(Douglas/Deacon)**

**352/2020 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. **(Boag/Elias)**

**COMMITTEE MEETING MINUTES**

**MUSEUM COMMITTEE MINUTES**

**354/2020 RESOLVED** that the minutes of the Nyngan Museum Committee meeting held at the Nyngan Museum on Wednesday 2 December 2020 be received and noted. **(Neill/Dutton)**

**MAYORAL MINUTE**

**SENIORS RENTAL ACCOMMODATION**

**355/2020 RESOLVED** that Council supports a joint application with Nyngan Community Homes to the Building Better Regions Fund, Round 5, for Seniors Living Units on the site of the former Palais Theatre, with the necessary plans to be drawn up. **(Neill/Ryan)**

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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	28/09/2017	283/2017	<b>Medical Centre</b>	The General Manager in consultation with PHN proceeds to recruit & engage a second doctor for the BSMC.	<b>GM</b>	Recruitment agencies engaged to source locum / permanent second doctor. Locums secured until 30/06/2021. Renewed recruitment effort underway for permanent doctor with the Rural Doctors Network and Local Health District.
2	21/12/2017	392/2017	<b>Increase of train speed through Nyngan</b>	Strong letter of concern & a request to address Council be sent to the relevant rail authorities & a copy to local member.	<b>GM</b>	Letter sent to Minister for Transport & Infrastructure, with copy to Kevin Humphries.



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	21/06/2018	293/2018		<p>Council seek further follow up from the responsible Minister, reiterating Council’s safety concerns for pedestrians &amp; road users due to the nature of the crossing &amp; variation of speeds.</p> <hr/> <p>The best control measures would be to erect flashing lights at the Hoskins Street Crossing.</p> <hr/> <p>Council engage a Safety Consultant to inspect the Hoskins Street Level Crossing &amp; to provide a report documenting the safety factors of the Crossing which can then be forwarded to the John</p>	<b>DES</b>	<p>406 Petitions received.</p> <p>On-site meeting held with Deputy Premier.</p> <p>Met with Minister for Regional Transport &amp; Roads in Bourke on 25 November 2019.</p> <hr/> <p>Council advised that this crossing is not a priority for John Holland Rail.</p> <hr/> <p>Safety Consultant has been engaged to inspect crossing at the end of July &amp; will be preparing a risk audit for Council.</p> <p><b><u>UPDATE:</u></b> Report to December meeting refers.</p>
	28/05/2020	110/2020				

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				Holland Rail & Minister for Regional Transport & Roads.		
3	24/04/2019	117/2019	<b>Cobar Water Board</b>	Whilst Council is prepared to have discussion with CWB to explore options for delivery of water to minor users within the Bogan Shire LGA, it does not agree to the Board's proposal at this stage.	<b>GM</b>	<p>Further correspondence sent to CWB.</p> <p>Following meeting with CWB held on 11 January 2020, further agreements are to be negotiated.</p> <p>Agreed with Secretary CWB on the need for a further meeting to negotiate arrangements.</p> <p><b><u>UPDATE:</u></b> Meeting planned for New Year.</p>

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4	22/08/2019	264/2019	<b>Stronger Country Communities Fund – Round 3</b>	Council works with community orgs who deliver youth and other community support services to investigate methods of funding for ongoing employment of a part-time Youth Worker & further upgrading to the facility.	<b>DPCS</b>	Discussions yet to commence – reprioritised due to current pandemic circumstances.  <b><u>UPDATE:</u></b> Meeting planned for New Year.
5	26/09/2019  24/10/2019	292/2019	<b>Garford Fire Engine</b>	Council proceed with the respray of the Garford Fire Engine, with funds to be provided from the Historical Society \$5,224, Community Arts & Culture Fund \$15,362 & Accumulated Funds \$9,414. Council examine options on the best way forward.	<b>DES</b>	Quotes for the Garford to be resprayed and the exterior restored have been requested.  <b><u>UPDATE:</u></b> Precis item refers.

