



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**Date: Thursday, 12 December 2024**

**Time: 10.30am**

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

**Derek Francis  
General Manager**





### **Published Recording of Council Meeting**

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**MINUTES OF BOGAN SHIRE COUNCIL****ORDINARY COUNCIL MEETING HELD AT THE BOGAN SHIRE COUNCIL,  
COUNCIL CHAMBERS, 81 COBAR STREET, NYNGAN  
ON THURSDAY 12 DECEMBER 2024 AT 10.30AM**

**PRESENT:** Councillors Cr G Neill (Chairperson), K Bright, V Boag, J Elias, S Issa, G Jackson, D Menzies, E Stanton

**IN ATTENDANCE:** D Francis (General Manager), D Wood (Director People and Community Services), S Waterhouse (Director Finance and Corporate Services), G Curry (Director Infrastructure Services), C Black (Director Development and Environmental Services), M Salter (Executive Officer)

**1 OPENING PRAYER****2 REMEMBRANCES****3 APOLOGIES****Resolved 284/24**

Moved: Cr Boag

Seconded: Cr Bright

That the apology received from Councillor R Bootle be accepted and leave of absence be granted.

**4 DISCLOSURE OF INTERESTS**

The following disclosures of interest were declared:

From November 2024 Meeting Confidential Minutes:

Cr Neill – Confidential Item 5.1 Tender – 33 Lot Residential Subdivision

Pecuniary interest due to position as a Director of Neill Earthmoving, who is a subcontractor of a tenderer.

**Resolved 285/24**

Moved: Cr Jackson

Seconded: Cr Menzies

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

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 12 December 2024:

## **5.1 CONFIRMATION OF CONFIDENTIAL MINUTES**

### **MINUTES OF THE CONFIDENTIAL MEETING - 28 NOVEMBER 2024**

Cr Neill left the Chair and left the Room. Deputy Mayor Cr Bright, moved into the Chair.

#### **Resolved 286/24**

Moved: Cr Boag

Seconded: Cr Menzies

That the minutes of the Confidential Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 28 November 2024, be received and noted.

Business Arising: Nil

Deputy Mayor Cr Bright left the Chair, Cr Neill returned to the room and resumed the Chair.

#### **Resolved 287/24**

Moved: Cr Stanton

Seconded: Cr Jackson

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

## **5 CONFIRMATION OF ORDINARY MINUTES**

### **6.1 MINUTES OF ORDINARY MEETING - 28 NOVEMBER 2024**

The minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 28 November 2024 have been circulated to Council.

#### **Resolved 288/24**

Moved: Cr Bright

Seconded: Cr Menzies

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 28 November 2024, be received and noted.

Business Arising: Nil

**6 NOTICE OF MOTION**

Nil

**7 MAYORAL MINUTES**

Nil

**8 COMMITTEE MEETING MINUTES**

Nil

**9 GENERAL MANAGER’S REPORTS**

**10.1 GENERAL MANAGER'S CHECKLIST**

Item	Date	Minute No	Matter	Action Required	Officer	Status
1	21/12/2017  23/11/2023	392/2017  282/23	<b>Increase of train speed through Nyngan</b>	<p>Strong letter of concern and a request to address Council be sent to the relevant rail authorities and a copy to the local member.</p> <p>That Council respond to Minister Aitchison, 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.</p>	<b>GM</b>	<p>Refer below.</p> <p>This matter was drawn to the attention of Minister Aitchison on 12/01/2024 during her visit to Nyngan.</p> <p>Further letters sent to Minister Aitchison and Roy Butler MP. Discussed with Minister Aitchison on 15/07/2024 during her visit to Nyngan. Letter received from Minister Aitchison. TNSW has requested a review of train speeds from UGL.</p>
2	27/05/2022	122/2022	<b>Nyngan Emergency Bore</b>	Council seeks advice from the Minister for Water, as to a mechanism for periodic	<b>GM</b>	Letter written to new Minister for Water, advising them of resolution 122/2022 and seeking



