



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**15 December 2022**





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

This Council Meeting is being recorded for publishing on Council's website as a public record. By speaking at the Council Meeting you agree to being recorded and for this recording to be published. Please ensure that if and when you speak at this Council Meeting that you are respectful to others and use appropriate language at all times. Bogan Shire Council accepts no liability for any defamatory or offensive remarks made during the course of this Council Meeting.





**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

**PRESENT:** Councillors GRJ Neill (in the Chair), VJ Boag, Councillor KJ Bright , WG Deacon, JL Douglas, AJ Elias, GN Jackson, R Milligan

Also present were Mr Derek Francis (General Manager), 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), Mr James Boyce (Acting Director of Development and Environmental Services and Melissa Salter (Executive Officer)

**APOLOGIES:** Councillor DJ Menzies

**305/2022 RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 24 November 2022, copies of which have been circulated to Councillors be taken as read and confirmed with the following amendment. **(Douglas/Boag)**

**3 NYNGAN MUSEUM – SECTION 355 COMMITTEE**

**281/2022 RESOLVED** that Council progress investigations and discussion to progress to Section 355 or an incorporated body for the functions of managing and operating the Nyngan Museum. **(Douglas/Milligan)**

**Business Arising:**

**1 ADMINISTRATION OF THE 2024 LOCAL GOVERNMENT ELECTIONS**

**306/2022 RESOLVED** that Council resolves that:

- 1 Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
- 2 Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
- 3 Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

**(Deacon/Milligan)**



**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 15 December 2022:

**297/2022 RESOLVED** that the apology received from Councillor DJ Menzies be received and he be granted leave from both meetings. **(Boag/Jackson)**

**298/2022 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/Douglas)**

**299/2022 RESOLVED** that the Minutes of the Confidential Meeting of Council held on 24 November 2022, copies of which have been circulated to Councillors be taken as read and confirmed **(Milligan/Elias)**

**300/2022 RESOLVED** that Council confirms its acceptance and involvement in a regional contract with Netwaste and accept the tender for the Processing of Garden Organics, Wood and Timber with Davis Earthmoving Pty Ltd for their tendered price as set out in this report for the initial two year term with the option of two x 12 month available extensions. **(Milligan/Bright)**

**301/2022 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. **(Jackson/Deacon)**

**302/2022 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. **(Milligan/Elias)**

**303/2022 RESOLVED** that the tenders for provision of maintenance grading to Council for the period to 30 June 2023 (with a 12 month extension option) be accepted as submitted to form a panel of contractors to be engaged in the best interests of Council, subject to the contractors meeting Council's requirements. **(Deacon/Jackson)**

**304/2022 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. **(Douglas/Jackson)**



Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 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	<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>	Pending discussions closer to State Elections.  Mayor and GM held site visit with Scott Barrett MLC on 13/07/2022. Email sent to Regional NSW for attention of Dugald Saunders, Minister for Western NSW 13/10/2022.

**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

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. Scott Barrett MLC requested on 11/08/22 and 13/09/2022 to follow up on letter to Minister for Water. Followed up 08/10/2022. Email sent to Regional NSW for attention of Dugald Saunders, Minister for Western NSW 13/10/2022.
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	<b>DES</b>	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





**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

				Public Works. The procurement be carried out by way of quotations.		repairs to inside batters.
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 stand adjacent to the dump.A cement path from the existing walkway to the sign be constructed, with available funding.	<b>DES</b>	Pending commencement of grant- funded works.
5	27/05/2021	126/2021	<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.	<b>DPCS</b>	Planning for new residential subdivision has commenced.

Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022

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. Draft delegations prepared for further discussions with Museum Committee. Referred to Audit & Risk Committee.
	24/11/2022	281/2022				

**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

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.
	24/03/2022	068/2022	<b>Recycling Bin Waste Stickers</b>	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.		<b>UPDATE:</b> Stickers dispatched for delivery to Council and will be distributed to students through the Gilgandra Waste/ Recycling student visits.

