



BOGAN SHIRE COUNCIL

Ordinary Business Paper

|

I hereby give notice that an Ordinary Council Meeting will be held on:

Date: Thursday, 28 March 2024

Time: 7.00pm

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

**Derek Francis
General Manager**



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.

Table of Contents

1 Opening Prayer.....7

2 Rememberances.....7

3 Apologies7

4 Disclosure of Interests.....7

5 Confidential Matters7

6 Confirmation of minutes7

7 Notice of Motion8

Nil

8 Mayoral Minutes8

Nil

9 Committee Meeting Minutes8

Nil

10 General Manager’s Reports.....9

10.1 GENERAL MANAGERS CHECKLIST9

10.2 DELEGATIONS TO NYNGAN MUSEUM SECTION 355 COMMITTEE 19

11 People and Community Services Reports25

11.1 BOGAN SHIRE MEDICAL CENTRE OPERATIONAL REPORT25

11.2 BOGAN SHIRE EARLY LEARNING CENTRE - PRIORITY ACCESS28

12 Finance and Corporate Services Reports29

12.1 INVESTMENTS FEBRUARY 2024.....29

12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION30

12.3 INTEGRATED PLANNING AND REPORTING - 2021/22 TO 2024/25
DELIVERY PROGRAM32

12.4 CONCEALED WATER LEAK POLICY33

13 Engineering Services Reports40

13.1 DEPARTMENTAL ACTIVITY REPORT.....40

13.2 CROWN ROAD OFF COCKIES ROAD.....45

14 Development and Environmental Services Reports54

14.1 DEVELOPMENT APPLICATIONS REPORT.....54

14.2 TREE PRESERVATION POLICY57

14.3 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE67

14.4 BIOSECURITY REPORT70

15 Precis of Correspondence.....77

15.1 NYNGAN CHRISTMAS COMMITTEE77

15.2 NYNGAN TOWN HALL80

16 Meeting Closure84

- 1 OPENING PRAYER**
- 2 REMEMBERANCES**
- 3 APOLOGIES**
- 4 DISCLOSURE OF INTERESTS**
- 5 CONFIDENTIAL MATTERS**
- 6 CONFIRMATION OF MINUTES**

6.1 MINUTES OF THE CONFIDENTIAL MEETING – 22 FEBRUARY 2024

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

Recommendation

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.

6.2 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.

Recommendation

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

7 NOTICE OF MOTION

Nil

8 MAYORAL MINUTES

Nil

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	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.
	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.		Discussed with Roy Butler 07/06/2023 – followed up 11/08/2023.

Item 10.1

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.

Item 10.1

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>
	24/08/2023	184/23		<p>That Council prioritises remaining available grant funding of \$7,111,871 across the following projects:</p>		<p>DPE advised accordingly.</p>

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				<ul style="list-style-type: none"> 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	Sign completed and due to be installed February 2024. COMPLETED
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.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
	28/09/2023			Council provides a budget of \$25,000 for production of videos for the relocation campaign.		Scheduled for 2024/25.
5	28/10/2021 15/12/2022	162/2021 281/2022	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. Council progress investigations and discussion to progress to Section 355 or an incorporated body for the functions of managing and operating the Nyngan Museum.	GM	Initial meeting held with Museum Committee. Referred to Audit & Risk Committee. Report to March Council Meeting refers. COMPLETED

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
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. UPDATE: Site investigation in progress

Item	Date	Minute No	Matter	Action Required	Officer	Status
7	28/07/2022	171/2022	Hoskins Street Subdivision	<p>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.</p> <p>The General Manager be authorised to lodge a development application for Stage 1 of the Hoskins Street subdivision.</p>	DES	UPDATE: In progress
	23/11/2023	279/23		<p>The General Manager be authorised to proceed to 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</p>		

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
	22/02/2024	005/24		<p>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	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	UPDATE: In progress.
9	22/06/2023	139/2023	Banking Situation in Nyngan	Council write to the National Australia Bank	GM	Letter written.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				regarding the future of the Nyngan Branch of the National Australia Bank.		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.
12	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	Verbal update given at Council Meeting 23/11/2023.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
	22/02/2024	009/24				Issue of lack of Before and After School Care in Nyngan be referred to Local Member. UPDATE: Correspondence sent to Local Member.
13	23/11/203	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

1. Attachments

Nil

2. Recommendation

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

Item 10.1

10.2 DELEGATIONS TO NYNGAN MUSEUM SECTION 355 COMMITTEE

1. Introduction

The purpose of this report is to recommend to Council the adoption of the attached Delegation of Authority for the Nyngan Museum Section 355 Management Committee, effective from 01 April 2024.

2. Background

Section 355 Committees are a useful mechanism that benefit both Council and the community by providing interested persons with an opportunity to have an active role in the delivery / management of Council services / facilities. The community activity benefits through the protection given by operating under the banner of Council (particularly in insurance matters) and the Council benefits through the voluntary assistance given in carrying out its functions.

Section 355 Committees are established under Section 355 of the Local Government Act which allows Council to exercise its functions through such a committee and Section 377 which allows Council to delegate certain functions to others. Section 377 specifically prohibits the delegation of certain functions, such as the appointment of a General Manager or the fixing of a fee, which require a decision of the full Council.

It is important to clearly establish respective roles and responsibilities for these community committees and Council. This is both to avoid confusion in operational matters and, more importantly perhaps, in case of insurance cover and responsibilities under any legal action brought against the Committees or Council.

To achieve this, Council needs to formally delegate certain responsibilities to the Committees and to have Committee constitutions that align with these.

Although the Nyngan Museum Committee works closely with Council, no formal delegations from Council to the Committee can be located.

It is important to clearly establish respective roles and responsibilities for Section 355 community committees and Council. This is both to avoid confusion in day to day operations and, more importantly perhaps, to clearly set out responsibilities for insurance and legal matters. To achieve this Council needs to formally delegate certain responsibilities to the Committees that align with these.

3. Discussion

Following Council's meeting in October 2021 the General Manager began a process of consultation with the Nyngan Museum Committee executive. This resulted in a further report to Council in December 2022 which recommended that Council explore with the Committee the option of it becoming an incorporated body rather than a Section 355 Committee.

Further extensive consultation took place involving the development of a discussion paper which was shared with the Museum Committee and considered by a meeting of the Committee, which the General Manager attended, on 4 October 2023.

Following this meeting the Nyngan Museum Committee advised Council on 27 October 2023 that they had voted unanimously to change over to a 355 Committee.

At its meeting held on 26 October 2023 Council adopted a standard Section 355 Committee Manual which will apply to all 355 Committees and can be used as ready reference source by them.

In addition Council is required to formally delegate its Museum functions to the Nyngan Museum Section 355 Committee. The attached Instrument of Delegation, which references the Section 355 Committee Manual will come into effect on the date specified once adopted by Council.

4. Attachments

1. Nyngan Museum Section 355 Committee Delegation

5. Recommendation

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



BOGAN SHIRE COUNCIL

DELEGATION OF AUTHORITY

Nyngan Museum Section 355 Committee

1. Terms of Reference

- a. The Nyngan Museum Section 355 Committee is established under section 355 of the Local Government Act 1993.
- b. The exercise of the Committee of its powers will be subject to such limitations and conditions as may from time to time be imposed by law, specifically by resolution of Bogan Shire Council or in writing by the General Manager to the Committee.
- c. The Committee will observe any rules and regulations made in relation to the Museum/facility and the functions delegated to it.

2. Membership and Meetings

- a. The Nyngan Museum Section 355 Committee is to consist of members and office bearers as prescribed by the Bogan Shire Section 355 Committee Manual.
- b. Meetings are to be held in accordance with the requirements prescribed by the Nyngan Shire section 355 Committee Manual.

3. Committee Term

The Committee is established for the term of the Council, plus three months.

4. Committee Operations

The Nyngan Museum Section 355 Committee is bound by Council's:

- Council's Code of Conduct
- Any policies prescribed by the Management of Bogan Shire Council that are deemed by Council Management to be relevant to the Committee.

Note: The operations of the Nyngan Museum Section 355 Committee are to be undertaken in accordance with the Bogan Shire Section 355 Committee Manual as updated from time to time.

5. Financial Arrangements

- a. The Committee will utilise the cash handling processes prescribed within the Bogan Shire Section 355 Committee Manual and the Bogan Shire Cash and EFTPOS Procedure.
- b. The Committee will undertake banking processes from its takings pursuant with the Bogan Shire section 355 Committee Manual and the Bogan Shire Cash and EFTPOS Procedure.
- c. Expenditure will be undertaken pursuant to the Bogan Shire Section 355 Committee Manual.
- d. Financial reporting processes and documentation must be undertaken pursuant to the Bogan Shire section 355 Committee Manual.

6. Delegation

In order to provide for the expedient exercise and performance of its functions, Bogan Shire Council hereby:

- a. Revokes all previous delegations to the Nyngan Museum Section 355 Committee (Committee)
- b. Delegates to the Committee under Section 377 of the Local Government Act, 1993 the exercise of Council's functions specified in Schedule 1 subject to the limitations specified in Schedule 2.

This delegation shall commence on 01 April 2024 and remains in force until expressly amended or revoked by the Council by further resolution.

SCHEDULE 1

(Functions)

1. The Nyngan Museum Section 355 Committee (the Committee) is formed to manage the facility known as the Nyngan Museum located at the Nyngan Railway Station.
2. The Committee is to manage this facility subject to the direction of Bogan Shire Council.
3. The facility is to be managed for the benefit of the residents of the Bogan Shire community for the purpose of preserving and displaying local history and to promote the Nyngan Museum as a tourist attraction for Nyngan.
4. The Committee is also formed to provide advice to the Bogan Shire Council in all matters relating to the operation of the Museum facility.

These delegated functions are to be undertaken in accordance with the Bogan Shire Section 355 Committee Manual as updated from time to time.

SCHEDULE 2

(Limitations)

1. The Functions do not include any which are excluded from being delegated to the Committee by s377(1) of the Local Government Act 1993 or any other law as applicable from time to time including, but without limitation:
 - a. the fixing of a fee,
 - b. the borrowing of money,
 - c. the acceptance of tenders which are required to be invited by the Council,
 - d. contributing money or otherwise granting financial assistance to persons.

Delegation adopted by Council: 28 March 2024

11 PEOPLE AND COMMUNITY SERVICES REPORTS

11.1 BOGAN SHIRE MEDICAL CENTRE OPERATIONAL REPORT

1. Introduction

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

2. Discussion

Below are the activities and statistics of the Bogan Shire Medical Centre for the November 2023 to February 2024 period.

Statistics

Total registered patients as of March 2024:	4,387
Total active patients:	3,100
Total CDM (Chronic Disease Management) patients:	339
Total RAC (Residential Aged Care) patients:	25
Total 75+ Health Assessment patients:	162
Total ATSI (Aboriginal and Torres Strait Islander) Health Assessment patients:	88

Current waiting periods to see a GP is approximately 3 days maximum, with appointments available for acute complaints (On the Day appointments) daily.

Influenza Vaccinations

The influenza vaccines for 2024 have been ordered for both the private and federally funded free vaccine available under the National Immunisation Program (NIP). These are expected to arrive mid-April. Bookings will be taken from late April. Influenza vaccination is recommended for all people aged 6 months and over and recommended to be given from April to provide protection for the peak of the flu season, generally from June to September in most parts of Australia.

Free influenza vaccines under the NIP, are available for:

- children aged 6 months to less than 5 years,
- pregnant women at any stage of pregnancy,
- First Nations people aged 6 months and over,
- people aged 65 years and over, and
- people aged 6 months and over with certain medical conditions that increase their risk of severe influenza and its complications.

Online Bookings for Appointments

The BSMC online booking system - AutoMed has been a successful addition to the Practice, with many online bookings being made every week. The application displays each doctor's availability and/or services on offer at the Bogan Shire Medical Centre.

