



BOGAN SHIRE COUNCIL

Minutes

25 March 2021



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**Minutes of the Ordinary Meeting of Bogan Shire Council
Held in the Council Chambers on 25 March 2021**

PRESENT: Councillors RL Donald OAM (in the Chair), 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

At 10.00am Citizenship ceremonies were conducted for Mrs Thi Viet Hong Nguyen, Master Alan Nguyen Kidd, and Mr Uttamkumar Bharatbhai Patel.

Council adjourned for Morning Tea at 10.15am and returned at 10.40am.

057/2021 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 25 February 2021, copies of which have been circulated to Councillors be taken as read and confirmed with the following amendments: **(Ryan/Neill)**

022/2021 RESOLVED that:

1. Half the funding from the Local Roads and Community Infrastructure Grant be allocated to footpath and kerb and gutter remediation with the remainder to be spent on 2km of construction of Pangee Road, a multipurpose pony arena at the Nyngan Showground and painting the Walker Pavilion at the Nyngan Showground.
2. It be noted that this resolution, insofar as it relates to the Walker Pavilion, overrides resolution 008/2021. **Ryan/Neill**

Business Arising:

- Date for the Council Roads Tour to be determined at April 2021 Council Meeting, for May or June 2021.

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The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 25 March 2021.

048/2021 APOLOGIES: RESOLVED that the apology received from Councillor VJ Boag be received, and she be granted leave from both Meetings. **(Neill Deacon)**

049/2021 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. **(Neill/Jackson)**

050/2021 RESOLVED that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 25 February 2021, copies of which have been circulated to Councillors be taken as read and confirmed. **(Ryan/Douglas)**

GENERAL MANAGERS REPORT

1 LEASE OF COUNCIL OWNED LAND

051/2021 RESOLVED that the General Manager enter into a lease or licence arrangement with Cobar Water Board for the installation of solar panels on Lot 101 DP803368, with the solar panel area to be fenced at Cobar Water Board cost. **(Ryan/Neill)**

052/2021 RESOLVED that the General Manager enter into negotiations with Richard Bootle to conclude a lease on Lot 101 DP803368 on the following terms:

- 1 That the lease of the property be for a period of 5 years, with a further 5 year optional renewal period
- 2 The lease to exclude the riverside/upper weir recreational area.
- 3 The lease to exclude the solar panel area. **(Ryan/Neill)**

DIRECTOR PEOPLE AND COMMUNITY SERVICES

1 EXTENSIONS TO BOGAN SHIRE MEDICAL CENTRE

053/2021 RESOLVED that:

- 1 Council decline to accept any of the tenders submitted for the construction of the extensions to the Bogan Shire Medical Centre.
- 2 That the General Manager enter into negotiations with Regional West Construction as the lowest current tenderer with a view to entering into a

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contract in relation to the construction of the extensions to the Bogan Shire Medical Centre.

- 3 That Council's reason for not inviting fresh tenders is that it does not believe that a more favourable result can be obtained from re-tendering. This is based on considering the demand for building in the region which has increased construction prices since the initial project estimate, the pool of available tenderers in the region and Council's grant funding deadlines.
- 4 That Council's reason for determining to enter into negotiations with Regional West Construction is that:
 - a. They are currently the preferred tenderer following an evaluation process.
 - b. Advice from Council's consultant is that a more favourable tender result can be obtained by negotiating with Regional West Construction.
 - c. That this negotiation process will result in a better financial outcome for Council in the best interests of our community. **(Ryan/Elias)**

054/2021 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Neil/Ryan)**

**ACTING DIRECTOR OF DEVELOPMENT AND ENVIRONMENTAL SERVICES
REPORT**

1 ENFORCEMENT OF ORDERS - DERELICT & FIRE DAMAGED BUILDINGS

055/2021 RESOLVED that:

1. The Enforcement of Orders - Derelict & Fire Damaged Building report be received and noted.
2. Council seek information from the Insurance Council of Australia on relevant insurance details. **(Neill/Douglas)**

