



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**24 November 2022**





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

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**Minutes of the Ordinary Meeting of Bogan Shire Council  
Held on 24 November 2022**

**PRESENT:** Councillors GRJ Neill (in the Chair), VJ Boag, WG Deacon, JL Douglas, AJ Elias, GN Jackson, DJ Menzies, R Milligan.

Also present were Mr Derek Francis (General Manager), Mr Graeme Bourke (Director of Engineering Services), Mrs Debb Wood (Director of People and Community Services), Mrs Stephanie Waterhouse (Director of Finance and Corporate Services), and Mrs Melissa Salter (Executive Officer).

**APOLOGIES:** Councillor KJ Bright

**DISCLOSURE OF INTEREST:** Councillor Boag – Minutes of the Extraordinary Council Meeting held 10 November 2022.

**276/2022 RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 27 October 2022, copies of which have been circulated to Councillors be taken as read and confirmed **(Elias/Jackson)**

**Business Arising:** The Mayor gave an update on discussions with Roy Butler relating to the Nursing shortage in Nyngan. Bronnie Taylor has also made contact with the Mayor, also regarding this situation.

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 24 November 2022:

**270/2022 RESOLVED** that the apology received from Councillor KJ Bright be received and he be granted leave from both meetings. **(Boag/Jackson)**

**271/2022 EXCLUSION OF PRESS AND PUBLIC: RESOLVED** Recommended that Council move into a closed session of Council with the public excluded, in accordance with the Local Government Act 1993, Clause 10A a) as personnel matters concerning particular individuals (other than Councillors). **(Menzies/Milligan)**



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**272/2022 RESOLVED** that Council having reviewed the performance of the General Manager over the last sixteen months, have assessed his performance at a 5 based on the following scale of 5 – Outstanding, 4 – More than satisfactory, 3 – Satisfactory, 2 – Some concerns or 1 – Unsatisfactory.  
**(Boag/Jackson) Unanimous**

**273/2022 RESOLVED** that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 27 October 2022, copies of which have been circulated to Councillors be taken as read and confirmed.  
**(Douglas/Deacon)**

**VOLUNTARY PLANNING AGREEMENT – AUREILA RESOURCES**

**274/2022 RESOLVED** that:

1. That Council and the developer approach the state government for the upgrades of the road - 70% by the State Government and 30% by the Developer. The upgrade is to be prioritised in accordance with safety needs and completed within five years.
2. That the General Manager negotiates a VPA with Aurelia Resources in the best interest of Council in consultation with the Mayor and Deputy Mayor.  
**(Douglas/Deacon)**

**275/2022 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. **(Jackson/Elias)**

**277/2022 RESOLVED** that the Minutes of the Extraordinary Meeting of Council held on 10 November 2022, copies of which have been circulated to Councillors be taken as read and confirmed **(Menzies/Deacon)**

**Business Arising: Nil**



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**COMMITTEE MEETING MINUTES**

**1 ARIC MEETING MINUTES**

**278/2022 RESOLVED** that the minutes of the ARIC meeting held at Bogan Shire Council on 20 October 2022 be received and noted. **(Jackson/Menzies)**



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**REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT**

**1 CHECKLIST**

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	23/09/2021	249/2021	<b>Increase of train speed through Nyngan</b>	Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates.	<b>GM</b>	Pending discussions closer to State Elections.  Mayor and GM held site visit with Scott Barrett MLC on 13/07/2022. Email sent to Regional NSW for attention of Dugald Saunders, Minister for Western NSW 13/10/2022.



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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 extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage.	<b>GM</b>	Letter written to Minister for Water. Scott Barrett MLC requested on 11/08/22 and 13/09/2022 to follow up on letter to Minister for Water. Followed up 08/10/2022. Email sent to Regional NSW for attention of Dugald Saunders, Minister for Western NSW 13/10/2022.
3	28/11/2019	368/2019	<b>Repairs to Nyngan &amp; Cobar Emergency Water Storage</b>	The General Manager be authorised to procure sufficient quantities Geosynthetic Clay Liner & Geotextile material to complete the remediation works, according to specifications provided by NSW	<b>DES</b>	Remediation work postponed due to wet weather and soft floor. Floor continues to be wet and soft from rain.  Requires warm weather to dry out sub- base A contract variation has been issued to the Contractor for change of scope for