**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

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.	<b>DES</b>	<b>UPDATE:</b> Public Works to discuss with Crown Lands regarding use of site
9	27/10/2022	246/2022	<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 the public to collect, for a set time, then review the matter.	<b>DES</b>	<b>UPDATE:</b> To be advertised when a construction schedule has been finalised.
	27/10/2022	258/2022		The new footpath paving in Pangee Street be constructed using cast in-situ concrete in lieu of		<b>UPDATE:</b> Report to December meeting refers.

**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

				concrete pavers, subject to further advice on relative costs. A further report be brought to Council in November with recommended finishes, scope and updated costs.		
10	28/07/2022	171/2022	<b>Hoskins Street Subdivision</b>	Council approves the draft subdivision layout, with 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 <sup>2</sup> .	<b>DES</b>	Amended plan sent back to consultants. Meetings between Alliance of Western Council and NSW Government held of 17/08/22 and 19/08/22 to discuss.

**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

				<p>Strong representation is made to the Minister for Western New South Wales in relation to Biodiversity Fund contributions.</p>		<p>Strong representation made to Minister for the Environment and Heritage James Griffin, via Alliance of Western Councils as well as Country Mayor's Association. Chair of Alliance of Western Councils, Cr Craig Davies has also raised the matter with the Shooters, Fishers and Farmers Party, as well as the Labor Party, ahead of NSW elections.</p> <p><b>UPDATE:</b> Consultant preparing engineering designs.</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</p>	<b>DDES</b>	<p>Scheduled for removal November/December 2022. Planting of replacement species schedule for March 2023.</p>



**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

				to be allocated at the next budget review.		
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>	<b><u>UPDATE:</u></b> Currently seeking quotations from contractors to complete the kerbside collection.



**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

13	25/08/2022	209/2022	<b>Subdivision of Land Below the Minimum Lot Size</b>	The General Manager investigates the costs involved in a housekeeping amendment to the Bogan LEP 2011, and report back to a future Council Meeting	<b>DDES</b>	Consultant attended workshop with Councillors prior to October Council Meeting. <b>COMPLETED</b>
	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>GM</b>	In Progress



Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022

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>	In progress
15	24/11/2022	293/2022	<b>Nyngan Show Society</b>	Council investigates the best option to resolve the matter of the Nyngan Show/Expo advertising signage on the Mitchell Highway, that the hedge is blocking the signage.	<b>DDES</b>	<b>UPDATE:</b> Hedge trimmed by Council's Gardening Team. <b>COMPLETED</b>
16	24/11/2022	296/2022	<b>Memorial Wall at Nyngan Cemetery</b>	Council investigate the cost, options and suitable location for a new memorial wall at the Nyngan Cemetery	<b>DES</b>	<b>UPDATE:</b> Report to February meeting

Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022

**307/2022 RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.  
**(Jackson/Deacon)**

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

**1 BOGAN SHIRE YOUTH AND COMMUNITY CENTRE**

**Summary:**

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

**308/2022 RESOLVED** that the Operational Report for the Bogan Shire Youth and Community Centre be received and noted. **(Douglas/Elias)**

**2 BOGAN SHIRE EARLY LEARNING CENTRE EXTENSIONS**

**Summary:**

*The purpose of this report is to recommend to Council adoption of the Selective Tendering method in calling for tenders for the construction of the Bogan Shire Early Learning Centre extensions.*

**309/2022 RESOLVED** that:

1. That Council adopts the Selective Tendering method in calling for tenders for the construction of the Bogan Shire Early Learning Centre (ELC) extensions.  
**(Jackson/Milligan)**
2. That the decision as which applications progress to invitations to tender be delegated to the General Manager on the advice and recommendation of a panel of three comprising Council’s Architect, Director Finance and Corporate Services and Director Development and Environmental Services.

