



# **BOGAN SHIRE COUNCIL**

## **Ordinary Business Paper**

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

**Date: Thursday, 18 December 2025**

**Time: 9:00am**

**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.



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- 1 OPENING PRAYER**
- 2 REMEMBERANCES**
- 3 APOLOGIES**
- 4 DISCLOSURE OF INTERESTS**

**5 CONFIDENTIAL MATTERS**

CONFIDENTIAL

**6 CONFIRMATION OF ORDINARY MINUTES**

**6.1 MINUTES OF ORDINARY MEETING - 27 NOVEMBER 2025**

The minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 27 November 2025 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 27 November 2025, 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	21/12/2017	392/2017	Increase of train speed through Nyngan	Strong letter of concern and a request to address Council be sent to the relevant rail authorities and a copy to the local member.	GM	Refer below.
	23/11/2023	282/2023		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.		This matter was drawn to the attention of Minister Aitchison on 12/01/2024 during her visit to Nyngan.  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.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
2	27/02/2025	012/2025	Nyngan Emergency Bore	<p>That Council seek tenders for the Nyngan Emergency Bore project as now proposed by NSW Public Works with the following scope of works:</p> <p>i. Installation of a new bore, with power supply, in the vicinity of the current bore that meets the boundary proximity requirements of the Water Sharing Plan.</p> <p>ii. Installation of pipeline from the new bore site to Nyngan</p> <p>iii. Project design, project management and other associated costs.</p>	DIS	<p><b>Update</b></p> <p>The tender for the construction of the pipeline from the bore, along Old Warren Road has been awarded.</p> <p>Investigation of a preferred route through Nyngan is in progress.</p>
	23/10/2025	228/2025		<p>That Council make application through the required processes for the Minister to exercise their discretion under the modified Clause 37(4)(d) to permit approval</p>		DIS

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Item	Date	Minute No	Matter	Action Required	Officer	Status
				of the water supply work on the original bore site for the Nyngan Emergency Bore in parallel that Council pursues the regulatory processes to continue with the second bore in keeping with Resolution 12/25.		been extended from 14/12/2025 to 31/12/2025.
3	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	Refer below.
	28/09/2023	207/2023		Council provides a budget of \$25,000 for production of videos for the relocation campaign.		Production of Employment video in progress. Production of Health and Education video in progress.
4	25/07/2024	144/2024	New Water Treatment Plant Site	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.	DIS	In Progress

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Item	Date	Minute No	Matter	Action Required	Officer	Status
				That Council constructs the new Water Treatment Plant on the Council owned land at the Raw Water Pump Station at the upper weir.		
5	24/10/2024	245/2024	Reclassification of Land – 8 Tabratong Street	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.	DDES	<b>Update:</b> Awaiting Planning Approval from DPHI  <b>COMPLETED</b>
6	27/07/2023  25/07/2024	160/2023  146/2024	School Exchange Program	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council. That Council consider locations that may have economic/industry	GM	Discussions held with Acting Principal, Nyngan High School.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
				ties for the School Exchange Program, to enhance the student experience.		
7	26/10/2023	247/2023	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	Refer below.
	22/02/2024	009/2024		Issue of lack of Before and After School Care in Nyngan be referred to Local Member.		Correspondence sent to Local Member.
	25/07/2024	147/2024		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. Local Member has written to Minister for Education and Early Learning and issued a press release.

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Item	Date	Minute No	Matter	Action Required	Officer	Status
8	23/11/2023	278/2023	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.	DIS	Department of Primary Industries and Regional Development have advised that preparation of a risk assessment and draft Memorandum of Understanding is in progress.
9	27/06/2024	134/2024	Nyngan Community Homes	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.	GM	<p>Email forwarded to Nyngan Community Homes with Council resolution and to contact the General Manager if further information is required.</p> <p>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.</p> <p><b>Update:</b> Further information now received from Nyngan Community Homes.</p>

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Item	Date	Minute No	Matter	Action Required	Officer	Status
10	22/05/2025	120/2025	Control of Pest Bird Species	That Council apply for grant funding to promote community participation in managing Indian Myna populations within the Bogan LGA.	DDES	In progress
11	27/03/2025	045/2025	Cobar Water Board Water Supply Agreement	That the General Manager enter into a lease agreement with the Cobar Water Board for Lot 1 DP803368 for a period of 10 years, at an agreed market related rental, with annual rent renew for the purposes of the installation of solar panels and a water pump station. This agreement is subject to a successful negotiation of a Water Supply Agreement with Cobar Water Board.	GM	In progress

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Item	Date	Minute No	Matter	Action Required	Officer	Status
12	26/06/2025	139/2025	Bogan Shire Youth and Community Centre R4R9 Grant	That the General Manager makes application to vary the approved Resources for Regions 9 Grant project for the Bogan Shire Youth and Community Centre to make provision for: a. Building works – wall protection, internal door installation b. Outdoor sports facilities – pickleball court and table tennis c. Deletion of a fire pit and addition of a BBQ.	GM	Variation request submitted.  Currently working with NSW Dept of Primary Industries and Regional Development to resolve queries around Council's Variation Request.
13	26/06/2025	148/2025	Nyngan Cemetery Unidentified Plots	That the General Manager provide a report to Council on the matter of unidentified cemetery plots at the Nyngan Cemetery.	DIS	<b>Update: COMPLETED</b>
14	23/10/2025	227/2025	Planning Agreement – Constellation Mine	1. That Council endorses the draft Constellation Project Planning Agreement for the purposes of public exhibition.	DDES	

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Item	Date	Minute No	Matter	Action Required	Officer	Status
				<p>2. That Council places the draft Constellation Project Planning Agreement on public exhibition for a period of at least 28 days, calling for and accepting submissions from the public on the draft Planning Agreement.</p> <p>3. That the General Manager request Aeris Resources to work with Council so that a draft Road User Agreement can be considered by Council at its meeting on 27 November 2025 and that NSW Planning be advised accordingly.</p>		<p>Notice placed in the Nyngan Weekly Newspaper and on Council Website that The Draft Constellation Project Planning Agreement is on public display until 27/11/2025.</p> <p><b>COMPLETED</b></p> <p><b>COMPLETED</b></p>
	27/11/2025	262/2025		<p>That Council adopt the Constellation Project Planning Agreement and the General Manager be authorised to sign the agreement on Councils behalf.</p>	DDES	<b>COMPLETED</b>

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Item	Date	Minute No	Matter	Action Required	Officer	Status
15	23/10/2025	229/2025	New Model Code of Meeting Practice	That the new Bogan Shire Council Code of Meeting Practice, based on the recently released NSW Model Code of Meeting Practice, be approved for public exhibition, with items listed in red text deleted.	GM	<p>Notice placed in the Nyngan Weekly Newspaper and on Council Website that the new Bogan Shire Council Code of Meeting Practice, is on public exhibition until 18/12/2025.</p> <p><b>Update:</b> Report to Council refers.</p> <p><b>COMPLETED</b></p>
16	27/11/2025	260/2025	Nyngan Footpaths	<p>1. Council urgently complete repair works to the Dandaloo Street Footpath outside Nyngan Public School which is uneven/sunken footpath and creates a trip hazard in this high traffic area.</p> <p>2. Council create a footpath access ramp at the public school bus stop to allow people with bikes and prams to access the footpath safely.</p>	DIS	<p><b>Update:</b> Works are planned to be undertaken during the school holidays.</p>

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				<p>3. These works be funded from Councils existing Footpath Repair Program budget or, alternatively, other suitable funding identified by the General Manager.</p> <p>4. The General Manager provides Council with information on the process and cost to update the 2023 Bogan Shire Active Transport Plan so that more priority projects can be included in the Plan which has to be used as supporting evidence for grant funding.</p>		
17	27/11/2025	273/2025	Hermidale Water	That the General Manager monitors any consumption from the meters in Hermidale at the base of the elevated storages and the small tank in the CWA War Memorial Park, with a further report to Council in March 2026.	DIS	<p><b>Update:</b> Report to Council Refers</p>

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Item	Date	Minute No	Matter	Action Required	Officer	Status
18	27/11/2025	274/2025	Nyngan Cemetery	<p>1. That additional post and chain barrier be installed at the Church of England section of the Nyngan cemetery.</p> <p>2. That the simple style of cemetery row marker (approx. \$15 each), be installed, with costs to be covered from existing operating budget.</p>	DIS	In progress
19	27/11/2025	280/2025	Tree Removal Request – 9 Mudal Street Nyngan	<p>1 That Council approves that the pine tree be removed on the provision that the applicant maintain trees to be supplied from the Bogan River Bushcare Nursery.</p> <p>2 Given that the tree is assessed as being in good health, Council requires the applicant to pay 50% of the removal cost of the tree.</p>	DDES	<p><b>COMPLETED</b></p> <p><b>Update:</b> Council have made contact with the applicant. Awaiting quotation on tree removal costs.</p>

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Item	Date	Minute No	Matter	Action Required	Officer	Status
		281/2025		Prior to carrying out the previous resolution 280/2025, that Council contacts Essential Energy to see if removal of this tree is part of their future program of works.	DDES	In progress
20	27/11/2025	282/2025	Wangaaypuwan Wellness, Nyngan LALC	That the Mayor facilitates a discussion between Wangaaypuwan Wellness and local State Member Roy Butler about this matter, given that the NSW Government is responsible for providing housing assistance for women and children experiencing domestic and family violence.	GM	<b>Update:</b> Wangaaypuwan Wellness advised of Councils decision.
	27/11/2025	283/2025		That Council provide, in principle, support for the establishment of temporary accommodation to support women and children experiencing domestic and family violence in Nyngan and ask that the Mayor and General Manager investigate the possibility of	GM	Refer above

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				providing a suitable building for a 12 month trial period through the discussions with State Member Roy Butler.		

**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.

## 10.2 NEW MODEL CODE OF MEETING PRACTICE

### 1. Introduction

The purpose of this report is for Council to adopt the Bogan Shire Council Code of Meeting Practice.

### 2. Background

The Draft Code of Meeting Practice for Bogan Shire was presented to the October Meeting of Council for approval, to be put on public exhibition, and inviting comment, in accordance with Section 361 of the Local Government Act 1993 (the Act) which states that before adopting a new code of meeting practice, Councils must first exhibit a draft of the code of meeting practice for at least 28 days, and provide members of the community at least 42 days in which to comment on the draft code

The Office of Local Government (OLG) has advised Councils that any Code of Meeting Practice adopted by the Council is required to incorporate the mandatory provisions of the 2025 Model Code of Meeting Practice prepared by the OLG and needs to be adopted no later than 31 December 2025.

### 3. Discussion

Council started the Public Exhibition process on 30th October 2025, on the Bogan Shire Council website and advertisements in the local newspaper, on 6th and 27th November 2025.

After the Draft Code of Meeting Practice was approved for exhibition, an email was received from the NSW Government as follows:

*I write regarding an update on the introduction of the Model Meeting Code for councils.*

*Earlier this week the Legislative Council debated a motion to disallow the Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025 (the Amendment Regulation). This is the amending regulation that prescribed the updated 2025 Model Code of Meeting Practice for Local Councils in NSW (2025 Model Meeting Code).*

*While the motion was debated in the Legislative Council (25 November 2025), there wasn't a vote on whether the regulation should be disallowed. With the adjournment of Parliament for the year, we need to wait until Parliament resumes in February 2026 to see if there will be a vote.*

*Because Parliament didn't vote on the disallowance motion, the Amendment Regulation and the 2025 Model Meeting Code still have legal force and the new provisions will come into effect on 1 January 2026.*

*If the disallowance motion passes in February 2026, it will have the effect of repealing the Amendment Regulation and restoring the previous 2021 Model Meeting Code, as of the day the Amendment Regulation is disallowed.*

*In response to misunderstandings in the sector, including some raised during the debate, we are working through an updated FAQs on the 2025 Model Meeting Code, which will include supplementary guidance.*

*In the meantime, councils should continue working towards the adoption of a code of meeting practice based on the current 2025 Model Meeting Code. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code no later than 31 December 2025.*

*The 2025 Model Meeting Code and FAQs are available on the [Model Code of Meeting Practice for Local Councils in NSW – Office of Local Government NSW](#) webpage of OLG’s website.*

*If you have further questions, please contact the Office of Local Government’s Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).”*

The email is self-explanatory and as detailed in any potential change will be dependent on firstly whether there is a vote in Parliament and secondly, the outcome of a vote if in fact takes place.

No public submissions have been received within the timeframe allowed and Council may now adopt the Bogan Shire Council Code of Meeting Practice

#### **4. Attachments**

1. Bogan Shire Council Draft Code of Meeting Practice 2025 as approved for Public Exhibition by Council on 23 October 2025

#### **5. Recommendation**

That the Bogan Shire Council Code of Meeting Practice be adopted.

**BOGAN SHIRE COUNCIL  
CODE OF MEETING PRACTICE**

**2025**

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## 1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

## 2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

*Transparent:* Decisions are made in a way that is open and accountable.

*Informed:* Decisions are made based on relevant, quality information.

*Inclusive:* Decisions respect the diverse needs and interests of the local community.

*Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.

*Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

*Effective:* Meetings are well organised, effectively run and skilfully chaired.

*Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

**Note:** The Office of Local Government has issued a guideline on free speech in local government in NSW. The Guideline provides practical guidance to councils on what free speech means in the context of NSW local government, including in relation to council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.

### 3 BEFORE THE MEETING

#### Timing of ordinary council meetings

- 3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

**Note:** Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

**Note:** Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

**Note:** Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each time in a different quarter of the year.

**Note:** Under clause 13 of Schedule 11 of the Act, councils that have been designated as a rural and remote council under the Regulation are required to meet at least four (4) times each year, each time in a different quarter of the year.

#### Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

**Note:** Clause 3.2 reflects section 366 of the Act.

- 3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

#### Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings, and of each meeting of committees of the council.

**Note: Clause 3.4 reflects section 9(1) of the Act.**

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council must be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.7 reflects section 367(1) of the Act.**

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, unless the council determines otherwise, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause 3.8 reflects section 367(3) of the Act.**

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

**Note: Clause 3.9 reflects section 367(2) of the Act.**

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted within such reasonable time before the meeting is to be held as determined by the council.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Questions with notice

- 3.12 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.

- 3.13 A councillor is not permitted to ask a question with notice under clause 3.12 that would constitute an act of disorder.
- 3.14 The general manager or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the council.

Agenda and business papers for ordinary meetings

- 3.15 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.16 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting without notice under clause 9.7.
- 3.18 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.19 reflects section 9(2A)(a) of the Act.**

- 3.20 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed

by a councillor or by any other person to another person who is not authorised to have that information.

#### Availability of the agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

**Note: Clause 3.21 reflects section 9(2) and (4) of the Act.**

- 3.22 Clause 3.21 does not apply to the business papers for items of business identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.22 reflects section 9(2A)(b) of the Act.**

- 3.23 For the purposes of clause 3.21, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

**Note: Clause 3.23 reflects section 9(3) of the Act.**

- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form unless the council determines otherwise.

**Note: Clause 3.24 reflects section 9(5) of the Act.**

#### Agenda and business papers for extraordinary meetings

- 3.25 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

- 3.26 Nothing in clause 3.25 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.

- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.

- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

- 3.29 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29 on whether a matter is urgent.

#### Prohibition of pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.

**Note: The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.**

- 3.32 Nothing in clause 3.31 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

## **4 PUBLIC FORUMS**

- 4.1 The council may hold a public forum prior to meetings of the council and committees of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the council.
- 4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held.
- 4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

## **5 COMING TOGETHER**

### Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

- 5.2 The council may determine standards of dress for councillors when attending meetings.
- 5.3 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.4 Where a councillor is unable to attend one or more meetings of the council or committees of the council, the councillor should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the council grant them a leave of absence from the relevant meetings.
- 5.5 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 Where a councillor makes an apology under clause 5.4, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.7 reflects section 234(1)(d) of the Act.**

#### The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

**Note: Clause 5.8 reflects section 368(1) of the Act.**

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

**Note: Clause 5.9 reflects section 368(2) of the Act.**

- 5.10 A meeting of the council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called by the mayor under clause 3.3.

#### Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the council's website and in such other

manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

**Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**

Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.19 Clause 5.18 does not apply to meetings at which a mayoral election is to be held.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state the meetings the resolution applies to.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

#### Entitlement of the public to attend council meetings

- 5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

**Note: Clause 5.31 reflects section 10(1) of the Act.**

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.33 reflects section 10(2) of the Act.**

- 5.34 On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

#### Livestreaming of meetings

- 5.35 Each meeting of the council or a committee of the council is to be recorded by means of an audio-visual device.
- 5.36 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
  - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.37 The recording of a meeting is to be made publicly available on the council's website at the same time as the meeting is taking place.
- 5.38 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.39 Clauses 5.35 - 5.38 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

**Note: Clauses 5.35 – 5.39 reflect section 236 of the Regulation.**

- 5.40 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

#### Attendance of the general manager and other staff at meetings

- 5.41 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

**Note: Clause 5.41 reflects section 376(1) of the Act.**

- 5.42 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

**Note: Clause 5.42 reflects section 376(2) of the Act.**

- 5.43 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

**Note: Clause 5.43 reflects section 376(3) of the Act.**

- 5.44 The attendance of other council staff at a meeting, (other than as members of the public) shall be determined by the general manager in consultation with the mayor.

## 6 THE CHAIRPERSON

### The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

### Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

**7 MODES OF ADDRESS**

- 7.1 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor'.
- 7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.
- 7.4 Where the chairperson is not the mayor or deputy mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.5 A councillor is to be addressed as 'Councillor [surname]'.
- 7.6 A council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

**8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

**9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and

- (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

#### Mayoral minutes

- 9.7 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.
- 9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

#### Staff reports

- 9.10 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

### Reports of committees of council

- 9.11 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.12 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

### Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless the council determines otherwise in accordance with this code.
- 9.14 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.
- 9.15 A councillor may, through the mayor, ask the general manager about a matter on the agenda. The general manager may request another council employee to answer the question.
- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must ask questions directly, succinctly, and without argument.
- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

## **10 RULES OF DEBATE**

### Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

### Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is

to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.

- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

#### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

#### Amendments to motions

- 10.8 An amendment to a motion must be moved and seconded before it can be debated.
- 10.9 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.10 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.11 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.12 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.13 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.14 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Limitations on the number and duration of speeches

- 10.15 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.16 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.17 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.18 Despite clause 10.17, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.19 Despite clauses 10.15 and 10.16, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.
- 10.22 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.23 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

## 11 VOTING

### Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

**Note: Clause 11.1 reflects section 370(1) of the Act.**

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

**Note: Clause 11.2 reflects section 370(2) of the Act.**

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

### Voting at council meetings

11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.

11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

### Voting on planning decisions

11.10 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.

- 11.11 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.
- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.15 apply also to meetings that are closed to the public.

**Note: Clauses 11.12–11.15 reflect section 375A of the Act.**

**Note: The requirements of clause 11.11 may be satisfied by maintaining a register of the minutes of each planning decision.**

## **12 COMMITTEE OF THE WHOLE**

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

**Note: Clause 12.1 reflects section 373 of the Act.**

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches and encouraging councillors and staff to stand when addressing the meeting.

**Note: Clauses 10.15 – 10.25 limit the number and duration of speeches.**

**Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.**

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes.

However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

## **14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

### Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

### Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
  - (b) are clearly identified in the advice,
  - (c) are fully discussed in that advice, and
  - (d) are subject to legal professional privilege.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    - (ii) cause a loss of confidence in the council or committee.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.****Notice of likelihood of closure not required in urgent cases**

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in a manner determined by the council.

Expulsion of non-councillors from meetings closed to the public

- 14.13 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.14 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

**Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.**

Obligations of councillors attending meetings by audio-visual link

- 14.15 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.16 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Note: Clause 14.16 reflects section 10D of the Act.**

Resolutions passed at closed meetings to be made public

- 14.17 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.18 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

**15 KEEPING ORDER AT MEETINGS**Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been

breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

#### Questions of order

- 15.3 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.4 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.5 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.6 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

#### Motions of dissent

- 15.7 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.8 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.9 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

#### Acts of disorder

- 15.10 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act, the Regulation or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
  - (d) uses offensive or disorderly words, or
  - (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or

- (f) imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
- (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

**Note: Clause 15.10 reflects section 182 of the Regulation.**

**Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".**

15.11 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), (d), (e), or (g), or
- (b) to withdraw a motion or an amendment referred to in clause 15.10(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.10(d), (e), (f) or (g).

**Note: Clause 15.11 reflects section 233 of the Regulation.**

15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.

15.13 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

#### How disorder at a meeting may be dealt with

15.14 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

15.15 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.11 or clause 15.13. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

**Note: Clause 15.15 reflects section 233(2) of the Regulation.**

- 15.16 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.17 Members of the public attending a meeting of the council:
- (a) must remain silent during the meeting unless invited by the chairperson to speak,
  - (b) must not bring flags, signs or protest symbols to the meeting, and
  - (c) must not disrupt the meeting.
- 15.18 Without limiting clause 15.16, a contravention of clause 15.17 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.16. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.17.
- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

**Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.**

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.21 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.22 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting

of the council or a committee of the council without the prior authorisation of the council or the committee.

- 15.25 Without limiting clause 15.16, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.16. Any person who contravenes or attempts to contravene clause 15.24, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

**Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.**

## 16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage conflicts of interest they have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

## 17 DECISIONS OF THE COUNCIL

### Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

**Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.**

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this code.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.10 reflects section 372(6) of the Act.**

**18 AFTER THE MEETING**Minutes of meetings

18.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

**Note: Clause 18.1 reflects section 375(1) of the Act.**

18.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

18.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

**Note: Clause 18.3 reflects section 375(2) of the Act.**

18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 18.5 reflects section 375(2) of the Act.**

18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

18.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

18.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

**Note: Clause 18.8 reflects section 11(1) of the Act.**

- 18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 18.9 reflects section 11(2) of the Act.**

- 18.10 Clause 18.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 18.10 reflects section 11(3) of the Act.**

- 18.11 Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

#### Implementation of decisions of the council

- 18.12 The general manager is to implement, without undue delay, lawful decisions of the council.

**Note: Clause 18.12 reflects section 335(b) of the Act.**

## **19 COUNCIL COMMITTEES**

### Application of this Part

- 19.1 This Part only applies to committees of the council whose members are all councillors.

### Council committees whose members are all councillors

- 19.2 The council may, by resolution, establish such committees as it considers necessary.
- 19.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 19.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
  - (b) if the council has not decided a number – a majority of the members of the committee.

### Functions of committees

- 19.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

- 19.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Non-members entitled to attend committee meetings

- 19.8 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
  - (b) to move or second a motion at the meeting, or
  - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 19.9 The chairperson of each committee of the council must be:
- (a) the mayor, or
  - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 19.10 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 19.11 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 19.12 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting. If neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 19.13 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council.

19.14 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.13.

19.15 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

#### Mayoral minutes

19.16 The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

#### Closure of committee meetings to the public

19.17 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

19.18 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

19.19 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.18 during a part of the meeting that is livestreamed where practicable.

19.20 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

19.21 The general manager must consult with the committee and any other affected persons before publishing information on the council's website under clause 19.20 and provide reasons for why the information has ceased to be confidential.

#### Disorder in committee meetings

19.22 The provisions of the Act, the Regulation, and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way they apply to meetings of the council.

#### Minutes of council committee meetings

19.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 19.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 19.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.26 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 19.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 20 IRREGULARITIES

- 20.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
  - (b) a failure to give notice of the meeting to any councillor or committee member, or
  - (c) any defect in the election or appointment of a councillor or committee member, or
  - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
  - (e) a failure to comply with this code.

**Note: Clause 20.1 reflects section 374 of the Act.**

**21 DEFINITIONS**

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.10 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 19.9 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 19.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
year	means the period beginning 1 July and ending the following 30 June

### **10.3 REGULAR MEETING TIMES AND DATES**

#### **1. Introduction**

The purpose of this report is for Council to give consideration to dates and times for its regular ordinary meetings.

#### **2. Background**

The Local Government Act 1993 provides that Council is required to meet at least 10 times each year, each time in a different month.

#### **3. Discussion**

Bogan Shire Council has, in recent years, met on the fourth Thursday of every month, commencing at 7:00pm, with a pre-meeting information briefing held at 5:30pm.

Exceptions are the December meeting which has been held earlier in the month to avoid the holiday season, and in January when no meetings were held due to Council going into recess.

With the introduction of the new Code of Meeting Practice, which includes a prohibition on pre-meeting briefings, Council needs to give consideration to a new meeting start time.

#### **4. Attachments**

Nil

#### **5. Recommendation**

For Council's Consideration.

**10.4 VILLAGE MEETINGS****1. Introduction**

The purpose of this report is to inform Councillors of the recent meetings held between Council management and representatives of the Shire's villages.

**2. Background**

Following established practice, the General Manger and Directors will hold end of year meetings with nominated representatives of Coolabah, Girilambone and Hermidale on 12 December 2025 to follow up on matters raised during the annual meetings between villages and Councillors and to establish whether any new matters have arisen.

**3. Discussion**

A verbal update will be given at the Council Meeting.

**4. Attachments**

Nil

**5. Recommendation**

That the Village Meeting Report be received and noted.

## **10.5 NYNGAN FIRE STATION 355 COMMITTEE**

### **1. Introduction**

The purpose of this report is to provide Councillors with information relating to the Nyngan Fire Station 355 Committee and to recommend to Council the adoption of the attached Delegation of Authority for the Nyngan Fire Station Section 355 Management Committee effective from 18 December 2025.

### **1. Background**

The Nyngan Fire Station, located in Cobar Street Nyngan, was home to the Nyngan Fire Brigade from 1935 to 2017, when the Nyngan Fire and Rescue Station 406 moved to new premises in the John Hoare Industrial Estate.

Council obtained grant funding to undertake renovations of the Nyngan Fire Station building, with additional Grant funding also obtained for restoration work on the Garford historical 1924 Fire Engine. The renovations of the Nyngan Fire Station building have now been completed. The building in Cobar Street, is now used to house and display the restored Garford Fire Engine, and NSW Fire Brigade memorabilia.

Following the refurbishment of the Nyngan Fire Station and Garford Engine, the Mayor and General Manager met with community members having expressed an interest in forming the Nyngan Fire Station Committee. This meeting outlined the requirements of forming the Nyngan Fire Station Section 355 Committee.

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.

### **2. Discussion**

At the meeting referred to above the following were presented as members of the proposed Section 355 Committee:

- Rob Avard AFSM
- Aaron Bennet
- Adam Bourke
- Jordon Lane

The Mayor, Glen Neill has expressed interest in being part of the Committee, potentially as the Council representative.

Amongst matters discussed at that meeting was the issue of public liability insurance and the respective responsibilities of Bogan Shire Council and the proposed Committee.

The General Manager undertook to make inquiries about the extent of Council's insurance cover, as it relates to activities at the Nyngan Fire Station including the Garford Fire Engine.

With any Section 355 Committee 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 Committee or Council.

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

It is recommended that a Nyngan Fire Station Section 355 Committee be established with the following functions of Council delegated to the Committee, subject to the direction of Bogan Shire Council:

- Manage the facility known as the Nyngan Fire Station Museum
- Manage the display / collection at the Nyngan Fire Station Museum, including the Garford Fire Engine
- Advice to Council on significant maintenance and capital improvement matters relating to the operation of the museum facility

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 appropriate functions to the Nyngan Fire Station 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.

Councillors will note that the attached Instrument specifies the term of the Committee to be the current term of Council plus three months.

### **3. Attachments**

1. Bogan Shire Council Delegation of Authority Nyngan Fire Station Section 355 Committee

### **4. Recommendation**

1. That Council:
  - (a) Establishes a Nyngan Fire Station Section 355 Committee.
  - (b) Adopts the attached Nyngan Fire Station Section 355 Committee Instrument of Delegation, to the members named, effective from 18 December 2025.



**BOGAN SHIRE COUNCIL**

**DELEGATION OF AUTHORITY**

**Nyngan Fire Station Section 355 Committee**

**1. Terms of Reference**

- a. The Nyngan Fire Station 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 Nyngan Fire Station facility and the functions delegated to it.

**2. Membership and Meetings**

- a. The Nyngan Fire Station 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 Bogan 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 Fire Station 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 Fire Station 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, (where applicable), 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 Fire Station 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 18 December 2025 and remains in force until expressly amended or revoked by the Council by further resolution.

**SCHEDULE 1**

(Functions)

1. The Nyngan Fire Station Section 355 Committee (the Committee) is formed to manage the facility known as the Nyngan Fire 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 town fire-fighting history and to promote the 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 facility including significant maintenance matters and capital improvements in relation to the Garford Engine and buildings.

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: 18 December 2025**

## 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 (BSMC).

#### 2. Background

#### 3. Discussion

##### Discussion

Below are the activities and statistics of the BSMC from 1 September to 1 December 2025:

##### Statistics

Total registered patients as of Dec 2025:	4,719
Total active patients:	3,300
Total CDM (Chronic Disease Management) billings:	116
Total RAC (Residential Aged Care) patients:	32
Total number of 75+ health assessments conducted:	21
Total number of new patients:	164

Current waiting periods to see a GP is approximately 1-2 days, with appointments available for acute complaints (On the Day appointments) daily.

##### Locum Doctor Coverage

All 2025 locum bookings are now full, and Locum bookings for 2026 have opened.

Locum bookings in 2026 are a minimum of 3 weeks per booking. We have many of our regular GPs returning to us, this will ensure continuity for our patients as well as minimised cost to Council in changeover of GPs and the related travel and accommodation costs.

##### Nyngan AG Expo Committee donation

Patients requiring specific physical rehabilitation after injury or surgery will now be able to access specialist physiotherapy equipment for their recovery, thanks to the very generous and considerable financial donation by the Nyngan Ag Expo committee, to the Bogan Shire Medical Centre.

The specialist equipment will remain on-site at the Medical Centre; however, all visiting physiotherapists will have access to the equipment and can utilise this for all patients as required. The equipment will enable the physiotherapists to conduct more accurate assessments and create effective treatment plans, therefore improving patient care and outcomes. This will support faster recovery times through access to modern therapeutic equipment, without the need for travel.