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				Public Works. The procurement be carried out by way of quotations.		repairs to inside batters.
4	17/12/2020	373/2020	<b>Lack of Vacation Care/Before and After School Care in Nyngan</b>	Council approach both primary schools in Nyngan. Council bring this matter to the attention of local State Member and Hon. Sam Faraway MLC.	<b>DPCS</b>	Meetings held with Principals of Nyngan Public and St Joseph's Schools. Letter sent to Hon. Bronnie Taylor MLC, Minister for Mental Health, Rural Youth and Women.  Council has been informed that the tender process for the new Before and After School Care service is being dealt with by the Department of Education.  <b>UPDATE:</b> According to Nyngan Public School Newsletter, a successful tenderer has been appointed.
5	25/02/2021	012/2021	<b>Nyngan Railway Wool Dump</b>	A colour information sign be erected at the Nyngan Railway Wool Dump on stand	<b>DES</b>	Pending commencement of grant- funded works.

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				adjacent to the dump. A cement path from the existing walkway to the sign be constructed, with available funding.		
6	27/05/2021	126/2021	<b>Addressing Local Job Vacancies</b>	Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.	<b>DPCS</b>	Planning for new residential subdivision has commenced.
7	28/10/2021	162/2021	<b>Section 355 Committee – Nyngan Museum</b>	General Manager to proceed with discussions to formalise a constitution and associated delegations for Nyngan Museum Committee as a Section 355	<b>GM</b>	Initial meeting held with Museum Committee. Draft delegations prepared for further discussions with Museum Committee. Referred to Audit & Risk Committee.  Report from Internal Auditor to be considered by ARIC

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				Management Committee of Council with a further report to Council.		before making recommendations to Council. ARIC Meeting re-scheduled for 20/10/22. <b>UPDATE:</b> Report to Council refers.
8	25/11/2021	331/2021	<b>Recycling Bins in Town Main Street</b>	Recycling bins be made available in town main street.	<b>DDES</b>	Eight recycling bins received – considered in Council’s best interest to delay installation until main street paving completed.
	24/03/2022	068/2022	<b>Recycling Bin Waste Stickers</b>	That Council, as part of the recycling education program that will be conducted through schools, supply students with a sticker and encourage to stick it to their household recycling bin.		<b>UPDATE:</b> Stickers dispatched for delivery to Council and will be distributed to students through the Gilgandra Waste/ Recycling student visits.

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10	23/06/2022	126/2022	<b>New Water Treatment Plant Site</b>	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.	<b>DES</b>	<b>UPDATE:</b> Public Works currently investigating suitability of substation site.
11	23/06/2022	141/2022	<b>Dolly Parton's Imagination Library Australia</b>	Council establishes an Imagination Library in partnership with United Way Australia.	<b>DPCS</b>	Initial meeting held with United Way to progress.  Imagination Library established – commencing November 2022. Council Library staff working in partnership with Community Nurse at Nyngan Hospital to provide sign- up information to new parents. Library staff to administer the program and enter registrations.

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						<p><b>UPDATE:</b> First baby has been signed up for the program.</p> <p><b>COMPLETED</b></p>
12	23/06/22	148/2022	<b>Pangee Street Paving</b>	The Director of Engineering investigate options of disposing of the pavers, as alternatives of what was discussed at the meeting, including costings, and report back to Council.	<b>DES</b>	<p>Most appropriate method of disposal would appear to be removing old pavers to a non-Council-owned site to enable public access to the pavers free of charge. Further investigations continuing.</p> <p><b>UPDATE:</b> It is recommended that Council advertises before work commences for Expressions of Interest from interested parties to have the old pavers delivered to an appropriate site of theirs, where times can be arranged for the public to collect pavers. After a set period of</p>

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	27/10/2022	246/2022		<p>Council seek expressions of interest from interested parties to have old pavers delivered to an appropriate site of theirs for the public to collect, for a set time, then review the matter.</p>	DES	<p>time, the interested party can then make use of unwanted pavers as they see fit.</p> <p><b>UPDATE:</b> To be advertised when a construction schedule has been finalised.</p>
	27/10/2022	258/2022		<p>The new footpath paving in Pangee Street be constructed using cast in-situ concrete in lieu of concrete pavers, subject to further advice on relative costs. A further report</p>	DES	<p><b>UPDATE:</b> Report to be prepared for December meeting.</p>

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				be brought to Council in November with recommended finishes, scope and updated costs.		
13	28/07/2022	171/2022	<b>Hoskins Street Subdivision</b>	<p>Council approves the draft subdivision layout, with following amendments: Inclusion of a laneway between lots 18-23 and lots 28-33. Accordingly reduce the number of affected blocks to retain an average size of around 1000m<sup>2</sup>.</p> <p>Strong representation is made to the Minister for Western New South Wales in relation to Biodiversity Fund contributions.</p>	<b>DES</b>	<p>Amended plan sent back to consultants. Meetings between Alliance of Western Council and NSW Government held of 17/08/22 and 19/08/22 to discuss.</p> <p>Strong representation made to Minister for the Environment and Heritage James Griffin, via Alliance of Western Councils as well as Country Mayor's Association. Chair of Alliance of Western</p>