056/2021 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Neil/Douglas)**

COMMITTEE MEETING MINUTES

1 MUSEUM COMMITTEE MINUTES

058/2021 RESOLVED that the minutes of the Nyngan Museum Committee meeting held at the Nyngan Museum on 3 March 2021 be received and noted.
(Dutton/Douglas)



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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	Medical Centre	The General Manager in consultation with PHN proceeds to recruit & engage a second doctor for the BSMC.	GM	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	Increase of train speed through Nyngan	Strong letter of concern & a request to address Council be sent to the relevant rail authorities & a copy to local member.	GM	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 & road users due to the nature of the crossing & variation of speeds.</p> <hr/> <p>The best control measures would be to erect flashing lights at the Hoskins Street Crossing.</p>	DES	<p>406 Petitions received.</p> <p>On-site meeting held with Deputy Premier.</p> <p>Met with Minister for Regional Transport & Roads in Bourke on 25 November 2019.</p> <hr/> <p>Council advised that this crossing is not a priority for John Holland Rail.</p>
	28/05/2020	110/2020		<p>Council engage a Safety Consultant to inspect the Hoskins Street Level Crossing & to provide a report documenting the safety factors of the Crossing which can then be forwarded to the John Holland Rail & Minister</p>		<p>Safety Consultant has been engaged to inspect crossing at the end of July & will be preparing a risk audit for Council.</p> <p>UPDATE: Report has been received and forwarded. No response.</p>

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				for Regional Transport & Roads.		
3	24/04/2019	117/2019	Cobar Water Board	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.	GM	Further correspondence sent to CWB. <u>UPDATE:</u> New water supply agreement with CWB currently being drafted.
4	28/11/2019	366/2019	Regional Water Supply Pipe Network	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.	GM	Water NSW has advised Narromine/Warren pipeline project is on hold

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	25/02/2021	010/2021		<p>Council seeking urgent clarification from the Minister on:</p> <ul style="list-style-type: none"> - Issuing of the licence for the Nyngan Emergency Bore and licence. - Size of the pipe from this bore to Nyngan - Response to be given to those who lodge objections to the bore. - Cobar emergency water. - What guarantee is there for the \$4.3M funding to be retained for this pipeline. 		<p><u>UPDATE:</u> Awaiting determination from NRAR and direction from NSW Government.</p>
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5	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. UPDATE: Work recommenced on Monday 1/02/21, with rain stopping work again that night.
6	23/07/2020	192/2020	Crown Land to convert the Perpetual Special Lease 78218 (Saleyards) to freehold & transfer title to Council.	1. Council purchase the Nyngan saleyards from the Crown at a cost of \$35,100 funded from Council's reserves. 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,	GM	In progress.

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	25/02/2021	043/2021		<p>wash bay for trucks & hold over are for livestock.</p> <p>Council do not consider there is sufficient room on the edge of the highway, and that the previously suggested site of Nyngan Saleyards be considered as a much safer location.</p>	DES	<p>UPDATE: Letter sent to Transport for NSW</p>
7	23/07/2020	193/2020	Speed limit in Nyngan CBD	<p>Survey responses received for reducing speed limit in Nyngan CBD to 40km/hr between Terangion & Dandaloo Streets presented to Traffic Committee Meeting August 2020.</p>	DES	<p>Referred to RMS.</p> <p>UPDATE: Formal application with RMS in progress.</p>

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8	22/10/2020	306/2020	Hermidale Park	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	DPCS	COMPLETED
	25/02/2021	041/2021		Plans to be drawn up of proposed amenities for Hermidale Park	DES	UPDATE: Plans being drawn up
9	24/09/2020	277/2020	Loop the Levee	A report suggesting locations and costs concerning the levee or parts of it to be a shared pedestrian/cycle path be presented to Council.	DES	In progress UPDATE: Director of Engineering Services Report Refers COMPLETED

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10	24/09/2020	257/2020	Nyngan Golf Club	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	DPCS	UPDATE: Awaiting sponsorship invoice from NGC.
11	26/11/2020	329/2020	Centre of NSW Cairn	<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>	DPCS	COMPLETED

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			Centre of NSW Cairn	3. Report on final design recommendations, including costs to a further meeting of Council for approval and budget consideration, following meeting of four parties.	DES	UPDATE: Estimates currently being prepared for agreed works. Report to Council in April.
12	17/12/2020	357/2020	Pangee Street Fig Tree	Council introduce measures to monitor the tree's health and stability for a period of time	GM	UPDATE: Awaiting information from Arborist. COMPLETED Mayor commended General Manager on the process undertaken.
13	17/12/2020	363/2020	Hermidale Speed Limit	Council does not accept the RMS decision on the speed limit in Hermidale and refers this back to the RMS	DES	UPDATE: Letter sent to TfNSW requesting a review of the speed zone.

