



Comfortable Country Living

APPENDICES

Appendix A1 – Community land covered by this Plan of Management

Pt O'Reilly Park Reserve D520022

59B Bogan St NYNGAN NSW 2825

Pt Lot 7040 DP1020916 Psh: NYNGAN Cnty: OXLEY

This Parcel of Land is Categorised **Sportsground**

O'Reilly Park is Nyngan's and the Bogan Shire's largest and most used public recreational precinct. Council has spent substantial amounts of money over the years to provide the residents and visitors to Bogan Shire a real first-class facility for fun and exercise with no exclusions for disabled thrill seekers. With regular maintenance, tree planting program, and upgrades to the facilities O'Reilly Park Reserve will continue to be a much visited place for everyone time and time again.

Zoned: RE1 – PUBLIC RECREATION





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Appendix A2 – Maps

Pt O'Reilly Park Reserve

Aerial View (Purple shaded area is Nyngan Bowling Club, not in reserve, Green Shaded area is Water Tower separate Lease and Red Striped area Sportsgrounds)





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Larkin Oval Sporting Precinct



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Nyngan Memorial Swimming Pool





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Nyngan Tennis Courts & Clubhouse





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Bogan Shire Youth & Community Precinct





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Nyngan Rugby Club – Clubhouse





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Dog off the Leash Park





Appendix A3 – Plan of Management Legislative Framework

Local Government Act 1993

Section 35 of the *Local Government Act 1993* (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.

Note: photographs of buildings/structures located on the reserve should be considered. Council should also consider including a rating system for building/structures.

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.



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Additionally, under section 36 of the 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* (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 appointed 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 peoples in NSW. It recognises the need of Aboriginal peoples 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'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.



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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.



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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 (Sydney Drinking Water Catchment) 2011

This aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

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

Biosecurity Act 2015

Catchment Management Authorities Act 2003

Companion Animals Act 1998

Disability Discrimination Act 1992

Local Land Services Act 2013

Pesticides Act 1999

Protection of the Environment Operations Act 1997

Retail Leases Act 1994

Soil Conservation Act 1938

NSW Invasive Species Plan 2008-2015

National Local Government Biodiversity Strategy

NSW Biodiversity Strategy

A Vegetation Management Plan for the Sydney Region (Green Web Sydney)

Australian Natural Heritage Charter



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, Housing and Infrastructure (Crown Lands) 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.

12.6 CATEGORISATION OF ROTARY PARK RESERVE

1. Introduction

To seek direction from Council in relation to preparation of a Plan of Management for the Rotary Park Reserve number 89235, Lot 2 DP1315800, Lot 7 Sec 31 DP 758803 & Lot 47 DP 824106.

2. Background

Council is currently completing Plans of Management on Crown Land managed by Council, that have not as yet been prepared. In doing so, it was noted that a change of Categorisation could be applied for at the Rotary Park Reserve if Council agrees.

3. Discussion

These three lots, all make up Rotary Park Reserve. The Reserve purpose is Public Recreation and it has been Classified by Council as Community Land and Categorised as Park at a previous meetings of Council.

Categories under the Crown Land Management Act 2016 (CLMA) that Council can use are listed as follows;

List of Category sections

- Park
- Sportsground
- General community use
- Natural area
- Natural area – Bushland
- Natural area – Wetland
- Natural area – Escarpment
- Natural area – Watercourse
- Natural area – Foreshore

The general types of uses which may occur on Community Land categorised as Park and the forms of development generally associated with those uses, are set out in detail in the table below. The facilities on Community Land may change over time, reflecting the needs of the community.

Table Permissible use and development of community land categorised as Park by council or the community.

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> • Active and passive recreation including children's play and cycling • Group recreational use, such as picnics and private celebrations • Eating and drinking in a relaxed setting • Publicly accessible ancillary areas, such as toilets • Festivals, parades, markets, fairs, exhibitions and similar events and gatherings • Low-intensity commercial activities (for example recreational equipment hire) • Filming and photographic projects • Busking • Public address (speeches) • Community gardening <p>Note: Some of the uses listed above require a permit from the council.</p>	<ul style="list-style-type: none"> • Development for the purposes of improving access, amenity and the visual character of the park, for example paths, public art, pergolas • Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts • Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas • Café or refreshment areas (kiosks/restaurants) including external seating • Lighting, seating, toilet facilities, courts, paved areas • Hard and soft landscaped areas • Storage sheds • Car parking and loading areas • Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment • Community gardens • Heritage and cultural interpretation, for example signs • Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discreet and temporary ○ are approved by the council • Bio-banking and carbon sequestration initiatives • Water-saving initiatives such as stormwater harvesting, rain gardens and swales

Purpose/Use, such as...	Development to facilitate uses, such as...
	<ul style="list-style-type: none"> • Energy-saving initiatives such as solar lights and solar panels • Locational, directional and regulatory signage

In the course of preparation of the Crown Land Management Plan for the Rotary Park Reserve it was noted that there are existing buildings on some of this land that do not fall into the categorisation of Park. In addition, if Council wanted to lease this land for any purpose, other than the above listed uses, this would not be permissible under the current categorisation.