**(Elias/Deacon)**

Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022

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

**1 INVESTMENTS NOVEMBER 2022**

**Summary:** *The report is to outline the performance of Council's Investment Portfolio for the month of November 2022.*

*The Investment Report for November 2022 is shown below.*

*At the 30th November 2022 Council had \$19.5 million invested. There has been an increase of \$500 thousand due to the second quarter rates instalment falling due and the second quarter Financial assistance grant payment being received.*

**310/2022 RESOLVED** that the Investments Report be received and noted.  
**(Boag/Jackson)**

**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

**2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION**

**Summary:**

*This report is to provide a comparison of rate collections as at 30th November 2022, with the same period last year.*

*Total arrears have increased from \$669,773 as at the 30th November 2021 to \$688,411 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 had decreased to \$669,156.

<b>Rate Collections</b>	<b>2022-2023</b>	<b>2021-2022</b>
Arrears Prior to 30/06/2022	607,006	572,986
First Instalment arrears as at 30/11/2022	62,150	96,788
Second Instalment outstanding as at 30/11/2022	164,615	238,115
Third Instalment outstanding as at 30/11/2022	1,009,094	1,009,950
Fourth Instalment outstanding as at 30/11/2022	1,046,870	1,034,977
<b>Total Arrears</b>	<b>669,156</b>	<b>669,773</b>
<b>Total Outstanding</b>	<b>2,889,737</b>	<b>2,952,816</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	<b>6,043,811</b>	<b>5,870,430</b>
Add: Adjustments	17,700	12,788
Less: Payments to end of May	-3,093,160	-2,852,312
Less: Rebates	-79,477	-78,090
Add: Postponed	0	0
<b>Gross Total Balance</b>	<b>2,999,855</b>	<b>2,952,816</b>
<b>Arrears of total amount levied %</b>	11%	11%

**311/2022 RESOLVED** that the Rates and Annual Charges collection report be received and noted. **(Douglas/Deacon)**

**2 DEBT RECOVERY POLICY**

**Summary:** *The purpose of this report is to review and re-adopt Councils Debt Recovery Policy.*

**312/2022 RESOLVED** that Council adopt the revised Debt Recovery Policy FIN001 to be reviewed again in December 2025. **(Jackson/Douglas)**

Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 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.*