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14	17/12/2020	372/2020	Hera Resources Pty Ltd Donations 2021	<p>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</p> <p>Council work in partnership with both companies to obtain financial assistance for identified projects for the long term benefit of the community.</p>	DPCS	<p>UPDATE: Meeting to be held with Aeris Resources 18/3/21. Verbal report to Council. COMPLETED</p>
15	17/12/2020	373/2020	Lack of Vacation Care/Before and After School Care in Nyngan	<p>Council approach both primary schools in Nyngan.</p> <p>Council bring this matter to the attention of local State Member and Hon. Sam Faraway MLC.</p>	DPCS	<p>UPDATE: Meetings held with Principals of Nyngan Public and St Joseph's Schools. Report to Council refers.</p>



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16	17/12/2020	362/2020	Installation of Bench Seating in Pangee Street	Council proceed with the installation of two bench seats in Pangee Street, between Nyngan Rural Agencies and St Marks Op Shop, to be funded by the CBD improvement grant	DES	UPDATE: To be completed when grant works commence.
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059/2021 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.
(Deacon/Jackson)

2 REMOTE ATTENDANCE BY COUNCILLORS AT COUNCIL MEETINGS

Summary:-

The purpose of this report is to provide Council with information relating to a consultation process underway on proposed changes to the Model Meeting Code which would allow individual councillors to attend a meeting remotely via audio-visual link.

060/2021 RESOLVED that:

1. The Remote Attendance by Councillors at Council Meetings report be received and noted.
2. Council make a submission to the Office of Local Government, Remote Attendance by Councillors at Council Meetings Consultation Paper.
(Douglas/Dutton)

3 ORANA JOINT ORGANISATION

Summary:-

The purpose of this report is for Council to consider whether or not to resign its membership of the Orana Joint Organisation of Councils

061/2021 RESOLVED that Council:

1. Notes the ongoing concerns about the financial sustainability of the Orana Joint Organisation.
2. Resolves to resign its membership of the Orana Joint Organisation.
3. Works with other Councils to develop a proposal to re-establish a voluntary regional body for further consideration by Council. **(Ryan/Jackson)**
Unanimous

On behalf of Council, the Mayor acknowledged and congratulated the General Manager, on his appointment to The Local Government NSW Industrial Advisory Committee.



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

1 BOGAN SHIRE EARLY LEARNING CENTRE

Summary:

The purpose of this report is to advise Council of the activities and statistics of the operation of the Bogan Shire Early Learning Centre.

062/2021 RESOLVED that the Early Learning Centre Report be received and noted and that staff be commended for their efforts. **(Douglas/Elias)**

2 VISITOR INFORMATION CENTRE OPERATIONAL REPORT

Summary:-

The purpose of this report is to provide information to Council on the operations of the Visitor Information Centre.

063/2021 RESOLVED that the Operational Report for the Visitor Information Centre be received and noted. **(Neill/Deacon)**

3 COMMUNITY AND ECONOMIC DEVELOPMENT GRANTS

Summary:

The purpose of this report is to provide information to Council on the status of projects funded from various grants in 2019/2020 and to provide notice of Council's eligibility for funding in 2021

064/2021 RESOLVED that the Community and Economic Development Grants Report be received and noted, acknowledging the efforts of the General Manager and all staff involved. **(Ryan/Neill)**

4 VACATION CARE AND BEFORE AND AFTER SCHOOL CARE

Summary:-

The purpose of this report is to provide Council with information in relation to the need for before and after school care and vacation care in Nyngan.