### Influenza Vaccinations

Staff at the BSMC are in preparation for the 2026 influenza season having placed their 'Early Bird Flu Vaccination' order for private vaccines to ensure the lowest possible price.

The BSMC will also stock Federally funded free vaccines available under the National Immunisation Program (NIP).

Free influenza vaccines under the NIP will be available and given 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.

Total number of patients vaccinated last flu season was 390.

### Technology

#### **AutoMed**

The BSMC's online booking system, AutoMed, continues to be a successful addition to the clinic, with many online bookings being made every week. In October a total of 1,920 text messages and confirmation reminders were sent out via AutoMed.

### Residential Aged Care (RAC) Patients

The BSMC GPs have been providing prescriptions to the 28 Residential Aged Care (RAC) patients currently residing at the Nyngan Multipurpose Service.

The BSMC staff work closely with the Nyngan Multipurpose Service to ensure the best coordinated ongoing care for the RAC patients.

### Pre-Employment Medicals/Council Audiometry

The BSMC continues to conduct pre-employment medicals (PEMs) for several businesses both in and around the Nyngan region and as far away as Bourke.

### Ultrasound Services

The Ultrasound service continues to operate four days per week (Monday to Thursday), with on call services provided on a Friday for acute/emergency care.

### **Medical Diagnostic Services**

For the period of September 2025 to November 2025, the following number of medical diagnostic services were provided:

September:	118
October:	117
November:	84 (Sonographer on leave for extended period during this month)

Allied Health/Outreach Services and Programs

- The Skin Doctors conducted their October clinic which consisted of 2 doctors operating from 2 rooms. These clinics are a huge success and enables our patients to get quality skin cancer checks and treatment locally without the need to travel long distances.
- The Optometrist Clinic was conducted over the course of two days each month. It remains to be very successful.
- Our allied health professionals (Dietician, Drug and Alcohol councillor, mental health clinician and family planning continue to visit our clinic on a fortnightly/monthly basis.
- The Hearing Bus conducted their visit in October, seeing a total of 65 patients across the 2 days.
- Two first year Medical Students studying through the University of Wollongong are undertaking their placement with the BSMC between 1 and 12 December. They are the two students chosen to be part of the Bush Bursary Program. The students will spend time with BSMC clinical staff and a wide range of visiting allied health professionals during their stay.

Physiotherapy Services

The BSMC now has two physiotherapy services providing local clinics. Infinity Physiotherapy from Dubbo operating one day per week (Thursdays) and Sophie Dougherty Physiotherapy, who will be starting her clinic shortly on Mondays.

Both physiotherapy services provide specialist services covering complex pain management, sports injury management, post-surgery rehabilitation, and fall prevention, and a range of other standard services.

Infinity Physiotherapy has also recently added Aqua Aerobics to their list of services available in Nyngan, which has proven to be a popular addition.

Allied Health services as of November 2025 are listed below:

Type of Service	Days	Times	Frequency	Service Accessed by
Drug & Alcohol worker	Tuesday	9.30am-3pm	Fortnightly	BSMC or Self-Referral
Diabetes Educator (virtual clinic)	Flexible days	9am-4pm	Monthly	Referral
Dietician	Tuesday	9:30am-4pm	Fortnightly	Referral
Family Planning NSW	Monday/ Tuesday	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 x 2	Mondays/ Thursdays	8.30am – 4.30pm	Weekly	Referral or Private appt.
Podiatrist	Wednesdays	9.00am - 2.30pm	Weekly	Referral or Private appt.
Psychiatrist	Wednesday	9.00am - 3.30pm	Monthly	Referral or Private appt.
Sonography	Monday, Tuesday, Wednesday & Thursday	8:30am- 4:30pm	Weekly	Private bill with Medicare rebate
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)

**4. Attachments**

Nil

**5. Recommendation**

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

**11.2 BOGAN SHIRE EARLY LEARNING CENTRE - TERM 4 REPORT**

**1. Introduction**

The purpose of this report is to advise Council of the activities and statistics of the operation of the Bogan Shire Early Learning Centre (ELC).

**2. Background**

At the end of each term a report is provided to Council on the activities and statistics of the Bogan Shire Early Learning Centre (ELC).

**3. Discussion**

Usage Capacity

	Monday	Tuesday	Wednesday	Thursday	Friday	Ave
October 25	60%	81%	82%	70%	70%	72%
November 25	60%	82%	85%	70%	70%	73%
December 25	60%	80%	80%	66%	65%	70%

The numbers are a percentage of the 59 places available daily at the service – This time last year, the percentages were based on a license capacity of 43 children per day.

Staffing

The ELC capacity continues to grow steadily with a number of staff finalising their studies and some staff advancing their studies. The service is preparing offers of enrolment to families for January and February 2026, with Council ready to recruit again in the new year as required to meet the growing enrolment numbers.

Waitlist

The waitlist continues to grow at the service with around 40 children awaiting placement. Offers of enrolment are being sent out to families this week for January and some February start dates, though this will not completely eliminate the waitlist for this period.

Management will continue to work on staff recruitment for the service in 2026 to accommodate the numbers of children to ensure maximum capacity across the age groups as soon as possible.

Recent Activities

The ELC staff have been accessing expert mentoring and professional development opportunities over the past 18 months. In particular, on-site training was delivered in November as well as a whole-staff professional development meeting, inspiring all staff with our 2026 vision and strategy, and the important part each individual staff member plays in this. The ELC Family Christmas party is on Friday December 12, and has had an excellent response from the community with over 80 family members set to attend.

Management and staff have been working to develop an approved Preschool Program/School Readiness Program that is now complete and ready to be rolled out in the service for term 1 next year. This quarter, staff and children have been working on life skills and encouraging age appropriate independence, demonstrating the children's ability to successfully participate in a more formal school readiness program.



### Children and Families

Children have been excitedly decorating for Christmas. They have been observed to use their cutting skills and their creativity to fill their rooms with Christmas spirit.

The staff have been actively reflecting on the feedback we receive from families and the community and have been looking for ways to increase the feedback we receive and how to use it effectively. This quarter the Educational Leaders and the kitchen staff were working on gathering feedback from families and children about our menu. Some families were given a menu survey, and others were invited to have conversations with the kitchen staff and see how we deliver our menu and make regular changes.

The families now have the opportunity to provide anonymous feedback by answering a question that is on display in our foyer by placing a token in the Yes or No baskets provided. This has seen the staff be able to get more of a general feel of what the families are thinking and approach it in a more specific way later on.

Staff have been completing end of year "wrap ups" for each child highlighting the child's year for their families. We have also been completing Developmental Summaries for each child at the Service to provide parents with observation on age-appropriate developmental milestones that are being met whilst in care. These Developmental Summaries are completed for each child twice each year, in June and again in December.

#### **4. Attachments**

Nil

#### **5. Recommendation**

That the Early Learning Centre report be received and noted.

### 11.3 BOGAN BUSH MOBILE – TERM 4 REPORT

#### 1. Introduction

The purpose of this report is to advise Council on the Term 3 2025 activities of the Bogan Bush Mobile service.

#### 2. Background

At the end of each term, a report is provided to Council on the activities and statistics of the Bogan Bush Mobile service.

#### 3. Discussion

##### Term 4 - 2025

October - December

##### Statistics:

Total Children Enrolled:	Children 66, Families 53
Term Attendance:	56 Children
Term Sessions:	41
Term Total KM'S:	7,368

##### Current Areas being visited

Marthaguy, Marra, Mungery, Trangie, Girilambone, Tottenham, Duck Creek, and Collie.

##### Staffing arrangements

Throughout term 4, the team continued to grow together, providing a much-needed service to families and remote communities.

##### Recent activities

This quarter the BBM team have worked to organise end of year Christmas parties and show cases or art displays for each and every service/session they attend.

Following a successful professional development opportunity, the team have started discussing their 2026 vision and strategic plan for BBM and the community and their goals. They ensure that they are including their families and children in their decision making where possible. The team are also looking forward to staff returning from maternity leave in the new year.

##### Changes to BBM play sessions and day-care sessions

The BBM staff along with the Manager Children's Services continue to look for areas or villages that could benefit from the BBM service being delivered in their locations.

The weekly Collie sessions continue to be well utilised and appreciated by the community.

Regular surveys are used (Survey Monkey) to allow for families to supply feedback on the play sessions they currently attend. Feedback received is then used to consider and determine any changes that are needed.

The Bogan Bush Mobile service continues to regularly advertise what they do and invite and suggestion or interest for other places that may benefit from our service.

No major changes to be made for Term 1, 2026 at this stage.

**4. Attachments**

Nil

**5. Recommendation**

That the Bogan Bush Mobile report be received and noted.

**12 FINANCE AND CORPORATE SERVICES REPORTS****12.1 INVESTMENTS NOVEMBER 2025****1. Introduction**

The purpose of this report is to outline the performance of Council's investment portfolio for the month of November 2025.

**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 November 2025 is shown below. At the 30th November 2025 Council had \$30.8 million invested. There has been a decrease of \$1.15 million dollars due expenditure on Transport for NSW ordered works and maintenance contract and the claim has not yet been paid to Council, also expenditure on Grants where funding was received in advance for example, the Residential Subdivision. Council has now exceeded the funds received in advance and has lodged a second milestone claim as well as the Emergency Bore where some funds were paid in advance at the end of 2025 and Council is expending the funding during 2026.

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

**Investment Movements for November 2025**

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 Oct 25	Bal Nov 25
42-150-6894	NAB - Professional Funds	At Call	0	4.350%	13,217,233.18	12,060,525.02
11271016	Westpac	17/12/2025	365	5.010%	6,000,000.00	6,000,000.00
88-392-4994	NAB	29/05/2026	365	4.200%	2,000,000.00	2,000,000.00
32-556-4779	NAB	5/11/2025	365	5.050%	2,000,000.00	0.00
98-544-4756	NAB	30/01/2026	365	4.850%	2,000,000.00	2,000,000.00
98-568-5779	NAB	30/01/2026	365	4.850%	2,000,000.00	2,000,000.00
I2392103	Westpac	17/04/2026	365	4.200%	2,000,000.00	2,000,000.00
I2437444	Westpac	09/05/2026	365	4.250%	2,800,000.00	2,800,000.00
I2875708	Westpac	03/11/2026	365	4.340%		2,000,000.00
	Balance securities held				<b>32,017,233.18</b>	<b>30,860,525.02</b>
	Balance Ledger 19010.8200.8200				<b>32,017,233.18</b>	<b>30,860,525.02</b>
	<b>Summary by institution</b>					
	Commonwealth				0.00	0.00
	NAB				21,217,233.18	18,060,525.02
	Westpac				10,800,000.00	12,800,000.00
					<b>32,017,233.18</b>	<b>30,860,525.02</b>

**4. Attachments**

Nil

**5. Recommendation**

That Council receive and note the Investments Report for November 2025.

**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 30th November, 2025, with the same period last year.

**2. Background**

This report is provided for the information of Councillors.

**3. Discussion**

<b>Rate Collections</b>	<b>2025-2026</b>	<b>2024-2025</b>
Arrears Prior to 01/01/2025	231,146	310,749
First Instalment arrears as at 30/11/2025	54,090	72,851
Second Instalment outstanding as at 30/11/2025	504,047	524,828
Third Instalment outstanding as at 30/11/2025	1,108,038	1,079,918
Fourth Instalment outstanding as at 30/11/2025	1,142,839	1,120,453
<b>Total Arrears</b>	<b>285,236</b>	<b>383,600</b>
<b>Total Outstanding</b>	<b>3,040,160</b>	<b>3,108,799</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fad	6,199,199	6,250,324
Add: Adjustments	19,262	34,188
Less: Payments to end of November	-3,110,437	-3,100,151
Less: Rebates	-67,864	-75,562
Add: Postponed		0
<b>Gross Total Balance</b>	<b>3,040,160</b>	<b>3,108,799</b>
<b>Arrears of total amount levied %</b>	<b>4.6%</b>	<b>6%</b>

Total arrears have decreased from \$383,600 at the 30th November 2024 to \$285,236 as at 30th November this year.

Each instalment amounts to approximately \$1,550,000 (Total Rates, Waste, Water & Sewer Access Charges).

As at the 30th November Council had collected \$10,286 more than at the same time last year. At the time of writing this report, Council has collected an additional \$353,590.

**4. Attachments**

Nil

**5. Recommendation**

That Council receive and note the Rates and Annual Charges collection report for November 2025.

## **12.3 ANNUAL REPORT 2024/2025**

### **1. Introduction**

The purpose of this report is to present the Annual Report 2024/2025 to Council.

### **2. Background**

In accordance with Section 428 of the Local Government Act 1993 Council must, within 5 months of the year end, prepare an Annual Report. This report must be submitted to the Minister.

### **3. Discussion**

The Annual Report has been prepared and will be tabled at this meeting. This report showcases Council to the public and is another mechanism by which a Council is made accountable for its actions. It was compiled after all Senior Officers had provided input and updated their respective sections of the report.

The report includes the Audited Financial Statements and the Objectives and Performance Report, as well as the Internal Audit and Risk Management Attestation Statement by the General Manager .

The report is available for inspection from the Director Finance & Corporate Services, prior to the Council meeting.

The report was due on the 30<sup>th</sup> November 2025 and was forwarded to the Office of Local Government on 28 November 2025 and put on Council's website.

Preparation of this report means that Council is complying with the Local Government Act 1993.

### **4. Attachments**

Nil

### **5. Recommendation**

That Council receive and note the Annual Report for 2024/2025.

## 12.4 SALE OF LAND - 25 LOT SUBDIVISION

### 1. Introduction

The purpose of this report is for Council to determine the process for selling 25 residential lots within the new residential subdivision in the vicinity of Hoskins, Oxley, Oatley and Derrybong Streets.

### 2. Background

At its meeting held on 25<sup>th</sup> March 2021 Council resolved to allocate funding from the Resources for Regions Round 8 Grant to the establishment of a residential subdivision on the "Pound Paddock" opposite the Nyngan Showground.

This decision was based on previous and long-standing community consultation regarding the need for more building sites for housing in Nyngan. The current Community Strategic Plan has reinforced this feedback with the addition of Outcome 4.4 "access to a variety of sustainable, affordable and flexible living options for all residents".

Council is getting closer to completion of the development of Stage 1 of the new subdivision of 25 residential lots, comprising Lots 1 to 24 and Lot 33, intended to support housing growth and community development. The next step is to determine the most appropriate method of sale that aligns with Council's objectives of fairness, transparency, and maximising community benefit to achieve the intention of adding to the stock of housing in Nyngan within a reasonable timeframe.

### 3. Discussion

In determining the sale of lots, the following need to be considered:

- a) Whether sales are to be offered through an auction, private treaty through agency listing or Expression of Interest (EOI) process.

It is recommended that interested purchasers submit EOI proposals during a defined period, outlining their eligibility and capacity to purchase.

An EOI is a non-binding offer submitted by a potential buyer by a set deadline. It's a way for Council to gauge market interest. This offer would include the price the buyer is willing to pay and may include settlement dates and any other conditions the buyer wants included in their offer. Council is not obligated to accept any of the submitted EOIs and the EOI does not constitute all or any part of a contract for sale.