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	23/02/2023	010/2023		<p>extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage.</p> <p>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</p>	GM	<p>clarification on funding. Minister for Water has advised that:</p> <ul style="list-style-type: none"> <li>• Work has begun on amendments to the Water Sharing Plan.</li> <li>• No further funding is available for the bore project.</li> </ul> <p>Council has been verbally advised by DCCEEW that funding deadline is approaching and that the timing for the release of any amendments to the Water Sharing Plan may impact Council's ability to deliver the project. Follow up letter sent to the Minister for Water seeking clarification.</p> <p>Public Works have provided an alternative cost estimate of \$5.092M, based on the 200mm pipeline.</p> <p>On hold pending response.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
	27/04/2023	081/2023		<p>the NSW Government on whether the emergency 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> <ul style="list-style-type: none"> <li>a. Water purchases</li> <li>b. Belaringar Creek Syphon</li> <li>c. Nyngan Emergency Bore pipeline</li> </ul>		<p>DPE advised accordingly.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
3	27/05/2021  28/09/2023	126/2021  207/23	<b>Addressing Local Job Vacancies</b>	<p>Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.</p> <p>Council provides a budget of \$25,000 for production of videos for the relocation campaign.</p>	<b>DPCS</b>	<p>Refer below.</p> <p>Production of Employment video in progress.</p>
4	25/07/2024	144/24	<b>New Water Treatment Plant Site</b>	<p>That Council does not proceed with building the new Water Treatment Plant on the site adjacent to the substation at the end of Dandaloo Street.</p> <p>That Council constructs the new Water Treatment Plant on the Council owned land at the Raw Water Pump Station at the upper weir.</p>	<b>DIS</b>	In Progress

Item	Date	Minute No	Matter	Action Required	Officer	Status
5	22/08/2024	174/24	<b>Hoskins Street Subdivision</b>	That Council seek the assistance of Local Member, Roy Butler to approach the Minister for Western NSW / Minister for Regional NSW for an extension of time within which to complete the Hoskins Street Subdivision Project.	<b>GM</b>	Pending confirmation of construction timeframes – subject to tender outcomes.
	28/11/2024	250/24		That, subject to solvency and final checks including confirmation of the tenderer’s ability to execute the construction contract within a timeframe acceptable to the funding body (NSW Government), the tender for construction of lead-in infrastructure on new residential subdivision, Lot 33 be awarded to WTC Group Australia Pty Ltd in the amount of \$1,707,618.80 including GST.	<b>GM</b>	<b>UPDATE:</b> Discussions with WTC Group commencing.

Item	Date	Minute No	Matter	Action Required	Officer	Status
6	24/10/2024	245/24	<b>Reclassification of Land – 8 Tabratong Street</b>	That Council resolve to: 1. Lodge the Planning Proposal to Reclassify Public Land at 8 Tabratong Street Nyngan with the Department of Planning, Housing and Infrastructure for a Gateway Determination; and 2. Undertake community consultation in accordance with the Gateway Determination.	<b>DDES</b>	The Planning Proposal has been lodged with the Department of Planning for Gateway Determination.
7	27/07/2023	160/23	<b>School Exchange Program</b>	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.	<b>GM</b>	Discussions held with Acting Principal, Nyngan High School.
	25/07/2024	146/24		That Council consider locations that may have economic/industry ties for the School Exchange		

Item	Date	Minute No	Matter	Action Required	Officer	Status
				Program, to enhance the student experience.		
8	26/10/2023	247/23	<b>Before and After School Care, Nyngan</b>	That the Before and After School Care matter be further pursued with the Department of Education, and if necessary the Minister.	<b>GM</b>	Refer below.
	22/02/2024	009/24		Issue of lack of Before and After School Care in Nyngan be referred to Local Member.		Correspondence sent to Local Member.
	25/07/2024	147/24		That Council request the Local Member to make further contact with the Minister for Education about the lack of Before and After School Care in Nyngan.		Email sent to Local Member in August 2024.  Contact, with reminder, made with Local Members Office October 2024.  GM and DPCS met with officials of Department of Education to discuss community concerns.

Item	Date	Minute No	Matter	Action Required	Officer	Status
10	23/11/2023	278/23	<b>Nyngan Year-Round Fishery</b>	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.	<b>DIS</b>	In Progress
11	27/06/2024	127/24	<b>Tottenham Road Condition Assessment Report</b>	<p>That Council prepares a Tottenham Road Rehabilitation Business Case for the Tottenham Road.</p> <p>That Council brings the condition assessment to the attention of the Minister for Roads and Transport for NSW to seek urgent funding to address the issues raised.</p>	<b>DIS</b>	In progress.

Item	Date	Minute No	Matter	Action Required	Officer	Status
12	27/06/2024	134/24	<b>Nyngan Community Homes</b>	That Council request that Nyngan Community Homes Association presents a satisfactory Business Plan and shows it has the capacity to build planned homes on the land, Council will consider an appropriate arrangement to facilitate the provision of the land which was formerly the Palais Theatre, on the basis of that plan.	<b>GM</b>	Email forwarded to Nyngan Community Homes with Council resolution and to contact the General Manager if further information is required.  Business Plan received from Nyngan Community Homes, 01/12/2024 with a request to address Council at a future meeting. Date to be determined in consultation with Mayor.
14	25/07/2024	151/24	<b>Water Tower Art</b>	That Council gives direction to an artist to determine the style and subject matter of artwork to be placed on the water tower near the skate park. Themes that are iconic to Bogan Shire including artwork with aboriginal designs <u>Theme One:</u> Flood and Evacuation Scene	<b>DIS</b>	Artwork considered by Council at its meeting on 24/10/2024. <b>COMPLETED</b>