The Director of People and Community Services reported at the meeting, that at the date of the meeting, the following survey results were updated.

Need for the Service	
Number of surveys received	23
Number of families requiring Before School Care	9
Number of children requiring Before School Care	18
Number of families requiring After School Care	20
Number of children requiring After School Care	39
Number of families requiring Vacation School Care	22
Number of children requiring Vacation School Care	45
Reasons for using the Service	
Survey respondents working full time	20
Survey respondents working part time	5
Survey respondents studying	2

It is worth noting that a number of families (87% of respondents) have indicated that they require this service due to parents working full-time.

065/2021 RESOLVED that:

1. The Vacation Care and Before and After School Care Report be received and noted.
2. Council continues to support the efforts of the Nyngan Public School to obtain before and after school care and vacation care in Nyngan.
3. That survey results be communicated to the Minister for Mental Health, Regional Youth and Women and the Hon Sam Faraway MLC with a request for their ongoing support to help achieve this service. **(Jackson/Dutton)**

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

1 INVESTMENTS FEBRUARY 2021

Summary:

The report is to outline the performance of Council's Investment Portfolio for the month of February 2021.

At the 28th February 2021 Council had \$14.5 million invested. There has been an increase of \$116,000 due to the third rates instalment falling due

066/2021 RESOLVED that the Investments Report be received and noted.
(Jackson/Elias)

2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary:

The report is to provide a comparison of rate collections as at 28th February 2021, with the same period last year.

Total arrears have increased from \$977,751 as at the 28th February 2020 to \$1,112,528 as at 28th February this year.

The Director of Finance and Corporate Services reported at the meeting, that at the date of the meeting, current arrears were \$842,816, the following table documents the updated figures.

Rate Collections	2020-2021	2019-2020
Arrears Prior to 01/07/2020	515,136	344,028
First Instalment in arrears as at 28/2/2021	41,423	56,010
Second Instalment in arrears as at 28/2/2021	110,909	121,327
Third Instalment in arrears as at 28/2/2021	175,348	456,386
Fourth Instalment Outstanding as at 28/2/2021	1,004,589	1,009,625
Total Arrears	842,816	977,751
Total Outstanding	1,847,406	1,987,376
Monthly Transactions		
Amount Levied & B/Fwd	6,046,697	5,510,046
Add: Adjustments	8,190	37,872
Less: Payments to end of February	-4,125,399	-3,482,724
Less: Rebates	-82,531	-80,847
Add: Postponed	0	3029
Gross Total Balance	2,127,542	1,987,376
Arrears of total amount levied %	14%	17%



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067/2021 RESOLVED that the Rates and Annual Charges collection report be received and noted. **(Douglas/Dutton)**

3 COMMUNITY EVENTS POLICY

Summary:

The purpose of this report is to adopt the new Bogan Shire Council Community Events Policy AP012.

068/2021 RESOLVED that:

1. Council adopt the Policy AP012 Bogan Shire Council's "Community Events Policy".
2. A copy of conditions of the Policy to be forwarded relevant local users.
(Neill/Ryan)



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

1 OPERATIONAL REPORT

069/2021 RESOLVED that the Operational Report be received and noted.
(Deacon/Neill)

2 LOOP THE LEVEE PEDESTRIAN AND CYCLIST PATH

Summary:

The purpose of this report is to present to Council options and costings for using parts of the Nyngan flood levee as a recreational shared pedestrian and cyclist path in accordance with Council resolution 277/2020.

070/2021 RESOLVED that:

1. The Loop the Levee Pedestrian and Cyclist Path Report be received and noted.
2. Council consider the Loop the Levee Pedestrian and Cyclist Path in the Budget for next year **(Ryan/Jackson)**



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3 UNSEALED ROADS CLOSURE SIGNS

Summary:-

The purpose of this report is to review a recommendation to Council from the February 2017 Council Meeting in relation to Road Closed sign types and locations for wet weather closures. Council has had \$18,600 set aside since the 2017/2018 budget for the installation of wet weather road closed signs.