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						Councils, Cr Craig Davies has also raised the matter with the Shooters, Fishers and Farmers Party, as well as the Labor Party, ahead of NSW elections.
14	25/08/2022	207/2022	<b>Removal of Athel Pines</b>	<p>Council removes all Athel Pines located adjacent to the airport.</p> <p>Council plants native species to replace the Athel Pines that will be removed, with funding to be allocated at the next budget review.</p>	<b>DDES</b>	<p>Scheduled for removal November/December 2022. Planting of replacement species schedule for March 2023.</p>

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15	25/08/2022	208/2022  260/2022	<b>Kerbside Waste</b>	<p>Council determine that the bulky kerbside collection trial proceed and determine associated costs at the next budget review.</p> <p>Council trial the bulky kerbside collection, as a once of collection and the take-up be gauged, and a further report to Council.</p>	<b>DDES</b>  <b>DDES</b>	<b>UPDATE:</b> Currently seeking quotations from contractors to complete the kerbside collection.
16	25/08/2022	209/2022	<b>Subdivision of Land Below the Minimum Lot Size</b>	The General Manager investigates the costs involved in a housekeeping amendment to the Bogan LEP 2011, and report back to a future Council Meeting	<b>DDES</b>	Consultant attended workshop with Councillors prior to October Council Meeting. <b>COMPLETED</b>



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	27/10/2022	261/2022	<b>Proposed Amendment to Bogan Local Environmental Plan</b>	The General Manager investigates a process to identify suitable land, for large lot residential and undertakes community consultation, with a further report to Council.	<b>GM</b>	In Progress
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**279/2022 RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.  
**(Boag/Milligan)**

## 2 ALLOCATION OF DISASTER RECOVER FUNDING

**Summary:-**

*The purpose of this report is to bring to Council’s attention the proposed list of projects to be submitted for Council’s recently announced \$1 million funding allocation under the NSW Government’s Natural Disaster Recovery grant provisions.*

**280/2022 RESOLVED** that the Allocation of Disaster Recovery Funding Report be received and noted. **(Douglas/Deacon)**

## 3 NYNGAN MUSEUM – SECTION 355 COMMITTEE

**Summary:**

*The purpose of this report is to advise Council of certain observations and recommendations made by Council’s Internal Auditor in relation to the operations of the Nyngan Museum Section 355 Committee and to seek direction as to progressing further investigations and discussions on its operations.*

**281/2022 RESOLVED** that Council progress investigations and discussions to delegate the functions of managing and operating the Nyngan Museum to the Nyngan Museum Committee as an incorporated body. **(Douglas/Milligan)**

## 4 ADMINISTRATION OF THE 2024 LOCAL GOVERNMENT ELECTIONS

**Summary:-**

*The purpose of this report is for Council to consider whether to enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council’s elections, polls and constitutional referenda in relation to the September 2024 ordinary Council elections.*

**282/2022 RESOLVED** that the General Manager requests quotations from alternate interested parties to administer the 2024 Local Government Elections.  
**(Jackson/Deacon)**

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**REPORT TO ORDINARY MEETING OF COUNCIL – DIRECTOR PEOPLE AND  
COMMUNITY SERVICES**

**1 AUSTRALIA DAY 2023**

**Summary:**

*The purpose of this report is to seek direction from Council on the venue to hold the Australia Day 2023 ceremony and events/activities to be held on the day.*

**283/2022 RESOLVED** that:

1. Council holds the Australia Day 2023 ceremony and associated activities at Davidson Park, with a contingency plan of the ceremony being held at the Town Hall in the event of adverse or wet weather.
2. Council approaches local community organisations to seek their interest in providing a range of activities to involve children in the celebrations of the day.
3. Council provides free entry to the Nyngan Memorial pool from 12.00pm on Australia Day 2023.