Residential Aged Care (RAC) Patients

Dr Senthil Chengoden has been providing care to the 25 Residential Aged Care (RAC) patients currently residing at the Nyngan Facility. Dr Chengoden visits the Aged Care facility every Thursday afternoon with the Practice's Enrolled Nurse and generally sees between 4 and 6 patients on each visit.

Dr Chengoden, the Enrolled Nurse and the Practice's administrative staff work closely with the Nyngan MPS staff to manage the visits, ensuring the best coordinated ongoing care for the RAC patients. We have received positive feedback from the Nyngan MPS Manager regarding Dr Chengoden and the Enrolled Nurse's visits.

Pre-Employment Medicals/Council Audiometry

The BSMC has been conducting pre-employment medicals (PEMs) for a number of businesses both in and around the Nyngan area and as far away as Bourke.

From 1 January 2024, the NSW Government commenced Clause 58 "Audiometric testing" of the NSW WHS Regulation 2017. This means that from that date Council was required to provide audiometric testing to any of its workers who are frequently required by Council to use personal protective equipment (hearing protection) to protect the worker from the risk of hearing loss associated with noise that exceeds the exposure standard for noise.

In light of this legislative change, Council's WHS Officer identified 45 staff who met the requirements, and the audiometry testing was conducted by clinical staff at the BSMC. Council is required to have identified staff tested every 2 years under the regulation.

Ultrasound Services

The Ultrasound service continues to operate four days per week (Monday, Tuesday, Wednesday and Thursday), with on call services provided as needed for emergency cases.

Medical Diagnostic Services

For the period November 2023 to March 2024, the following number of medical diagnostic services were provided.

November:	67
December:	50
January:	73
February:	98

Allied Health Services

Allied Health services as of March 2024:

Type of Service	Days	Times	Frequency	Service Accessed by
Sonography	Monday, Tuesday, Wednesday & Thursday	8:30am-4:30pm	Weekly	Private bill with Medicare rebate
Family Planning NSW	Monday	11am-5pm	Monthly	BSMC or Self-Referral
Mental Health Clinician	Tuesday, Wednesday & Thursday	9am-4pm	Monthly	BSMC Referral
Pathology	Monday to Friday	8.30am - 11.30am	Weekly	Anyone holding a pathology request form – not required to be a patient of BSMC
Physiotherapy	Mondays & Thursdays	8.30am – 4.30pm	Weekly	Referral or Private appt.
Podiatrist	Wednesdays & Fridays	9.00am - 2.30pm	Weekly	Referral or Private appt.
Telehealth Services with a variety of specialists (pain specialist, endocrinology, psychology)	Offered 5 days a week	8:45am-5pm	Offered 5 days a week	Referral (Medicare or private bill)
Alcohol and other Drug worker	Tuesday	9.30am-3pm	Fortnightly	BSMC or Self-Referral

It should be noted that Diabetes Educator and Dietician Services have not been available locally to BSMC patients for an extended period. These services are usually delivered at the BSMC under federal funding, through Diabetes programs currently run by Marathon Health. This issue has been raised with the relevant stakeholders and we have been informed that there is a shortage of Diabetes Educators both in the public health sector and in the region.

Councillors will remember that we were successful in obtaining grant funding to try to directly employ a Diabetes Educator on a contract working 2 days per week from Nyngan. Council’s senior management continue to actively liaise with the RDN, Western NSW LHD and PHN on how to best address this issue and to assist with our recruitment efforts. Limited telehealth services are currently being explored as one way to address the gap in service provision to diabetic patients who need ongoing management of their condition.

3. Attachments

Nil

4. Recommendation

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

11.2 BOGAN SHIRE EARLY LEARNING CENTRE - PRIORITY ACCESS

1. Introduction

The purpose of this report is for Council to consider the continuation of a Priority Access policy position applicable to health care professionals at the Bogan Shire Early Learning Centre.

2. Background

At its meeting held on 23 March 2023, Council resolved as follows:

044/2023 - 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.

3. Discussion

There remains strong demand for childcare places at the ELC, with 66 children currently on the waitlist, up from 59 at the time Council considered the report last year.

There are currently five children of health care professionals who have been allocated places under the Priority of Access Policy.

Discussions with the Western NSW Local Health District indicate that there is still a strong need to attract and retain health care professionals, especially nurses to Nyngan.

As a result, it is recommended that Council continues this Policy which is achieving its objectives.

4. Attachments

Nil

5. Recommendation

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.

12 FINANCE AND CORPORATE SERVICES REPORTS

12.1 INVESTMENTS FEBRUARY 2024

1. Introduction

The purpose of this report is to outline the performance of Council's investment portfolio for the month of February 2024.

2. Background

In accordance with Clause 212 of the Local Government (General) Regulation 2005 a report must be presented to the Council setting out details of all the money that the Council has invested under section 625 of the Act.

3. Discussion

The Investment Report for February 2024 is shown below. At the 29th February 2024 Council had \$32.1 million invested. There has been an increase of \$1.99 million due to the final payment of Block Grant funding for 23/24, payment of Grant milestones that have been completed and payment of the first ordered works claim for 23/24.

Consideration of this report means that Council is complying with the Local Government (General) Regulation 2005.

Investment Movements for February 2024

It is hereby certified that these investments have been made in accordance with the Local Government Act 1993 and the Regulations thereto.

REF	Source	Maturity	Days	% rate	Bal Jan 23	Bal Feb 22
6894	NAB - Professional Funds	4/05/2016	At Call	4.350%	17,319,065.31	17,316,098.89
88-392-4994	NAB	30/05/2023	29/05/2024	4.900%	2,000,000.00	2,000,000.00
37908808	Westpac	15/12/2023	16/12/2024	5.015%	6,000,000.00	6,000,000.00
87-912-8864	NAB	22/02/2024	21/02/2025	5.080%	2,000,000.00	2,000,000.00
43-308-2777	NAB	22/05/2023	21/05/2024	4.900%	2,800,000.00	2,800,000.00
41-459-6828	NAB	22/02/2024	21/02/2025	5.080%		2,000,000.00
	<u>Balance securities held</u>				30,119,065.31	32,116,098.89
	Balance Ledger 19010.8200.8200				30,119,065.31	32,116,098.89
	Summary by institution					
	WESTPAC				6,000,000.00	6,000,000.00
	NAB				24,119,065.31	26,116,098.89
	COMMONWEALTH				0.00	0.00
					30,119,065.31	32,116,098.89

4. Attachments

Nil

5. Recommendation

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

12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

1. Introduction

The purpose of this report is to provide a comparison of rate collections as at 29th February, 2024, with the same period last year.

2. Background

This report is provided for the information of Councillors.

3. Discussion

Rate Collections	2023-2024	2022-2023
Arrears Prior to 01/07/2023	402,332	582,018
First Instalment in arrears as at 29/2/2024	3,827	24,667
Second Instalment in arrears as at 29/2/2024	220,558	72,284
Third Instalment in arrears as at 29/2/2024	418,523	269,077
Fourth Instalment Outstanding as at 29/2/2024	1,026,551	1,008,082
Total Arrears	1,045,240	948,046
Total Outstanding	2,071,791	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	-4,184,345	-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 %	16.7%	15%

Total arrears have increased from \$948,046 at the 28th February 2023 to \$1,045,240 as at 29th February this year.

Each instalment amounts to approximately \$1,565,000 (Total Rates, Waste, Water & Sewer Access Charges)

Council has 0.2% in arrears on the first instalment.

Council has 14 % in arrears on the second instalment

Council has 26.7 % in arrears on the third instalment

As at the 29th February Council had collected \$145,575 more than at the same time last year. At the time of writing this report council has collected an additional \$176,883 which has reduced the arrears on the third instalment to 19% and the amount of arrears overall to \$769,542 as well as reducing the arrears percentage of total amount levied to 12.2%.

Council is still awaiting settlement on some of the properties from the Sale of Land for unpaid rates. Once these are all settled Council will be advised of the final outcome.

As the sale of land is a lengthy process, staff will continue to monitor those rates that are more than 5 years in arrears and those ratepayers on arrangements and, with assistance from our Debt Recovery Agency, start preparations for the next sale in the coming months.

4. Attachments

Nil

5. Recommendation

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

1. Introduction

The purpose of this report is for Council to consider whether changes are required to the 2022/25 Delivery Program.

2. Background

In accordance with the Integrated Planning and Reporting Framework prescribed by the New South Wales Government, Council adopts a long-term (25 year) Community Strategic Plan and a medium-term (4 year) Delivery Program in addition to its annual Operational Plan and Budget.

Whilst the Community Strategic Plan runs until 2032, the existing Delivery Program sets out the activities that will be carried out between 2021/22 and 2024/25 towards achieving the strategies and goals specified in Council's Community Strategic Plan.

3. Discussion

A copy of Council's current Delivery Program has previously been circulated to all Councillors and is available on Council's website. Council should consider whether any changes are necessary to the Delivery Program for the coming financial year.

If significant changes are to be made, Council is required to place revised document on public exhibition for a period of 28 days before adoption.

4. Attachments

Nil

5. Recommendation

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

12.4 CONCEALED WATER LEAK POLICY

1. Introduction

The purpose of this report is to review and adopt Councils' Concealed Water Leaks policy.

2. Background

Council currently has a Concealed Water Leaks Policy that was adopted on the 24 February 2022, and it is now due for review.

3. Discussion

In order to ensure ratepayers are treated equitably it was agreed that Council adopt a Concealed Water Leak Policy to apply to ratepayers. The Policy will provide guidance to Council management, as well as maintaining consistency in its applicability when considering requests for adjustments to water accounts.

To date, since adopting the Policy in February 2019, Council has had several applications and has been able to address these within the delegations of the policy without the need to bring them to Council for any consideration. The Policy has also given guidance to Council Water Operators for when they are dealing with consumers over water usage discrepancies.

4. Attachments

1. FIN005 Concealed Water Leak Policy

5. Recommendation

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

Bogan Shire Council Policy FIN005 – Concealed Water Leak Policy

POLICY FIN005

Concealed Water Leak Policy



Bogan Shire Council Policy FIN005 – Concealed Water Leak Policy

TABLE OF CONTENTS

1. Purpose 3
 2. Definitions 3
 3. Eligibility Criteria 3
 4. Application Process 4
 Authority 5
 Policy Owner / Further Assistance 5
 Review Date 5
 Revision History 5

Bogan Shire Council Policy FIN005 – Concealed Water Leak Policy

1. Purpose

To establish guidelines for the General Manager, staff and the public regarding the responsibilities of water consumption and necessity of early detection of water leaks.

2. Definitions

Concealed Leak - water escaping from a private water service that is hidden from view and defined as occurring within pipeline breaks or connections in the ground, under slabs or within walls and is not clearly visible to the owner. (It does not involve leakage from an appliance, fixture, water pump, hot water system or the like). Lush grass or damp soil does not constitute being concealed from view.

Private Water Service - relates to all water service pipes, including recycled water service pipes, fixtures and fittings on the customer's side of the meter (outlet side), or 1 metre inside the property boundary for unmetered properties (excluding separate fire services).

Customer – the owner/ratepayer of the property or an applicant on behalf of the owner who has previously given proof to Council of their agency agreement or power of attorney, etc.

3. Eligibility Criteria

To be eligible for a leak allowance, the following criteria must be met:

3.1 The leak must be hidden beneath a concrete slab or in a cavity wall or otherwise underground where its effects are not readily visible;

3.2 Leaks must be identified and repaired within 30 days of the bill issue date, the ratepayer is responsible for any repairs;

3.3 The allowance is a concession and applies to all customer types and will be property based. Only one application will be accepted as a result of a concealed leak at the same property and by the same owner regardless of whether it is a related event or separate concealed leak within a 5 year period. If a customer moves to another property or owns more than one property, the allowance will be given once on each property within a 5 year period.

