



BOGAN SHIRE COUNCIL

Minutes

Date: Thursday, 28 March 2024

Time: 7.00pm

**Location: Bogan Shire Council
Council Chambers
81 Cobar Street
Nyngan**

**Debb Wood
Acting General Manager**



Published Recording of Council Meeting

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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 28 MARCH 2024 AT 7.00PM**

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

IN ATTENDANCE: D Wood (Acting General Manager), (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:

- Cr Neill
From the previous Meeting minutes: 5.3 Hoskins Street Subdivision Tender
Reason: Due to position as Director of Neill Earthmoving, which undertakes civil construction contracts.
- Cr Douglas
10.1 Checklist: Item 9 Banking Situation
Reason: Due to position at Commonwealth Bank, Nyngan

5 CONFIDENTIAL MATTERS

Resolved 032/24

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).

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 28 March 2024:

Resolved 033/24

Moved: Cr Bright

Seconded: Cr Deacon

That the minutes of the Confidential Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 22 February 2024, be received and noted

Resolved 034/24

Moved: Cr Milligan

Seconded: Cr Menzies

INCLUSION OF PRESS AND PUBLIC: That the meeting move into open Council.

6 CONFIRMATION OF MINUTES

MINUTES OF ORDINARY MEETING - 22 FEBRUARY 2024

The minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 22 February 2024 have been circulated to Council.

Business Arising:

Amendment: A local charity needed to be determined for the following resolution:

14.6 RESOURCE RECOVERY SHOP - NYNGAN WASTE AND RESOURCE FACILITY

Resolved 030/24

Moved: Cr Bright

Seconded: Cr Elias

That:

1. The Resource Recovery Shop – Nyngan Waste and Resource Facility Report be received and noted.
2. The operating rules as set out in this report be adopted on a trial basis, with a further report to Council within six months.
3. Council determined the local charity Can Assist to receive donations collected from the RRS. **(Menzies/Jackson)**

Resolved 035/24

Moved: Cr Jackson

Seconded: Cr Boag

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 22 February 2024, with the above amendment, be received and noted.

6 NOTICE OF MOTION

Nil

7 MAYORAL MINUTES

Nil

8 COMMITTEE MEETING MINUTES

Nil

9 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 11/08/2023.
	23/11/2023	282/23		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.		UPDATE: This matter was drawn to the attention of Minister Atchison on 12/01/2024 during her visit to Nyngan.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
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: <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.
	23/02/2023	010/2023		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	GM	Public Works have provided an alternative cost estimate of \$5.092M, based on the 200mm pipeline. On hold pending response.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
	27/04/2023	081/2023		<p>bore hole project is to be funded.</p> <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>

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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	<p>Sign completed and due to be installed February 2024.</p> <p>COMPLETED</p>

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>

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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.		Report to March Council Meeting refers. COMPLETED
6	23/06/2022 23/03/2023	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	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 pump station site when the funding

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Item	Date	Minute No	Matter	Action Required	Officer	Status
	22/02/2024	005/24		<p>final preparation of tender documents, based on the layout contained in the Concept Plan, attached to report 5.3, with a view to inviting tenders for construction on a “subject to DA” basis.</p> <p>That consideration be given in 2024-2025 budget discussions to cover any shortfall in available grant funding, with this to be recovered from land sales.</p>		
8	23/03/2023	053/2023	Reclassification of Land – 8 Tabratong Street	<p>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</p>	DDES	UPDATE: In progress.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
				Land to Operational Land.		
9	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. Further letter written, November 2023. No response.
10	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.
11	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.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
12	26/10/2023 22/02/2024	247/23 009/24	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	Verbal update given at Council Meeting 23/11/2023. Issue of lack of Before and After School Care in Nyngan be referred to Local Member. UPDATE: Correspondence sent to Local Member.
13	23/11/2023	278/23	Nyngan Year-Round Fishery	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.	DES	UPDATE: In Progress

Item 10.1

Cr Douglas left the room

Checklist Item 9. Banking Situation in Nyngan

Resolved 036/24

Moved: Cr Boag

Seconded: Cr Jackson

That Council write to the National Australia Bank and follow-up Council's previous correspondence addressing earlier concerns and Council's disappointment in no response to previous request.

Cr Douglas returned to the room.

Resolved 037/24

Moved: Cr Deacon

Seconded: Cr Milligan

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

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10.2 DELEGATIONS TO NYNGAN MUSEUM SECTION 355 COMMITTEE

Resolved 038/24

Moved: Cr Milligan

Seconded: Cr Menzies

That Council adopts the Nyngan Museum Section 355 Committee Instrument of Delegation effective from 01 April 2024.

10 PEOPLE AND COMMUNITY SERVICES REPORTS**11.1 BOGAN SHIRE MEDICAL CENTRE OPERATIONAL REPORT****Resolved 039/24**

Moved: Cr Menzies

Seconded: Cr Milligan

That the Operational Report for the Bogan Shire Medical Centre be received and noted.