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6	28/11/2019	366/2019	<b>Regional Water Supply Pipe Network</b>	Council supports in principle the investigation of a Regional Water Supply Network servicing the communities currently supplied by the Macquarie River downstream of Burrendong Dam.	<b>GM</b>	Water NSW is progressing investigation for pipeline from Narromine bore fields to Nyngan. Water NSW investigating bores in the Warren Shire and will notify land-owners in the surrounding area.  <b><u>UPDATE:</u></b> Council feedback provided to Water NSW following November Meeting.
7	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>	Remediation work in progress.  Remediation work postponed due to wet weather and soft floor.  <b><u>UPDATE:</u></b> Work scheduled to recommence after Christmas if no significant rain.

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8	23/07/2020	192/2020	<b>Crown Land to convert the Perpetual Special Lease 78218 (Saleyards) to freehold &amp; transfer title to Council.</b>	<p>1. Council purchase the Nyngan saleyards from the Crown at a cost of \$35,100 funded from Council's reserves.</p> <p>2. The GM present a report to Council on necessary measures to allow future use of the site, including an RMS heavy vehicle uncoupling station, wash bay for trucks &amp; hold over are for livestock.</p>	<b>GM</b>	<p>1. In progress.</p> <p>2. <b>UPDATE:</b> Meeting requested with RMS.</p>
9	23/07/2020	193/2020	<b>Speed limit in Nyngan CBD</b>	<p>Survey responses received for reducing speed limit in Nyngan CBD to 40km/hr between Terangion &amp; Dandaloo Streets presented to e Traffic Committee Meeting to</p>	<b>DES</b>	<p>Referred to RMS.</p> <p><b>UPDATE:</b> Formal application with RMS in progress.</p>

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				be held August 2020.		
10	22/10/2020	306/2020	<b>Hermidale Park</b>	Further community consultation be carried out by way of a survey which includes a larger plan of the proposed new site, next to the Phillip Dutton Rest Area	<b>DPCS</b>	<b>UPDATE:</b> Community Survey distributed and closing on 16.12.2020. Results to be tabled at the Council Meeting. <b>UPDATE 17.12.20:</b> Survey distributed and tabled at meeting.
11	24/09/2020	277/2020	<b>Loop the Levee</b>	A report suggesting locations and costs concerning the levee or parts of it to be a shared pedestrian/cycle path be presented to Council.	<b>DES</b>	In progress

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12	24/09/2020	257/2020	<b>Nyngan Golf Club</b>	Council approach the NGC offering them a sign with our logo and other details of Bogan Shire Council to be put on one of the 18 holes	<b>DPCS</b>	<b>UPDATE:</b> Awaiting sponsorship invoice from NGC.
13	26/11/2020	329/2020	<b>Centre of NSW Cairn</b>	<p>1. Council request a meeting with representatives from Lachlan Shire, Collerina Hall Committee and Tottenham Progress Association to further discuss options.</p> <p>2. Signage Option 1 selected, inclusive of large rocks in place to prevent vehicle access.</p>	<b>DPCS</b>	In progress.

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			<b>Centre of NSW Cairn</b>	3. Report on final design recommendations, including costs to a further meeting of Council for approval and budget consideration, following meeting of four parties.		
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**356/2020 RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.  
**(Ryan/Jackson)**

**2 PANGEE STREET FIG TREE**

**Summary:-**

*The purpose of this report is to present Council with two options for the management of the Fig Tree on the Pangee Street footpath (in front of the Davidson Park toilets).*

**357/2020 RESOLVED** that:

1. Council introduce measures to monitor the tree’s health and stability for a period of time including:
  - i. Closing off parking spaces in the tree’s fall zone for a period to be determined based on arborist’s advice
  - ii. Installing motion sensors on the tree and having these monitored on an ongoing basis by an arborist as required
  - iii. Bracing the tree
  - iv. Watering the tree
2. Council provides the required budget adjustment, (being \$6,000), to undertake these actions at the second budget review.
3. Council’s procedures on excavations, eg: Risk Assessments JSA, to include, that if the area contains trees of significance that all possible avenues are explored to prevent damage to the trees major root systems, eg: engineering a possible change or location of the required service around the tree.