**313/2022 RESOLVED** that the Engineering Services Departmental Activity Report be received and noted. **(Elias/Boag)**

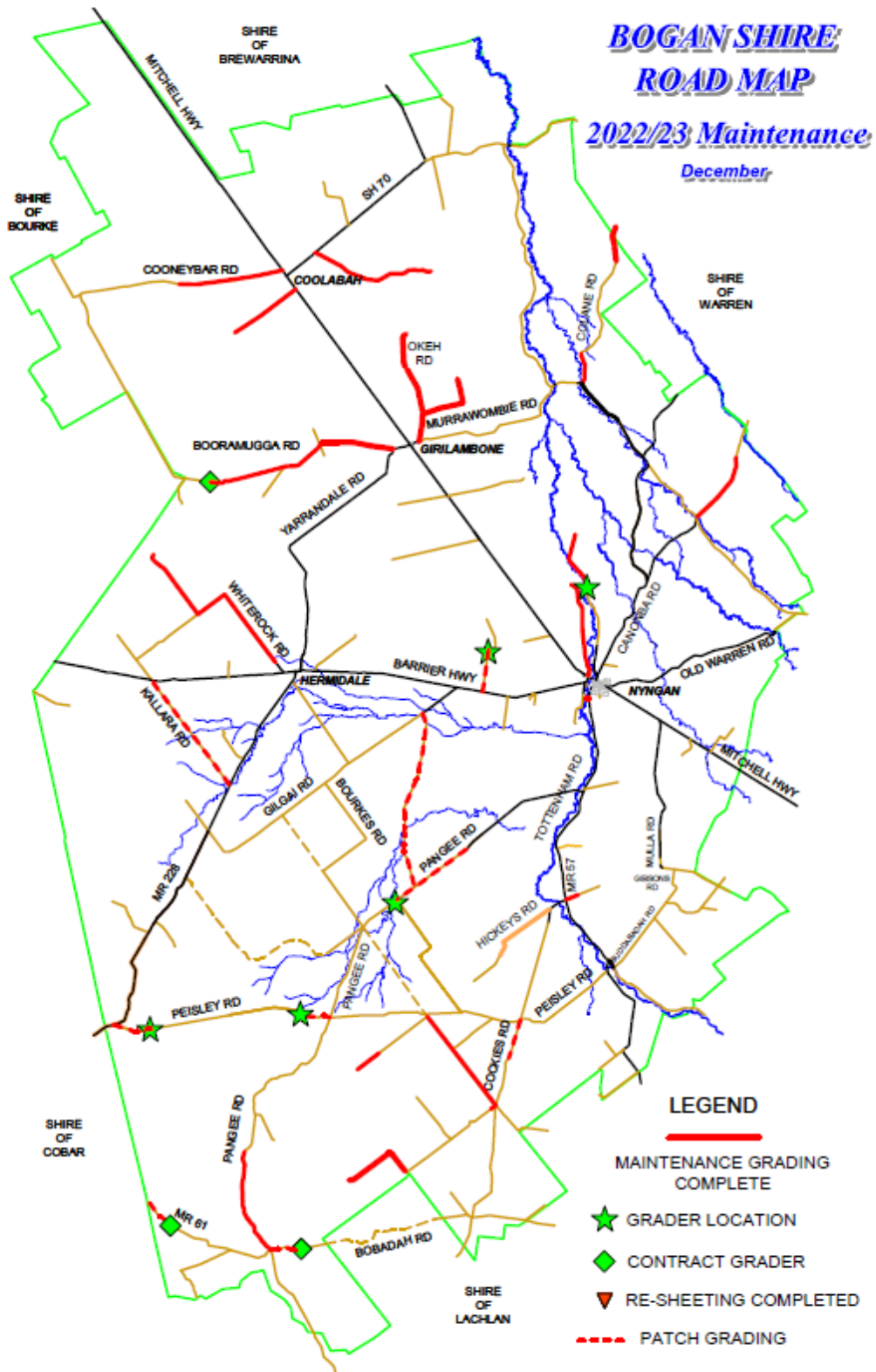
**2 PANGEE STREET PAVING**

**Summary:** *The purpose of this report is to provide Council with estimated costs for the reconstruction of the Pangee Street CBD footpaths using a traditional poured concrete in lieu of laid pavers.*

**314/2022 RESOLVED** that:

1. 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. **(Jackson/Deacon)**
2. \$66,553 be allocated to the project from the current LRCI footpath replacement funding to complete the original scope of works including the pedestrian crossing. **(Douglas/Elias)**
3. That the additional areas be included in the scope of works for the proposed tender document as optional extras for Council to consider when determining the tender. **(Douglas/Milligan)**

Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022



Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 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.*

**315/2022** **RESOLVED** that the Development and Environmental Services Departmental Activity Report be received and noted. (**Bright/Elias**)

Meeting adjourned at 10.03am for morning tea and resumed meeting at 10.30am.

Meeting returned to Closed and Confidential Section of Council Meeting for discussion on matter that was deferred.



Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022

**PRECIS OF CORRESPONDENCE**

- 1 THE HON. SAM FARRAWAY MLC**  
**316/2022 RESOLVED** that correspondence received from The Hon. Sam Farraway MLC be received and noted. **(Jackson/Bright)**
  
- 2 FUNDING FOR NSW PUBLIC LIBRARIES**  
**317/2022 RESOLVED** that correspondence received from NSW Government for NSW Public Libraries be received and noted. **(Elias/Boag)**
  
- 3 NSW RURAL FIRE SERVICE**  
**318/2022 RESOLVED** that correspondence received from NSW Fire Service be received and noted. **(Bright/Deacon)**





**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 15 December 2022**

There being no further business, the meeting closed at 10.38am

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

.....

**GENERAL MANAGER**

.....

**MAYOR**