3.4 In order to be eligible for the allowance towards the cost of water that was wasted as a result of the leak, a ratepayer must engage the services of a licensed plumber to repair the concealed leak and the necessary certificate/s completed.

Bogan Shire Council Policy FIN005 – Concealed Water Leak Policy

3.5 This policy applies to all customer types as an allowance for each property that the customer owns with a limit of one allowance within a 5 year period at the same property. The maximum adjustment allowed will be 50% of the difference between the usage on the affected account and the average consumption for the corresponding period for the past two years, or from change of ownership if that occurred in the past year. The adjustment will only be made if all other water and sewerage charges have been paid in full or up to date on their arrangement at the time the determination is made.

3.6 A sewer usage charge is levied on Commercial/Industrial properties that have a water meter and are liable for a percentage discharge factor of water discharged into the sewerage system. The allowance given for sewer usage is in addition to any allowance given for water usage.

Where a non-residential sewer usage charge is involved, we will cover 100% of the increase in wastewater above the statutory minimum access charge per quarter if these apply. Council will cover each event for wastewater. There will be no five year limit on this as long as Council receives the appropriate paperwork from a licenced plumber.

3.7 A property served by a common meter i.e. strata block will attract the one allowance for the strata of a maximum 50% of the increase in water use only within a 5 year period.

4. Application Process

4.1 Claims for concealed water leak allowance must be submitted in writing. The customer is required to advise:

- how they became aware of the leak,
- the date they became aware of the leak and
- the details of the repair via a plumber's statement (as detailed below).

4.2 Before the allowance is granted, the leak must be repaired by a licensed plumber who must also provide a written report on the leak stating:

- the date the leak was detected,
- where the leak was situated,
- where the water was escaping,
- the date the leak was repaired,
- the meter reading at the time the leak was repaired (if available),
- possible cause and
- copy of plumber's invoice.

Bogan Shire Council Policy FIN005 – Concealed Water Leak Policy

If the repair of the leak has not been undertaken by a licenced plumber a statutory declaration from the owner stating:

- who has repaired the leak,
- the address the work was carried out,
- the date, nature and location of the repairs,
- a statement that the defect was not readily visible or apparent.

4.3 A reply to the customer must be confirmed in writing to ensure the customer is aware of their responsibility to cover further costs associated with leaks to their property. Where an allowance is granted the applicant will be advised that the amended account is required to be paid within 30days from the date of the advice.

4.4 Customers not considered eligible for a concealed or hidden leak allowance will be liable for all consumption of water that has passed through the meter.

4.5 The Concealed Leak Policy does not apply to leaks from private water pipelines that occur outside the property boundary.

Authority

Council Resolution no. dated .

Policy Owner / Further Assistance

Director Finance & Corporate Services

Review Date

- March 2026

Revision History

Date	Description of Change	Sections Affected
23/02/2017	Policy adopted	All
23/05/2019	Policy adopted	All
24/02/2022	Policy adopted	All
	Policy adopted	All

Bogan Shire Council Policy FIN005 – Concealed Water Leak Policy



ABN 68 886 242 083

All Correspondence to PO Box 221, Nyngan, NSW, 2825
General Enquiries to 02 6835 9000 Email admin@bogan.nsw.gov.au

CONCEALED WATER LEAK ALLOWANCE APPLICATION FORM

PROPERTY OWNER & DETAILS:

Lot/Portion: Section: DP:

House NO: Street: Town:

Owner/Liable Person's Name:

Address: Telephone No:

Email Address: Mobile No:

LEAKAGE DETAILS:

1. Where did the leakage occur?

Underground: Other (specify):

2. What caused the leakage? (for example corrosion, faulty installation, tree roots, ground movement etc).....

3. Date leakage detected/...../..... Approximate age of piping

REPAIR DETAILS:

Date repair completed/...../.....

Did a registered plumber carry out repairs? No Yes

Name of Plumber:.....Licence No:.....

Statement attached stating that defect was not readily visible or apparent. Yes No

DECLARATION:

I declare that the above information is, to the best of my knowledge, true and correct. I also understand that this application will not be processed until ALL sections are completed.

Signature: Date:

13 ENGINEERING SERVICES REPORTS

13.1 DEPARTMENTAL ACTIVITY REPORT

1. Introduction

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

2. Background

A regular activity report is provided for the information of Councillors.

3. Discussion

Roads

Road works undertaken for the reporting period 9 February 2024, to 15 March 2024 consisted of the following:

No.	Name	Comments
	Local Roads	
7	Warrah Road	Fixing Local Roads work completed
92	Colane Road	Re-sheeting for R2R & FLR continuing
17	Booramugga Road	Maintenance grading commenced
40	Plummers Road	Maintenance grading & causeway improvements cont.
60	Whiterock Road	Maintenance grading commenced
23	Buckiinguy Road	Commenced 2km's rehabilitation works
71	Euloglenn Road	Re-sheeting commenced
21	Gongolgon Road	Patch grading completed
24	Canonba Road	Maintenance grading completed
63	Westlynn Road	Maintenance grading commenced
20	Murrawombie Road	Resheeting continuing
21	Gongolgon Road	Patching works commenced
	Regional Roads	
7514	Cockies Road	Flood damage repairs continuing
221	Tottenham Road	Flood damage repairs completed

457	Condo Cobar Road	Maintenance grading commenced
424	Monkey Bridge Road	Flood damage repairs continuing
	State Highways	
HW7	Mitchell Highway	Resealing works commenced
HW8	Barrier Highway	Resealing works commenced
MR70	Arhtur Hall VC Way	Resealing works commenced
HW8	Barrier Highway	Shoulder grading continuing

Council has completed pothole repairs on the following roads:

• Nyngan Town Streets	• Hermidale Nymagee Road
• Gilgai Road	• Yarrandale Road
• Coolabah Village Streets	• Tottenham Road
• Mitchell Highway	• Pangee Road
• Mulla Road	• Barrier Highway
• Colane Road	• Cockies Road

The upcoming works program for Council’s Rural Works teams includes, but is not limited to the following works:

- Commencing, continuing maintenance grading, re-sheeting, or flood damage repairs on the following roads Euloglenn Road, West Bogan Road, Westlynn Road, Colane Road, Buckiinguy Road, Booramugga Road, and Cockies Road.
- Continuing heavy patching to repair the damaged sealed sections of Cockies Road, Colane Road, and Canonba Road.
- Commencing reseals of HW7, HW8, and MR70.

Works and Services

The work undertaken during this reporting period consisted of the following:

Civil Works

- Construction of female change rooms ongoing, completion expected by the end of April
- Carrying out priority footpath replacements Nyngan town Streets
- Carried out upgrades at Hermidale sports ground including installation of horse washdown bays, new toilet cisterns, pans & basins installed in toilet block, additional grandstands with shelters erected
- Erected information signage for railway wool dump
- Carried out maintenance and repairs at ELC
- Prepared tennis courts in preparation for laying of new surface
- Drainage maintenance carried out in Mudal Street
- Works on racecourse grandstand roof completed (contractors)
- Constructed access, landing & safety rails for APC off take
- Carried out additional concrete works at Pony Club toilet block

Community Facilities

- Mowing/slashing and maintenance of ovals, reserves, and highway approaches to Nyngan (ongoing)
- Cleaning of town facilities.
- Cleaning and sweeping of the Nyngan CBD.
- Cleaning and maintenance of town streets and nature strips.
- Cleaning of town streets gutters and culverts.
- Installed turf & trees at Teamsters Rest parking area extension
- Weed spraying laneways and culverts (ongoing)
- Carried out mowing and general clean up Hermidale Sportsground in readiness for the Easter gymkhana
- Street tree maintenance in Merilba Street
- Ant spraying carried out on levee bank and nature strips (ongoing)

Water & Wastewater

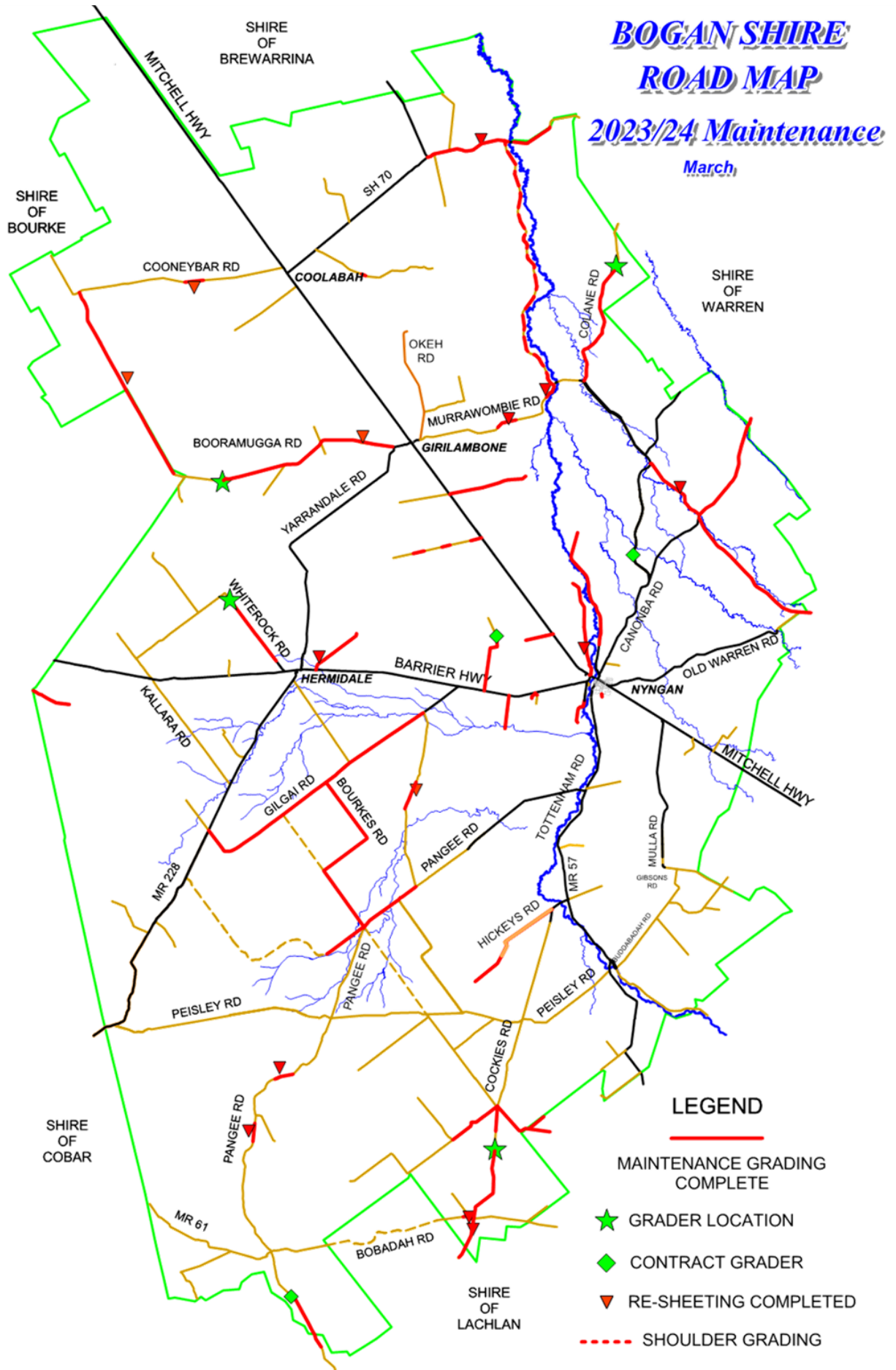
- Installed 150mm stop-valve in preparation for re-lining of water main under railway line in Derrybong Street
- Replaced eight metres of water main in Dandaloo Street
- Additional PAC (carbon) dosing being carried out during algal blooms
- APC ordered to start on the 25th March & run until the 24th April
- Carried out inspections on Telemetry systems throughout Councils water network
- Quarterly water meter reads undertaken
- Installed sprinkler system at Teamsters Rest parking area extension
- Replaced valve for sedimentation tank at water filtration plant (Contractor)
- Carried out repairs to water reticulation systems at both Girilambone & Hermidale

4. Attachments

1. Road Maintenance Map

5. Recommendation

1. That the Engineering Departmental Report be received and noted.



13.2 CROWN ROAD OFF COCKIES ROAD

1. Introduction

The purpose of this report is for Council to consider a request to take over and clear a crown road reserve on the Bogan / Lachlan Shire boundary and construct a Shire Road for access to a property.

