

BOGAN SHIRE COUNCIL

Ordinary Minutes

- Date: Thursday, 28 September 2023
- Time: 5:30pm
- Location: Bogan Shire Council Chambers 81 Cobar Street Nyngan

Derek Francis

General Manager



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- 1 OPENING PRAYER
- 2 **REMEMBERANCES**
- 3 APOLOGIES
- 4 DISCLOSURE OF INTERESTS

MINUTES OF BOGAN SHIRE COUNCIL ORDINARY COUNCIL MEETING HELD AT THE BOGAN SHIRE COUNCIL, COUNCIL CHAMBERS, 81 COBAR STREET, NYNGAN ON THURSDAY, 28 SEPTEMBER 2023 AT 5.30PM

PRESENT: Cr G Neill (Chairperson), Cr V Boag (Deputy Chairperson), Cr G Deacon, Cr J Douglas, Cr T Elias, Cr G Jackson, Cr D Menzies, Cr R Milligan

IN ATTENDANCE: D Francis (General Manager), D Wood (Director People and Community Services), G Bourke (Director Engineering Services), C Foley (Acting Director Development and Environmental Services), M Salter (Executive Officer)

1 OPENING PRAYER

2 REMEMBRANCES

John Hoare OAM

3 APOLOGIES

Cr Karl Bright **Resolved 193/23** Moved: Cr Menzies Seconded: Cr Deacon That the apology received from Cr Bright be accepted and leave of absence be granted.

4 DISCLOSURE OF INTERESTS

The following disclosures of interest were declared:

<u>Cr Neill</u>

- Federation Mine Agreement Reason: Due to position as a Director of Neill Earthmoving which carries out contract work for Aurelia Metals Limited.
- Precis Item Nyngan Tigers
 Reason: Due to position as President of Nyngan Tigers
- Precis Item Xmas Letter Reason: Due to family member being on the Bogan Christmas Committee

Cr Jackson

- Precis Item Nyngan Tigers
 Reason: Due to position as committee member, Nyngan Tigers
- Precis Item Nyngan Bowling Club Reason: Due to position as Administration Officer, Nyngan Bowling Club

Cr Douglas

 Checklist Item Banking Situation10.1, if the Banking Situation in Nyngan were to be discussed further.
 Reason: Due to position at Commonwealth Bank, Nyngan

The Mayor Left the Chair The General Manager now took the Chair.

Item 10.3 of the General Managers Report was discussed first at the meeting.

10.3 ELECTION OF MAYOR AND DEPUTY MAYOR

<u>Mayor</u>:

The General Manager called for nominations of the office of Mayor. A nomination for Councillor Glen Neill was received.

As there were no further nominations, Councillor Glen Neill was declared elected to the office of Mayor until September 2024.

Deputy Mayor:

The General Manager called for nominations of the office of Deputy Mayor. A nomination for Councillor Victoria Boag was received.

As there were no further nominations, Councillor Victoria Boag was declared elected to the office of Deputy Mayor until September 2024.

The Mayor resumed the Chair.

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 28 September 2023:

EXCLUSION PRESS & PUBLIC

Resolved 194/23

Moved: Cr Jackson Seconded: Cr Elias

EXCLUSION OF PRESS AND PUBLIC: Council move into a closed session of Council with the public excluded, in accordance with the *Local Government Act 1993* section 10A(2).

CONFIRMATION OF CONFIDENTIAL MINUTES - 24 AUGUST 2023 Resolved 195/23

Moved: Cr Boag Seconded: Cr Milligan That the minutes of the Confidential Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 24 August 2023, be received and noted.

Resolved 196/23

Moved: Cr Milligan Seconded: Cr Elias INCLUSION OF PRESS AND PUBLIC: That the meeting move into open Council.