071/2021 RESOLVED that Council installs the following signs where required.
(Ryan/Neill)

Signs in strategic locations on the sealed network to advise that:

UNSEALED ROADS

CLOSED WHEN WET

Signs on the higher use unsealed roads stating:

UNSEALED ROAD

DRIVE TO CONDITIONS

CLOSED WHEN WET



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4 NYNGAN LEVEE BANK INSPECTION AUDIT

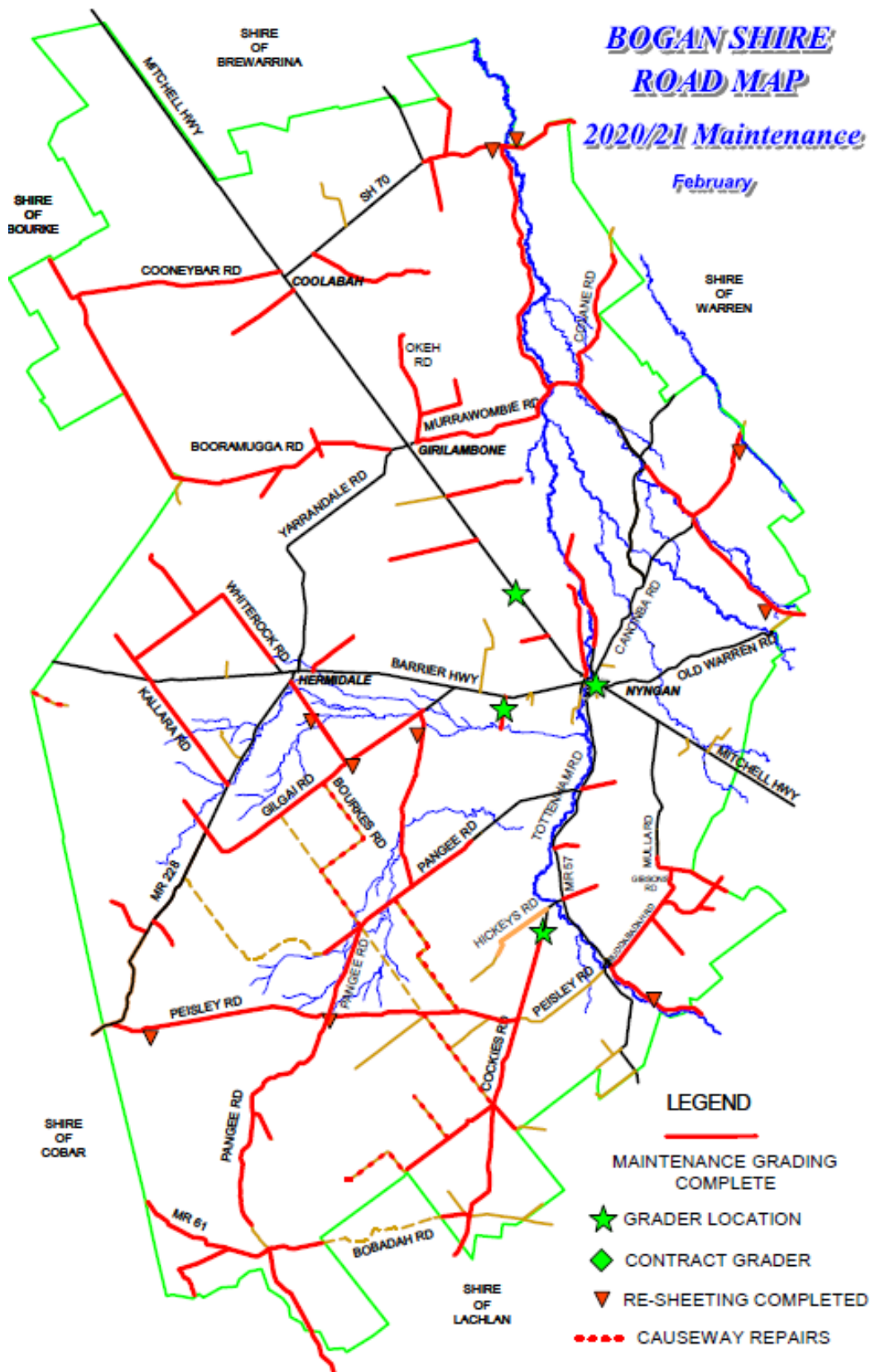
Summary:

The purpose of this report is to advise Council that Public Works Advisory have conducted an inspection audit of the Nyngan Levee and are updating the “Nyngan Levee Bank Operational & Maintenance Manual”.