2. Background

Council has received a letter from Kristine Beattie and Susan Baker advising that they recently inherited the property "Hopbush Valley". The property is landlocked, with the only legal access is via a crown road reserve off Cockies Road which has a track providing limited vehicle access that is not wide enough for farm machinery or trucks.

They advise that they have been unsuccessful in negotiating access through the adjoining neighbours' properties, with both refusing them right of passage. They are requesting that Council take over the crown road so that timber can be cleared, and a wider access be provided.

Kathleen Watson, the mother of the current owners, has previously made the same request to Council. A report was considered in December 2009 and another in December 2012 with the request being denied on both occasions due to the costs involved and resultant impact on other Bogan Shire ratepayers. The 2012 and current requests are to clear enough timber to provide machinery access and to provide a graded dry weather access road only.

3. Discussion

The attached plan shows in red the 4.7 km section of road reserve in Bogan Shire and a further 4.3 km in Lachlan Shire.

Council staff have spoken to Ms Beattie who has explained their frustration and need to gain access to this property, which cannot happen while the reserve remains a crown road. Ms Beattie has said that they are willing to contribute to the cost of providing a suitable access road.





The photos above are from 2012 but provide a good indication of the current access and the clearing required. The estimated cost to clear and stockpile timber is \$40,000 but that would need to be confirmed by a contractor following a site inspection. To form a road to a good standard for the 4.7km would require a full grader crew with water and roller and is estimated to cost \$30,000 with an additional \$120,000 if a crushed rock pavement was required. Report to Council in 2209 and 2012 are included as attachments for ease of reference.

4. Attachments

1. Letter from Kristine Beattie & Susan Baker
2. Council Business Paper Report 2012
3. Council Business Paper Report 2009

5. Recommendation

For Council's consideration.

Kristine Beattie and Susanne Baker
Mobile 0428933834 Mobile 0415251010

“Charlotte Plains”
4070 Cockies Rd,
FIVE WAYS NSW 2873
Email: k.beattie@skymesh.com.au

7th March 2024

ATTN: GENERAL MANAGER

Susanne Baker and I, Kristine Beattie, recently inherited the rural property, known as “Hopbush Valley”, 5270 Cockies Road, Tottenham 2873 which comprises of 1424.6 hectares. (see map attached)

This property is landlocked, and the only legal access is by way of the enclosed crown road. Currently the track provides limited vehicle access as it is not wide enough to move farming machinery and stock/grain trucks down the lane to our agricultural property.

We have followed the recommended process and have attempted genuine negotiations with our adjoining neighbours in attempt to gain access through their property. Unfortunately, both have refused us passage which is extremely problematic, and distressing, as we are unable to run our primary production business.

We are requesting that Council take over the enclosed Crown Road, (part in the Bogan Shire which is approximately 6 kms) and leased by the neighbour refusing an easement through their property. We desperately need to find a resolution to our legal access problem as the land is costing us money just sitting idle and it's very concerning to know of its production producing potential which is a much-needed income for both of our families.

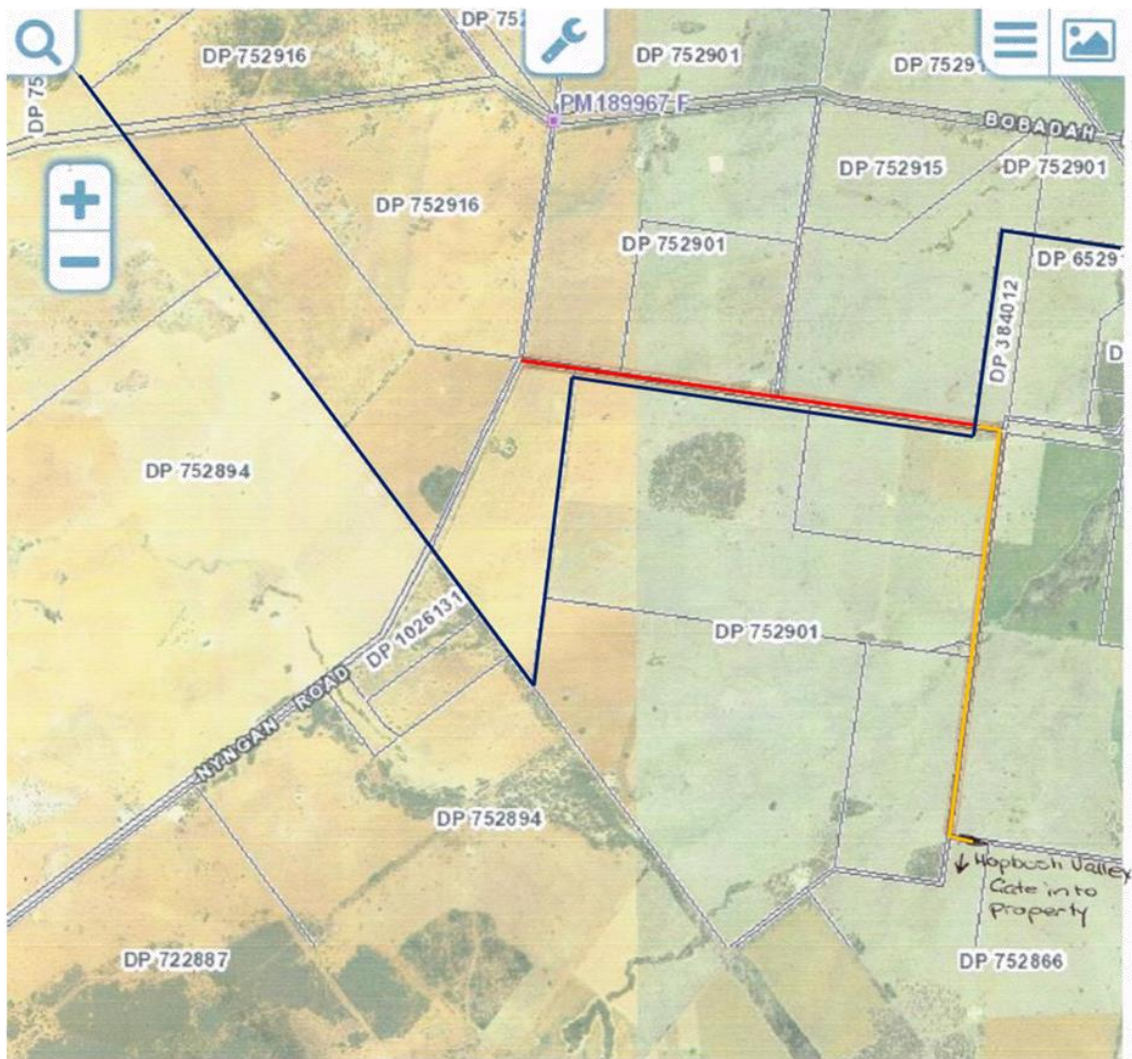
We would like to arrange a meeting with the person authorised to move forward with this as matter of urgency as we are unable to operate our agricultural business until such time we have adequate thoroughfare.

We would appreciate it if this request could be prioritised.

Anticipating a prompt reply.

Kind Regards,

Kristine BEATTIE and Susanne BAKER



- Proposed access within Bogan Shire 4.7km
- Proposed access within Lachlan Shire 4.3km
- Shire boundary



**Acting Manager of Engineering Services Report to the Ordinary Meeting of Bogan Shire
Council held on 13 December 2012**

2 CROWN ROAD OFF COCKIES ROAD

2.1 Introduction

The purpose of this report is to review a report presented to Council in December 2009 requesting the clearing of a crown road reserve on the Bogan / Lachlan Shire boundary.

2.2 Background

Mrs. Kathleen Watson of "Hopbush Valley" in Lachlan Shire requested Council take over a 4.8km length of uncleared crown road reserve to construct an access road to their property. The reserve runs east from Cockies Road along the shire boundary until it crosses over the boundary then heads south within Lachlan Shire.

The Lands Department advised then, and again now that the reserve is under permit by the adjoining property and it can not be cleared. It was estimated in 2009 that if Council was to take over the reserve, the cost to adequately clear the timber and then form a road would be a minimum of \$80,000.

2.3 Discussion

Mrs. Watson has advised that she no longer requires Council to form the road, just to clear the timber. She has also indicated that fallen timber from last year's storms makes travelling along the reserve hazardous and requests Council to remove it. As mentioned above the Lands Department has advised that the crown reserve is under their control and cannot be cleared.

Lachlan Shire has a similar length of road to clear and construct to provide the required access and Mrs. Watson has indicated that they cannot start their work until Bogan Shire complete their section. Keith Dawe from Lachlan Shire has advised that they are not intending to do any work on the reserve for the same reasons as Bogan.

Mrs. Watson has made the same request a couple of times since 2009 and has been advised by the Engineering staff that her request could not be carried out. I have also advised her same but she did request that the matter go before Council, although none of the original issues have changed.

2.4 Recommendation

That Council not agree to the request of Mrs Kathleen Watson for Council to clear timber along 4.8km of the crown road reserve running east from Cockies Road along the southern Shire boundary.

Manager of Engineering Services' to the Ordinary Meeting of Bogan Shire Council held on 17th December 2009

2 CROWN ROAD OFF COCKIES ROAD, SOUTH OF BOBADAH ROAD

2.1 Introduction

The purpose of this report is to determine a response to a request for Council to take over a Crown Road on the southern Shire boundary.

2.2 Background

Mrs. Kathleen Watson has requested Council to take over a Crown Road that provides legal access to her property in Lachlan Shire. Other neighbours have various interests in the same Crown Road, not necessarily in agreement with each other. This has apparently been an ongoing issue for some time.

Most of the Crown Road is within Bogan Shire, for nearly 5km east of Cockies Road. A short section continues into Lachlan Shire where the Shire boundary turns north. It meets other Crown Roads to the east that then provide access to other properties. The road is situated between:

- Crown Lots 11, 10 and 5 in Parish of Wharfdale North, in Bogan Shire.
- Crown Lot 1 in Parish of Mogille Plain in Bogan Shire, and Crown Lots 9 and 8 in Parish of Oberon, in Lachlan Shire.

2.3 Issues

The Watsons presently use a track on her brother's property adjacent, to get to Cockies Road. He has a terminal illness and they would like to rectify the access situation soon. The Lands Department and both Councils have suggested that Mrs. Watson create an easement over that track as the easiest solution. However, it is apparently not acceptable to one of the parties.

The Crown Road in question is along the Shire boundary, east from Cockies Road about a kilometre south of Bobadah Road. Several issues arise:

- The Crown Road extends further east in Lachlan Shire before connecting with other Crown Roads that provide access to the Watsons and others including Mr. K. Easy to the south.
- It is overgrown with trees and scrub through lack of use, mostly box and native pine trees.
- The Lands Department has further tightened restrictions on Crown Roads, preventing clearing or even significant maintenance work. Previously they barred construction but not maintenance work.
- For the road to be cleared and formed, it would have to transfer to the two Shire Councils. This would then involve gaining permission for clearing and then the cost of clearing, forming a road and maybe placing gravel for nearly 5km. The preliminary estimate is between \$20,000 for a dozer track winding between mature trees to say \$80,000 formed on a straight(ish) alignment, to say \$130,000 with gravel, plus ongoing maintenance. Duty of care for the travelling public would require at least the mid range standard.
- The fence along the Shire boundary on the southern side of the road reserve is derelict with some remains only partly visible in places lying on the ground.
- The Watsons would like the Crown Road to be constructed, to a standard that would allow them to move machinery and to drive stock to another property that they have west of Cockies road in Bogan Shire. The cost would be in the higher range of the preliminary estimates.