6 CONFIRMATION OF MINUTES

6.2 CONFIRMATION OF ORDINARY MINUTES – 24 AUGUST 2023

Resolved 197/23

Moved: Cr Douglas

Seconded: Cr Boag

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 24 August 2023, be received and noted, with the following amendment:

Business Arising:

Resolution 184/23 Water Security Projects

The General Manager reported that due to an outstanding claim not being accounted for, the remaining available grant funding is \$6,673M.

7 NOTICE OF MOTION

Nil

8 MAYORAL MINUTES

Nil

9 COMMITTEE MEETING MINUTES

Nil

5 GENERAL MANAGER'S REPORTS

10.1 GENERAL MANAGERS CHECKLIST

Item	Date	Minute No	Matter	Action Required	Officer	Status
1	23/09/2021	249/2021	Increase of train speed through Nyngan	Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates.	GM	TfNSW has informed Council that it is considering trialing 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. Followed up with Roy Butlers' office 11/08/2023 who have requested a status update from the Minister.
2	27/05/2022	122/2022	Nyngan Emergency Bore	Council seeks advice from the Minister for Water, as to a mechanism for periodic extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage.	GM	Letter written to new Minister for Water, advising them of resolution 122/2022 and seeking clarification on funding. Minister for Water has advised that: • Work has begun on amendments to the Water Sharing Plan. • No further funding is available for the bore project.

Item	Date	Minute No	Matter	Action Required	Officer	Status
Item	Date 23/02/2023 27/04/2023	Minute No 010/2023 081/2023	Matter Nyngan Emergency Bore	Council vote for a 200mm pipe instead of 375mm pipe, on the basis of water consumption. A decision on the request for a meeting be deferred until Council receives a response from the NSW Government on whether the emergency 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	Officer GM	Status Public Works have provided an alternative cost estimate of \$5.092M, based on the 200mm pipeline. On hold pending response. Letter sent to Richard and Virginia Woodlock advising them of Council's resolution.
				that responses can be prepared, and arrangements made for appropriate NSW Government staff to be available.		

Item	Date	Minute No	Matter	Action Required	Officer	Status
	24/08/2023	184/23	Nyngan Emergency Bore	That Council prioritises remaining available grant funding of \$7,111,871 across the following projects:		<u>UPDATE</u> : DPE advised accordingly.
				 a. Water purchases b. Belaringar Creek Syphon c. Nyngan Emergency Bore pipeline 		
3	25/02/2021	012/2021	Nyngan Railway Wool Dump	A colour information sign be erected at the Nyngan Railway Wool Dump on stand adjacent to the dump. A cement path from the existing walkway to the sign be constructed, with available funding.	DES	Pending commencement of grant- funded works.
4	27/05/2021	126/2021	Addressing Local Job Vacancies	Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.	DPCS	Planning for new residential subdivision has commenced. <u>UPDATE</u> : Report to Council refers.

Item	Date	Minute No	Matter	Action Required	Officer	Status
5	28/10/2021	162/2021	Section 355 Committee – Nyngan Museum	General Manager to proceed with discussions to formalise a constitution and associated delegations for Nyngan Museum Committee as a Section 355 Management Committee of Council with a further report to Council.	GM	Initial meeting held with Museum Committee. Referred to Audit & Risk Committee.
	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. Meeting held with Museum Executive on 20/07/2023 to progress discussions. UPDATE: The General Manager to meet with the Museum Committee 04/10/2023.

Item	Date	Minute No	Matter	Action Required	Officer	Status
6	25/11/2021	331/2021	Recycling Bins in Town Main Street	Recycling bins be made available in town main street.	DDES	Eight recycling bins received – considered in Council's best interest to delay installation until main street paving completed. UPDATE: Bins installed September 2023. COMPLETED
7	23/06/2022	126/2022 011/2023	New Water Treatment Plant Site	A further report to Council be considered for location of the New Water Treatment Plant, including the location as presented to Council, as well as other options outside/adjacent to the levy bank. Council request NSW Public Works to provide a report to Council on the relative cost of the proposed substation and existing pump station sites, including relative pros and cons.	DES	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 water pumpstation site when funding deed has been signed. Funding Deed signed for Safe and Secure Water Grant for initial investigation and design of new water treatment plant.