- b) Whether all 25 lots should be offered for sale at the same time or in a series of releases.

It is recommended that Council select 8 lots, Lot numbers 1,2, 3, 4, 5, 6, 7 and 8, for the first release, then 8 lots for the second release and 9 lots for the third release.

- c) Whether more than one lot will be sold to any single buyer.

It is recommended that Council, in the first release, limit the sales to one lot per buyer. This is to achieve Council's goal of making land available to local residents for construction of housing. This approach can be reviewed for future releases.

- d) Whether existing local residents will be prioritised for sale of lots. This can be proven by a current electricity bill and drivers' licence from the buyer.

It is recommended that, at least for Release 1, the EOI process be limited to Bogan Shire LGA residents. A decision on future releases can be made at a later date. Again, this is to achieve Councils goal of making land available to local residents for construction of housing.

- e) A guide or minimum sale price for the EOI process

It is recommended that the EOI process specifies that only offers over \$35,000, including GST, will be considered.

- f) Whether the contract of sale should stipulate a period within which construction of a dwelling must commence/be completed.

This is intended to encourage the construction of houses, rather than purchase of land for investment purposes, to align with Councils strategic objectives.

Legal advice obtained suggests the sales contract could stipulate that construction has to be completed within 2 years of sale with the penalty being cancellation of sale.

- g) The details of the EOI process including:

- Prospective buyers may submit EOI's on more than one block at a time.
- Should more than one EOI be submitted on a particular lot, then the highest eligible EOI price will be recommended to Council for consideration.
- If more than one eligible EOI has the same highest price, then Council may negotiate with all parties. This approach has been successful in the sale of lots by Council previously.
- EOI's will be included in a report to Council, for Council to determine successful EOI/Sale of Lots.

It is recommended that Council uses the EOI process on the basis set out in points (a) through (g) above which will allow Council to prioritise local residents and provides equitable access to the opportunity to acquire blocks for housing in a controlled, transparent manner.

Due to the close proximity of the Christmas break, it is recommended that if an EOI is the preferred process that the closing date for EOI submissions be set at Friday, 27 February 2026, for all offers to be received.

Council also needs to give consideration to naming the new Road established between Oatley Street and Oxley Street within the subdivision and the preferred process for this

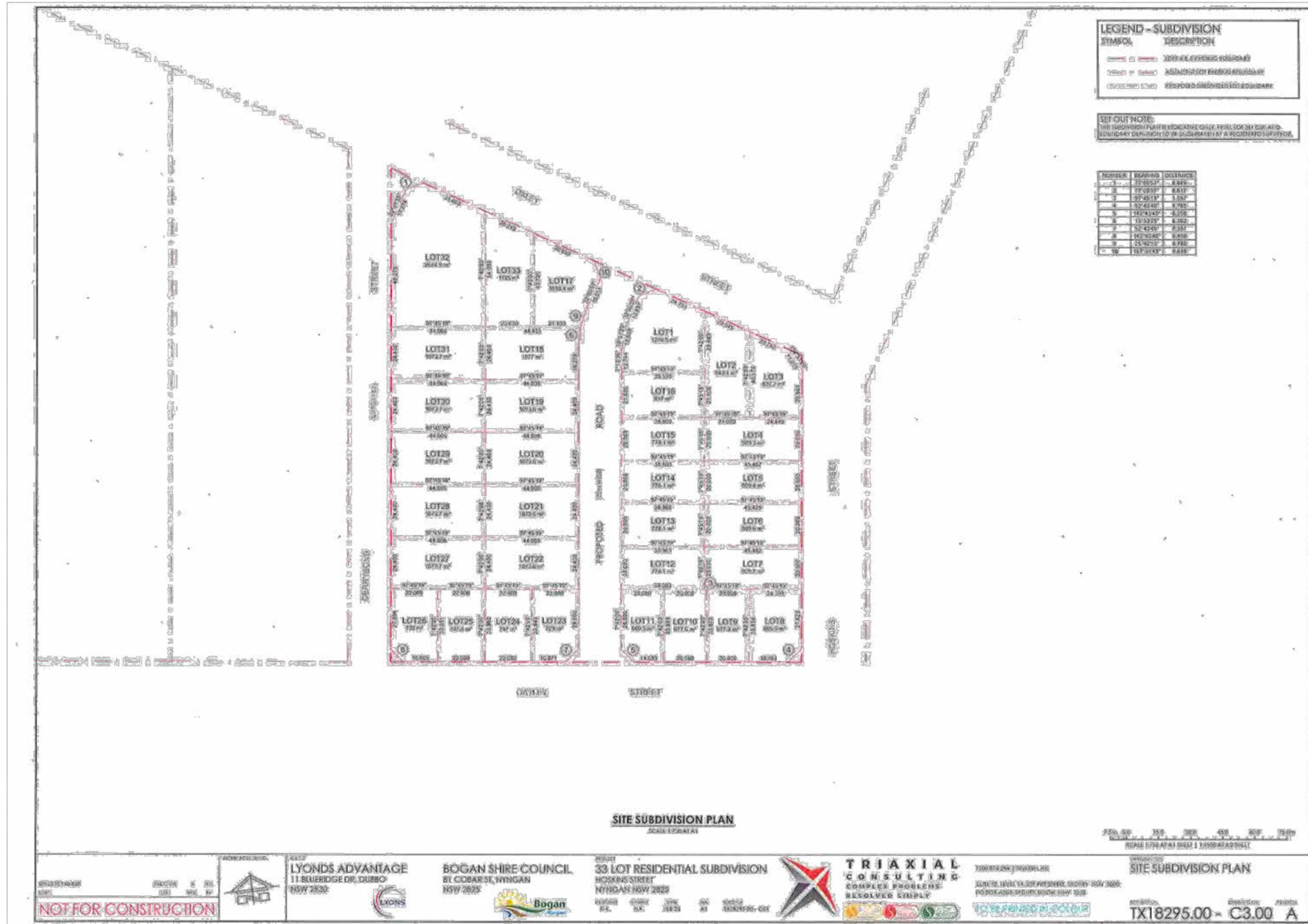
#### **4. Attachments**

1. Subdivision Plans for location of Lots.

#### **5. Recommendation**

1. That Council, in the first release of land, choose to use an Expression of Interest process for the purchase of lots in Stage 1 of the new Hoskins Street residential subdivision with EOI's closing on the 27<sup>th</sup> February, 2026.

2. That the following criteria be used by Council, to determine successful expressions of interest:
  - a) Council selects 8 blocks for the first release, Lot numbers 1, 2, 3, 4, 5, 6, 7 and 8, then 8 blocks for the second release and 9 blocks for the third release.
  - b) In the first release, limit to individual persons and only one lot per buyer.
  - c) Expressions of interest will only be accepted from persons currently living in the Bogan Shire with proof of residence to be provided by way of a current electricity bill (most recent) and driver's licence.
  - d) Only offers exceeding \$35,000, including GST, will be considered.
  - e) Commitment to complete building works for a dwelling within 2 years of purchase (This will be formalised through appropriate contractual arrangements).
  - f) Buyers may list at least three lots in order of priority to give Council the option to allocate lots and negotiate with buyers based on highest offers and meeting criteria.
  - g) Should more than one EOI be offered on a lot, then the highest offer will be considered. If offers are equal on any one lot, then Council may negotiate with all interested parties.
  - h) All offers that meet the criteria will be submitted to Council, through the formal meeting process, to make decisions on the sale of lots.
3. Council consider the process for the naming of the new road to be established between Oatley St and Oxley St.



## **12.5 CROWN LAND MANAGEMENT PLANS**

### **1. Introduction**

The purpose of this report is to present to Council the completed Crown Land Management Plans for 8b Pt O'Reilly Park Reserve and 4b Natural Areas – Foreshores. Following the approval of Crown Lands and the subsequent Public Display for which no submissions were received, Council is now required to formally adopt the Management Plans.

### **2. Background**

In 2012 the NSW Government began the first major review of Crown land in 25 years, prompting a comprehensive consultation process with community and other interested parties about the future management of Crown land. This extensive review process culminated in the NSW Parliament passing the new CLM Act in November 2016 and the Crown Land Legislation Amendment Act in May 2017.

### **3. Discussion**

As a result of the new legislation Council was required to Classify, Categorise and produce Plans of Management for 44 Reserves handed to Council including the School of Arts Buildings in Coolabah and Girilambone this list also included 9 Reserves which were devolved to Council and no longer require Council to provide Plans of Management.

Council resolved to classify and categorise each Reserve at its meeting held 28th March, 2019, Council classified all reserves as either Community or Operational Land under section 25 of the Local Government Act. As well, Council is required to Categorise each reserve as A natural Area, a sportsground, a park, an area of cultural significance or general community use.

Council has addressed a large portion of its Reserves in the three Management Plans previously adopted by Council. These two plans are the latest Plans approved and received back from Crown Lands. A number are still with the Crown Lands Office and staff are still preparing a small number of Management Plans to go to Crown Lands for approval.

The final step in the process for these two Management Plans is to formally adopt them, this then completes Council's obligations under the Local Government and Crown Lands Act.

To comply with Council's obligations under the Local Government Act 1993, and Crown Lands Act 2016 Council may consider adopting the Management Plans as listed above.

### **4. Attachments**

1. Plan of Management - 4b Natural Areas - Foreshores - Generic
2. Plan of Management - 8b Pt O'Reilly Park Reserve

### **5. Recommendation**

That Council adopt the new Crown Land Management Plans for 4b Natural Areas – Foreshores – Generic and 8b Pt O'Reilly Park Reserve.

## BOGAN SHIRE COUNCIL

### Plan of Management for Community Land - Public Recreation -Natural Area - Foreshores



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# Plan of Management for Public Recreation – Natural Area - Foreshores

Bogan Shire Council – Crown Land Manager

Management Plan adopted by Council on the ~~XXXXXXXXXXXXXXXXXXXXX~~.

This Plan of Management (PoM) has been prepared by Bogan Shire Council and provides direction as to the use and management of Council-managed Crown reserves classified as 'community land' in the Bogan Shire Council area. The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a generic document covering most of the community land and open space within the Bogan Shire Council Local Government Area (LGA) categorised as Natural Areas - Foreshores.

## INTRODUCTION

### INTRODUCTION

#### Bogan shire Council

Bogan Shire, situated in Western New South Wales, has an area of 14,610 square kilometres, equivalent to about 1.8% of the State's land surface. The geographical centre of the State lies within the Shire boundaries. The Shire has an estimated population of 2,644. Nyngan, the Shire's Administrative Centre, is located on the Bogan River at the junction of the Mitchell and Barrier Highways - an ideal rest point for the weary traveler.

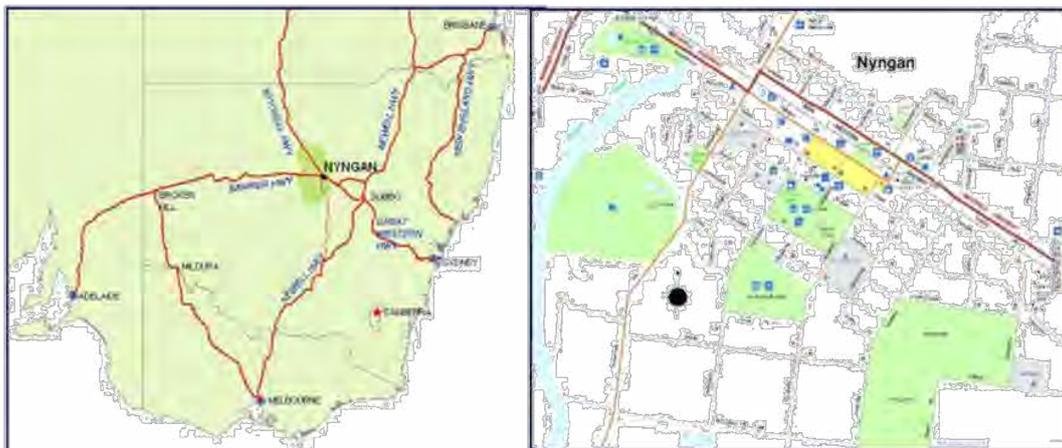
There is an abundance of productive agricultural land for sheep and cattle production and large-scale cropping enterprises. Nyngan's farmers are highly competitive on local and international markets and the large quantity of agricultural produce is conducive to the development of value adding industries and marketing ventures.

Nyngan offers warm hospitality and all the facilities of a modern rural township. Three Motels, two Caravan Parks and Hotels provide a choice of accommodation options. Three licensed Clubs cater for entertainment and relaxation. The town also boasts a selection of cafes, restaurants and take-away food outlets for dining.

The Bogan Shire has one high school, four primary schools, an Early Learning Centre for long day care, a pre-school, a mobile pre-school, and a TAFE Campus. Council's medical centre services Nyngan's medical needs through the provision of doctors, nurses, a podiatrist, pathology services and a network of other health professionals. Nyngan also has a hospital, an aged hostel and dental clinic.

The recreational and sporting facilities in Nyngan are excellent and include facilities for bowls, golf, tennis, dancing, swimming, rugby union, rugby league, touch football, cricket, netball, fishing, boating, canoeing, water-skiing, soccer, little athletics and pony club. Whether you are looking for an outback experience or a place to escape the hectic pace of the city life, we hope that a visit to the Bogan Shire will show you what real

*"Comfortable Country Living"* is all about.



## Purpose of the Plan of Management

Council Corporate Objectives are outlined in Council's Delivery Program 2024-2027 Natural Environment (3.3), Community Strategic Plan 2027, Themes and Goals and Operational Plan 2025 (1.2).

The *Local Government Act 1993* (LG Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this generic PoM is to:

- contribute to the council's broader strategic goals and vision as set out in Council's Delivery Program 2024 – 2027
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*
- provide clarity in the future development, use and management of the community land.
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.
- to 'provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area'.
- The land listed in Schedule 1 is retained by Council to provide passive and active recreational and social facilities for the community and other visitors, is vacant and undeveloped, or has been,
- specifically modified or adapted for benefit or enjoyment of the community.

Further information about the legislative context of Crown Reserve plans of management can be found in Appendix A3 of this document.

## Purpose for Which Land Is Held

Council is required by Section 7 of the Local Government Act 1999 to 'provide services and facilities that benefit its area, its ratepayers, residents and visitors to its area'. The land listed in Schedule 1 is retained by Council to provide passive and active recreational and social facilities for the community and other visitors, the land is vacant and undeveloped.

Council Corporate Objectives are outlined in Council's Delivery Program 2024-2027 Natural Environment, Community Strategic Plan 2027, Themes and Goals and Operational Plan 2025.

(3.1.4.) Maintain Stormwater Management Infrastructure, Review requirements under LEP and DCP for Flood Management and Develop, Review and implement Flood Risk Management Plan in accordance with NSW Government Guidelines (3.3, 3.3.2, 3.3.5, 3.3.6).

Our open spaces are protected and appropriately managed to preserve their valued use and biodiversity whilst minimising the impact of pollution and weeds on the environment.

Protect and improve the amenity of the river corridor to enhance and increase utilisation for a range of recreational activities.

Protect, preserve and enhance Bogan Shire's natural environments, waterways, flora and fauna through responsible development and management.

