

BOGAN SHIRE COUNCIL

Minutes

23 September 2021



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PRESENT: Councillors RL Donald OAM (in the Chair), VJ Boag, WG Deacon, 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), Mr Chris Foley (Acting Senior Manager Development and Environmental Services), and Mrs Melissa Salter (Executive Assistant).

A minutes silence was observed for the late Mrs Rae Bywater, the last serving WWII veteran in Nyngan.

DECLARATION OF INTEREST: Nil

247/2021 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 26 August 2021, copies of which have been circulated to Councillors be taken as read and confirmed with the following amendments: **(Ryan/Elias)**

NOTICE OF MOTION 218/2021 RESOLVED that Council:

- 1. Trial evening meetings for Ordinary Meetings of Council, commencing September 2021. (Douglas/Boag)
- Council revert to a daytime meeting for the last meeting of current council as a daytime meeting to enable a final lunch with the outgoing Council. (Douglas/Dutton)

4 BOGAN SHIRE EARLY LEARNING CENTRE - GAP FEES

It was **MOVED** that Council do not waive Gap Free payments at the Bogan Shire Early Learning Centre. (**Ryan/**)

The Amendment lapsed for want of a seconder.

It was further **MOVED** that Council waive Gap Fee payments for all children who are enrolled at the Bogan Shire Early Learning Centre, but not attending the Bogan Shire Early Learning Centre in line with the current Federal Government hotspot declaration, from Monday 30 August. This decision to be reviewed at the next council meeting. **(Jackson/Neill)**

226/2021 RESOLVED that Council waive Gap Fee payments for all children who are enrolled at the Bogan Shire Early Learning Centre, but not attending the



Bogan Shire Early Learning Centre in line with the current Federal Government hotspot declaration, from Monday 30 August. This decision to be reviewed at the next council meeting. (Jackson/Neill)

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting 23 September 2021.

<u>242/2021</u> **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, Section 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. **(Jackson/Boag)**

243/2021 RESOLVED that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 26 August 2021, copies of which have been circulated to Councillors be taken as read and confirmed. **(Ryan/Elias)**

244/2021 RESOLVED that Council:

- 1. Accept the lowest tender from Wright Way Building for \$673,193 for the construction of housing at 70 Bogan Street.
- 2. Provides up to \$200,000 in own funding from the Sale of 8A and B Dandaloo St to complete the project. **(Ryan/Jackson)**

245/2021 RESOLVED that:

- Council accepts the proposal from IOR Aviation to provide both Avgas and Jet A1 aviation fuel at the Nyngan Airport.
- 2. That the Director of Engineering Services negotiates the construction costs of concrete slab and footings for Jet A1 aviation fuel tank.
- 3. That provisions be made in the Capital Budget for these costs, as required, from surplus funds. (Ryan/Jackson)

<u>246/2021</u> INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. (Neill/Elias)

Business Arising:



Bogan Shire Council held on 23 September 2021

NYNGAN WAR MEMORIAL SWIMMING POOL REPAIR WORKS

248/2021 RESOLVED that:

- 1. The Nyngan War Memorial Swimming Pool open as normal on 2 October
- 2. The Nyngan War Memorial Swimming Pool be closed and repaired during the swimming season on a date determined by Contractor availability which is influenced by interstate COVID regulations.

(Ryan/Neill) Unanimous

On behalf of Council, The Mayor acknowledged Ten Years' of Service with Bogan Shire Council for General Manager Derek Francis.



REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER'S REPORT Mayor and Councillors

The following report is submitted for consideration:

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	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.
	21/06/2018	293/2018		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.	DES	406 Petitions received. On-site meeting held with Deputy Premier. Met with Minister for Regional Transport & Roads in Bourke on 25 November 2019.



		The best control measures would be to erect flashing lights at the Hoskins Street Crossing.	Council advised that this crossing is not a priority for John Holland Rail.
28/05/2020	110/2020	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 for Regional Transport & Roads.	Safety Consultant has been engaged to inspect crossing at the end of July & will be preparing a risk audit for Council. Report has been received and forwarded. Letter received from Transport for NSW, June 2021, stating that they have no plans to upgrade the crossing but are open to other solutions.