Manager of Engineering Services' to the Ordinary Meeting of Bogan Shire Council held on 17th December 2009

- Internal fences from the adjacent property (R. and R. Vincent) extend across the Crown Road. The gates are within the Vincents' land as it would be impractical to have the gates on the overgrown Crown Road. Unfortunately, internal fences crossing the Crown Road is similar to the Trethowans Road situation. At present this an issue for the Lands Department.
- The Vincents access their home further east from Bobadah Road via a track across his father's property within Lachlan Shire. A legal arrangement has been established, that does not provide for anyone else to use it. They do not need the Crown Road as a road.
- The Vincents have an enclosure permit over the Crown Road and have applied for the Crown Road to be closed as they have considerable problems with illegal shooters entering their property. They would not like the road to be made accessible as a Council road, as their problem with shooters would be worse. It would also raise an issue with stock driven along the road potentially mixing with their stock. They are not keen on having to fence the road when those who need the road have not bothered to undertake maintenance. There are differing views on who should have maintained the fence.
- Mr. Easey has written in objecting to closing the Crown Road and expecting that the road will be made accessible in the future.
- Mr. Easy and the Watsons have alternate legal accesses via other Crown Roads that are also overgrown and impassable, that are within Lachlan Shire.
- If dealing with a development application, a consideration would be to have concurrent legal and practical access. Applying the same concept here, the existing practical accesses are not located on legal accesses. This can be workable in the short term, as long as neighbours are amenable, but it provides no security for future access.

2.4 Assessment

2.4.1 Strategic Implications

Nil.

2.4.2 Statutory and Policy

Roads Act.

2.4.3 Consultation

Department of Lands, Lachlan Shire Council, Mrs. Watson, and R & R Vincent.

2.4.4 Technical assessment

The long list of issues is not easily resolved to everyone's satisfaction – as some want the road constructed by Council and some do not want the road made accessible at all.

The simplest solution for Bogan Shire would be to not agree to taking over the Crown Road. This would avoid a substantial cost and leave the problem in Lachlan Shire where there are other options to explore. These other options include the other Crown Roads, even if they are less convenient (longer, overgrown, flood liable across a creek), or trying harder to establish an easement for access over the existing track or on another alignment.

Manager of Engineering Services' to the Ordinary Meeting of Bogan Shire Council held on 17th December 2009

Those landholders with entitlements to use the Crown Roads for access (the beneficiaries) had obligations to maintain them as their legal access. However, they failed to do so when the works were permitted by the Lands Department. Now that Lands refuses to allow the work while under their control, the beneficiaries expect the Councils to be obligated to provide access to their properties.

The fencing issue will have to be resolved with the Vincents either as a Crown Road by the Lands Office or later as a Council Road if taken over by the two Councils.

If Council wishes to proceed further with this, more detailed investigation of the various issues would be required. The investigation has been limited so far, to avoid spending more resources on it if there is no intention to go further.

2.4.5 Financial Implications

Likely cost of at least \$80,000 for Council to clear and form a road with in-situ material if permitted to clear the vegetation. This is not budgeted and would likely impact on either the unsealed roads resheeting or maintenance vote, with other roads missing out.

2.4.6 Tables and Graphs

A summary map is attached. There are several properties involved over a large area, so it is simplest to use a satellite view in the meeting to explain in detail and for answering questions. The complexity would require considerable space in this report to cover most issues.

2.5 Conclusion

None of the issues have been caused by the action or inaction of Bogan Shire Council as the road is the responsibility of the Crown. No expectations have been offered that Council would resolve the matter in any particular way other than to advise that the Council will consider the cost and whether to take over the Crown Road or not. There are options available within Lachlan Shire.

2.6 Recommendation

That Council not agree to taking over the Crown Road Crown east from Cockies Road, situated between Lots 11, 10 and 5 in Parish of Wharfdale North, in Bogan Shire and Crown Lot 1 in Parish of Mogille Plain in Bogan Shire, and Crown Lots 9 and 8 in Parish of Oberon, in Lachlan Shire.

3 PAYNES ROAD

3.1 Introduction

The purpose of this report is to inform Council of an issue with the intersection of Paynes Road with the Mitchell Highway.

3.2 Background

Mr. Henry Parry has requested that the intersection of Paynes Road with the Mitchell Highway be improved to make it safer for turning trucks, particularly during the harvest season.

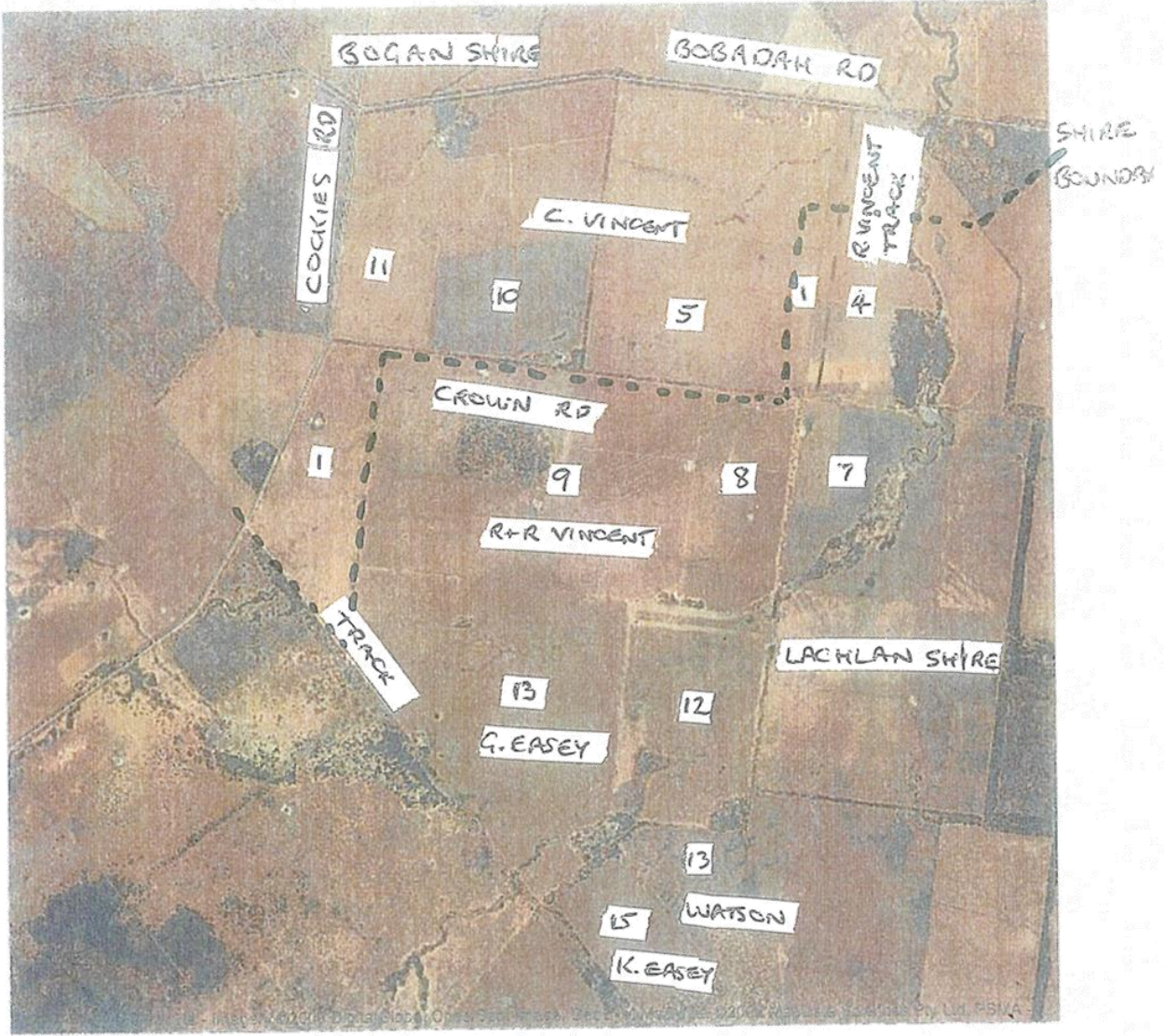
3.3 Issues

Paynes Road presently has a kink at the highway that takes it to the edge or off the road reserve. At this point, sight distance to the west is very poor, so that an approaching vehicle travelling at the legal speed on the highway can appear suddenly at short distance over the crest of a minor hill.

100011111111111111 - Google Maps

Google maps Address

To see all the details that are visible on the screen, use the "Print" link next to the map.



Fiveways NSW | Fiveways



SKETCH PLAN
CROWN ROAD OFF COOKIES RD.

0 1 2
APPROX. SCALE

14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS

14.1 DEVELOPMENT APPLICATIONS REPORT

1. Introduction

The purpose of this report is to advise Council of Development Applications that have been submitted to Council for approval.

2. Discussion

Development Applications

Development Applications that have been received during the reporting period are indicated in the table below:

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2022/040	A.T & B.M Burton	24 Pangee Street, Nyngan	New Serviced Apartments	\$700,000	Additional Information Required
2023/023	Z & C Waterhouse	152 Canonba Road, Nyngan	New single dwelling	\$500,000	Approved by Council
2023/022	Amplitel Pty Ltd	2190 Barrier Highway Miandetta	Communications tower	\$190,000	Approved
2023/019	T Walsh	74 Oatley Street, Nyngan	New private shed	\$70,000	Additional Information Required
2023/024	Mr J Jenkins	287 Wyes Road, Nyngan	New Rural Workers Dwelling	\$843,000	Additional Information Required
2024/001	Mr R Harries and Ms L Battye	100 West Bogan Street, Nyngan	New Private Patio	\$70,000	Additional Information Required
2024/002	Mr T McClelland	163 Pangee Street, Nyngan	New Private Shed	\$15,000	Approved
2024/003	Mr M Castelletti	1211 Yarrandale Road, Girilambone	Rural Subdivision	-	Additional Information Required

Council staff continue to receive enquiries and assist the public in relation to Development Applications and the complexity of their lodgment on the NSW Planning Portal.

Attachment 1 contains statistical and historical information in relation to applications received.

3. Attachments

1. Development Applications Statistics

4. Recommendation

That the Development Applications Report be received and noted.

	Application Type							Application Value
	Totals		Breakup					
	DA	CDC	Dwellings	Shed/Garage/ Patio/Awning	Pool	Sub- division	Other	
July 2023	5	-	2	3	-	-	-	\$1,993,252.00
August 2023	1	-	-	1	-	-	-	\$40,000.00
September 2023	0	0	0	0	0	0	0	\$0.00
October 2023	3	0	2	0	0	0	1*	\$799,442.00
November 2023	1	0	0	1	0	0	0	\$60,000.00
December 2023	2	0	1	0	0	0	1	\$1,200,000.00
January 2024	2	0	0	1	0	0	1**	\$260,000.00
February 2024	4	0	1	3	0	0	0	\$937,000.00
March 2024								
April 2024								
May 2024								
June 2024								
Total 2023/24	18	0	6	9	0	0	3	\$5,289,694.00
Total 2022/23	33	1	7	12	5	2	8	\$ 7,443,708.00
Total 2021/22	26	0	13	8	2	1	5	\$ 6,354,396.00
Total 2020/21	34	3	5	14	3	5	9	\$ 4,107,610.00
Total 2019/20	24	0	0	10	1	3	10	\$ 11,294,300.00

* Secondary dwelling

** Communications Tower

14.2 TREE PRESERVATION POLICY

1. Introductio

The purpose of this report is to recommend to Council an updated Tree Preservation Policy (Trees on Public Land) for consideration and adoption.