Meet Council's obligations under the Biosecurity Act 2015 in respect of priority weeds.

## Process of preparing this plan of management

Figure 1 illustrates the process undertaken by Council in preparing this PoM.

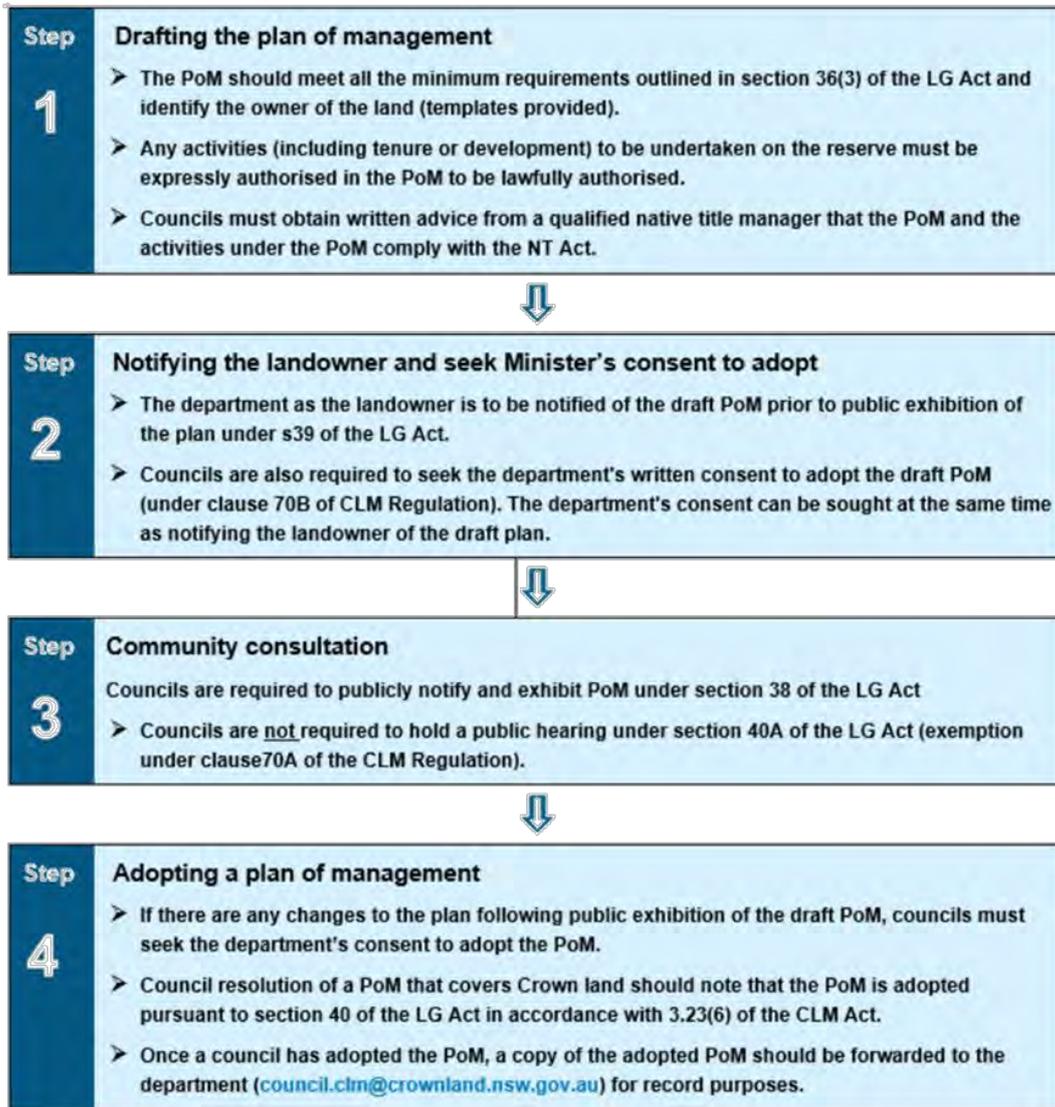


Figure 1: process for preparing a Plan of Management for council managed Crown Reserves.

### **Change and review of Plan of Management**

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within one year of its adoption. However, the performance of this PoM will be reviewed on a twelve monthly basis to ensure that the Reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into council's ownership by dedication of land for open space.

The community will have an opportunity to participate in reviews of this PoM.

### **Community consultation**

This PoM was placed on public exhibition from 16/10/2025 to 16/11/2025, in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). No submissions were received by Council prior to adopting this PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Housing and Infrastructure – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by Department of Planning, Housing and Infrastructure – Crown Lands.

## Land Description

### *Bogan River*

The Bogan River is about 617 kilometres long and begins in the Harvey Ranges between Parkes and Peak Hill. It flows north-west through a broad, flat landscape through Nyngan to join the Darling River near Bourke. In the lower part of the Macquarie/Bogan catchment a series of distributary creeks break away from the Macquarie River and connect to the Bogan River (such as Duck Creek).

Water is diverted from the lower Macquarie River at Warren to the Bogan River at Nyngan to supply water to Nyngan and Cobar (refer Section 2.1.2). The Bogan Weir Pools at Nyngan are an important native fish refuge, particularly to Olive Perchlet – a threatened fish species. An environmental water release was received at the lower weir pool in April 2019, managed by the NSW Office of Environment and Heritage to support the threatened fish species. The Bogan River is typical of a lowland unregulated river. It ceases to flow for up to 50 per cent of the time, with flows decreasing downstream.

The community land that is covered by this document is listed in Appendix [A1]. The land covered by this document is defined by real property identifiers (lots and deposited plans) and reserve numbers (for Crown land only).

Some open spaces are not covered by this Plan of Management, generally because they need site-specific Plans of Management to be prepared. Contact the Council or refer to the Council’s website for information about other public land not listed in Appendix [A1].

Location	Legal Address	Parish	County	Area	Reserve
River St NYNGAN NSW 2825	Pt. Lot 7026 DP 1019893, Lot 18 DP 755305	Nyngan	Oxley	11.64ha	R89095, Council as Crown Land Manger
Ski Lane NYNGAN NSW 2825	Lots 7010 DP 1020149	Lynch	Canbelego	9368m2	R96776, Council as Crown Land Manger

### Owner of the land

The Land is owned by the State of New South Wales with Bogan Shire Council appointed as the Crown Land Manager. Council’s Management of these lands is subject to the strict adherence to the New South Wales Local Government Act, 1993 and the Crown Lands Management Act, 2018.

## BASIS OF MANAGEMENT

Bogan Shire Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land set out in [Table X1]

- restrictions on management of Crown land community land
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.  
The land is managed according to the objectives and methods set out below according to Division 2(Use and Management of Community Land), of the Local Government Act 1993 and Part 3 Divisions 3.1,3.2,3.3,3.4 of the Crown Lands Management Act, 2016.

### **Categorisation of the land**

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

Council is required to categorise the land according to its use type and to manage it so as to achieve the core objectives for the land categories. The Act provides guidelines for choosing the category or categories to be applied. A parcel may be categorised as one or more separate categories according to its use and the characteristics of the land.

Council has resolved to classify all parcels of land in this Plan as Community Land. Further all parcels of land contained in this plan are categorised as Natural Areas – Foreshores.

The categorisation of the land is identified in Appendix A1, as well as shown by maps in Appendix A2.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the Natural Area – Foreshore category is set out in Table X1 below.

**Table X1: Guidelines and Core Objectives for Community Land Category Natural Areas - Foreshore**

Guidelines – from the Local Government (General) Regulation 2021	Core objectives – from the <i>Local Government Act 1993</i>
<p><b>Clause 102 – Natural Areas:</b> Land possessing a significant feature that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore.</p>	<p><b>Category Natural Area (Section 36E):</b></p> <ul style="list-style-type: none"> <li>• to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area</li> <li>• to maintain the land, or that feature or habitat, in its natural state and setting</li> <li>• to provide for the restoration and regeneration of the land</li> <li>• to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion</li> <li>• to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the <i>Biodiversity Conservation Act 2016</i> or the <i>Fisheries Management Act 1994</i>.</li> </ul>
<p><b>Clause 111 – Foreshore:</b></p> <ul style="list-style-type: none"> <li>• Land situated on the water’s edge forming a transition zone between the aquatic and terrestrial environment.</li> </ul>	<p><b>Category Foreshore (Section 36N):</b></p> <ul style="list-style-type: none"> <li>• to maintain the foreshore as a transition area between the aquatic and the terrestrial environment</li> <li>• to protect and enhance all functions associated with the foreshore’s role as a transition area</li> <li>• to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</li> </ul>

## **Guidelines and Core Objectives for Management of Community Land**

The management of community land is governed by the categorisation of the land, its purpose and the core objectives of the relevant category of community land (see [Categorisation of the land](#)). Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

## **Council's Strategic Objectives and Priorities**

Bogan Shire Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

The Core Objectives for Natural Areas – Foreshores are to:

- Protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- Provide for the restoration and regeneration of the land, and Restore degraded Bushland, and
- Promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and
- to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- Protect existing landforms such as natural drainage lines, watercourses and foreshores, and Retain bushland in parcel size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- Assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994, and
- Develop and maintain a Public Safety and Risk Management System, and
- Create an ongoing Bushfire Hazard Management Plan.

### **Restrictions on Management of Crown Land**

Council is the Crown Land Manager of the Crown reserves described in this Plan of Management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this Plan of Management must:

- be consistent with the purpose for which the land was dedicated or reserved.
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists.
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

## **Management of the Land**

The land is managed according to the objectives and methods set out below according to Division 2(Use and Management of Community Land), of the Local Government Act 1993 and Part 3 Divisions 3.1,3.2,3.3,3.4 of the Crown Lands Management Act, 2016

The core objectives for the management of community land categorised as a Natural Area - Foreshores are:

- (a) To conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- (b) To maintain the land, or that feature or habitat, in its natural setting, and
- (c) To provide for the restoration and regeneration of the land, and
- (d) To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- (e) To assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994.

The further objectives for a "natural area" sub categorised as "foreshore" are:

- (a) To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- (b) To facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

Other objectives are; public safety and risk management and bushfire hazard management.

## **Performance Measures**

Council will measure how it has managed its community land in accordance with Council's various guidelines, maintenance schedules, policies and programs and reporting structures.

## **DEVELOPMENT AND USE**

### **Condition of the land and structures on adoption of this Plan.**

At present the Natural Vegetation is prevalent along the foreshores. The area is well grassed and a number of manmade tracks trail down to the water's edge. There are no permanent structures on any of the parcels. The land is subject to flooding during times of regular rainfall. The areas are used by the community for boating, fishing and other recreational purposes. As a result of above average rainfall and upstream flooding The native vegetation and grasses are plentiful and healthy.

### **Use of the land and structures at the date of adoption of the Plan.**

As at the date of adoption of this Plan there is a current Licence for Grazing issued by the Crown Lands Office. Council has no control over this Licence and cannot fully manage the land at this time. Council will have to monitor the effects of grazing on the foreshore to gauge any ongoing damage to the reserve or watercourse.

### **Threatened Species Laws.**

Council is unaware of any lands stated in this Plan that have been declared as Critical Habitats under the Threatened Species Conservation Act 1995 and no lands are affected by a recovery plan or a threat abatement plan under the Biodiversity Conservation Act 2016.

## **Permissible uses / future uses**

### **Future use of the Land.**

The parcels of land listed in this plan are of value to the community by way of an improved approach to the environmental restoration of the land to its natural state. It is Council's intention is to encourage the natural regeneration of the land to its natural state as a habitat for native flora and indigenous wildlife, and to provide easy access to the river for recreational pursuits.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Bogan Shire Council area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Bogan Shire Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Council intends to permit and encourage a broad range of appropriate activities.

Council’s long-term plans would be to create wildlife trails along the foreshore with rest stops, places to fish and conduct other water related recreational activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks. The general types of uses which may occur on community land categorised as Park, Sportsground, General Community Use and Natural Area, and the forms of development generally associated with those uses, are set out in Table X2 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning. For example, a reference to ‘football’ includes any variations of that game.

It is anticipated that new sports may develop, and others increase or decrease in popularity. If this occurs, then some community land may be modified to facilitate the changing forms of ‘active recreation’ enjoyed by the community. References such as ‘field’, or ‘court’, are not intended to exclude other sporting surfaces.

**Table X2 Permissible use and development of community land categorised - Natural Area – Foreshores by council**

<b>Natural area</b>	
<p><b>Purpose/Use</b></p> <ul style="list-style-type: none"> <li>• Preservation of the council’s natural heritage including the identified endangered ecological communities</li> <li>• Preservation of biological diversity and habitat</li> <li>• Providing a location for relaxation and passive informal recreation</li> <li>• Walking and cycling</li> <li>• Guided bushwalks</li> <li>• Environmental and scientific study</li> <li>• Bush regeneration works</li> <li>• Carbon sequestration</li> <li>• Bio-banking</li> </ul>	<p><b>Development to facilitate uses</b></p> <ul style="list-style-type: none"> <li>• Toilets</li> <li>• Picnic tables</li> <li>• BBQs</li> <li>• Sheltered seating areas</li> <li>• Lighting</li> <li>• Low impact carparks</li> <li>• Low impact walking trails</li> <li>• Interpretive signage</li> <li>• Water saving initiatives such as rain gardens, swales and sediment traps</li> <li>• Energy saving initiatives such as solar lights and solar panels</li> <li>• Bridges</li> <li>• Observation platforms, signs</li> <li>• Information kiosks</li> <li>• Refreshment kiosks (but not restaurants)</li> <li>• Work sheds or storage sheds required in connection with the maintenance of the land</li> <li>• Bicycle/boat hire or similar</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> <li>• Locational, directional and regulatory signage</li> </ul>

## Express authorisation of Leases and Licences and Other Estates

Under section 46(1)(b) of the LG Act, leases, licences, and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations, and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

### Leases and Licences authorised by the Plan of Management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) of the LG Act, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved.
- the purpose is consistent with the core objectives for the category of the land.
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth)
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted.
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table X3 further identifies the purposes for which leases and licences may be issued over the reserves identified in this plan of management and the maximum duration of leases, licences, and other estates.

Table X3. Express authorisation for leases, licences and other estates on reserves listed in this plan of management

Community land covered	Maximum term	Purpose for which tenure may be granted
Leases	–	–
Natural Area	–	<ul style="list-style-type: none"> <li>– walkways, pathways, bridges, causeways</li> <li>– observation platforms, signs</li> <li>– information kiosk</li> <li>– kiosk selling light refreshments (but not restaurants)</li> <li>– bicycle/boat hire or similar</li> <li>– work sheds or storage sheds required in connection with the maintenance of the land</li> <li>– toilets</li> <li>– temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> </ul>
<b>Licences</b>		
Natural Area	–	<ul style="list-style-type: none"> <li>– walkways, pathways, bridges, causeways</li> <li>– observation platforms, signs</li> <li>– Information kiosk</li> <li>– Kiosk selling light refreshments (but not restaurants)</li> <li>– Bicycle/boat hire or similar</li> <li>– work sheds or storage sheds required in connection with the maintenance of the land</li> <li>– toilets</li> <li>– temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> </ul>
<b>Other estates</b>		
All community land and buildings		This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

**Short-term licences**

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Short-term licences are authorised for the purpose of:

- (a) the playing of a musical instrument, or singing, for fee or reward
- (b) engaging in a trade or business
- (c) the playing of a lawful game or sport
- (d) the delivery of a public address

- (e) commercial photographic sessions
- (f) picnics and private celebrations such as weddings and family gatherings
- (g) filming sessions
- (h) the agistment of stock.