2	24/04/2019	117/2019	Cobar Water Board	Whilst Council is	GM	Letter received from Minister for Regional Transport and Roads in August 2021, advising that the crossing complies with Australian Standards for train speeds of up to 80km/hr and there are no plans to upgrade it.
				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.		to CWB. UPDATE: New water supply agreement sent to CWB. Meeting rescheduled.
3	28/11/2019	366/2019	Regional Water Supply Pipe Network	Council supports in principle the investigation of a Regional Water Supply	GM	Water NSW has advised Narromine/Warren pipeline project is on hold



		Network servicing the communities currently supplied by the Macquarie River downstream of Burrendong Dam.	
25/02/2021	010/2021	Council seeking urgent clarification from the Minister on: 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 2.	UPDATE: Awaiting determination from NRAR and direction from NSW Government.



4	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. Floor continues to be wet and soft from rain. UPDATE: Requires warm weather to dry out sub- base
5	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	<u>UPDATE:</u> Completed



6	17/12/2020	373/2020	Lack of Vacation Care/Before and After School Care in Nyngan	Council approach both primary schools in Nyngan. Council bring this matter to the attention of local State Member and Hon. Sam Farraway MLC.	DPCS	Meetings held with Principals of Nyngan Public and St Joseph's Schools. Letter sent to Hon. Bronnie Taylor MLC, Minister for Mental Health, Rural Youth and Women. Response received from Hon. Bronnie Taylor, indicating support for funding application by Nyngan Public School to the Department of Education for the construction of a purpose built building for Before and After School Care.
7	25/02/2021	011/2021	Bogan Shire Official Visitors Guide	To be funded from a budget review or included in next year's estimates.	DPCS	In Progress



8	25/02/2021	012/2021	Nyngan Railway Wool Dump	A colour information sign be erected at the Nyngan Railway Wool Dump on a stand adjacent to the dump. A cement path from the existing walkway to the sign be constructed, with available funding	DPCS	Pending commencement of grant- funded works. Pending commencement of grant- funded works.
9	25/02/2021	013/2021	Honour Board	That recipients of National Awards, prior to the 1980's, be recognised on an Honour Board. The board to include all National awards including recipients of the British Empire Medal (BEM), Australian Fire Service Medal (AFSM), and Victoria Cross.	GM	UPDATE: Honour Board ordered.



10	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.	GM	Awaiting approval of funding for establishment of new residential subdivision.
11	25/02/2021	040/2021	Nyngan Cenotaph Location	A report be prepared for Council regarding the Nyngan Cenotaph location.	GM	Pending outcome of Nyngan Community Homes grant application
12	24/06/2021	149/2021	Resources for Regions	General Manager negotiates the purchase of land consistent with discussions at June 21 Council meeting for Council's Resources for Regions project.	GM	UPDATE: Offers made to owners. Report to be prepared for future Council Meeting.



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13	24/06/2021	168/2021	Safety Factors of	Council request RMS	DES	
			Rehabilitation &	consider the safety		Letter sent to TfNSW
			Reconstruction	factor of all		advising of resolution.
			Roadworks	rehabilitation and		
				reconstruction work,		<u>UPDATE</u> :
				including the current		No reply to date
				Mitchell highway at the		
				Mulla Road		
				Intersection, and		
				suggest the following		
				action be taken: that		
				where possible the		
				table drains be		
				extended out from the		
				shoulder and that		
				material be used to		
				widen and flatten the		
				batters of the road		
				shoulder.		
				1		



14	24/06/2021	158/2021	New Showground Arena	Council seek the support of the Nyngan Pony Club and Show Committee to have this arena named "The Rodney Robb Arena".	GM	UPDATE: Positive correspondence received from Nyngan Pony Club.
15	24/06/2021	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	WPDATE; Meeting deferred due to COVID-19 situation.