Item	Date	Minute No	Matter	Action Required	Officer	Status
8	15/12/2022	314/2022	Pangee Street Paving	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.	DES	Scheduled to start 25/07/2023. Final section due to be completed in week of 21/08/2023. COMPLETED
9	28/07/2022	171/2022	Hoskins Street Subdivision	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 ² . Strong representation is made to the Minister for Western New South Wales in relation to Biodiversity Fund contributions.	DES	Meetings between Alliance of Western Council and NSW Government held on 17/08/2022 and 19/08/2022 to discuss. Alliance of Western Councils working with Urban Taskforce and making representation to Premier and Minister for Environment.

Item	Date	Minute No	Matter	Action Required	Officer	Status
10	27/10/2022	261/2022	Proposed Amendment to Bogan Local Environmental Plan	The General Manager investigates a process to identify suitable land, for large lot residential and undertakes community consultation, with a further report to Council.	DDES	Following discussion with the Department of Planning and Environment (DPE), it has been identified that the additional R5 land creation could not be considered in isolation, and that it would need to be considered as part of a broader Housing Strategy for the Shire.
						DPE indicated funding maybe available after 30 June 2023, but that Council would have to prepare a scope of works for the strategy to be eligible for funding. <u>UPDATE:</u> Grant submission in progress.
11	24/11/2022	274/2022	Voluntary Planning Agreement – Aurelia Resources	C C	GM	Negotiations completed. <u>UPDATE:</u> Report to Council refers COMPLETED.

Item	Date	Minute No	Matter	Action Required	Officer	Status
12	23/03/2023	053/2023	Reclassification of Land – 8 Tabratong Street	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.	DDES	Council has requested Department of Planning to consider undertaking the reclassification as part of its Minor Amendments Project. UPDATE: Awaiting DoP consideration and advice.
13	27/04/2023	080/2023	Precis – John and Penny Hoy	Council request John and Penny Hoy to meet with the Mayor and General Manager to discuss their concerns.	GM	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. 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. COMPLETED

Item	Date	Minute No	Matter	Action Required	Officer	Status
14	25/05/2023	107/2023	Temporary Workers Accommodation	Report be prepared for Councils consideration regarding the costs and implications to change the land zoning using contents in RU1 – Primary Production under the Bogan Local Environmental Plant (LEP) 2011 from a 'closed zone' to an 'open zone'.	DDES	Report for future Council Meeting.
15	22/06/2023	139/2023	Banking Situation in Nyngan	Council write to the National Australia Bank regarding the future of the Nyngan Branch of the National Australia Bank.	GM	Letter written.
16	27/07/2023	160/23	School Exchange Program	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.	GM	Not yet commenced.

Resolved 198/23

Moved: Cr Menzies Seconded: Cr Deacon That the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the Checklist.

10 GENERAL MANAGER'S REPORTS

10.2 VOLUNTARY PLANNING AGREEMENT - FEDERATION MINE

Clr Neill declared an interest and left the room Clr Boag took the Chair

Resolved 199/23

Moved:Cr JacksonSeconded:Cr DouglasThat Council approves the Federation Mine Voluntary Planning Agreement for signature by
the General Manager.

Clr Neill returned to the room and resumed the Chair.

10.3 ELECTION OF MAYOR AND DEPUTY MAYOR

Addressed at the commencement of the meeting.

6 PEOPLE AND COMMUNITY SERVICES REPORTS

11.1 VISITOR INFORMATION CENTRE OPERATIONAL REPORT

Resolved 200/23

Moved: Cr Jackson Seconded: Cr Elias

Seconded. Crelias

That the Operational Report for the Visitor Information Centre be received and noted.

11.2 AUSTRALIA DAY 2024 NOMINATIONS AND AWARDS

Resolved 201/23

Moved: Cr Boag

Seconded: Cr Jackson

That Council approves the categories, nominations forms and guidelines with the date of Wednesday 6 December 2023 being the closing date for all nominations and Councillor votes to be received by Wednesday 13 December 2023.