Council may issue short term licences under Sec2.20 of the Crown Lands Management Act 2016 for prescribed purposes list in Clause 31 of the Crown Land Management Regulation 2018.

Fees for Short Term Bookings to be charged at Council adopted Fees & Charges.

#### **Native title and Aboriginal land rights considerations in relation to leases, licences and other estates**

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the Commonwealth *Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983* (ALR Act).

Council's Native Title Manager will provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix A4 for more information).

As the properties in this plan do not have or are not likely to have any future leases, licences permits, forestry rights, easements, rights of way or changes to covenants outside of what is permissible under the Act or Regulations, Native Title advice is not required for this Plan of Management. Should any changes to the POM be required by Council or the Government An advice statement will be issued prior to any works being undertaken.

Further should the outcome of the Native Title Claims affect the above then this plan will need to be modified to reflect the outcomes of the claims.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix A4 for more information).

## ACTION PLAN

Section 36 of the LG Act requires that a plan of management for community land details:

- the objectives and performance targets of the plan with respect to the land
- the means by which the council proposes to achieve the plan’s objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan’s objectives and performance targets.

Table X4 sets out key objectives and performance targets for management of the land.

**Table X4. Objectives and performance targets, means of achieving them and assessing achievement**

<i>Management Issues</i>	<i>s.36(3)(b) Objectives and Performance Targets</i>	<i>s.36(3)(c) Means of achievement of objectives</i>	<i>s.36(3)(d) Manner of assessment of performance</i>
Management	Council Corporate Objectives are outlined in Council’s Delivery Program 2022-2026 Natural Environment (3.3), Community Strategic Plan 2027, Themes and Goals and Operational Plan 2023/24 (1.2).	Undertake effective community education campaigns and workshops with respect to natural areas.	Council will measure how it has managed its community land in accordance with Council’s various guidelines, maintenance schedules, policies and programs and reporting structures. Bush regeneration has been in line with growing seasons and water availability, and no evidence of disturbance of natural or heritage values of the land, and Bushfire Risk Management Plan adopted and implemented, and no illegal dumping of rubbish detected on land, and no reports of incidents associated with the reserve, and ongoing maintenance of land requires little effort and is cost effective.
Manage access to waterways via foreshore access.	Provide for passive recreational activities or pastimes and for the casual playing of games and improve the land in such a way as to promote	Undertake effective community education campaigns and workshops with respect to natural areas.	Increased appreciation of natural areas measured by survey. Number of people attending workshops and environmental

<i>Management Issues</i>	<i>s.36(3)(b) Objectives and Performance Targets</i>	<i>s.36(3)(c) Means of achievement of objectives</i>	<i>s.36(3)(d) Manner of assessment of performance</i>
	education, and provide community access to the waterways in such a way as will minimise and mitigate any disturbance caused by human intrusion.	Provide funding for the forming of access paths. Undertake accessibility audit of facilities to identify compliance.	events organised by the council. Feedback from the residents that use the pathways to access the waterways.
Environmental Protection	It is Council's intention to encourage where possible the natural regeneration of the land to its natural state as a habitat for native flora and indigenous wildlife. To increase community participation in natural area conservation and restoration.	Follow Council's Strategies for the containment of environmental hazards.	
Bushfires	Restrict fuel buildup to prevent bushfire outbreaks. Coordinate with relevant fire services to organise back burning if required	Mowing, and rubbish removal. Trim and remove overhanging branches. Fire Breaks and Bushfire Hazard Reduction Burns	No fire outbreaks Reported or attended and a small number of easily contained outbreaks attended or Reported. Annual inspections by relevant fire authorities to determine fire risk.
Priority Weeds	Control all Priority Weeds and vegetation not native to the area.	Education Programs, Permits to Transport Dangerous Goods and Weed Spraying,	Inspections and Monitoring of Council areas by Biosecurity Officer. Advice from the Public

## APPENDICES

### Appendix A1 – Community Land Covered by this Plan of Management.

Reserve	Location	Property Description	Owner	Category – Sub-Category	Purpose
Pt R89095 Gazettal 30/11/1973	River Street NYNGAN NSW 2825	Pt. Lot 7026 DP 1019893, Lot 18 DP 755305 11.6455Ha Psh. Nyngan Cnty. Oxley	The State of New South Wales	Natural Areas - Foreshores	Public Recreation
R96776 Gazettal 27/05/1983	71 Ski Lane NYNGAN NSW 2825	Lots 7010 DP 1020149 1.04Ha Psh. Lynch Cnty. Canbelego	The State of New South Wales	Natural Areas - Foreshores	Public Recreation

**Appendix A2 – Maps & Extracts**

Pt. R89095 Crown Land Reserve – Council as Crown Land Manager

Lot 18 DP 755305, Pt Lot 7026 DP 1019893

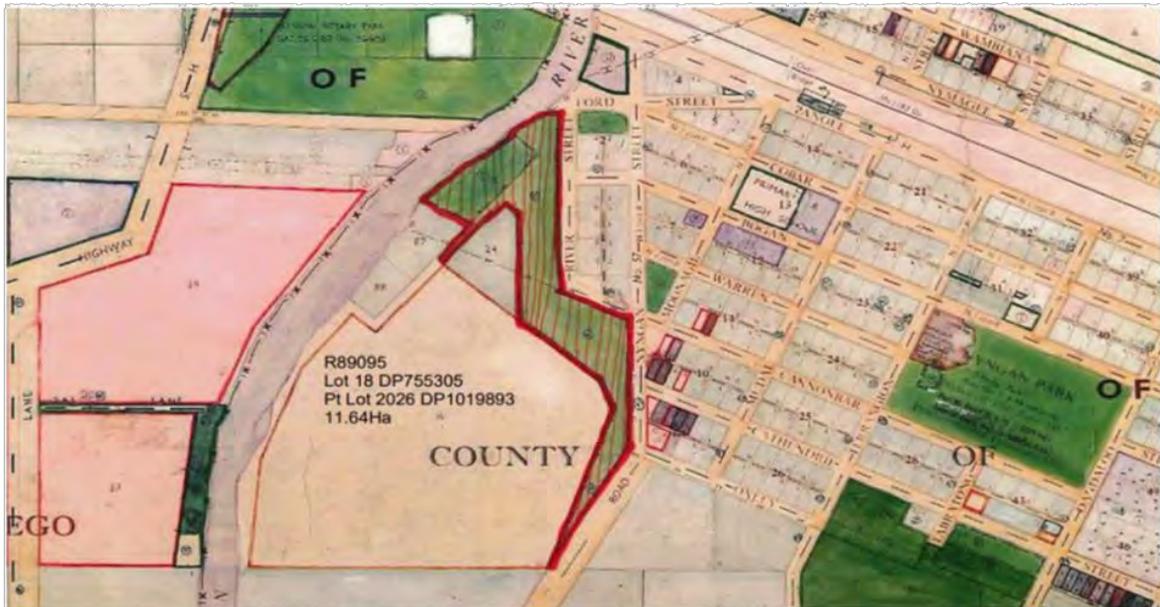
RE1 – Public Recreation

RE2 – Private Recreation

A large parcel of low lying land situated mostly between the Bogan River and the Town Levy Bank, backing on to the Junior League Sporting Field. Council has been made aware that a grazing licence has been issued over the majority of the reserve for an undisclosed period.



Extract from Parish Map



Extract from Parish Map

56	F2	Resumed for Teacher Housing Gaz. 13-8-82 (fol. 370) 7738m <sup>2</sup>	
57		Allot 1 Sec. 61 D.J. & K.M. Hewlett A.T.P. 85.1 Vol. 15072 Fol. 156	
58	E2	R. 96631 for Public Recreation. Not'd. 4-3-83 (fol. 1044) & see 64	
59	D2, E2	Dedicated as Public Road Gaz. 15-4-87 (fol. 1791)	
60	B3	R. 96776 for Public Recreation. Not'd. 27-5-83 (fol. 2425) Erratum Gaz. 19-8-83 (fol. 3879)	
61	F2	Allot 8 Sec. 61. Garand Galic. A.T.P. 85-1	
62	E3	Resumed & Dedicated as Public Road Gaz. 15-3-85 (fol. 1246) Lot 1 DP 704152	
63	E3	Closed Road. Gaz. 15-3-85 (fol. 1246) Lot 2 D.P. 704152	
64	E2	1.012ha added Gaz. 18-10-85 (fol. 5466) to R. 96631 for Pub. Rec. Not'd. 4-3-83	
65	D3, D4	Abt. 8.5 ha. added Gaz. 6-6-86 (fol. 2634) to R 89095 for Public Recreation Not'd. 30-11-73.	
66	F4	R. 120002 for Public Recreation Not'd. 6-6-86 (fol. 2635). <i>Auto Rev'd. Gaz. 13-11-86 (fol. 6340)</i>	
67	B4	R 120003 for Public Recreation Not'd. 6-6-86 (fol. 2635).	
68	H2	Pt. R. 120008 for Rubbish Depot Not'd. 20-6-86 (fol. 2879). <i>Pt. Lot 1 &amp; 2 Whak Lot 1 &amp; 2</i>	
69		Closed road Gaz. 8-8-86 (fol. 3856) Lot 108 D.P. 721277 <i>rev'd. 8-8-86 (fol. 1828)</i>	
		The Council of the Shire of Pagan 2.414m <sup>2</sup>	
		<i>Lot 31 Rev'd. Gaz. 3-4-88 (fol. 3038)</i>	
70	A5, B5	R. 120009 for Public Recreation Not'd. 10-10-86 (fol. 4985).	
71	G3	Easement for Nyngan-Bourke Transmission Line. Gaz. 24-10-86 (fol. 5208). D.P. 638970	
72		Por. 16 (th Nyngan) Nyngan Golf Club Limited C.P. 86-52.	
73	F4	Closed Road Gaz. 15-5-87 (fol. 2354)	
74	F4	520m <sup>2</sup> Added Gaz. 15-5-87 (fol. 2353) to R. 120027 Not'd. 27-3-87 for Homes for the Aged	
75	F4	Pt. Closed Roads Gaz. 13-11-87 (fol. 6340)	
76	F4	R. 120044 for Homes for the Aged Not'd. 13-11-87 (fol. 6340)	

Sec.	All	Por.
39		
37		
Village		
60	10, 11	
10	11,	
60	4, 5	
	11, 14	
64	3, 4	
	10, 11	
11	2	
10	1	
64	7	
61	2, 3	
	9, 1	
	15, 15	

15	F3	Gaz. 29th May, 1936. Exempt from Quarry License. Gaz. 10th August, 1963		
16	D4	Resumed by Dept. Main Roads. Gaz. 10th June, 1960. 6.300 m <sup>2</sup>		
17	G3	Acquired for Bogan River Weir. Gaz. 21st September, 1956. 1,124 ha. Ms. 1856 Do. R.		
18	D4	R.82782 for Roads Work Depot. Notd. 6th April, 1962. Ms. 2226 Do.		
19		R.1767 for Public Recreation Notified 18th December, 1882. N 2202 R		
20	E4, F4	T.S.R. 81104. Notd. 3rd October, 1958. Ms. 1808 Do. R. <i>Lot 50 Rev'd Gaz 10-8-78 (F4-178)</i>		
21	B4	C.R. 1752. Notd. 18th December, 1882. N 2202 R. Under P.P. Board Control. <i>Gaz. 9-9-32</i>		
22	F3	Dedicated for Highway. Gaz. 5th December, 1952. N 40		
23	C4	R.89225 for Public Recreation. Notd. 12th July, 1974. <i>Rev'd 8-10-78</i>		
24	F3	R.85699 for Fut. Pub. Reqs. Gaz. 18th March, 1966. N 46 2262-4047. <i>(SEE NOTE 4)</i>		
25	D3	Purchased for Public School.		
26	G1	Easement for Nyngan-Cobar Transmission Line. Gaz. 23rd August, 1968.		
27	C4	R.89095 for Public Recreation. Notd. 30th November, 1973.		Small num
28	E4	Acquired for Housing Purposes. Gaz. 21st October, 1955. 1.917 ha. N 2202 R.		
29	E2	R.87282 for Community Forest. Notd. 25th July, 1968. <i>Rev'd Gaz 4-3-83 (fol. 1051)</i>		
30	G3	Appropriated for Grain Elevators Board. Gaz. 30th June, 1972. 1.132 ha. Ms. 2560 Do. R.	15	0 1208 F4 14607
31	C5	R.1760 for Water Supply. Notd. 18th December, 1882. Under P.P. Board Control.	16	1143 C3 9/F
32	D4	R.1766 for Water Supply. Notd. 18th December, 1882. Under P.P. Board Control.	17	1148 C3
33	B3	R.74784 for Future Pub. Reqs. Notd. 14th March, 1952. <i>(1998 had Auto Rev'd Gaz 27-8-83 (fol. 2425))</i>	18	1164 C4
34	D3	R.1768 for Public Recreation. Notd. 18th December, 1882. N 2202 R. <i>MOONAGE PARK Aerial. Gaz. 26-6-81 (fol. 3665)</i>	24	1168 C3 12257
35	E4	Acquired for Housing Purposes. Gaz. 7th January, 1966.	74	971 G2
36	D5	Dedicated for Highway. Gaz. 4th November, 1966. D.P. 229749	87	894 C3 12257
37	E3	Survey plan for Police premises M <sup>s</sup> 2561 Do R.	88	895 C3 12257
38	B4	R.90698 for Road Works Depot Notd 4-2-77	89	942 H4 4869
39	B4	R.91086 for Public Recreation Gaz 31-3-78. (3741ha)	94	1058 G1 4700
40	E4	Approved for Railway Purposes Gaz 9-6-78 (4750m <sup>2</sup> )	27	DP251020 F3 14960
41	F3	PROPOSED AUCTION. NOW LOT 27 DP251020 4036m <sup>2</sup>	97	DP 251542 E3 15255
42	D3	Allot 6 Sec 64 P.I. & M. Simpson - <del>A.T.R. 78-1</del> (1012m <sup>2</sup> )	98	DP 40210 E2 15255
			99	DP 40210 D4
			100	DP 4179 C2 14497

