



BOGAN SHIRE COUNCIL

Ordinary Minutes

Date: Thursday, 23 November 2023

Time: 5.30pm

Location: Bogan Shire Council
Council Chambers
81 Cobar Street
Nyngan

Derek Francis
General Manager



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**MINUTES OF BOGAN SHIRE COUNCIL
ORDINARY COUNCIL MEETING HELD AT THE BOGAN SHIRE COUNCIL,
COUNCIL CHAMBERS, 81 COBAR STREET, NYNGAN
ON THURSDAY, 23 NOVEMBER 2023 AT 5.30PM**

PRESENT: Cr G Neill (Chairperson), Cr V Boag (Deputy Chairperson), Cr K Bright, 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), S Waterhouse (Director Finance and Corporate Services), G Bourke (Director Engineering Services), C Black (Director Development and Environmental Services), M Salter (Executive Officer)

1 OPENING PRAYER

2 REMEMBRANCES

3 APOLOGIES - Nil

4 DISCLOSURE OF INTERESTS

The following disclosures of interest were declared if matter is discussed :

Cr Douglas

- 10.1 Checklist, Item 11 Banking Situation

Reason: Due to position at Commonwealth Bank, Nyngan

5 CONFIDENTIAL MATTERS

Resolved 257/23

Moved: Cr Menzies

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).

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 23 November 2023:

CONFIRMATION OF CONFIDENTIAL MINUTES - 26 OCTOBER 2023

Resolved 258/23

Moved: Cr Jackson

Seconded: Cr Menzies

That the minutes of the Confidential Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 26 October 2023, be received and noted.

Business Arising: Nil

5.1 TENDER FOR GRADER

Resolved 259/23

Moved: Cr Jackson

Seconded: Cr Boag

1. That Council accept the tender of Westrac for the Caterpillar 140JOY3 Grader at a cost of \$607,758.74 (exclusive of GST).
2. That the General Manager be authorised to dispose of plant 2532 in the best interest of Council.

THAT THE MEETING MOVE INTO OPEN COUNCIL

Resolved 260/23

Moved: Cr Douglas

Seconded: Cr Milligan

Inclusion of Press and Public, that the meeting move into open council.

6 CONFIRMATION OF ORDINARY MINUTES 26 OCTOBER 2023**6.1 MINUTES OF ORDINARY COUNCIL MEETING - 26 OCTOBER 2023**Business Arising from Previous Minutes:**10.4 Davidson Park Upgrades**

Clr Douglas **MOVED** that Council defer the removal of the six palm trees in Davidson Park until further consultation with community members via an online survey.

Resolved 261/23

Moved: Douglas

Seconded: Deacon

1. That Council defer the removal of the six palm trees in Davidson Park until further consultation with community members via an online survey.
2. This matter to be discussed at December 2023 Council Meeting.

Resolved 262/23

Moved: Jackson

Seconded: Deacon

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 26 October 2023, be received and noted.

7 NOTICE OF MOTION - Nil

8 MAYORAL MINUTE

The Mayor declared an interest, left the chair and the Deputy Mayor took the chair.

Reason: Due to a family member of the Mayor, being on the Nyngan Christmas Committee.

8.1 NYNGAN CHRISTMAS COMMUNITY EVENT – MOBILE FOOD VENDORS

Resolved 263/23

Moved: Douglas

Seconded: Milligan

That council suspends the operation of the Mobile Food Vendor Policy DDES006 for the duration of the Nyngan Christmas Event on 9 December 2023.

The Deputy Mayor Left the Chair and the Mayor returned to the room and the Chair.