11.2 BOGAN SHIRE EARLY LEARNING CENTRE - PRIORITY ACCESS**Resolved 040/24**

Moved: Cr Menzies

Seconded: Cr Jackson

Council recognises the acute shortage of health care professionals, especially nurses in the Bogan Shire, affecting the Nyngan Multi-Purpose Service and the Bogan Shire Medical Centre. To help address this situation, Council will give priority of access to children of clinical staff on the ELC waitlist. This policy position is to be reviewed in 12 months' time.

11 FINANCE AND CORPORATE SERVICES REPORTS

12.1 INVESTMENTS FEBRUARY 2024

Resolved 041/24

Moved: Cr Boag

Seconded: Cr Bright

That Council receive and note the Investments Report for February 2024.

12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

At the meeting, the Director of Finance gave the following updates:

Rate Collections	2023-2024	2022-2023
Arrears Prior to 01/07/2023	378,273	582,018
First Instalment in arrears as at 29/2/2024	0	24,667
Second Instalment in arrears as at 29/2/2024	64,194	72,284
Third Instalment in arrears as at 29/2/2024	248,031	269,077
Fourth Instalment Outstanding as at 29/2/2024	993,124	1,008,082
Total Arrears	690,498	948,046
Total Outstanding	1,675,673	1,956,128
Monthly Transactions		
Amount Levied & B/Fwd	6,259,035	6,045,306
Add: Adjustments	71,275	30,875
Less: Payments to end of February	-4,602,564	-4,038,770
Less: Rebates	-74,174	-81,283
Add: Postponed	0	0
Gross Total Balance	2,071,791	1,956,128
Arrears of total amount levied %	11%	15%

Resolved 042/24

Moved: Cr Jackson

Seconded: Cr Elias

That Council receive and note the Rate and Annual Charges report for February 2024.

12.3 INTEGRATED PLANNING AND REPORTING - 2021/22 TO 2024/25 DELIVERY PROGRAM

Resolved 043/24

Moved: Cr Jackson

Seconded: Cr Deacon

That Council make no changes to the 2021/2022 to 2024/2025 Delivery Program.

12.4 CONCEALED WATER LEAK POLICY

Resolved 044/24

Moved: Cr Douglas

Seconded: Cr Milligan

That Council adopt the policy FIN005 known as Bogan Shire Council's "Concealed Water Leaks Policy" with no amendments to the current policy.

12 ENGINEERING SERVICES REPORTS

13.1 DEPARTMENTAL ACTIVITY REPORT

Resolved 045/24

Moved: Cr Boag

Seconded: Cr Elias

That the Engineering Departmental Report be received and noted.