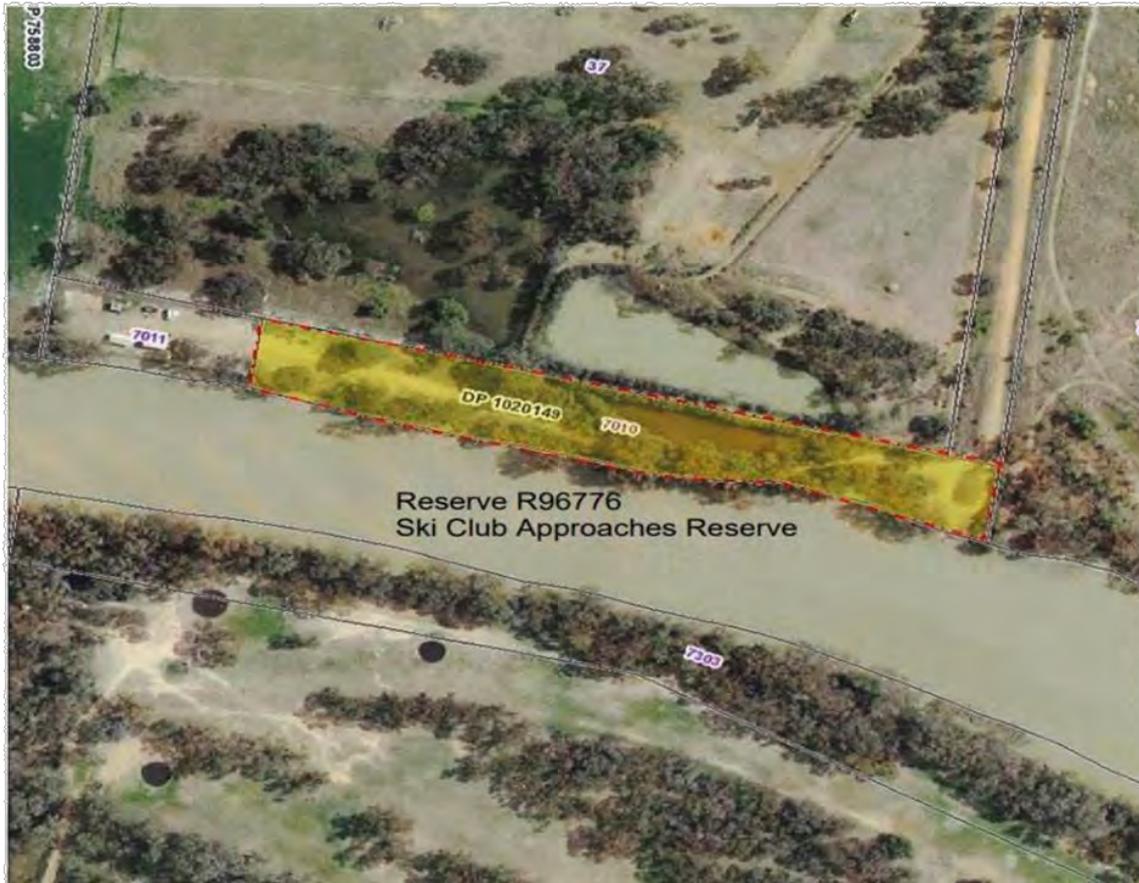
81	C4	Recreation notd 12.7.1974.		
82	E4	Easement for Drainage, Gaz. 30.3.90 (fol. 2745).		
83	D4	Closed Road Lot 1 DP 728792 Gaz. 11.5.90 D.M. Hopwood.		
84	E4	Closed Road Lot 119 DP 820753 Kemread P/L Gaz. 5.7.81		
85	E4	Allot. 6 Sec. 20 Now C.P. 84.8 (former)		
86	E3	Sold to W.E. & B.J. Haley		
87	G3	Roads Closed Gaz. 9.8.96		
88	C4	<del>LI 307742. R M<sup>s</sup> DOUGALL, DB81H 669</del> <i>TERM'D 14-4-81</i>		
89	H3	LI 355328 - BW Jordan DB03H 235		
89		IP. 8994/- L.A TEALE.		
90	C4	LI: 381056 DB81H 669.		
91	F4	ACQUIRED BY DEPT. HEALTH. GAZ. 25-AUG-06 FOLIO 24 - FEB - 06, FOLIO 991. DB81H 189		

R96776 Lynch Recreational Reserve – Council as Crown Land Manager

Lot 7010 DP 1020149

RU1 – Primary Production

A narrow block with road access through to the Ski Club Grounds which provides enough room for a possible walking trail, Rest areas, quiet fishing spots or picnic areas for local residents.



Extract from Parish Map



48		Roads declared Public Gaz 29.2.80	
49	D4	Rd closed Gaz 7.3.1980 R.J. Fitzalan 1247m <sup>2</sup> Vol. 14105 fol. 75	
50	F2	<del>R 92337 from After Tender Purchase Gaz 9.5.80 Revkd. Gaz 19.4.85 (fol. 175)</del>	
51	G2	Road closed Gaz 19.12.80 folio 6592	
52	G2	1.781 ha Revk <sup>n</sup> fm R 278444 for Fut Public Req <sup>s</sup> Gaz 23.1.81 folio 506.	
53	G2	Rd closed Gaz 30.1.81 folio 612	
54	H3	Rd closed Gaz 20.2.81 folio 1022	
55	H2	R 94740 for Rubbish Depot Not <sup>d</sup> Gaz 8.5.81 - Revoked 20.6.86.	
56	F2	Reserved for T.H.A. (DB 80 H 563) Appropriated gaz 13.8.82	
57	D2, E2	Public Rd. (Oval Pl) Gaz. 15.4.83	
58	B3	1.04 ha. R 96776 for Pub. Rec <sup>n</sup> not <sup>d</sup> 27.5.1983 Erratum gaz 19.8.83 Fol. 3879	
59	<del>G1</del>	<del>Per. Occ. 73-2 L. Mc Dougall abt 1535 ha 5.5 ha. see note 11 Prop<sup>d</sup> x for 113077</del>	
60	G3	Per. Occ. 83-6 Grain Handling Authority of N.S.W., abt 4.3 ha.	
61	D4	Rd closed Gaz 3.2.84 fol: 571 D.P. 46171.	
62	E4	D. & K.E. Hurst C.P. 84/B	
63		Allot. 8 Sec 61. G. Galic ATP 85/1	
64	E3	Public Roads Act. Lot 1 resumed for road. Lot 2 road closed. Gaz. 15.3.85 (fol. 1246)	
65	D5	{Withdrawn from P.P. Baard control Gaz. 26.4.85 (fol. 1864) {Part R 1761 within Por 109 Revk <sup>d</sup> Gaz 26.4.85 (fol 1868). Lot 117 Withd Gaz 8.11.85	
66	E2	1.012 ha. pt R 96631 for Pub. Rec <sup>n</sup> added gaz. 18.10.1985 (LOT 113)	
67	F2	973.8 m <sup>2</sup> S.H. 1967/3 to S.H.F. 1967/3 W.G. & M.A. Herbert	

## Appendix A3 – Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### *Local Government Act 1993*

Section 35 of the LG Act provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land,
- b) the objectives and performance **targets** of the plan with respect to the land,
- c) the means by which the council proposes to **achieve** the plan's objectives and performance targets,
- d) the manner in which the council proposes to **assess its performance** with respect to the plan's objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
  - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
  - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
  - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
  - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
  - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the *Local Government Act 1993* (LG Act), a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

#### ***Classification of public land***

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (the CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

#### ***Crown Land Management Act 2016***

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for

example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

#### **Principles of Crown Land Management**

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

#### **Crown Land Management Compliance**

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

#### ***Native Title Act 1993***

The Commonwealth *Native Title Act 1993* (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land

- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

### **Council plans and policies relating to this Plan of Management**

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

- Bogan Shire Council Delivery Plan 2022 – 2026
- Bogan Shire Council Community Strategic Plan 2027
- Bogan Shire Council Operational Plans – Annually
- Bogan Shire Council Plan of Management of Natural Areas – Bushland 2024
- Bogan Shire Council Tree Preservation Policy
- Council Bush Care Program

### **Other state and Commonwealth legislation**

#### ***NSW state legislation***

#### ***Environmental Planning and Assessment Act 1979***

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

#### ***Aboriginal Land Rights Act 1983***

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

#### ***National Parks and Wildlife Act 1974***

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

#### ***Biodiversity Conservation Act 2016***

**Note:** This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

#### ***Fisheries Management Act 1994***

The *Fisheries Management Act 1994* (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

#### ***Rural Fires Act 1997***

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

#### ***Water Management Act 2000***

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

***Heritage Act 1977***

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

***Commonwealth legislation******Environmental Protection and Biodiversity Conservation Management Act 1999***

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

***Telecommunications Act 1997***

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

***State Environmental Planning Policies******State Environmental Planning Policy no. 19 – Bushland in urban areas***

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area– Bushland.

***State Environmental Planning Policy (Transport & Infrastructure) 2021***

This planning policy lists development allowed with consent or without consent on community land.

***State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017***

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

***Other relevant legislation, policies and plans***

*Catchment Management Authorities Act 2003*

*Companion Animals Act 1998*

*Disability Discrimination Act 1992*

*Local Land Services Act 2013*

*Operations Act 1997*

*Pesticides Act 1999*

*Protection of the Environment Operations Act 1997*

*Retail Leases Act 1994*

*Rural Fires Act 1997*

*Soil Conservation Act 1938*

*Telecommunications Act 1997 (Cth)*

*Water Management Act 2000*

NSW Invasive Species Plan 2008-2015

National Local Government Biodiversity Strategy

Biosecurity Act 2015

NSW Biodiversity Strategy

## Appendix A4 – Aboriginal interests in Crown land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the *Native Title Act 1993* (Cth) and the *Aboriginal Land Rights Act 1983* (NSW).

### Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth *Native Title Act 1993* (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water by providing access to the land and, if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the [Crown lands website](#).

### Aboriginal Land Rights

The *Aboriginal Land Rights Act 1983* (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are 43 reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.



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# Plan of Management Pt. O'Reilly Park Reserve

Larkin Oval Sporting Precinct, War Memorial Pool,  
Tennis Courts & Clubhouse, Dog Off Leash Park,  
Youth and Community Centre





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## **KEY INFORMATION**

**BOGAN SHIRE COUNCIL – Appointed Crown Land Manager**

This Plan of Management was adopted by Council on ~~XXXXXXXXXXXXXXXXXX~~.

This Plan of Management (PoM) has been prepared by Bogan Shire Council and provides direction as to the use and management of council-managed Crown reserves classified as 'community land' in the Bogan Shire area. The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

This PoM specifically addresses the management of Pt. O'Reilly Park Reserve. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a site-specific PoM covering land that includes Larkin Oval Sporting Precinct, War Memorial Pool, Tennis Courts & Clubhouse, Youth & Community Centre and Dog Off Leash Park.



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## INTRODUCTION

Bogan Shire, situated in Western New South Wales, has an area of 14,610 square kilometres, equivalent to about 1.8% of the State's land surface. The geographical centre of the State lies within the Shire boundaries. The Shire has an estimated population of 2467. Nyngan, the Shire's Administrative Centre, is located on the Bogan River at the junction of the Mitchell and Barrier Highways - an ideal rest point for the weary traveller.

There is an abundance of productive agricultural land for sheep and cattle production and large-scale cropping enterprises. Nyngan's farmers are highly competitive on local and international markets and the large quantity of agricultural produce is conducive to the development of value adding industries and marketing ventures. The Shire also boasts a number of tourist destinations and attractions such as The Big Bogan, two museums, a short drive to the centre of NSW and much more.

Nyngan offers warm hospitality and all the facilities of a modern rural township. Three Motels, two Caravan Parks, Two Hotels and access to 24-hours of free camping provides a choice of accommodation options. Three licensed Clubs and two hotels cater for entertainment and relaxation. The town also boasts a selection of cafes, restaurants and take-away food outlets for dining.

The Bogan Shire has a secondary school, five primary schools, a pre-school, an Early Learning Centre that includes long daycare, a mobile pre-school and a TAFE Campus. Nyngan's medical needs are catered for by the Bogan Shire Medical Centre, the Nyngan Health Service (Multi-purpose Health Centre which incorporates a hospital and nursing home complex) and a network of other health services including doctors, a dentist, a podiatrist, a physiotherapist and ultrasound services.

The recreational and sporting facilities in Nyngan are excellent and include facilities for bowls, golf, tennis, dancing, swimming, rugby union, rugby league, touch football, cricket, netball, fishing, boating, canoeing, water-skiing, soccer, little athletics and pony club and a state-of-the-art Youth and Community Centre. Whether you are looking for an outback experience or a place to escape the hectic pace of the city life, we hope that a visit to the Bogan Shire will show you what real " *Comfortable Country Living* " is all about.





## **Purpose of the Plan of Management**

Council is required by Section 7 of the Local Government Act 1999 to 'provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area'. The land listed in Schedule 1 is retained by Council to provide passive and active recreational and social facilities for the community and other visitors, is vacant and undeveloped, or has been, specifically modified or adapted, for benefit or enjoyment of the community.

Council Corporate Objectives are outlined in Council's Delivery Program 2023-2027 Natural Environment (3.3), Community Strategic Plan 2027, Themes and Goals and Operational Plan 2024(1.2).

The Local Government Act 1993 (LG Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The Crown Land Management Act 2016 (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the Local Government Act 1993 (LG Act). A PoM is required for all council-managed Crown reserves on community land.

This PoM is a document covering most of the community land and open space within the Bogan Shire Council local government area (LGA) categorised as Sportsground.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in Bogan Shire Council 2027 Community Strategic Plan,
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*,
- provide clarity in the future development, use and management of the community land,
- ensure consistent management that supports a unified approach to meeting the varied needs of the community,
- provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area,
- The land listed in Schedule 1 is retained by Council to provide passive and active recreational and social facilities for the community and other visitors has been specifically modified or adapted for benefit or enjoyment of the community.

Further information about the legislative context of Crown Reserve plans of management can be found in Appendix X3 of this document.



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## PROCESS OF PREPARING THIS PLAN OF MANAGEMENT

Figure 1: process for preparing a PoM for council-manages Crown Reserves

<b>Step</b> <b>1</b>	<p><b>Drafting the plan of management</b></p> <ul style="list-style-type: none"> <li>The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land.</li> <li>Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised.</li> <li>Councils must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.</li> </ul>
<b>Step</b> <b>2</b>	<p><b>Notifying the landowner and seek Minister’s consent to adopt</b></p> <ul style="list-style-type: none"> <li>The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act.</li> <li>Councils are also required to seek the Minister’s written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister’s consent can be sought at the same time as notifying the landowners (the department) of the draft PoM.</li> <li>Ministerial consent to adopt a PoM will be provided to council by the department for each PoM via a formal letter. Council cannot adopt a PoM until Ministerial consent has been formally received via letter</li> <li>Note: in certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister’s consent to adopt the draft PoM will be provided</li> </ul>
<b>Step</b> <b>3</b>	<p><b>Community consultation</b></p> <ul style="list-style-type: none"> <li>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</li> <li>Councils are <u>not</u> required to hold a public hearing for Crown Land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).</li> </ul>
<b>Step</b> <b>4</b>	<p><b>Adopting a PoM</b></p> <ul style="list-style-type: none"> <li>If there are any changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister’s consent to adopt the PoM.</li> <li>A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act.</li> <li>When a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be sent to the department: <a href="mailto:council.clm@crowland.nsw.gov.au">council.clm@crowland.nsw.gov.au</a>.</li> </ul>



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## CHANGE AND REVIEW OF PLAN OF MANAGEMENT

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within five years of its adoption. However, the performance of this PoM will be reviewed on a yearly basis to ensure that the Reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

The community will have an opportunity to participate in reviews of this PoM.