16	1	73/2021	Neeroc Road	The Engineering Department do a full inspection and assessment of the road and report back to Council Council advise William	DES	Engineering Services Report August 2021 Council Meeting refers.
	23	31/2021		Carter and Owen Carter of Councils decision from meeting Director of Engineering Services be requested to carry out repairs on damaged sections only of Neeroc Road, and leave entire resheeting until a later time.		UPDATE: Advised William Carter and Owen Carter of Councils decision from meeting. Road has been recently inspected and scheduled for a maintenance grade. Completed



17	22/07/2021	210/2021	Nyngan Rugby League Football Club	Council proceed with the installation of heating under the awning of the new canteen area to be funded from savings identified at the first Budget Review. The General Manager investigate any grant funding that may be available.	GM	In progress UPDATE: Not yet commenced due to cancelled games UPDATE: No Funding yet identified.
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249/2021 RESOLVED that prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates. **(Neill/Dutton)**

250/2021 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist. (**Neill/Elias**)

1 LGNSW SPECIAL CONFERENCE

Summary:-

The purpose of this report is to inform Council of the revised date of the Local Government NSW (LGNSW) Annual Conference, which will now be held on 29 November 2021 as an online conference, followed by a Special Conference on 28 February to 2 March 2022. Council may nominate representatives to attend the Special Conference to take advantage of the 'early bird' reduced fee registrations.

251/2021 RESOLVED that:

Council register (3) delegates Mayor, Deputy Mayor and General Manager for the Local Government NSW (LGNSW) Special Conference now to take advantage of early bird discount rates. (Ryan/Deacon)



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.

252/2021 RESOLVED that the Early Learning Centre report be received and noted. (Boag/Jackson)

2 AUSTRALIA DAY 2022 NOMINATIONS AND AWARDS

Summary:-

The purpose of this report is for Council to approve the Australia Day Award categories, nomination form, guidelines and voting system for the 2022 awards.

253/2021 RESOLVED that:

- 1. Council approves the categories, nominations form and guidelines for the 2022 Australia Day Awards.
- 2. The date for assessment of nominations for Australia Day Awards be determined by the Mayor and General Manager (Ryan/Boag)



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

1 INVESTMENTS AUGUST 2021

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

At the 31st August 2021 Council had \$15.2 million invested. There has been an increase of \$719 thousand due to the first quarter rate instalment falling due and payments received from Transport for NSW for a flood claim from 2020/2021 and the first Block Grant and the Financial Assistance Grant instalments being paid for 2021/2022.

254/2021 RESOLVED that the Investments Report be received and noted. (Jackson/Dutton)

2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary:

The report is to provide a comparison of rate collections as at 31st August 2021, with the same period last year.

Total arrears have increased from \$957,922 as at the 31st August 2020 to \$1,127,103 as at 31st August this year.

The Director of Finanace and Corporate Services reported at the meeting, that at the date of the meeting, current arrears were \$820,363, the following table documents the updated figures:

Rate Collections	2021-2022	2020-2021
Arrears Prior to 01/07/2021	820,363	646,758
First Instalment Outstanding as at 31/08/2021	212,441	311,164
Second Instalment Outstanding as at 31/08/2021	1,039,009	1,080,116
Third Instalment Outstanding as at 31/08/2021	1,078,661	1,106,966
Fourth Instalment Outstanding as at 31/08/2021	1,090,336	1,113,237
Total Arrears	1,032,804	957,922
Total Outstanding	4,240,810	4,258,241
Monthly Transactions		
Amount Levied & B/Fwd	6,157,721	6,054,829
Add: Adjustments	4,350	-0.01
Less: Payments to end of August	-1,844,350	-1,717,919
Less: Rebates	-76,921	-78,669
Gross Total Balance	4,240,810	4,258,241
Arrears of total amount levied %	16%	16%



255/2021 RESOLVED that That the Rates and Annual Charges collection report be received and noted. **(Douglas/Jackson)**

3 FINANCIAL ASSISTANCE TO COMMUNITY SERVICE ORGANISATIONS

Summary:

The report is to advise Council of requests received for Financial Assistance in relation to Rates and Charges levied on Community Service Organisations.

Council has in the past granted Financial Assistance to the below organisations to help with payment of their Annual Rates and Charges. The request is that the same assistance applies to this current financial year.