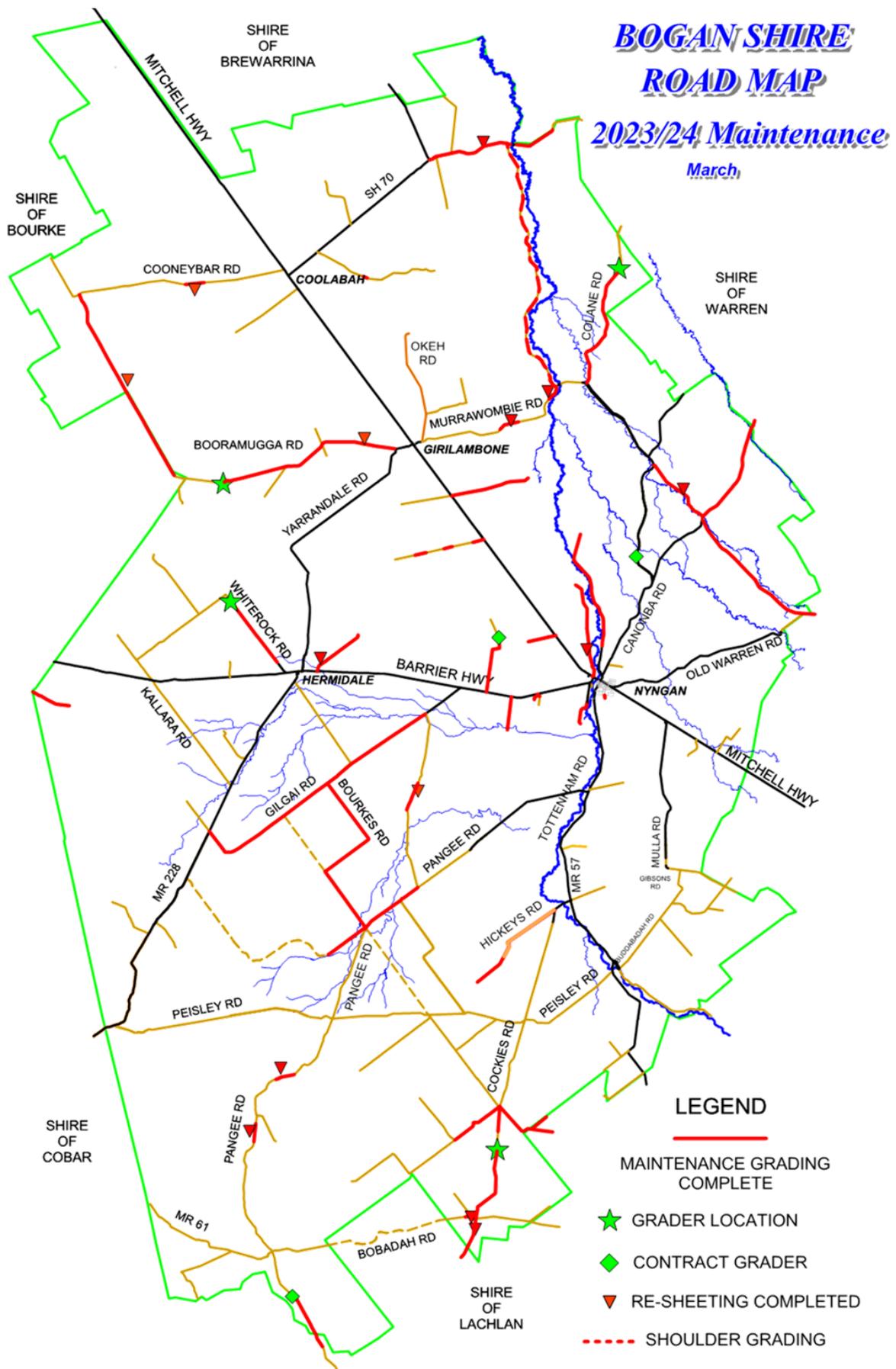
13.2 CROWN ROAD OFF COCKIES ROAD

Resolved 046/24

Moved: Cr Menzies

Seconded: Cr Douglas

1. That the General Manager, Mayor and Deputy Mayor enter into discussions with the property owners, to determine what if any alternatives they have for accessing the property via Lachlan Shire and whether they have approached Lachlan Shire Council and have discussed this matter, or have any outcome from those discussions with Lachlan Shire Council.
2. That Council contact Lachlan Shire Council to obtain information on their intention in relation to this matter.
3. That the General Manager provides a report to Council in May or June, confirming:
 - a. Options for transferring the unformed Shire road, after transfer from the Crown is complete, into private ownership. Or alternatively if Lachlan Shire could take over the Crown land, either by transfer or purchase from Bogan Shire Council.
 - b. The costs of clearing timber and forming the road to the minimum acceptable standard.
 - c. Mechanisms to ensure current and future owners of "Hopbush Valley" property are aware that Council has no intention of upgrading the road beyond the minimum acceptable standard.
4. That Council defers any decision on this matter until the General Manager's report comes to Council.



13 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS**14.1 DEVELOPMENT APPLICATIONS REPORT****Resolved 047/24**

Moved: Cr Elias

Seconded: Cr Milligan

That the Development Applications Report be received and noted.

14.2 TREE PRESERVATION POLICY**Resolved 048/24**

Moved: Cr Jackson

Seconded: Cr Bright

That Council adopts the DDES005 Tree Preservation Policy.

14.3 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE**Resolved 049/24**

Moved: Cr Menzies

Seconded: Cr Jackson

That:

1. Council temporarily suspend the operation of the Alcohol Free Zone area as marked in Attachment 1 until 31 March 2025 to coincide with the Alcohol Free Zone updates.
2. A notice to be published and advertised to the community that Council has approved the temporary suspension of the Alcohol Free Zone for the area marked in Attachment 1.
3. The property owner at 104-106 Nymagee Street Nyngan lodge a Section 68 Application with Council for the proposed outdoor dining area.

14.4 BIOSECURITY REPORT**Resolved 050/24**

Moved: Cr Boag

Seconded: Cr Deacon

That the Biosecurity report be received and noted.

14 PRECIS OF CORRESPONDENCE

15.1 NYNGAN CHRISTMAS COMMITTEE

Resolved 051/24

Moved: Cr Douglas

Seconded: Cr Bright

That:

1. The correspondence from the Nyngan Christmas Committee be received and noted.
2. Council notes the date for this year’s Nyngan Community Christmas Event as Saturday 7 December 2024.
3. The General Manager works with the Committee on their requests.

15.2 NYNGAN TOWN HALL

Resolved 052/24

Moved: Cr Jackson

Seconded: Cr Boag

That the correspondence from Anne Quarmby regarding the Nyngan Town Hall be received and noted.

16 OTHER BUSINESS

16.1 DATE OF APRIL COUNCIL MEETING

Resolved 053/24

Moved: Cr Boag

Seconded: Cr Bright

The date of the next Council meeting will be Tuesday 23 April 2024.

15 MEETING CLOSURE

There being no further business, the meeting closed at 8.20pm

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

.....
ACTING GENERAL MANAGER

.....
MAYOR