## COMMUNITY CONSULTATION

This PoM was placed on public exhibition from 16/10/2025 to 16/11/2025, in accordance with the requirements of section 38 of the *Local Government Act 1993*. No submissions were received by Council prior to adopting this PoM.

In accordance with section 39 of the *Local Government Act 1993*, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Housing and Infrastructure – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by the Department of Planning, Housing and Infrastructure – Crown Lands.

Aerial View of O'Reilly Park Reserve





## LAND DESCRIPTION

The Reserve has two categories Park and Sportsground. The Portion of the reserve Categorised as Park has been included in a previous POM for Established Parks

**Appendix 2** Shows a map of the divided areas of categorisation.

This Plan of Management covers part of O'Reilly Park Reserve categorised as Sportsground. The reserve information is detailed in Table 1. The land is owned by the Crown and is managed by Council as a Crown Land Manager under the *Crown Land Management Act 2016*.

This PoM covers the Larkin Oval complex featuring a Sporting Oval, Netball Courts, Cricket Nets, Rugby Union Clubhouse and a number of ancillary buildings, the Nyngan War Memorial Swimming Centre featuring an Olympic pool, toddlers pool, a water slide, a Swimming Club Clubhouse, and other activity structures and ancillary buildings. The reserve is also home to the Nyngan Tennis Courts and Clubhouse, a Dog off Leash Park and a modern and fully equipped Youth and Community Centre and Sports Hall.

**Table 1: information about reserve covered by this plan of management.**

<b>Reserve Number</b>	Pt R520022
<b>Owner of the Land</b>	The State of New South Wales (Crown Lands)
<b>Reserve purpose</b>	Public Park
<b>Gazettal date</b>	10/06/1887
<b>Land parcel/s</b>	Pt Lot 7040 DP1020916
<b>Area (Ha)</b>	Pt 9.4530 Ha
<b>LEP zoning</b>	RE1 – Public Recreation
<b>Assigned category/categories</b>	Park/Sportsground
<b>Native Title Claim/Determination</b>	No claim or determination is known.

This PoM is specific to the land mentioned in Table 1 above. Contact the Council or refer to the Council's website for information about other public land not listed above. The Park section of the reserve is included in POM Parks (Established).

Some open spaces are not covered by this Plan of Management, generally because they need site-specific plans of management to be prepared or have a different category.

### Owner of the land

The Land is owned by the State of New South Wales with Bogan Shire Council as the appointed Crown Land Manager. Council's Management of these lands is subject to the strict adherence to the New South Wales Local Government Act, 1993 and the Crown Lands Management Act, 2016.



### Land comprising the habitat of endangered species or threatened species

Council is unaware of any habitats of endangered or threatened species.

### Land containing significant natural features

This reserve doesn't have any significant natural features.

### Culturally significant land

This reserve is not considered culturally significant land as defined under Section 36d of the Local Government Act 1993.

## BASIS OF MANAGEMENT

Bogan Shire Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.
- 

### Categorisation of the land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Area of Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

**Note: Significant Natural Areas and Areas with Critical Habitat** - must be in a site-specific PoM also

The categorisation of the land is identified in Appendix A1, as well as shown by maps in Appendix A2.



**Guidelines and core objectives for management of community land**

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the Sportsground category is set out in this Plan of Management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Bogan Shire area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Bogan Shire Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular. Bogan Shire Council intends to permit and encourage a broad range of appropriate activities.

Table X1: LG Guidelines and Core Objectives for Sportsgrounds Category

Guidelines – from the Local Government (General) Regulation 2021	Core objectives – from the <i>Local Government Act 1993</i>
<p><b>Clause 103 – Sportsgrounds:</b> Land used primarily for active recreation involving organised sports or playing outdoor games.</p>	<p><b>Category Sportsground (Section 36F):</b></p> <ul style="list-style-type: none"> <li>• to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games</li> <li>• to ensure that such activities are managed having regard to any adverse impact on nearby residences.</li> </ul>

**Restrictions on Management of Crown Land**

Council is the Crown land manager of the Crown reserve/s described in this Plan of Management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the *Commonwealth Native Title Act 1993*



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- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

### **Council's strategic objectives and priorities**

Bogan Shire Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

The land is managed according to the objectives and methods set out below according to Division 2 (Use and Management of Community Land), of the Local Government Act 1993 and Part 3 Divisions 3.1,3.2,3.3,3.4 of the Crown Lands Management Act, 2016.

Council's approach is to maximise the development of sportsgrounds in the Shire to promote well maintained recreational and sporting facilities that families and visiting sportsmen and women can frequent and that reflects favourably with all that may wish to move to the Bogan Shire, attend sporting competitions or are passing through on holidays.

Council's management strategy, reflecting the key objectives for community land management including sportsgrounds, are to promote, encourage and provide for the use of land, and to provide facilities on the land, to meet the current and future needs of the local community and the wider public.

At the date of the adoption of this Plan the sportsgrounds included in this Plan are in a well-kept state with modern play equipment, public art, and sporting structures.



## Development and Use

The O'Reilly Park Reserve contains the major use recreational facilities in Nyngan, it is in constant use by the public, schools and sporting groups. The maintenance of this Reserve consumes a large part of Council's funds each year and with the addition of grant funds Council has been able to maintain and enhance the recreational experience for the residents and visitors to Nyngan year in year out whilst being able to maintain and upgrade all the other sporting facilities in the shire.

### Current use of the land

The Larkin Oval complex that includes a Sporting Oval, Cycle Track, Netball Courts, Cricket Nets and Athletic Zones, The Complex also has a Bogan Bulls Rugby Union Clubhouse, A fully modern Canteen and Bar building Having Corporate Boxes and Secretaries Office upstairs, Men's Change Rooms, Female Change Rooms, Toilet Block, storage rooms and Referees Change Rooms, 2 new Synthetic Netball Courts, Grass courts, Exercise Station, an Electronic Score Board, a large Grandstand as well a number of smaller grandstands and numerous bench seats finished off by a very good lighting system and fully fenced complex. Council has worked extremely hard to secure funding to upgrade and renew the facilities to provide Bogan Shire residents and visitors with a first-rate sporting complex.

Next door, the Nyngan War Memorial Swimming Centre includes an Olympic 50m Pool, Toddlers Splash Play and Pool, Swimmer's Clubhouse, Water Slide, Basketball half-court, Kiosk and amenities building, new amenities block with disabled access, Bar Be Que, Picnic Tables as well as numerous Shade sails. Council staff have worked tirelessly to budget for improvements and ever-increasing maintenance costs as well as securing government grant funds to provide the residents and visitors an oasis in the desert during our long hot summers. Alongside the Swimming Centre is the recently refurbished Nyngan Tennis Courts & Clubhouse, The courts have been re-laid with a modern synthetic grassed surface and the clubhouse has had an extensive refurbishment.

To the rear of the Tennis Courts is the newly constructed Youth & Community Centre and Sports Hall. The Centre also has a number of recreational structures adjacent to the buildings. Finally, a Dog off Leash Park nestles in the corner of the O'Reilly Park Precinct, a flat fully grassed and regularly mown area with seating for the humans, gets regular use from the town residents and their pets.

Council manages the sporting centres on a daily basis ensuring the efficient operation and access ability for the public to use the centres.

### Scale and Intensity of Use.

The O'Reilly Park Reserve has virtually reached its maximum for further development. The reserve has an extensive range of playground equipment, sporting facilities and buildings. The long term goal is to maintain and replace assets as required.

**Annexure A2** Has several photos of the diverse range of structures and buildings.



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### **Permissible uses / future uses**

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Bogan Shire area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Bogan Shire Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, recreational and sporting facilities in particular, Bogan Shire Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as Sportsground, and the forms of development generally associated with those uses, are set out in this Plan of Management.



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**List of Category sections**

- Sportsground

**Table X2 Permissible use and development of community land categorised as Sportsground, by council or the community**

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> <li>• Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities</li> <li>• Organised and unstructured recreation activities</li> <li>• Community events and gatherings</li> <li>• Commercial uses associated with sports facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example:</li> <li>• Sports field (cricket, football, track and field athletics, baseball, softball)</li> <li>• Marked court (basketball, volleyball, badminton, tennis, hockey, netball etc.)</li> <li>• Aquatic facility (learn to swim classes, squad training, fitness and health classes including aqua aerobics, recreational and competitive swimming and diving, organised water sports including water polo, diving, hydrotherapy facilities)</li> <li>• Professional rooms for hire</li> <li>• Change room/locker areas</li> <li>• Shower/toilet facilities</li> <li>• Kiosk/café uses</li> <li>• Car parking and loading areas</li> <li>• Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas)</li> <li>• Shade structures</li> <li>• Storage ancillary to recreational uses, community events or gatherings, and public meetings</li> <li>• Facilities for sports training, e.g. batting cages, tennis walls</li> <li>• Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas</li> <li>• Café/kiosk facilities</li> <li>• Heritage and cultural interpretation, e.g. signs</li> <li>• Equipment sales/hire areas</li> <li>• Meeting rooms/staff areas</li> <li>• Compatible, small scale commercial uses, e.g. sports tuition</li> <li>• Advertising structures and signage (such as A-frames and banners) that:                         <ul style="list-style-type: none"> <li>○ relate to approved uses/activities</li> <li>○ are discreet and temporary</li> <li>○ are approved by the council</li> </ul> </li> <li>• Water-saving initiatives such as stormwater harvesting, rain gardens and swales</li> <li>• Energy-saving initiatives such as solar lights and solar panels</li> <li>• Locational, directional and regulatory signage</li> </ul>



### **Express authorisation of leases and licences and other estates**

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

### **Leases and licences authorised by the Plan of Management**

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the *Local Government (General) Regulation 2021*
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth)
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the *Local Government (General) Regulation 2021*
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table/s in the relevant sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences and other estates.



### Short-term licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use. Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

Short-term licences issued under Clause 116 of the *Local Government (General) Regulation 2021* are authorised for the purpose of:

- (a) the playing of a musical instrument, or singing, for fee or reward
- (b) engaging in a trade or business
- (c) the playing of a lawful game or sport
- (d) the delivery of a public address
- (e) commercial photographic sessions
- (f) picnics and private celebrations such as weddings and family gatherings
- (g) filming sessions

This PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the *Crown Land Management Act* for the prescribed purposes listed in Clause 31 of the *Crown Land Management Regulation 2018*.

Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- (a) access through a reserve,
- (b) advertising,
- (c) camping using a tent, caravan or otherwise,
- (d) catering,
- (e) community, training or education,
- (f) emergency occupation,
- (g) entertainment/exhibitions,
- (h) environmental protection, conservation or restoration or environmental studies,
- (j) filming (as defined in the Local Government Act 1993),
- (k) functions,
- (l) hiring of equipment,
- (m) markets,
- (n) meetings,
- (o) military exercises,
- (p) sales,
- (q) shows,
- (r) site investigations,
- (s) sporting and organised recreational activities,



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**Table X3. Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground**

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	•	<ul style="list-style-type: none"> <li>• café/kiosk areas, including seating and tables</li> <li>• management of court facilities</li> <li>• hire or sale of recreational equipment</li> </ul>
Licence	•	<ul style="list-style-type: none"> <li>• outdoor café/kiosk seating and tables</li> <li>• management of court or similar facilities</li> <li>• hire or sale of recreational equipment</li> </ul>
Short-term licence	•	<ul style="list-style-type: none"> <li>• sporting fixtures and events</li> <li>• sports and fitness training and classes</li> <li>• broadcasting or filming of sporting fixtures</li> <li>• ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.)</li> <li>• uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings)</li> </ul>
Other estates		<p>This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.</p>

**Council's current Leases and Licences**

Council currently issues Licences and Leases for the Bogan Bulls Rugby Union Clubhouse on a yearly basis from 1<sup>st</sup> September to 31<sup>st</sup> August of each year, the rest of Larkin Oval facilities are licenced on a daily basis dependent upon users not for profit or community based status. Council also issues a Lease for the operation of the Nyngan War memorial Pool on annual basis commencing 9<sup>th</sup> September and ending 9<sup>th</sup> August of each year. Council has created a 355 Committee to oversee the operations of the Nyngan Tennis Courts and Clubhouse with hire income being redirected back into the facility. No decision on Leases has been made as yet.



## **Native title and Aboriginal land rights considerations in relation to leases, licences and other estates**

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the Commonwealth *Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix A3 for more information).

As this plan does not include the authorisation or permits that allow the issuing of permits, leases or licences, forestry rights, easements, rights of way or changes to covenants outside of what is permissible under the Act or Regulations, Native Title is not likely to be affected by this Plan of Management. Should any changes to the POM by Council or the Government be required, an advice statement will be issued prior to any works being undertaken.

Further, should the outcome of the Native Title Claims affect the above then this plan will need to be modified to reflect the outcomes of the claims.



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**ACTION PLAN**

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

**Table X4SG. Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Sportsground.**

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Use and recreation	<p>To enhance opportunities for a balanced organised and unstructured recreational use of parks.</p> <p>To optimise public access to all areas of sportsgrounds.</p> <p>Provide opportunities for all kinds of activity in open space for people of all ages, abilities and cultural backgrounds.</p> <p>To increase community participation in natural area conservation and restoration.</p>	<p>Maintain and increment the range of organised and informal/unstructured activities in sportsgrounds.</p> <p>Provide improved facilities for event usage so that these functions may be accommodated without adversely affecting the values and character of individual sportsgrounds.</p> <p>Provide amenities to increase use and enjoyment of sportsgrounds including toilets facilities.</p> <p>Undertake accessibility audit of facilities to identify compliance.</p>	<p>Increased local use of parks measured by survey and observation.</p> <p>Increased appreciation of natural areas measured by survey.</p> <p>Number of visitors to the environmental education centres.</p> <p>Number of people attending workshops and environmental events organised by the council.</p>
Litter Control	<p>Provide a safe and clean area for residents and visitors to enjoy</p>	<p>Signage</p> <p>Council collections twice weekly</p> <p>Ad hoc inspections</p>	<p>Community feedback</p> <p>Asset Manager Inspections and follow ups.</p>
Reserve Infrastructure	<p>To provide reserve infrastructure which may include but is not limited to bins, benches, signage, lighting, monuments etc for the</p>	<p>To ensure existing infrastructure is in reasonable condition, can be utilised adequately by patrons and does not pose a safety hazard.</p>	<p>Regular inspection and maintenance of infrastructure in conjunction with an ongoing inspection process.</p>



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<b>Management Issues</b>	<b>s.36(3)(b) Objectives and Performance Targets</b>	<b>s.36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
	benefit of members of the public.		
Permits	To allow council to provide permits so that the land or portion of the land may be used by specified permit holders.	To monitor the issue of permits to members of the community so that fair use of the facilities is achieved.	Keep Council records of permits issued and monitor use.
Priority Weeds	Control all Priority Weeds and vegetation not native to the area.	Education Programs, Permits to Transport Noxious Goods through Council and Weed Spraying,	Inspections and Monitoring of Council areas by weeds Officer. Advice from the Public.
Tree Planting Program	To allow and encourage native tree and shrub planting to develop a full natural shady area to enjoy the sportsgrounds activities	Maintain and update Councils Tree Planting Schedule	Planting Schedules have been kept up to date. Monitor worker and community feedback.