CIr Milligan **MOVED** that that at additional category for First Nations Community Member of the Year be added.

Moved: Cr Milligan Seconded: Cr Douglas LOST

11.3 DISABILITY INCLUSION ACTION PLAN

Resolved 202/23

Moved: Cr Douglas Seconded: Cr Elias

That Council:

- 1. Notes the legislative requirement for Council to remake its Disability Inclusion Action Plan (DIAP) by 30 November 2023.
- 2. Endorses the step-by-step plan for Disability Inclusion Action Plan (DIAP) development and implementation, which includes consultation and engagement processes required for the planning, preparing, approval and promotion of the DIAP.

11.4 BOGAN SHIRE EARLY LEARNING CENTRE - CASUAL DAY VACANCIES

Resolved 203/23

Moved: Cr Menzies

Seconded: Cr Deacon

That Council adopts a Casual Day Vacancy Allocation policy position to fairly and equitably manage and allocate access to casual day vacancies by:

- i. Requiring parents with enrolled and attending children to notify the ELC of the need for a casual day vacancy by a specified time, which is to be set by Council management taking into consideration business needs. If this requirement has been met, then the child's name will be included on the booking sheet for the following week,
- ii. Requiring waitlisted families to opt into the casual notification system to be eligible for casual days,
- iii. Requiring waitlisted children to be enrolled at the ELC prior to attendance, registered for the Child Care Subsidy with Services Australia and have complied with all other formalities such as providing immunisation records,
- iv. First allocating the casual day to children already on the booking sheet (enrolled and attending), whose parents have previously indicated a need, in order of priority,
- v. Then contacting families on the waitlist to offer them the casual day, in order of priority.

11.5 WOMEN'S WEEK GRANT

Resolved 204/23

Moved: Cr Menzies

Seconded: Cr Deacon

That the General Manager applies for the 2024 Women's Week grant to a maximum of \$50,000, with Council's co-contribution being in-kind.

11.6 RELOCATION MARKETING CAMPAIGN - PROMOTIONAL VIDEOS

Resolved 205/23

Moved:Cr JacksonSeconded:Cr BoagThat Council produce 5 videos with the following themes:

- Employment
- Housing Development
- Community and Culture
- Recreational and Sporting Opportunities
- Healthcare and Education

Resolved 206/23

Moved: Cr Douglas Seconded: Cr Elias The key messages, priority and timing of the videos, as shown in the following table:

Theme	Key Message and Content	Priority for release	Timing for release
Employment	Key Message: Wide range of jobs available in areas of need. Content: Nurses Early Childhood Educators/Teachers Mechanics Agricultural Labourers Plant Operators Apprentices Disability Support Workers Teachers Government Services Tradespeople Miners General Practitioners	High	Estimated October 2024 (new residential sub-division complete and blocks available)
Housing Development	 Key Message: Relocate to Nyngan – build your dream house. Content: Variety of housing options in Nyngan / Greater Bogan Shire Examples of new houses Promotion of new sub-division Investment Opportunities 	High	Estimated October 2024 (new residential sub-division complete and blocks available)
Community and Culture	Key Message: Feel welcome and included.Content:• "Sense of Community"• Multiculturalism• Aboriginal culture• Diversity and inclusion• Various community groups• Various town events	Medium	February 2025 (depends on sub- division completion)

Theme	Key Message and Content	Priority for release	Timing for release
Recreational and Sporting Opportunities	 Key Message: Plenty of sporting and recreational opportunities. Content: Bogan River (natural amenity and related activities/sports) All sporting clubs Nyngan Pool O'Reilly Park 	Medium	April 2025 (depends on sub- division completion)
Healthcare and Education	 Key Message: Priority areas of healthcare and education are well-catered for. Content: Medical Centre Nyngan MPS Local Schools (incl. Villages) TAFE Dentist Apprenticeships/Traineeships 	High	December 2024 (depends on sub- division completion)

Resolved 207/23

Moved: Cr Boag Seconded: Cr Deacon Council provides a budget of \$25,000 for production of videos for the relocation campaign.