Item	Date	Minute No	Matter	Action Required	Officer	Status
	24/10/2024	238/24		<p><u>Theme Two:</u> Mining &amp; Agricultural industries of Bogan Shire</p> <p><u>Theme Three:</u> Olympic Gold Medallists</p> <p><u>Theme Four:</u> Bogan River &amp; Wildlife/recreation</p> <p>That Council go back to the artist and recommend four separate panels:</p> <ol style="list-style-type: none"> <li>1. A mining dump truck coming out of red dirt, sheep grazing, and wheat fields.</li> <li>2. The Bogan River showing pelicans, broilgas, wood ducks, red gums, monitor lizard, galah and kookaburra.</li> <li>3. Olympic gold medallists – rowing and equestrian</li> <li>4. Flood evacuation zone and helicopter.</li> </ol>	<b>GM</b>	<p>Informal Teams meeting held between artist, available Councillors and General Manager on 06/11/2024.</p> <p><b>COMPLETED</b></p>
	28/11/2024	<b>258/24</b>		<p>That Council delegate authority for the water</p>		<p><b>UPDATE:</b> Meeting with artist scheduled for 11/12/24</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
				tower artist to negotiate with the General Manager, Mayor and Councillor Stanton, for small changes to the sample artwork, tabled at the meeting, that was otherwise endorsed by Council.		
16	22/08/2024	175/24	<b>Nyngan Tennis Section 355 Committee</b>	That Council: (Establishes a Nyngan Tennis Section 355 Committee. Adopts the attached Nyngan Tennis Section 355 Committee Instrument of Delegation effective from 23 August 2024. Becomes a member of Tennis NSW. Installs the Tennis NSW booking and locking systems for the Nyngan tennis courts and clubhouse.	<b>GM</b>	<b>UPDATE:</b> Meeting with Tennis Committee held on 02/12/2024. Awaiting feedback from Committee.

Item	Date	Minute No	Matter	Action Required	Officer	Status
				That the General Manager has further discussions with the interim executive of Nyngan Tennis Club about membership, fees and other relevant matters with a further report to Council.		
17	24/10/2024	214/24	<b>Nyngan Railway Fencing</b>	That Council again write to Local State Member Roy Butler, seeking support for the urgent need for fencing to be erected by UGL	<b>GM</b>	Email sent 23/10/2024. <b>UPDATE:</b> Further email sent 05/12/2024
18	24/10/2024	242/24	<b>Vermont Hill Road</b>	That Council defers a decision until a detailed report can be presented to Council on the design and costs associated with construction of this section of the road, and that the General Manager investigates the need to place "Road Closed" signage at either end of that section of road to deter through traffic from	<b>GM/DIS</b>	Road closed signs erected.

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				using it, if it is currently untrafficable.		
19	28/11/2024	255/24	<b>NSW Heritage Grants</b>	<p>Council notes that applications are open for the 2025-27 Local Government Heritage Grants to support, promote and realise the values of locally significant heritage.</p> <p>Council makes application under this grant scheme to prepare a heritage study for the Bogan Shire LGA.</p> <p>Council provides matching funding for the grant of up to \$25,000 with this amount to be included in the February Budget Review to be funded from identified savings.</p>	<b>DDES</b>	In progress

Item	Date	Minute No	Matter	Action Required	Officer	Status
20	28/11/2024	260/24	<b>Nyngan Town Hall</b>	Council calls for a proposal from NSW Public Works for the preparation of a conservation management plan for the Nyngan Town Hall. The General Manager submits an application under the 2025-27 Local Government Heritage grants for the preparation of this Plan.	<b>DIS</b>	In progress
21	28/11/2024	281/24	<b>Nyngan RSL sub-Branch Avenue of Remembrance</b>	That Council agrees, in principle, to an Avenue of Remembrance on Cannonbar Street, between Hoskins Street and Cemetery Road. That the General Manager and staff work with the Nyngan RSL sub-Branch on a suitable design, including indigenous tree species. 4. That an estimate of cost be prepared for consideration at a future	<b>DDES</b>	

Item	Date	Minute No	Matter	Action Required	Officer	Status
				meeting of Council, to help determine the extent of Councils financial contribution to the project.		