256/2021 RESOLVED that Council:

- 1. Provides financial assistance to The Nyngan Baptist Fellowship to the value of \$1,735, which represents all rates and charges levied on the Nyngan Baptist Fellowship. This would exclude any usage charges for water.
- 2. Provides financial assistance to the Trustees of the Bobadah Hall to the value of \$348, which represents the Waste Depot Levy. (Elias/Neill)



4 ADOPTION OF THE 2020/2021 DRAFT ANNUAL STATEMENTS

Summary:

To adopt the 2020/2021 Draft Annual Statements and for Council to delegate Authority to the General Manager to Authorise the Year End Account for issue.

Consolidated Accounting Surplus of \$5,570,000.

Surplus of \$5,066,000 in the General Fund is due to \$4,786,000 in Capital Grant funding included in the operating result and the expenditure being capitalised.

Surplus of \$726,000 in the Water Fund is due to debtors being raised for Capital Grant funding included in the operating result and the expenditure being capitalised as Work in Progress as well as less costs in materials and services and water purchase charges due to the breaking of the drought and rain received throughout the year. Consolidated unrestricted cash reserves of \$3,814,000.

257/2021 RESOLVED that:

- 1. Council adopts the 2020/2021 Draft Annual Statements.
- 2. Council delegates authority to the General Manager to authorise the Year End Accounts for issue
- 3. Council express acknowledgement and appreciation to The Director of Finance and Corporate Services and her staff, for the preparation of the Annual Financial Statements. (Ryan/Boag)

5 LICENCE AGREEMENT WITH NYNGAN RUGBY UNION CLUB INC.

Summary: The report is to:

- (a) Advise Council of the renewal of the licence agreement with the Nyngan Rugby Union Club Inc. in relation to use of the Clubhouse at Larkin Oval; and
- (b) Advise Council that the charge for the Nyngan Rugby Union Club Inc. is the statutory minimum rental applicable to tenures under the Crowns Land Act 1989 (NSW).

258/2021 RESOLVED that the Nyngan Rugby Union Club Licence Agreement Report be received and noted. **(Douglas/Elias)**



6 CHARGING STATION FOR ELECTRIC VEHICLES.

Summary:

The purpose of this report is to authorise the General Manager to enter into a licence agreement with National Roads and Motorists' Association Limited (NRMA) covering the area of one parking bay as well as an area for a Charging Station and electrical switchboard on Lot 23 DP 776559

259/2021 RESOLVED that Council authorises the General Manager to enter into a licence agreement with National Roads and Motorists' Association Limited (NRMA) covering the area of one parking bay as well as an area for a Charging Station and electrical switchboard on Lot 23 DP 776559 (land between Pangee Lane and Dr Chan's Residence/Surgery) for a period of 5 years, from a date to be negotiated with the NRMA, at \$1 per year. **(Ryan/Neill)**

The meeting adjourned for Supper at 6.30pm resumed at 7.10pm.

Sgt Tony Wood, in his position on the Local Emergency Management Committee, addressed the meeting on the COVID situation to date in Nyngan.

260/2021 RESOLVED that Council forward an urgent email to both Federal and State Members, pointing out the apparent discrepency between NSW Health vaccination statistics and what Council believes they should be, as well as, the lack of data for Bogan Shire LGA in the Federal Government Operation Covid Shield Reports. (**Elias/Deacon**)