**(Douglas/Boag)**

Councillor Menzies left the meeting 7.50pm

**2 BOGAN SHIRE MEDICAL CENTRE**

**Summary:**

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

**284/2022 RESOLVED** that the Operational Report for the Bogan Shire Medical Centre be received and noted, with thanks to the Staff and Dr Kim for the positive feedback received from the Nyngan Hospital. **(Jackson/Elias)**

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

**1 INVESTMENTS OCTOBER 2022**

**Summary:**

*The report is to outline the performance of Council's Investment Portfolio for the month of October 2022. At the 31<sup>st</sup> October 2022 Council had \$19 million invested. There has been a decrease of \$800 thousand due to expenditure on funded projects and funds from claims not being received as yet.*

**285/2022** RESOLVED that the Investments Report be received and noted.  
(Douglas/Deacon)

**2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION**

**Summary:**

*This report is to provide a comparison of rate collections as at 30<sup>th</sup> October 2022, with the same period last year. Total arrears have decreased from \$971,495 as at the 30 October 2021 to \$727,439 as at 30 October this year.*

The Director of Finance and Corporate Services reported at the meeting, that at the date of the meeting, current arrears had decreased to \$687,632

<b>Rate Collections</b>	<b>2022-2023</b>	<b>2021-2022</b>
Arrears Prior to 30/06/2022	619,276	812,965
First Instalment arrears as at 31/10/2022	68,356	158,530
Second Instalment outstanding as at 31/10/2022	708,252	997,064
Third Instalment outstanding as at 31/10/2022	1,029,725	1,052,714
Fourth Instalment outstanding as at 31/10/2022	1,059,205	1,069,726
<b>Total Arrears</b>	<b>687,632</b>	<b>971,495</b>
<b>Total Outstanding</b>	<b>3,771,965</b>	<b>4,090,999</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	<b>6,016,029</b>	<b>6,162,843</b>
Add: Adjustments	14,547	12,021
Less: Payments to end of October	-2,495,191	-2,006,518
Less: Rebates	-78,627	-77,347
Add: Postponed	0	0
<b>Gross Total Balance</b>	<b>3,771,965</b>	<b>4,090,999</b>
<b>Arrears of total amount levied %</b>	<b>11%</b>	<b>16%</b>

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**286/2022** RESOLVED that the Rates and Annual Charges Collection Report be received and noted. (Jackson/Elias)

**3 ANNUAL REPORT 2021/2022**

***Summary:***

*Within 5 months after the end of each year, a Council must prepare its annual report for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.*

*The purpose of this report is to table to Council the Annual Report for the financial year 1 July 2021 to 30 June 2022.*

**287/2022** RESOLVED that the Annual Report 2021/2022 be received and noted. (Jackson/Boag)

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**REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR OF  
ENGINEERING SERVICES**