072/2021 RESOLVED that:

1. The Nyngan Levee Bank Inspection Audit Report be received and noted.
2. It be noted that Public Works Advisory inspected the levee on 18th & 19th January 2021 and advised verbally that there were no major issues found during the inspection of the Levee Bank.
3. A report be presented annually to Council covering a Checklist of the main points of the Levee Bank inspections. **(Ryan/Neill)**

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

1 DEVELOPMENT APPLICATIONS

073/2021 **RESOLVED** that the Development Application report be received and noted with the correction made of the duplication of 94 Cannonbar Street. **(Neill/Elias)**

2 OPERATIONAL REPORTS

074/2021 **RESOLVED** that the Operational Report be received and noted. **(Ryan/Deacon)**

3 DERELICT AND FIRE DAMAGED BUILDINGS

Summary:-

The purpose of this report is to bring to Council's attention a process that will shortly commence in relation to managing several derelict and fire damaged buildings (DFDB) in Nyngan and the Shire's villages.

075/2021 **RESOLVED** that the information regarding managing derelict and fire damaged buildings be received and noted. **(Neill/Jackson)**

Council returned to the Closed and Confidential section of the meeting to discuss the Acting Director of Development and Environmental Services Confidential Report item 1.

076/2021 **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. **(Dutton/Jackson)**



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4 ALCOHOL FREE ZONES

Summary:-

This report is submitted for Council to consider the continuation of alcohol free zones in the Nyngan township.

077/2021 RESOLVED that Council continue the current alcohol free zones in all roads, laneways, footpaths, public car parks, parks and reserves, within the levee bank and update all notices with the date of March 2025. **(Douglas/Elias)**

PRECIS OF CORRESPONDENCE

1 CAN ASSIST NYNGAN BRANCH

078/2021 RESOLVED that correspondence received from Can Assist, Nyngan Branch be received and noted. **(Ryan/Jackson)**

2 PETER ABBOTT, MAYOR COBAR SHIRE COUNCIL

079/2021 RESOLVED that correspondence received from Councillor Peter Abbott, Mayor Cobar Council be received and noted. **(Jackson/Neill)**

3 NYNGAN RSL SPLASHERS CLUB

080/2021 RESOLVED that:

1. Correspondence received from Nyngan RSL Splashers Club be received and noted.
2. That a financial donation of \$500 be made to Nyngan RSL Splashers Club, from next years budget to host the A.I.F Swimming Carnival on 13 February 2022. **(Ryan/Jackson)**



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4 NYNGAN AMATEUR SWIM CLUB

081/2021 RESOLVED that correspondence received from Nyngan Amateur Swim Club be received and noted. **(Deacon/Ryan)**

5 DUCK CREEK PICNIC RACE COMMITTEE INC

082/2021 RESOLVED that:

1. Correspondence received from The Duck Creek Picnic Race Committee Inc be received and noted.
2. Council gives approval for The Duck Creek Picnic Races to be held at the Nyngan Showground on 3 July 2021, subject to meeting all COVID restrictions. **(Ryan/Dutton)**

LATE ITEM OF CORRESPONDENCE

083/2021 RESOLVED that Council accept the late item of Correspondence received on Tuesday 23 March 2021. **(Elias/Deacon)**

REGIONAL YOUTH HOLIDAY BREAK PROGRAM GRANT

084/2021 RESOLVED that:

1. Correspondence received from The Office for Regional Youth Holiday Break Program be received and noted.
2. Council respond to the funding grant application with suggestions from Councillors noted. **(Ryan/Dutton)**

There being no further business, the meeting closed at 12.30pm.

These Minutes were confirmed by resolution at a meeting held on

..... and were signed as a true record.

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GENERAL MANAGER

MAYOR