REPORT TO THE ORDINARY MEETING OF COUNCIL - DIRECTOR OF ENGINEERING SERVICES

1 DEPARTMENTAL ACTIVITY REPORT

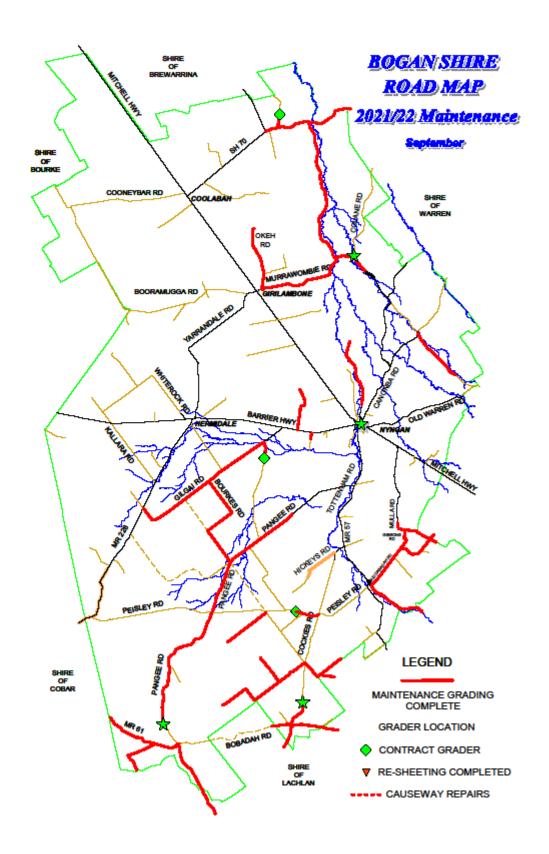
Summary: The purpose of this report is to provide Council with information that is both statistical and informative in regards to the activities of the Engineering Services Department.

261/2021 RESOLVED that Council seal 1km of Cockies Road, in addition to the 1km provided for in the Capital Budget and approach Transport for NSW for additional funding for major repairs to Tottenham Road which is now becoming a major transport route for vehicles heading north. **(Neill/Jackson)**

262/2021 RESOLVED that resolution **261/2021** be deferred until after the next meeting of Council, at which a report from the Director of Engineering Services is to be presented on what effect this will have on other planned road works. **(Ryan/Douglas)**

263/2021 RESOLVED that the Engineering Services Department Activity Report be received and noted. **(Ryan/Neill)**







2 JACK HARGREAVES PARK

Summary:

The purpose of this report is to present to Council options for the signage at Jack Hargreaves Park.

264/2021 RESOLVED that the Director of Engineering Services prepare a draft design, to a cost of between \$1000-\$3000, for Council to consider at its next meeting. **(Ryan/Jackson)**

3 NEW WATER TREATMENT PLANT

Summary:-

The purpose of this report is for Council to consider making an in-principle commitment to the NSW Department of Planning, Industry & Environment (DPIE) to proceed with and to co-fund investigations into addressing risks to our water service.

265/2021 RESOLVED that:

- 1. Council makes an in-principle commitment to the NSW Department of Planning, Industry & Environment (DPIE) to proceed with and to co-fund investigations into addressing risks to our water service.
- 2. Alternative sources of funding for Council contribution be investigated. (Ryan/Neill) Unanimous



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

1 DEVELOPMENT APPLICATIONS

266/2021 RESOLVED that the Development Applications Report be received and noted. **(Dutton/Boag)**

2 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.

267/2021 RESOLVED that the Development and Environmental Services Departmental Activity Report be received and noted. **(Ryan/Deacon)**



3 NYNGAN MEMORIAL SWIMMING POOL

Summary:-

The purpose of this report is to seek Council's approval to vary the adopted Capital Budget to fund necessary safety and amenity issues relating to the new water slide at the Nyngan Memorial Swimming Pool.

268/2021 RESOLVED that Council vary the description of the 2021–2022 Capital Budget line item 'Swimming Pool – Accessible Lift' to 'Swimming Pool – Capital Equipment and Improvements'. **(Ryan/Jackson)**

4 PROPOSED REFORMS TO NSW DEVELOPMENT CONTRIBUTIONS SYSTEM

Summary:-

The purpose of this report is to provide information to Council of a suite of proposed reforms to the NSW Development Contributions system.

269/2021 RESOLVED the information regarding the proposed changes to NSW Development Contributions System be received and noted. **(Ryan/Dutton)**

PRECIS OF CORRESPONDENCE

- The Hon. Paul Toole
 270/2021 RESOLVED that the correspondence from The Hon. Paul Toole be received and noted. (Jackson/Neill)
- 2 Golf NSW and Jack Newton Junior Golf (Western)
 271/2021 RESOLVED that Council commit \$2000 sponsorship to the Gold NSW Jack Newton Junior Golf Event (Western), if this event goes ahead. (Ryan/Jackson)



GENERAL MANAGER	MAYOR
	and were signed as a true record.
These Minutes were confirmed by resolution a	at a meeting held on
There being no further business, the meeting	closed at 8.35pm.



NOTES