9 COMMITTEE MEETING MINUTES

Nil

10 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	<p>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.</p> <p>Discussed with Roy Butler 07/06/2023 – followed up 11/08/2023.</p> <p>UPDATE: Precis item refers.</p>
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	<p>Letter written to new Minister for Water, advising them of resolution 122/2022 and seeking clarification on funding. Minister for Water has advised that:</p> <ul style="list-style-type: none"> • 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
	23/02/2023	010/2023		<p>Council vote for a 200mm pipe instead of 375mm pipe, on the basis of water consumption.</p> <p>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.</p>	GM	<p>Public Works have provided an alternative cost estimate of \$5.092M, based on the 200mm pipeline.</p> <p>On hold pending response.</p>
	27/04/2023	081/2023		<p>Virginia and Richard Woodlock be requested to provide Council with specific concerns of concerned landholders and rate payers in writing, so that responses can be prepared, and arrangements made for appropriate NSW Government staff to be available.</p>		<p>Letter sent to Richard and Virginia Woodlock advising them of Council's resolution.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
	24/08/2023	184/23		<p>That Council prioritises remaining available grant funding of \$7,111,871 across the following projects:</p> <ul style="list-style-type: none"> a. Water purchases b. Belaringar Creek Syphon c. Nyngan Emergency Bore pipeline 		DPE advised accordingly.
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	UPDATE: Research underway for information sign in collaboration with Nyngan Museum.

Item	Date	Minute No	Matter	Action Required	Officer	Status
4	27/05/2021 28/09/2023	126/2021	Addressing Local Job Vacancies	<p>Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.</p> <p>Council provides a budget of \$25,000 for production of videos for the relocation campaign.</p>	DPCS	<p>Planning for new residential subdivision has commenced.</p> <p>Scheduled for 2024/25.</p>
5	28/10/2021	162/2021	Section 355 Committee – Nyngan Museum	<p>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.</p>	GM	<p>Initial meeting held with Museum Committee.</p> <p>Referred to Audit & Risk Committee.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
	15/12/2022	281/2022		Council progress investigations and discussion to progress to Section 355 or an incorporated body for the functions of managing and operating the Nyngan Museum.		UPDATE: Report to Council expected in December 2023
6	23/06/2022	126/2022	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.	DES	Public Works to discuss with Crown Lands use of site adjacent to electricity sub-station at the end of Dandaloo Street.
	23/03/2023	011/2023		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.		Public Works has been requested to prepare a report on comparing the Dandaloo Street site with the raw water pump station site when the funding deed has been signed.

Item	Date	Minute No	Matter	Action Required	Officer	Status
7	28/07/2022	171/2022	Hoskins Street Subdivision	<p>Council approves the draft subdivision layout, with following amendments Inclusion of a laneway between lots 18-23 and lots 28-33.</p> <p>Accordingly reduce the number of affected blocks to retain an average size of around 1000m².</p> <p>Strong representation is made to the Minister for Western New South Wales in relation to Biodiversity Fund contributions.</p>	DES	<p>Meetings between Alliance of Western Council and NSW Government held on 17/08/2022 and 19/08/2022 to discuss.</p> <p>UPDATE: Report to Council refers</p> <p>Alliance of Western Councils working with Urban Taskforce and making representation to Premier and Minister for Environment.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
8	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	<p>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.</p> <p>DPE indicated funding may be available after 30 June 2023, but that Council would have to prepare a scope of works for the strategy to be eligible for funding.</p> <p>Grant submitted.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
9	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	<p>Council has requested Department of Planning to consider undertaking the reclassification as part of its Minor Amendments Project.</p> <p>Awaiting DoP consideration and advice.</p> <p>UPDATE: Grant funding not successful. Awaiting consultant's quote which will be presented for Council's consideration.</p>
10	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 Plan (LEP) 2011 from a 'closed zone' to an 'open zone'.	DDES	<p>Report for future Council Meeting.</p> <p>UPDATE: Awaiting consultant's quote which will be presented for Council's consideration.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
11	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. UPDATE: Further letter written, November 2023.
12	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.
13	28/09/2023	209/23	Relocation Marketing Campaign – Promotional Videos	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.	DPCS	Not yet commenced.
14	28/09/2023	219/23	Skate Park Tender	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	GM	UPDATE: Negotiations under way.