2. Background

Council's current Tree Preservation Policy (Trees on Public Land) DDES005 (The Policy) was adopted at the August 2016 Council meeting, Council resolution 332/2016.

3. Discussion

The Policy has been reviewed and updated, taking into account Council's ongoing operations and relevant legislation, see Attachment 1.

4. Attachments

1. DDES005 - Tree Preservation Policy (Trees on Public Land) - Draft

5. Recommendation

That Council adopts the DDES005 Tree Preservation Policy.

COUNCIL POLICY DDES005
TREE PRESERVATION
(Trees on Public Land)



Bogan Shire Council Policy DDES005 (Tree Preservation Policy – Trees on Public Land)

Contents

Policy Outcomes Statement..... 1

Overview..... 1

Applicability..... 1

Principles 1

Policy 2

1. Requirements of the Tree Preservation Policy (TPP) – Public Place Trees 2

 1.1 When is Approval Needed? 2

 1.2 Land to which the Policy Applies..... 2

 1.3 Situations in which pruning, or removal may be carried out. 3

 1.4 Dangerous Trees 3

 1.5 Reasons for Removal or Pruning Trees 4

 1.6 Reasons for Protecting Against Removal or Pruning 4

 1.7 Approval Process 4

 1.8 Tree Replacement..... 5

 1.9 Qualifications and Insurance..... 5

 1.10 Clearing for Bushfire Risk Reduction 5

 1.11 Penalties for Unlawful Removal or Trimming of Trees 6

2. Development and Building Approval..... 6

Authority..... 6

Policy Owner / Further Assistance..... 6

Related Information 6

Review Date 7

Revision History..... 7

Bogan Shire Council Policy DDES005 (Tree Preservation Policy – Trees on Public Land)

Policy Outcomes Statement

This policy will assist Council and the community to protect valuable trees against unwarranted removal or damage. It will promote awareness around the importance of trees within the urban landscape.

The Policy generally requires planting of Australian native trees indigenous to the area or trees deemed suitable to their surrounds (in the case of powerlines or park precincts) when tree replacement planting is carried out.

Overview

This Policy identifies the significance of trees and outlines the approval process should a request be made to remove or impact a tree in a public precinct under Council's control.

It details the responsibility of Council staff and how to identify if a tree is suitable for impact or removal and clarifies when the decision should be escalated.

Furthermore this policy outlines that Council approval is required for planting of trees on public land under Councils control. This will ensure appropriate species are selected and consideration will be given to any legislation, regulation and/or policy in place at the time.

Applicability

This Policy applies to all public land under the control of Council, including but not limited to road reserves, parks and gardens and other community lands within particular zones under the Bogan Local Environment Plan 2011 (LEP) and located in or adjacent to the township of Nyngan and the villages of Coolabah, Hermidale and Girilambone.

This Policy does not remove any obligation under any Act, State or Commonwealth, and any Notices, Directions and/or Orders made under any Act.

Principles

Bogan Shire Council recognises that trees, particularly public space trees, are an important asset for the amenity of the Shire and the wellbeing of its residents. The Tree Preservation Policy (TPP) is intended to protect valuable trees against unwarranted destruction by removal or damage.

The Policy binds the general community and Council staff to carry out correct procedures and protocols to maintain and/or improve the aesthetics of the Shire.

In the urban environment, trees provide valuable shade and soften the general appearance of a sometimes harsh and hardened landscape or streetscape. They make our urban environment a pleasant place to live and visit through the array of heights, shapes, colours and general form they offer. Trees help define and give an identity to residential areas, streets and other urban precincts.

Bogan Shire Council Policy DDES005 (Tree Preservation Policy – Trees on Public Land)

To ensure relevant information is available regarding trees already assessed, Council will request a review of its Arborist Report every 5 years, which may include the inspection of specific tree/s.

The importance of trees within the urban landscape will be promoted by;

- preventing unwarranted and wilful destruction of public place trees due to non-compliance with this Policy;
- maintaining the environmental protection and amenity of trees throughout the urban and rural residential localities;
- carrying out correct procedures, seeking Council actioning a request to remove, lop, top or root prune public place trees;
- providing guidelines for planting of trees;
- providing advice and information in regard to selecting appropriate plants/species, suitable to the location, and
- applying a cross-organisational approach to the assessment of applications for removing, lopping or topping public place trees.

Policy

1. Requirements of the Tree Preservation Policy (TPP) – Public Place Trees

1.1 When is Approval Needed?

Residents, landowners or any other person or body must seek Council approval if they request to remove, ring bark, lop, top, prune or injure any tree in a public precinct on Council managed land.

Any agreed works or removals will be carried out by Council staff or Council approved contractors.

Council is not required to seek written approval to remove/impact trees on Council managed land unless section 1.6 of this policy is triggered. Adherence to this policy will ensure all trees on Council managed land are assessed consistently.

Residents, landowners or any other person or body must seek approval from Council prior to planting trees on Council managed land.

1.2 Land to which the Policy Applies

The TPP applies to all public land under the control of Council including road reserves, parks and gardens and other community land located within the Township of Nyngan and the villages of Girilambone, Hermidale and Coolabah as identified by the following zones of the Bogan LEP:

• Zone R1 General Residential	• Zone R5 Large Lot Residential
• Zone RU5 Village	• RU3 Forestry
• Zone E1 Local Centre	• Zone E3 Productivity Support
• Zone E4 General Industrial	• Zone SP2 Infrastructure
• Zone RE1 Public Recreation	• Zone RE2 Private Recreation

Bogan Shire Council Policy DDES005 (Tree Preservation Policy – Trees on Public Land)

<ul style="list-style-type: none"> • Zone C1 National Parks and Nature Reserves 	<ul style="list-style-type: none"> • Zone W2 Recreational Waterways
<ul style="list-style-type: none"> • Public land within 200 metres of all of the above 	

1.3 Situations in which pruning, or removal may be carried out.

Minor pruning or removal of trees for the following purposes may be carried out by Council or Council engaged contractors subject to Council's assessment:

- 1.3.1 removal of dead branches.
- 1.3.2 removal or pruning for ornamental purposes.
- 1.3.3 removal or pruning for operational purposes.
- 1.3.4 removal of undesirable trees or shrubs classed as priority weeds, identified in the National Weeds Strategy under the Biosecurity Act.
- 1.3.5 a tree which has a trunk less than three (3) metres from the outmost projection of a building.
- 1.3.6 removal of trees to give effect to a Council approved development.
(Refer to Section 2 of this Policy in relation to specific requirements that may apply for developments.)
- 1.3.7 in accordance with Section 88 of the Roads Act.
- 1.3.8 in accordance with Schedule 5A of the Local Land Services Act.
- 1.3.9 trees which pose a real risk to public safety, or which significantly increase the risk of damage to property. Is Poisonous to people or animals, harbours disease, allergenic (asthma, allergic rhinitis, dermatitis etc)
- 1.3.10 the provisions of this Policy do not apply to trees required to be trimmed in accordance with Section 48 of the Electricity Supply Act.
- 1.3.11 the provisions of this Policy do not apply to any Tree Replacement Program adopted by Council.

All works must be carried out by Council, or a Council engaged contractor under the direct supervision of Council staff.

1.4 Dangerous Trees

Council will determine the health of a tree. If the tree is assessed as dangerous or poses an unacceptable level of risk such that it warrants removal or pruning, then Council will remove or prune the tree to make it safe. A report from a Tree Surgeon or Arborist may be required where significant uncertainty exists as to the integrity or safety of a tree and the tree is considered by the Council and the community to warrant preservation.

Bogan Shire Council Policy DDES005 (Tree Preservation Policy – Trees on Public Land)

1.5 Reasons for Removal or Pruning Trees

Council will consider the following circumstances when determining the removal or pruning of tree/s:

- 1.5.1 risk of personnel injury,
- 1.5.2 risk of damage to buildings, structures or services lines,
- 1.5.3 risk to operational practices of business,
- 1.5.4 creation of a traffic hazard by obstruction of vision, and
- 1.5.5 other circumstances where it is evident that the adverse impact of the tree/s clearly outweighs its value and contribution to the amenity of the locality.

1.6 Reasons for Protecting Against Removal or Pruning

Council will place particular importance on the preservation of a tree where it is considered that it:

- 1.6.1 has cultural (Aboriginal) significance of any type,
- 1.6.2 has historical or commemorative significance,
- 1.6.3 makes a significant contribution to the landscape/streetscape and amenity of the area,
- 1.6.4 is exceptionally old, large, rare or endangered,
- 1.6.5 has notable aesthetic qualities,
- 1.6.6 assists in stabilisation of soil,
- 1.6.7 has horticultural or scientific value, and/or
- 1.6.8 forms part of a themed street tree planted zone.

1.7 Approval Process

Requests for the removal or pruning of a tree/s must be forwarded to Council in writing and specify the location, type, and size of the tree/s requested to be removed or pruned and the reason and extent of the requested work.

Council will consider the removal or pruning of tree/s on public land following an assessment of the tree/s by an appointed Council officer. If tree/s fall into any category described in Section 1.6 of this Policy, a written report will be prepared for consideration by the Director Development and Environmental Services who may refer to Council.

Bogan Shire Council Policy DDES005 (Tree Preservation Policy – Trees on Public Land)

Consideration of a request will be made on each individual case, that may be tree by tree or by group of trees. In considering an application to remove or prune a tree, the following steps are to be implemented by the Council Officer in the decision as to whether to retain, remove or refer the tree/s;

- 1.7.1 is the tree unsafe? If so, arrange removal or lopping,
- 1.7.2 determine individual and streetscape significance of the tree,
- 1.7.3 is the tree in poor condition or is it a poor specimen,
- 1.7.4 is building/infrastructure damaged by tree - If the cost of the building/infrastructure repairs is reasonable and funds are available in Council's budget, then retain the tree,
- 1.7.5 is building/infrastructure damaged by tree - If the repairs are estimated to be significant and not within Council budget, then remove the tree or the Director Development and Environmental Services will refer to Council for consideration.

1.8 Tree Replacement

Where tree removal is proposed, Council will generally plant an equivalent number of replacement trees in the same location or at another more appropriate site/s. Use of native trees indigenous to the area or trees deemed suitable to their surrounds will generally be used for the purposes of tree replacement.

1.9 Qualifications and Insurance

Council requires that street and public place tree removal and/or pruning is only carried out by Council staff or a Council engaged contractor. Council will determine the manner of treatment or removal, based on the nature, extent and location of the work to be carried out and the significance of the tree/s.

Council will insist that all contractors and/or their subcontractors have appropriate personal injury, public liability and property damage insurances prior to commencing works.

1.10 Clearing for Bushfire Risk Reduction

Clearing in those zones to which this Policy applies may be carried out where removal of vegetation is necessary to reduce the risk of injury or damage from bushfires. Where there is an immediate risk of bushfire damage, and circumstances do not permit Council notification and approval, a reasonable degree of risk will be considered in a defence against the provisions of this Policy, noting that this Policy does not apply to private land.

Ecological Endangered Communities and Threatened Species must be considered when undertaking the removal of vegetation to reduce risks from a bushfire.

Bogan Shire Council Policy DDES005 (Tree Preservation Policy – Trees on Public Land)

1.11 Penalties for Unlawful Removal or Trimming of Trees

Any person who contravenes or causes or permits the contravention of this Policy is guilty of an offence pursuant to Section 629 of the Local Government Act. A Penalty Infringement Notice (on-the-spot fine) may be served for the injury or unnecessary disturbance of trees and vegetation on public land including road reserves.