### **10.1 GENERAL MANAGER'S CHECKLIST**

#### **Resolved 289/24**

Moved: Cr Jackson

Seconded: Cr Menzies

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

### **10.2 ALLIANCE OF WESTERN COUNCILS (AWC)**

#### **Resolved 290/24**

Moved: Cr Jackson

Seconded: Cr Menzies

That the Alliance of Western Councils (AWC) Report be received and noted.

### **10.3 COUNTRY MAYORS ASSOCIATION (CMA)**

#### **Resolved 291/24**

Moved: Cr Elias

Seconded: Cr Stanton

That the Country Mayors Association (CMA) Report be received and noted.

**10 PEOPLE AND COMMUNITY SERVICES REPORTS****11.1 BOGAN SHIRE EARLY LEARNING CENTRE SECURITY SYSTEM****Resolved 292/24**

Moved: Cr Menzies

Seconded: Cr Stanton

Noting the legislative and regulatory requirements relating to children's safety and security at the Bogan Shire Early Learning Centre, Council approves expenditure of \$20,000 for the installation of a new access control system to the front entrance of the Bogan Shire Early Learning Centre, with provision being made for this at the next budget review.

**11.2 EARLY CHILDHOOD EDUCATION AND CARE WORKER RETENTION PAYMENT GRANT****Resolved 293/24**

Moved: Cr Menzies

Seconded: Cr Jackson

That the Early Childhood Education and Care Worker Retention Payment Grant Report be received and noted.



**11 FINANCE AND CORPORATE SERVICES REPORTS**

**12.1 INVESTMENTS NOVEMBER 2024**

**Resolved 294/24**

Moved: Cr Jackson

Seconded: Cr Bright

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

**12.2 SUMMARY OF RATE AND ANNUAL CHARGES COLLECTION**

The Director of Finance and Corporate Services gave the following update to the Meeting:

<b>Rate Collections</b>	<b>2024-2025</b>	<b>2023-2024</b>
Arrears Prior to 01/07/2024	304,408	506,830
First Instalment in arrears as at 30/11/2024	56,816	66,451
Second Instalment Outstanding as at 30/11/2024	343,222	411,436
Third Instalment Outstanding as at 30/11/2024	1,068,682	1,038,187
Fourth Instalment Outstanding as at 30/11/2024	1,116,949	1,071,942
<b>Total Arrears</b>	<b>361,224</b>	<b>573,281</b>
<b>Total Outstanding</b>	<b>3,108,798</b>	<b>3,094,846</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	<b>6,250,323</b>	<b>6,253,215</b>
Add: Adjustments	34,188	55,444
Less: Payments to end of November	-3,319,982	-3,140,720
Less: Rebates	-75,562	-73,093
<b>Gross Total Balance</b>	<b>3,108,798</b>	<b>3,094,846</b>
<b>Arrears of total amount levied %</b>	<b>6%</b>	<b>9%</b>

**Resolved 295/24**

Moved: Cr Stanton

Seconded: Cr Boag

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

### **12.3 APPLICATION FOR FINANCIAL ASSISTANCE**

#### **Resolved 296/24**

Moved: Cr Menzies

Seconded: Cr Elias

That Council make a donation of the sum of \$500 to the Nyngan Amateur Swimming Club for their Annual Swimming Carnival.

### **12.4 ACCESS TO INFORMATION HELD BY COUNCIL POLICY**

#### **Resolved 297/24**

Moved: Cr Stanton

Seconded: Cr Elias

That Council adopt the revised Access to Information Held by Council Policy AP012.

**12 INFRASTRUCTURE SERVICES REPORTS**

**13.1 DEPARTMENTAL ACTIVITY REPORT**

**Resolved 298/24**

Moved: Cr Boag

Seconded: Cr Elias

That the Infrastructure Services Departmental Report be received and noted.

**13.2 REQUEST TO REMOVE STREET TREE - ELLEN STREET**

**Resolved 299/24**

Moved: Cr Issa

Seconded: Cr Bright

That Council defer a decision on removal of the Lemon Scented Gum Tree in Ellen Street, until the written report from the arborist is received.

**13 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS**

**14.1 DEVELOPMENT APPLICATIONS REPORT**

**Resolved 300/24**

Moved: Cr Boag

Seconded: Cr Bright

That the Development Applications Report be received and noted.

**14.2 NYNGAN WAR MEMORIAL SWIMMING POOL ACTIVITY REPORT**

**Resolved 301/24**

Moved: Cr Elias

Seconded: Cr Stanton

That the Nyngan War Memorial Swimming Pool Activity Report be received and noted.

**14      PRECIS OF CORRESPONDENCE**

Nil

**15      MEETING CLOSURE**

There being no further business, the meeting closed at 11.23am.

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

.....  
**GENERAL MANAGER**

.....  
**MAYOR**