Item	Date	Minute No	Matter	Action Required	Officer	Status
				relation to the subject matter of the tender.		
15	26/10/2023	247/23	Before and After School Care, Nyngan	That the Before and After School Care matter be further pursued with the Department of Education, and if necessary the Minister.	GM	UPDATE: Verbal update at Council Meeting.

Resolved 264/23

Moved: Cr Boag

Seconded: Cr Douglas

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

10.2 DAVIDSON PARK PLAQUES

Resolved 265/23

1. That Council leave the Albert Priest Memorial plaque on the existing rock and leave this in the garden bed area in Davidson Park. **(Cr Douglas/Cr Boag)**
2. That Council attach the Phillip Dutton Olympic Achievement plaque to the gazebo in Davidson Park. **(Cr Douglas/Cr Deacon)**
3. That Council place the Nyngan Bicentennial Projects plaque, the Nyngan's Water and Sewerage Supply Augmentation/ Stage 1 of Nyngan Levee Plaque and the Nyngan Flood Control Levee plaque all on the southern end of the bicentennial mural wall in Davidson Park **(Douglas/Menzies)**

10.3 REGIONAL DROUGHT RESILIENCE PLAN

Resolved 266/23

Moved: Cr Elias

Seconded: Cr Jackson

That:

1. The Regional Drought Resilience Plan Report be received and noted.
2. The Mayor, General Manager and any other Councillors who wish to do so participate in the process of developing the Regional Drought Resilience Plan on behalf of Council.
3. The General Manager nominate a Council staff contact as a local information conduit to work with the Far North West Joint Organisation of Councils Drought Project Officer.
4. Local plans relevant to Bogan Shire Council be supplied to the Drought Project Officer for review.
5. Council undertakes local media promotion of the Regional Drought Resilience Plan process to promote the launch of the consultation process in January 2024.
6. Council call for nominations for the Regional Skills Based Reference Group with names to be forwarded by Council to the Far North West Joint Organisation.
7. Council adopts the Regional Drought Resilience Plan (RDRP 016) Project Plan for implementation by the Far North West Joint Organisation of Councils as attached.

11 PEOPLE AND COMMUNITY SERVICES REPORTS

11.1 ADOPTION OF THE DISABILITY INCLUSION ACTION PLAN 2023-2025

Resolved 267/23

Moved: Cr Menzies

Seconded: Cr Jackson

That Council adopt the draft Disability Inclusion Action Plan 2023-2025.

11.2 BOGAN SHIRE LIBRARY REPORT

Resolved 268/23

Moved: Cr Boag

Seconded: Cr Deacon

That the Bogan Shire Library report be received and noted.

12 FINANCE AND CORPORATE SERVICES REPORTS**12.1 INVESTMENTS OCTOBER 2023****Resolved 269/23**

Moved: Cr Elias

Seconded: Cr Jackson

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

12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION**Resolved 270/23**

Moved: Cr Milligan

Seconded: Cr Deacon

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

12.3 ANNUAL REPORT 2022/2023**Resolved 271/23**

Moved: Cr Boag

Seconded: Cr Jackson

That Council adopts the 2022/2023 Annual Report.

12.4 RISK MANAGEMENT POLICY AP014 & RISK MANAGEMENT PLAN**Resolved 272/23**

Moved: Cr Menzies

Seconded: Cr Elias

That Council adopts the Risk Management Policy AP014 and Risk Management Plan.

12.5 PUBLIC INTEREST DISCLOSURES POLICY - AP001**Resolved 273/23**

Moved: Cr Jackson

Seconded: Cr Bright

That Council adopts the Public Interest Disclosures Policy AP001.