**(Neill/Jackson)**

## REPORT TO ORDINARY MEETING OF COUNCIL – DIRECTOR PEOPLE AND COMMUNITY SERVICE'S REPORT

### 1 LOWER AND UPPER WEIR PROJECTS

**Summary:-**

*The purpose of this report is to provide information to Council on proposed works at the Upper and Lower weirs on the Bogan River to be funded from the Local Roads and Community Infrastructure Grant for Council's consideration.*

**358/2020 RESOLVED** that Council supports the proposed works as discussed in the report, to be funded from the Local Roads and Community Infrastructure Grant at the Upper and Lower weirs on the Bogan River. **(Deacon/Boag)**

Father Graeme McLeod was welcomed to the Council Meeting. A presentation from Council was made in appreciation for his contribution to our Community over many years, and best wishes extended to him on his retirement.

Meeting adjourned for morning tea at 9.53am

Meeting returned 10.20am

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

### 1 INVESTMENTS NOVEMBER 2020

**Summary:-**

*The report is to outline the performance of Council's Investment Portfolio for the month of November 2020. At the 30th November 2020 Council had \$14.85 million invested. There has been an increase of \$2.46 million due to 75% of grant funds being received for Fixing Local Roads program, 2<sup>nd</sup> Qtr Financial Assistant Grant and 50% of the Local Roads & Community Infrastructure Grant funds.*

**359/2020 RESOLVED** That the Investments Report be received and noted.  
(Jackson/Douglas)

### 2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

**Summary:-**

*The report is to provide a comparison of rate collections as at 30<sup>th</sup> November 2020, with the same period last year.*

*Total arrears have increased from \$757,728 at the 30th November 2019 to \$1,310,617 as at 30th November this year.*

The Director of Finance and Corporate Services reported at the meeting, that at the date of the meeting current arrears were \$890,555.

**Finance and Corporate Services' Report to the Ordinary Meeting of Bogan Shire Council  
held on 26 November 2020**

**360/2020 RESOLVED** that the Rates and Annual Charges Collection report be received and noted, as advised at the meeting by the Director of Finance and Corporate Services. **(Jackson/Neill)**

<b>Rate Collections</b>	<b>2020-2021</b>	<b>2019-2020</b>
Arrears Prior to 01/07/2020	561,113	365,779
First Instalment in arrears as at 30/11/2020	94,717	83,477
Second Instalment in arrears as at 30/11/2020	234,725	308,472
Third Instalment Outstanding as at 30/11/2020	1,021,487	999,405
Fourth Instalment Outstanding as at 30/11/2020	1,060,990	1,021,402
<b>Total Arrears</b>	<b>890,555</b>	<b>757,728</b>
<b>Total Outstanding</b>	<b>2,973,032</b>	<b>2,778,535</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	6,045,444	5,444,129
Add: Adjustments	548	29,226
Less: Payments to end of November	-2,994,291	-2,617,427
Less: Rebates	-78,669	-80,422
Add: Postponed	-	3,029
<b>Gross Total Balance</b>	<b>2,973,032</b>	<b>2,778,535</b>
<b>Arrears of total amount levied %</b>	<b>14.7%</b>	<b>13.9%</b>

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

### 1 OPERATIONAL REPORT

**361/2020** **RESOLVED** that the Operational Report for the reporting period 30 November 2020 to 14 December 2020 including Roads, Civil Works, Community Facilities and Water and Wastewater be received and noted. **(Ryan/Elias)**

### 2 INSTALLATION OF BENCH SEATING IN PANGEE STREET

**Summary:-**

*The purpose of this report is for Council to consider a request to have more bench seating installed on the footpath in Pangee Street.*

It was **MOVED** that this matter be deferred for consideration at next year's Budget Review. **(Boag/Ryan)**

An **AMENDMENT** was moved that:

Council proceed with the installation of two bench seats in Pangee Street, between Nyngan Rural Agencies and St Mark's Op Shop, to be funded by the CBD improvement grant. **(Douglas/Jackson)**

Clr Ryan withdrew his support for the motion.

The **AMENDMENT** was **PUT** to Council and **CARRIED**.