Prosecution may also follow or other remedies pursued in accordance with Section 690 of the Local Government Act.

2. Development and Building Approval

Council may specify in a Development Consent that certain trees may be removed or must be retained. Landscaping requirements, including tree replacement requirements, may also be specified as conditions when a Development Consent is granted by Council.

Use of native trees indigenous to the area will generally be required for the purposes of tree replacement.

Authority

Council resolution No XXXXX dated XX XX 2024.

Policy Owner / Further Assistance

Director Development and Environmental Services / Senior Health and Building Surveyor

Related Information

Council's legislative requirements include, but are not limited to the following instruments of legislation:

- Biodiversity Conservation Act
- Biosecurity Act
- Civil Liability Act
- Environmental Planning and Assessment Act
- Heritage Act
- Local Government Act
- Local Land Services Act
- Protection of the Environment Operations Act
- Threatened Species
- Work Health and Safety Act
- Summary Offences Act

Other

- Arborist Report – Town of Nyngan by Arborsaw (Alex Austin) May 2020

Bogan Shire Council Policy DDES005 (Tree Preservation Policy – Trees on Public Land)

- Arborist Report (Review) – Town of Nyngan by Arborsaw (Alex Austin) April 2023

Review Date

February 2027

Revision History

Date	Description of Change	Sections Affected
25/03/2004	New Policy adopted by Council	All
25/08/2016	Update Policy	All
//2024	Update Policy redraft to new format including creating Procedure	All

DRAFT

14.3 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE

1. Introduction

The purpose of this report is to seek the temporary suspension of the Alcohol Free Zone (AFZ) on the corner of Nymagee and Dandaloo Streets Nyngan for a business to operate proposed outdoor dining at 104-106 Nymagee Street, Nyngan.

2. Background

Council recently received an enquiry regarding outdoor dining located on the corner of Nymagee and Dandaloo Streets Nyngan in order for a business to operate proposed outdoor dining at 104-106 Nymagee Street, Nyngan.

It was stated by the property owner that the proposed outdoor dining area would include alcohol consumption on the footpath which is an AFZ as determined by Council at the March 2021 Council meeting.

A site plan indicating the proposed area of the footpath to be used was requested by Council staff. This is included as Attachment 1.

3. Discussion

AFZ's are created to help keep public spaces and streets safe, consequently the enquiry was referred to the local Nyngan police. The police have indicated that subject to some minor concerns there were overall no objections to the proposal. The matters raised were:

- Having a seated outdoor dining area rather than having patrons standing due to the proximity of the road.
- Hours of operation to be limited up to no later than 10pm. After this time the outdoor dining area is to be closed and patrons are to be moved inside.

Should Council temporarily suspend the operation of the AFZ in the marked area of Attachment 1, any subsequent approval issued by Council staff will have conditions to address the above matters.

The application was also referred to Council's Engineering Department, with no objections to the proposal on the condition that the proposed outdoor dining area would not obstruct footpath thoroughfare.

For the temporary suspension or cancellation of an Alcohol Free Zone *Section 645 of the Local Government Act 1993* sets out the procedure for this which states the following:

Suspension or cancellation

1. *The Council may, at the request of any person or body or of its own motion, suspend the operation of an alcohol free zone by publishing notice of the suspension in a manner that the council is satisfied is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the zone concerned.*

2. *During the period indicated in such a notice as the period of suspension, the zone does not operate as an alcohol free zone.*
3. *In like manner the Council may at any time cancel the operation of an alcohol-free zone.*

4. Attachments

1. Site Plan - Proposed outdoor dining area

5. Recommendation

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

1. Introduction

The purpose of this report is to advise Council of the activities and statistics relating to Council’s Biosecurity functions.

2. Background

Council employs a Biosecurity and Weeds Officer to manage and implement Council’s responsibilities under the *Biosecurity Act 2015* with a focus on priority weeds at both state and regional levels.

3. Discussion

The Biosecurity and Weeds Officer (BWO) operates according to the NSW Weed Action Plan (WAP). The WAP is a NSW Government initiative to reduce the impact of weeds through the implementation of the NSW Invasive Species Plan and the NSW Biosecurity Strategy. The WAP is determined at a regional level to target priority weeds within Local Government Areas. The WAP is currently in year four of a five year program and outlines targets that must be met. These objectives include looking for existing or new weed incursions when carrying out the following:

- Roadside inspections
- Water course inspections
- Rail corridor inspections
- Inspections of nurseries, pet shops and sale yards
- Inspections of land owned / managed by state bodies (Crown land)
- Inspections of Council owned land
- Private property inspections
- Follow up inspections (where invasive species have been identified)

The table below summarises WAP targets and YTD results up to 29 February 2024.

Sub-Categories	Yearly Target	Year to Date (YTD)	% Complete
Inspection of Roadsides	4300km	2971km	69%
Inspection of Watercourses	215km	48.5km	22%
Inspection of Rail Corridors	150km	151km	100.7%
Inspection of Nurseries, Saleyards and Pet Shops	4	3	75%
Inspection of Land Owned/Managed by State Bodies	9	9	100%
Inspection of Council Owned Land	12	31	258%
Inspection of Private Property	60	48	80%
Follow up Inspections	10	8	80%

Note: YTD figures are up to 29 February 2024.

Additional requirements of the WAP include:

- Continually review and improve early detection capabilities
- Undertake regular review of sightings to identify and address emerging trends that could lead to increased biosecurity risks
- Increase public awareness of incursion risk and reporting mechanisms
- Maintain a sufficient state-wide network of biosecurity staff to respond to incursions
- Management to be undertaken in accordance with best practice management guidelines and standard operating procedures
- provide a range of information, education and training resources
- Maintain an adequate network of biosecurity professionals across the state that can be rapidly deployed to manage biosecurity emergencies

In addition to the above listed requirements, quarterly reports, weed spraying and mapping of high risk pathways are a fundamental part of the Weed Action Plan.

Networking with likeminded stakeholders who are working to achieve the same outcomes in weed control is an important part of managing and communicating biosecurity risks. Groups and committees provide strategic planning, project co-ordination, training, and general advice on weed management to a broad stakeholder base. These committees provide a forum to collaborate and share ideas and they seek to raise awareness of current issues in the broader community. It is a platform to highlight changes in legislation and potentially any new processes required to undertake the biosecurity functions for Council.

Bogan Shire Council is a member of several committees including the Central West Regional Weeds Committee (Council's BWO is currently the Chair), Central West Weeds Operational Group (Council's BWO is Vice Chair) and The Macquarie and Lachlan Valley Weeds Committee. Council's BWO is required to attend regular meetings on a quarterly basis.

Representatives from major stakeholders including Biosecurity and Weeds Officers from all Council members, Local Land Services (LLS), Department of Primary Industry (DPI), National Parks and Wildlife, Crown Lands, Forestry Corporation NSW, Water NSW, UGL, Transport NSW and NSW Farmers are members of these committees.

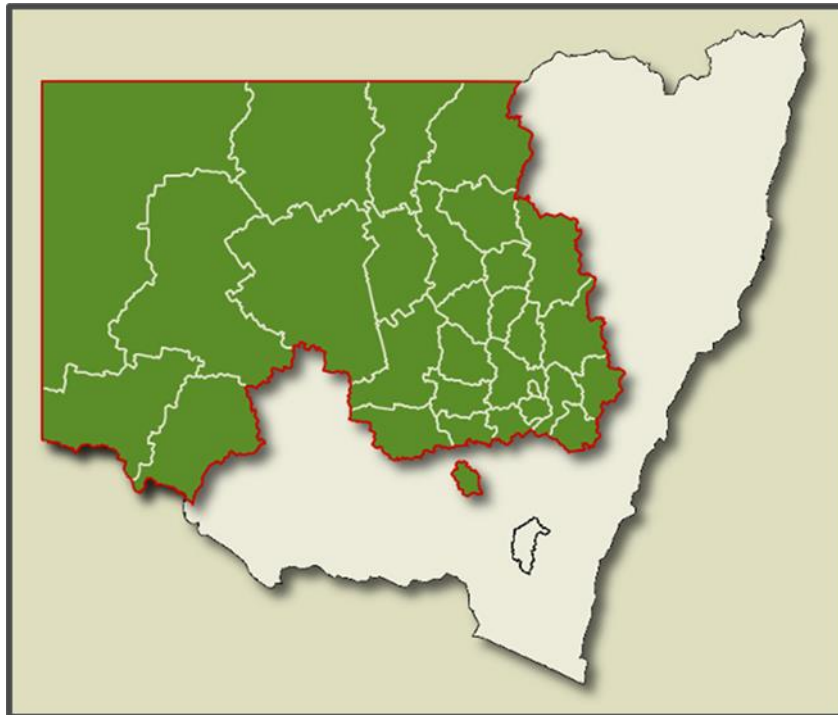
The Central West Regional Weeds Committee develop, review and update Regional Strategic Weed Management Plans and monitor and evaluate the implementation of these plans. They make recommendations to Local Land Service Boards on weed management and support the LLS with the allocation of WAP funds. They seek and support partnerships to enhance regional weed management and refer weed policy issues to the State Weed Committee.

The Central West Weeds Operational Group is a group consisting of BWO's from member regional Councils, LLS and Crown Lands who identify and determine the high-risk weeds to

be targeted at a regional level. A risk assessment is completed on State Priority Weeds and adjusted accordingly to the possible incursions in the region.

The Macquarie and Lachlan Valley Weeds Committee is a regional network of Councils, Local Land Services and other stake holders working together to improve weed management across Central and Western areas of the State.

This covers an area of approximately 55% of the State as indicated in the image below.



In addition to meetings, the committees ensure relevant training be available to the BWO throughout the WAP period. To date the following training has been undertaken:

- Prohibited matter training
- Compliance training
- Drone training

Council should receive \$37,698 in funding to carry out its WAP activities within the LGA this financial year. WAP funding can vary from year to year. This year the allocated funding should account for 48% of WAP activities with the remaining funds sourced from Council.

The WAP strategy, 'Low Priority Weed Control' is funded by Council and involves mitigating the risk of weeds identified as an issue in our immediate area.

Recent works under this strategy included the spraying of the old sections at the Nyngan Cemetery, Hermidale sports complex, Nyngan Racecourse and Showground, Nyngan levee banks, Nyngan laneways, adhoc weeds such as African Boxthorn, Blue Heliotrope, Bathurst and Noogoora Burr.

Hand spraying of Tiger Pear around the Nyngan township was carried out in a concentrated area with help from staff in the Department's gardening team.



Images of Tiger Pear.

Recent flood events have contributed to the spread of the above mentioned and other weeds.

Monthly reportable results often vary depending on seasonal growth, weather conditions, what weeds are targeted and the size of the area's to be treated. Council's BWO collates data and reports completed activities through DPI's Weeds Identification Database and this is done on a quarterly basis.

The BWO recently attended biological control field days held in Grenfell and Warren. Council's officer attended "Quanda" in Coonamble Shire to assist in management of Hudson Pear. It was estimated that 15,000 plants were sprayed by the group in an attempt to control this weed. The Annual NSW Weeds Conference was held in Dubbo during August 2023 where BWO made two presentations on recently completed projects.



Management of Hudson Pear at "Quanda".

The BWO uses a range of equipment to implement weed mitigation measures. These include a well-equipped vehicle with a 600l tank, 4m wide boom for larger areas, a swinging boom, several varying length hoses for targeted spraying, an ATV used for property inspections and some private jobs, portable spray packs, tools to assist with weed removal and a drone which can assist in identifying weeds in wet or hard to access areas.



Council's Biosecurity & Weeds vehicles.

Council's BWO is currently on track to meet all required WAP targets for the current financial year. Included as Attachment 1 is statistical information in relation to biosecurity and weed duties.

4. Attachments

1. Biosecurity Statistics

5. Recommendation

That the Biosecurity report be received and noted.