2.6 FRAUD & CORRUPTION POLICY - AP016**Resolved 274/23**

Moved: Cr Douglas

Seconded: Cr Milligan

That Council adopts the draft Fraud and Corruption Policy AP016.

12.7 RETURNS OF INTEREST

Resolved 275/23

Moved: Cr Milligan

Seconded: Cr Douglas

That Council publishes the annual Returns of Interest from designated persons on its website in a redacted form to eliminate principal place of residence information and signatures.

The meeting adjourned for supper at 6.42pm and the meeting resumed at 7.15pm.

12.8 DRAFT FINANCIAL ASSISTANCE POLICY

Resolved 276/23

That Council adopts Financial Assistance Policy AP015 with the following amendments:

1. That allocations of assistance be awarded quarterly, with 50% of the budget to be allocated in the first quarter of the financial year, and the balance equally allocated over the following quarters.
(Boag/Menzies)
2. That Clause 1.5.9 be deleted, so that assistance may be granted for the payment of rates. **(Menzies/Douglas)**
3. That Clause 1.4 be amended, so that the maximum amount permitted is \$1,000, not \$2,000. **(Menzies/Boag)**
4. That Clause 1.5.6 be amended, by inserting the words “excluding schools”, at the end of the Clause. **(Douglas/Deacon)**
5. That Clause 4.2.2 be amended, so that funding is to be expended within six months, not 9 months. **(Bright/Menzies)**

13 ENGINEERING SERVICES REPORTS

13.1 DEPARTMENTAL ACTIVITY REPORT

Resolved 277/23

Moved: Cr Jackson

Seconded: Cr Douglas

That the Engineering Departmental Report be received and noted.

13.2 NYNGAN YEAR-ROUND FISHERY

Resolved 278/23

Moved: Cr Menzies

Seconded: Cr Milligan

That Council provide in principle support for the development of a Memorandum of Understanding with DPI Fisheries for a managed fishery in the Nyngan off-river storages, with a further report to Council to consider a draft Memorandum of Understanding.

13.3 HOSKINS STREET SUBDIVISION

Resolved 279/23

Moved: Cr Douglas

Seconded: Cr Elias

That Council notes the proposed changes to the design and layout of the Hoskins Street subdivision and that Council staff progress detailed design and development of tender specifications accordingly.

13.4 ROAD WORKS BUDGET 2023-2024

Resolved 280/23

Moved: Cr Douglas

Seconded: Cr Milligan

For Council's information.

13.5 REQUEST FROM THE KENNEDY FAMILY FOR A MEMORIAL PLACE AT THE UPPER WEIR

Resolved 281/23

Moved: Cr Deacon

Seconded: Cr Boag

That Council proceed with the request from Mr and Mrs Kennedy and that council provide labour, plant and materials for the works at the Memorial at the upper weir, and the Kennedy family provide the plaque.

14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS

14.1 DEPARTMENTAL ACTIVITY REPORT

Resolved 282/23

Moved: Cr Elias

Seconded: Cr Menzies

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

15 PRECIS OF CORRESPONDENCE

15.1 THE HON JENNY AITCHISON MP, MINISTER FOR REGIONAL TRANSPORT AND ROADS

Resolved 283/23

Moved: Cr Menzies

Seconded: Cr Milligan

1. That the correspondence from The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads, be received and noted.
2. That Council respond to Minister Atchison, with a request that the train speed limit be reduced to 20km/hour, as Council is not in a position financially to provide rail crossing lights.

15.2 CORRESPONDENCE FROM THE LONG TABLE COMMITTEE

Resolved 284/23

Moved: Cr Boag

Seconded: Cr Milligan

That the correspondence from the Long Table Committee be received and noted.

At the conclusion of the Meeting, Councillors Menzies and Jackson shared their experiences of attending the recent LGNSW Conference in Sydney

16 MEETING CLOSURE

There being no further business, the meeting closed at 8.30pm.

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

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GENERAL MANAGER

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MAYOR