**1 DEPARTMENTAL ACTIVITY REPORT**

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

**288/2022 RESOLVED** that the Engineering Departmental Activity Report be received and noted. **(Douglas/Elias)**

**2 BELARINGAR CREEK SYPHON REPLACEMENT**

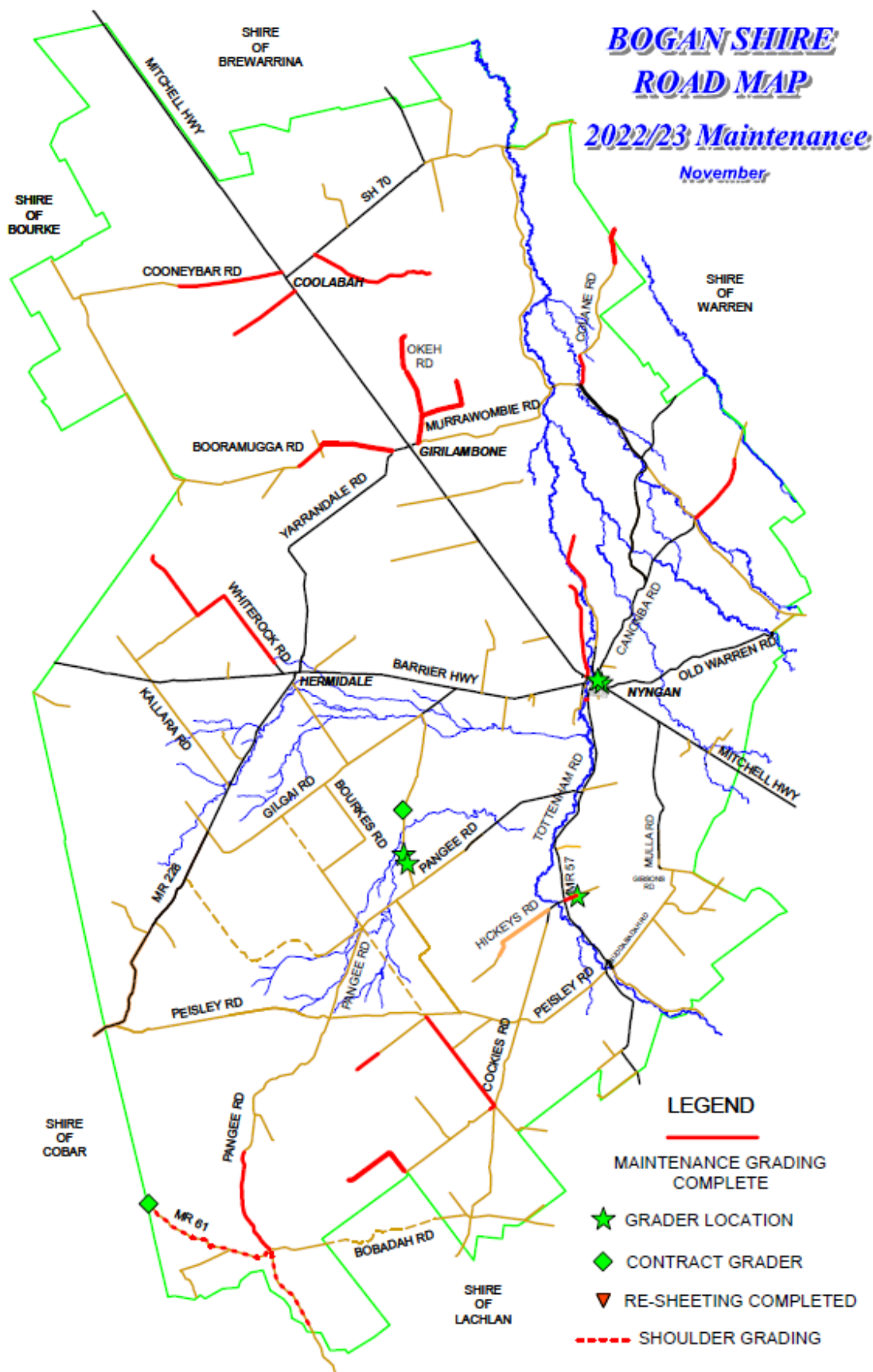
**Summary:**

*The purpose of this report is to update Council on the progress of the Belaringar Creek syphon replacement project.*

**289/2022 RESOLVED** that the Belaringar Creek Syphon Replacement Report be received and noted. **(Jackson/Deacon)**



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**REPORT TO THE ORDINARY MEETING OF COUNCIL – DIRECTOR OF  
DEVELOPMENT & ENVIRONMENTAL SERVICES**

**1 DEPARTMENTAL ACTIVITY REPORT**

***Summary:***

*The purpose of this report is to provide Council with information that is both statistical and informative in regards to the activities of the Development and Environmental Services Department.*

**290/2022 RESOLVED** that the Development and Environmental Services Departmental Activity Report be received and noted. **(Elias/Milligan)**

## PRECIS OF CORRESPONDENCE

### 1 THE HON. SAM FARRWAY

**291/2022** RESOLVED correspondence from The Hon. Sam Farraway MLC, Minister for Regional Transport and Roads be received and noted. (Jackson/Deacon)

### 2 TOTTENHAM BRANCH NSW FARMERS

**292/2022** RESOLVED that correspondence from the Tottenham Branch of NSW Farmers be received and noted and that Council supports their request for an upgrade of the Tottenham to Bogan Gate Rail Branch Line. (Milligan/Boag)

### 3 NYNGAN SHOW SOCIETY

Attached is a copy of correspondence received from Nyngan Show Society

**293/2022** RESOLVED that:

1. Council continues to discuss with the Duck Creek Committee the best way to manage the glass situation at the Showground after the event.
2. Council notes the concerns about horses in the cattle yards.
3. Council investigates the best option to resolve the matter of the signage.

(Douglas/Deacon)

### 4 KERRY KEMP

**294/2022** RESOLVED that Council supports the request to have a metal bench seat installed in front of IGA, at the family's expense. (Elias/Jackson)

### 5 MICHELLE SIMPSON

**295/2022** RESOLVED that Council investigate the cost, options and suitable location for a new memorial wall at the Nyngan Cemetery, and send a letter of thanks for the suggestion of the project. (Douglas/Boag)

### 6 NYNGAN LOCAL ABORIGINAL LAND COUNCIL

**296/2022** RESOLVED that correspondence be received and noted and that Council write to the NLALC to suggest they invite Councillors to a future NAIDOC Day Dinner. (Milligan/Douglas)



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There being no further business, the meeting closed at 8.45pm.

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

.....  
**GENERAL MANAGER**

.....  
**MAYOR**



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**NOTES**