Resolved 208/23

Moved: Cr Milligan Seconded: Cr Douglas Council agrees to the request from the Nyngan Local Aboriginal Land Council for acknowledgement that filming is done on Ngyiampaa Wangaaypuwan Country.

Resolved 209/23

Moved: Cr Milligan

Seconded: Cr Douglas

Council investigates creating an artwork that acknowledges Country that can be used in the videos and other purposes, with a report to a future meeting of Council.

Council adjourned for supper at 7.04pm and the meeting resumed at 7.30pm.

7 FINANCE AND CORPORATE SERVICES REPORTS

12.1 INVESTMENTS AUGUST 2023

Resolved210/23Moved:Cr JacksonSeconded:Cr DeaconThat Council Investments Report be received and noted.

12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Resolved 211/23

Moved: Cr Douglas Seconded: Cr Milligan

That Council Rates and Annual Charges collection report be received and noted.

12.3 ADOPTION OF THE 2022/2023 DRAFT ANNUAL STATEMENTS

Resolved 212/23

Moved: Cr Jackson Seconded: Cr Boag

That:

1. Council adopts the 2022/2023 Draft Annual Statements.

2. Council delegates authority to the General Manager to authorise the Year End Accounts for issue.

8 ENGINEERING SERVICES REPORTS

13.1 DEPARTMENTAL ACTIVITY REPORT

Resolved 213/23

Moved: Cr Boag Seconded: Cr Milligan That the Engineering Departmental Report be received and noted.

13.2 VINNIES SCREENING FENCE

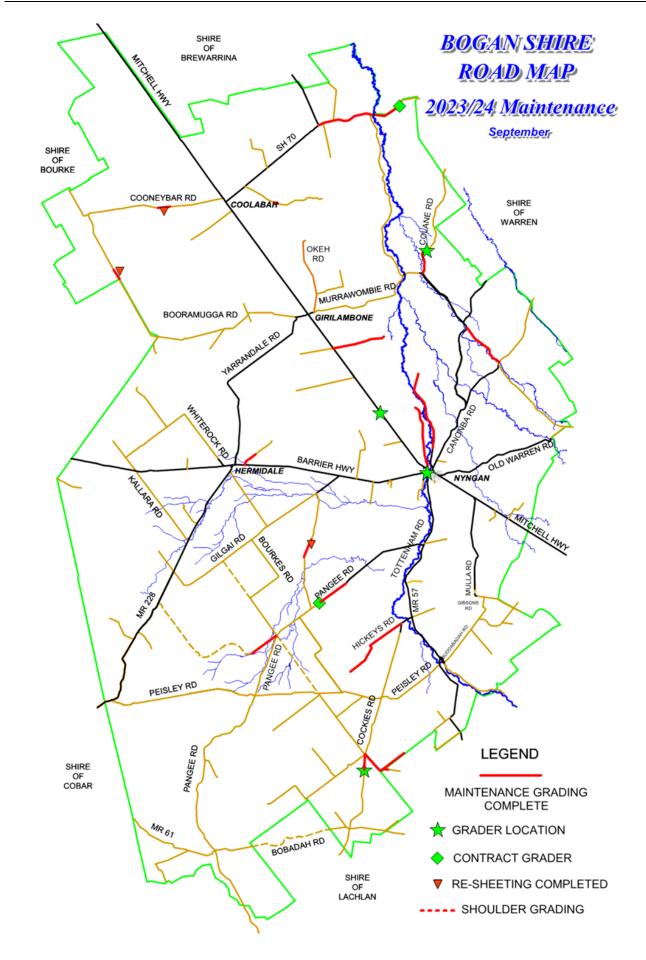
Resolved 214/23

Moved:Cr DeaconSeconded:Cr EliasThat Council approves a combination of current and historic photos incorporating points ofinterest for the theme of the mural.