Biosecurity Statistics

	Inspections (Weeds Action Program)					Weed Control Spraying
	Private Land	Council Land	Roads (Km)	Waterways	Rail (Km)	
July 2023	3	4	170	0	0	25
August 2023	8	3	607	0	64	30
September 2023	6	8	442	0	27	16
October 2023	9	5	440	12	0	17
November 2023	7	5	302	0	0	91
December 2023	3	4	408	12	26	48
January 2024	5	2	256.5	4	0	13
February 2024	11	4	345	33	34	22
March 2024						
April 2024						
May 2024						
June 2024						
Total 2023/24	52	35	2970	61	151	262
Total 2022/23	82	21	4515	168	118	222
Total 2021/22	95	16	4247	9	200	228

15 PRECIS OF CORRESPONDENCE

15.1 NYNGAN CHRISTMAS COMMITTEE

Attached is copy of correspondence received from the Nyngan Christmas Committee.

Attachments

1. Nyngan Christmas Committee Correspondence

Recommendation

For Council's Consideration.

Dear Councilors of Bogan Shire,

Thank You All!

Following the success of the Nyngan Community Christmas 2023 event, we write to you to share our gratitude for your support and assistance in facilitating it. We had amazing feedback from the community, vendors and volunteers and we saw a large number of people enjoying the festivities despite the intense heat! We appreciate the efforts of all of the shire staff involved. We would like to continue to work alongside council to provide this event and general Christmas cheer to the community in the years to come.

Christmas 2024

We propose for your consideration that; **Nyngan Community Christmas 2024 be held on Saturday December 7th from 6-9 pm in Davidson park/Pangee Street.** Securing this date now will help us avoid clashes with other December events and hopefully allow us to obtain more food and market vendors.

If approved, we ask for your help with the 2024 event by;

- *Supplying and collecting additional bins in the park area.
- *Providing equipment such as lighting, tables and chairs, PA system and possibly power sources
- *Providing signs for, and agreeing to road closures including traffic management plans (between the pedestrian crossing and NAB from 3:30pm-9pm).
- *Continuing to provide/put up/pack up the flags, community tree and fencing including the star and light fittings before December 1st, with the first lighting of the tree to take place on the event night.
- *From 2024 the committee are asking to put on the decorations for the tree ourselves each year as we will purchase and maintain them.
- *Working with us to provide a solution for lighting the main street for market vendors. Our market vendors really liked being able to utilize the new main street footpath as their sites and the awnings from the shop fronts provided much needed shade, however there was a lack of lighting halfway through the event which did affect the ability of people to keep shopping and trading. We ask for your help in providing a solution for this such as the use of large portable lights etc.
- *Agreeing to a backup location. Given the unpredictable weather and the plans for renovations in Davidson park in 2024, we would like to plan for a backup location providing undercover space so that we could continue with most of the event should we need to move it. We think the youth centre and sports hall would be a perfect place for it if that could be permitted but we are open to your suggestions for an alternative venue.

Other Considerations

We asked for feedback from the public on all things Christmas and the repeated suggestion was making the main street more festive for all of December. We ask you to consider supplying and putting up Christmas lights (budget allowing and/or utilizing grant funding should some arise) in the main street and park wherever possible.

The committee was able to get a local electrician to install extra power sources around the CWA hall donating his time and labor. He has agreed to return to put in a permanent underground power source for the tree during the removal of the current footpath whenever that takes place. We would need to keep him updated on this matter. It was also suggested by some council staff members that some mushroom or similar power be put in in the future to allow for more power sources for other events.

We would like to volunteer our time and resources and ask to continue to engage with council on any matters that could impact or help our event. Such as works to Davidson Park, researching products for supply such as Christmas lights and applying for any funding that might arise that could assist us to pull off a great night and allow council to provide a festive main street December long every year.

The Nyngan Christmas Committee are really proud of the 2023 event, and we hope you can all agree that it was so good for the community to bring everyone together for festivities and Christmas cheer whilst also driving sales for local shops and vendors, accommodation sites, service stations and everyone in between. We really hope that we can count on your support and help making 2024 and the years following even better.

We thank you for your time and consideration,

Nyngan Christmas Committee.

15.2 NYNGAN TOWN HALL

Attached is a copy of correspondence received from Anne Quarmby regarding Nyngan Town Hall.

Attachments

1. Correspondence from Anne Quarmby

Recommendation

For Council's Consideration.

BOGAN SHIRE COUNCIL		
FILE	19 FEB 2024	R/N
ASSIGNEE		

92 Cathundril Street,
 Nyngan. NSW 2825
 17th February, 2024.

FOR ATTENTION
 BOGAN SHIRE MAYOR,
 COUNCILLORS AND GENERAL MANAGER

RE CONCERNS CURRENT STATE/SITUATION OF THE NYNGAN TOWN HALL

I would like our council to give serious consideration to renew and restore the amenities of our Nyngan Town Hall facilities. I am aware that some time back council did look into rebuilding these facilities on a much larger scale which was really beyond financial reality for our council at that time. I am also aware that this facility is not being used a great deal which means any expenditure to this property needs to be justified and warranted.

In the 21st December issue of the Nyngan Weekly in the article relating to the Youth Centre flooring, it reports that Councillors decided to keep the existing flooring in the sports hall and look at upgrading another venue, such as the Nyngan Town Hall. In response to this, Mayor Glen Neill suggested that council look at constructing a new shed at that showground with a cement floor which would benefit the Nyngan Ag Expo and Nyngan show society and other users. He then goes on to say that "I know the Town Hall doesn't get much use because it needs an upgrade". Everyone in Nyngan is aware that our Town Hall needs a lot of basic work to be done to make it a viable option for anyone to consider holding any community event as it is. If nothing is done to the Town Hall this will not change other than cause the costs to be greater in the long term to renew and restore to a valuable asset.

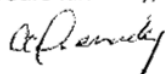
Our Town Hall is central in our town, is a part of our history and it belongs to the whole community and I strongly believe we should not allow this heritage asset to deteriorate into such a state of disrepair. I may be wrong but I am not aware of any significant upgrades to our Town Hall other than some time back a stove was replaced. When I was working with DOCS the exterior of the building was painted, that was over ten years ago. We are fortunate to have lot of other community halls which have been

updated and are available to community events but, they are limited to smaller numbers and generally associated to specific groups.

So, I am asking our council to stop putting the 'Upgrade of our Town Hall' in the "Too Hard Basket" for upgrading the basic facilities such as toilets, kitchen, flooring etc. which would comply with current public building regulations. Over the years our Town Hall has been used for balls, dances, dancing classes, weddings, watching movies, fetes, community concerts, travelling artists, market days and conferences etc. (some events with large numbers of people). If the office areas were renewed/restored to current building regulations this office space could be used by council or leased out. Another option would be to convert the office areas into units for accommodation. Again, this option would mean providing access to shower/toilet facilities in this area. Either option would mean extra expenditure however, these costs would be warranted and justified as it would result in our council benefiting from the long-term income from these areas.

The reality is that because of the long-term neglect there will need to be ongoing plans to maintain and restore this heritage building so that it becomes a viable financial asset which benefits not only the Nyngan community but surrounding communities. Undoubtedly this will take many years of planning and many applications for grants and community fundraising. I believe Nyngan needs our Town Hall as a viable venue for large community events for all ages, especially as climate change factors causes problems for outdoors activities. Therefore, I am asking that our Council to please give serious consideration to making a start to renew our Nyngan Town Hall, if nothing happens, we will lose a valuable community asset.
I have attached a copy of the article in Nyngan Weekly.

Yours faithfully,



Anne Quarmby.

amenity impact of the new river pump station at Nyngan; and the challenge of managing water flows into the weir pools at Nyngan given the new system will have the capacity to pump 50 per cent more water towards Cobar.

Mayor Neill said council was also concerned about the land tenure arrangements for the pump station on Temples Lane.

"These matters will all need to be adequately addressed before council is satisfied with DPE's proposals," he said.

planning and environmental (LRF 2) to improve the strength to Cobar Pipeline Project.

The project involves an upgrade of the existing pipeline and pumping infrastructure between Nyngan and Cobar, to provide long-term water supply reliability. "According to the DPE the upgrade is needed because the existing pipeline and pumping stations are nearing the end of their design life, with the emergency backup system also at risk of failure," Mr Neill said.

Mr Neill said the state and federal governments had agreed to fund stage one of the project which will involve an upgrade to the pump stations at Nyngan.

Youth centre gym flooring to remain

By Abigail McLaughlin

Despite the need for a modern multi-purpose hall in Nyngan, Bogan Shire Council has decided the sports hall at the Youth and Community Centre (BSYCC) would not be suitable for many events because the flooring could be damaged by heavy furniture, chair legs, and high-heeled shoes.

The newly-opened BSYCC sports hall has a \$93,000 synthetic floor which is designed to reduce impact and injury on users playing indoor sport.

According to the manufacturer, the floor should be covered with plywood or similar if heavy items and machinery was to be placed on it. It could also be damaged by chair and table legs and heeled shoes.

Bogan Shire Council general manager Derek Francis told councillors at the December meeting there had been suggestions to pull up the existing flooring and replace it with a more hardwearing surface.

Mr Francis outlined the options for new flooring which ranged from vinyl flooring similar to that in supermarkets to top of the range sports flooring imported from Canada.

Council heard the vinyl flooring would cost about \$120,000 and would be "like landing on concrete" if someone fell. It also would be difficult to line mark for sports.

Mr Francis said another option included multi-sport vinyl floor, similar to the existing floor but more resistant to high heels and chairs, although still unable to withstand heavy loads like machinery. It would cost around \$140,000.

Standard hardwood flooring (similar to that in the Nyngan High School gym) would cost around \$250,000 and would not have the springiness to protect against sports falls injury.

The most expensive option would be import specialist sports stadium flooring from overseas, but Mr Francis said it would cost as much as \$500,000. "The removal of the existing flooring would also need to be considered," Mr Francis said. "This is expected to cost \$15,000. And line marking at around \$30,000 would also be required."

Mr Francis said another option would be to use grant funding to purchase floor covering which could be laid over the existing floor in the lead up to community events.

"This option appears to be fairly labour intensive and involves some degree of complexity including application of temporary adhesives," he said.

"It would need to be further investigated for practical application in our environment."

Councillors discussed the options and decided to keep the existing flooring in the sports hall and look at upgrading another venue, such as the Nyngan Town Hall, for community events.

Mayor Glen Neill suggested council look at constructing a new shed with concrete floor at the Nyngan Showground which would also benefit the Nyngan Ag Expo, Nyngan Show Society, and other users.

"I know the town hall doesn't get much use because it needs an upgrade," he said.

"However, the previous costings to upgrade the hall were a substantial amount of money. Maybe we should be looking at the showground which already gets a lot of use."

"It would be good for night night, Duck Creek races, Nyngan Ag Expo. I'd like to see something like this. Personally, I think we should look at a large type closed in area, even if it was just a roof and we put the sides on later," said mayor Neill.



106 Pangee Street, Nyngan, NSW 9725
Phone (02) 6832 1102
Email: nynganrslclub@bigpond.com

The Super Jackpot Badge Draw is \$2800
The Badge Draw is \$1200. Must go off!

\$6000 Cash for Christmas

Must be won! See club for further draw details.

Hams, hams, and more hams!

Come along Friday night for your chance to win

Information for members and guests. Think! About your choices. Gamble responsibly.

Merry Christmas and Happy New Year from the team at

NEILL,

MARTINOVING PTY LTD

Office Numbers:

Ph: 02 6832 2718

Fax: 02 6832 2792

Glen Neill

0418 286 038

Jacob Neill

0457 770 855

Website:

www.neillartmoving.com.au

neillartmoving@bigpond.com PO Box 93, Nyngan 2825

16 MEETING CLOSURE