**362/2020** **RESOLVED** that Council proceed with the installation of two bench seats in Pangee Street, between Nyngan Rural Agencies and St Mark's Op Shop, to be funded by the CBD improvement grant. **(Douglas/Jackson) Unanimous**

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### **3 TRAFFIC COMMITTEE MEETING**

**Summary:-**

*The purpose of this report is to present the discussions of the Traffic Committee meeting held on Wednesday 18<sup>th</sup> November 2020 and for Council to consider their recommendations.*

**363/2020 RESOLVED** that:

1. The report from the Traffic Committee Meeting be received and noted. **(Neill/Jackson)**
2. Council trial the option of allowing harvest trucks to use Nyngan Street, as an alternative to Moonagee Street, when carting to AWB from the Tottenham Road. **(Neill/Dutton)**
3. Council agree to the trial of the proposed linemarking at the intersection of Derrybong and Nymagee Streets, to prevent heavy vehicles obstructing Derrybong Street when fuelling at Nyngan Truck Stop, as per RMS design tabled. **(Jackson/Deacon)**
4. Council notify business' in Pangee Street to request that their staff refrain from parking their vehicles in the Pangee Street. **(Dutton/Neill)**
5. Council does not accept the RMS decision on the speed limit in Hermidale and refers this back to the RMS. **(Jackson/Deacon)**

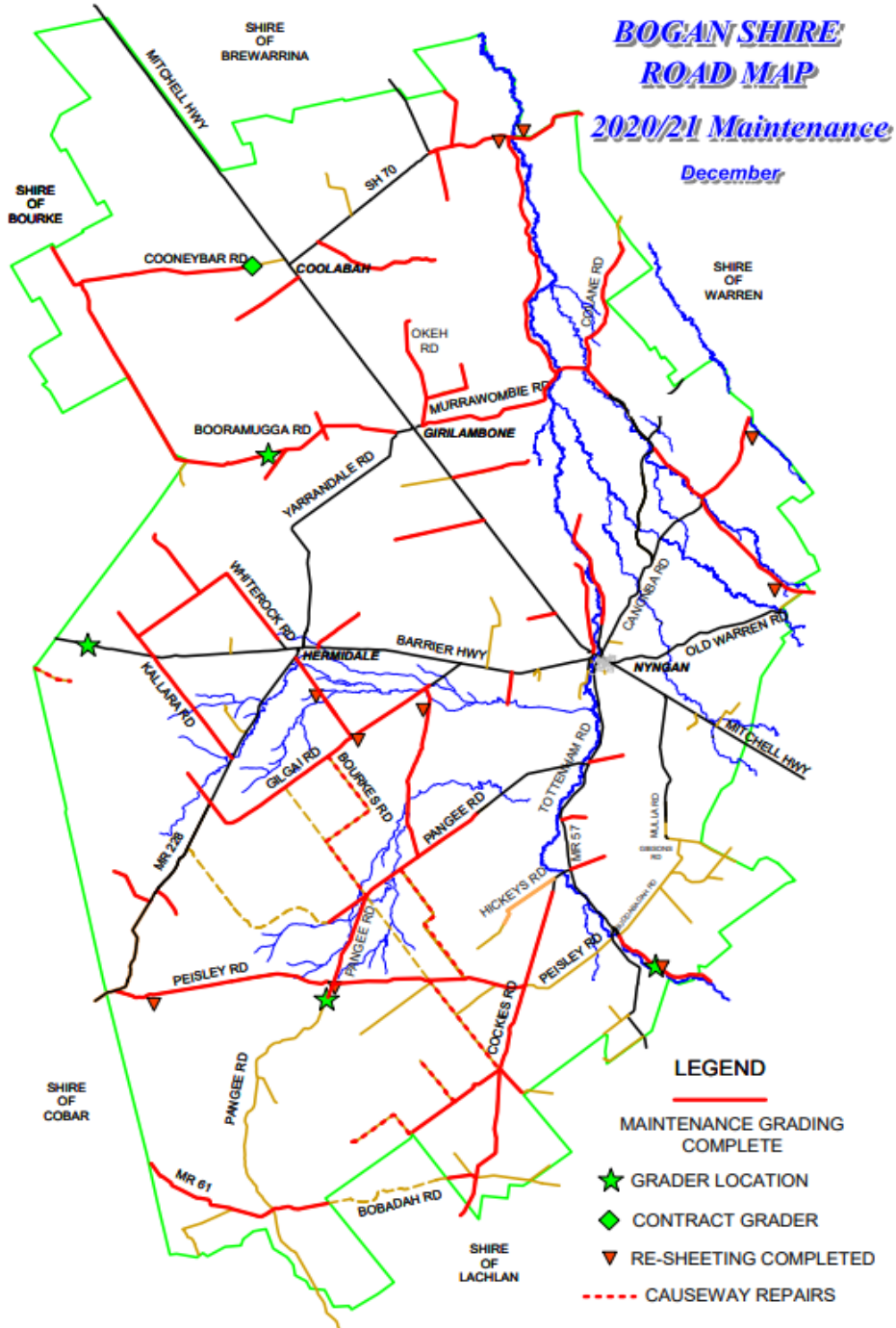
### **4 NYNGAN RAILWAY LEVEL CROSSINGS RISK ASSESSMENT REPORT**