13.3 NEW WATER TREATMENT PLANT INVESTIGATION AND DESIGN

Resolved 215/23

Moved:Cr JacksonSeconded:Cr DouglasThat Council agrees to consider the allocation of \$30K at the 2024/25 Budget.



14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS

14.1 DEPARTMENTAL ACTIVITY REPORT

Resolved 216/23

Moved: Cr Jackson

Seconded: Cr Deacon

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

14.2 AGRITOURISM - AMENDMENT TO LEP

Resolved 217/23

Moved: Cr Boag

Seconded: Cr Elias

That Council note the amendments made to the Bogan Local Environmental Plan by the State Environmental Planning Policy Amendment (Agritourism) 2023.

14.3 MOBILE FOOD VENDOR POLICY

Resolved 218/23

Moved: Cr Milligan Seconded: Cr Deacon That Council adopt the Policy - DDES006 Mobile Food Vendor Policy.

14.4 SKATE PARK TENDER

Resolved 219/23

Moved: Cr Douglas Seconded: Cr Menzies

That:

- 1. Council notes that no tenders have been received for the construction of a new skate park at O'Reilly Park.
- 2. The General Manager enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.

9 PRECIS OF CORRESPONDENCE

15.1 THE HON. RON HOENIG MP, MINISTER FOR LOCAL GOVERNMENT

Resolved 220/23

Moved: Cr Boag

Seconded: Cr Milligan

That the correspondence received from The Hon. Ron Hoenig MP, Minister for Local Government regarding the 2023/24 Emergency Services Levy be received and noted.

15.2 HERMIDALE PUBLIC SCHOOL, HERMIDALE FUTURE FARMERS

Resolved 221/23

Moved: Cr Boag

Seconded: Cr Jackson

That Council is currently looking at a new donations policy and consideration may be given in the future.

15.3 KHANS SUPA IGA NYNGAN

Resolved 222/23

Moved: Cr Boag

Seconded: Cr Douglas

That Council not agree to the request from Khans Supa IGA Nyngan to prune the trees outside the Khans Supa IGA Nyngan.

15.4 NYNGAN RUGBY LEAGUE FOOTBALL CLUB

Cr Neill declared an interest and left the room. Cr Jackson declared an interest and left the room. Cr Boag took the Chair.

Resolved 223/23

Moved: Cr Milligan

Seconded: Cr Douglas

That Council is currently looking at a new donations policy and consideration may be given in the future.

Clr Neill returned to the room and resumed the Chair.

15.5 NYNGAN BOWLING CLUB

Resolved 224/23

Moved: Cr Milligan

Seconded: Cr Boag

That Council is currently looking at a new donations policy and consideration may be given in the future.

Cr Jackson returned to the room.

15.6 BOGAN CHRISTMAS COMMITTEE

Resolved 225/23

Moved: Cr Douglas Seconded: Cr Menzies That:

- 1. Council grants a temporary closure of Pangee Street in front of Davidson Park for the set up, pack up and duration of the event.
- 2. Council provides insurance or guidance around insurance requirements for the event.
- 3. Council agrees to provide assistance for setting up and packing up the event.
- 4. Council consults with the Bogan Christmas Committee on how the remaining budget funds are to be spent.
- 5. Council provides equipment and resources from the Bogan Shire Early Learning Centre/Bogan Bush Mobile for younger children attending the event.

10 MAYORAL MINUTE

Resolved 226/23

Moved: Cr Jackson Seconded: Cr Menzies That Council prohibits the issuing of fire permits from the commencement of harvest in the Bogan Shire until harvest is complete, as well as from 22 December 2023 through to 3 January 2024 inclusive. (Jackson/Menzies)

MEETING CLOSURE

There being no further business, the meeting closed at 9.05pm

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

GENERAL MANAGER

MAYOR