**Summary:-**

*The purpose of this report is to present a Railway Level Crossings Risk Assessment for Council's information.*

**364/2020 RESOLVED** that the Nyngan Railway Level Crossings Risk Assessment Report be received and noted. **(Neill/Boag)**

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**REPORTS TO ORDINARY MEETING OF COUNCIL – DIRECTOR OF  
DEVELOPMENT & ENVIRONMENTAL SERVICES REPORT**

**1 DEVELOPMENT APPLICATIONS**

**365/2020 RESOLVED** that the Development Applications Report since Councils meeting 26 November 2020 be received and noted. **(Elias/Boag)**

**2 OPERATIONAL REPORTS**

**366/2020 RESOLVED** that the Operational Report, including Council's Gardening Team, Ranger and Noxious Weeds Officer for the reporting period 30 November 2020 to 14 December 2020 be received and noted, with appreciation to the staff involved for the appearance of Pangee Street and the Cemetery. **(Douglas/Boag)**



## PRECIS OF CORRESPONDENCE

### 1 NSW POSITIVE RUGBY FOUNDATION

**367/2020** RESOLVED that correspondence addressed to the Mayor, received from NSW Positive Rugby Foundation be received and noted. **(Ryan/Dutton)**

### 2 AUSTRALIAN LOCAL GOVERNMENT WOMENS ASSOCIATION

**368/2020** RESOLVED that correspondence received from the Australian Local Government Women's Association NSW Branch, be received and noted. **(Ryan/Douglas)**

### 3 KEITH WHITE

**369/2020** RESOLVED that:

1. The letter from Mr Keith White be received and noted.
2. Council accepts ownership of the 1924 Garford Fire Engine on behalf of the Bogan Shire community.
3. Council acknowledges the need for safekeeping and preservation of the Garford at the former Nyngan Fire Station and, in order to accomplish this, will approach its Nyngan Museum Section 355 Committee to do so.
4. Council seeks to obtain grant funding to enable the restoration of the Garford.
5. Council will make the Garford available for display at Nyngan community events such as the Nyngan Show.

**(Neill/Boag)**

### 4 THE HON KEITH PITT MP, MINISTER RESOURCES, WATER AND NORTHERN AUSTRALIA

**370/2020** RESOLVED that correspondence addressed to the Mayor, from Hon. Keith Pitt MP, Minister Resources, Water and Northern Australian, be received and noted. **(Dutton/Elias)**

### 5 NYNGAN MUSEUM COMMITTEE

**371/2020** RESOLVED that correspondence received from Nyngan Museum Committee be noted with appreciation. **(Ryan/ Elias)**

## **6 HERA RESOURCES PTY LTD DONATIONS 2021**

### **372/2020 RESOLVED** that:

1. Correspondence received from Hera Resources Pty Ltd be received.
2. Council continue discussions with Aurelia Metals and also meet with Aeris Resources to determine Council's priorities for the whole of the Bogan Shire community.
3. Council work in partnership with both companies to obtain financial assistance for identified projects for the long term benefit of the community.

**(Neill/Deacon)**

## **7 LACK OF VACATION CARE/BEFORE AND AFTER SCHOOL CARE IN NYNGAN**

### **373/2020 RESOLVED** that:

1. Correspondence received from Catherine Brook regarding lack of vacation care and before and after school care in Nyngan be received and noted.
2. Council approach both primary schools in Nyngan to encourage them to work with parents and the NSW Government to address the need for vacation care and before and after school care in Nyngan.
3. Council bring this matter to the attention of our local State Member and Hon Sam Farraway MLC.

**(Jackson/Dutton)**

Meeting closed 11.45am.