Accordingly, Council may consider applying to the Crown Land Office to recategorise the land as General Community Use.

General community use land is defined in clause 106 of the LG (General) Regulation as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
 - (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Development and use

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in Table below. The facilities on community land may change over time, reflecting the needs of the community.

Table Permissible use and development of community land categorised as General Community Use by council or the community.

Purpose/Use, such as...	Development to facilitate uses, such as...
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> casual or informal recreation meetings (including for social, recreational, educational or cultural purposes) functions concerts, including all musical genres performances (including film and stage) exhibitions fairs and parades workshops leisure or training classes child care (for example, before and after school care, vacation care) designated group use (e.g. scout and girl guide use) educational centres, including libraries, information and resource centres entertainment facilities active cemeteries caravan parks and camping grounds. 	<p>Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth services, aged services, men's sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> provision of buildings or other amenity areas to facilitate use and enjoyment by the community development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) landscaping and finishes, improving access, amenity and the visual character of the general community area water-saving initiatives such as rain gardens energy-saving initiatives such as solar lights and solar panels car parking and loading areas advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> relate to approved uses/activities are discreet and temporary are approved by the council. <p>-Locational, directional and regulatory signage.</p>

Applying to Crown Lands to change the Categorisation of the Land to General Community Use could open up options for Council to lease the land for the above purposes listed, which Council currently aren't able to do and assist Council as Crown Land Managers to ensure the buildings contained on the Land currently, are not in breach of the CLMA. This application may not be successful however, as the Crown Land Office will have the final say.

4. Attachments

Nil

5. Recommendation

That Council apply to Crown Lands to recategorise the land at Rotary Park Reserve from Park to General Community Use.

12.7 APPLICATION FOR FINANCIAL ASSISTANCE

1. Introduction

The purpose of this report is to present to Council one application that has been received for Financial Assistance from the Hermidale Community Centre.

2. Background

Under section 356 of the Local Government Act 1993 (NSW) (LG Act), the Bogan Shire Council is able to, in accordance with a resolution of the Council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

At its General Meeting on 23 November 2023 Council adopted a Financial Assistance Policy to assist with decision making around such requests of Council.

The policy provides guidelines, conditions, and information to assist the General Manager determine who is eligible to apply for financial assistance from Council and the conditions they need to meet to receive the funding.

Council already has a long-standing resolution that waives all booking fees for the use of Council facilities, and security bonds on such bookings, for bonafide community organisations within the Bogan Shire

3. Discussion

Council has received one eligible application on 2nd December 2025.

Hermidale Community Centre have applied for an amount of \$1,000 to assist with their electricity costs at the Community Centre until they can raise funds to pay future accounts.

Council has not previously provided Financial Assistance to the Hermidale Community Centre.

4. Attachments

Nil

5. Recommendation

That Council give the sum of \$1,000 to the Hermidale Community Centre in Financial Assistance to assist with their electricity accounts and arrange to meet with the Committee about their ability to meet future accounts.

12.8 FIN003 CORPORATE CREDIT CARD POLICY

1. Introduction

The purpose of this report is to review appropriate controls on the use of Council issued credit cards.

This policy assists Council to establish effective internal controls around the use and management of credit cards by Bogan Shire Council and minimise the risk associated with the use of Credit Cards and Fuel cards by employees and elected members of Council.

2. Background

The Local Government Act 1993 (LG Act) (section 8B) and the Local Government (General) Regulation 2021 (clause 209) require all Councils to establish effective internal control mechanisms for financial management, expenditure, and accounting records.

Under Section 23A of the LG Act, new Guidelines were established in September 2021 on the use and management of credit cards.

The use and management of credit cards by Council is an important element of Councils operations and internal controls and is also required to be included in Councils risk management framework.

Council currently has six credit cards issued. One card each is issued to the Mayor, General Manager and the Director Finance and Corporate Services with a \$10,000 limit each, other cards are issued to officers within the organisation with the overall limit currently utilised being \$45,000. Council's total facility limit is \$60,000.

Having limited credit cards issued to employees makes it easier for staff to administer and follow up the paperwork at the end of each month, as well as keeping control over what purchases are made on the Credit Card. Paying by credit card should not be Council's preferred payment method.

3. Discussion

Corporate credit cards are useful for Council to be able to efficiently purchase some of the goods and services required for day to day operations. A minority of Councils suppliers require payment by credit card prior to releasing the goods to Council or they only have an online platform for purchasing which requires the use of a credit card.

Some of these suppliers include airlines when making travel bookings and motels that require a credit card to reserve bookings also alot of Councils IT products are purchased online and directly with a credit card.

Council has had strict controls on the use of the credit cards as per the policy adopted in October 2021 and Auditors are satisfied with Council's limited card users and controls around the use of the cards as credit card use has been an audit focus in the past and still is.

4. Attachments

1. Corporate Credit Card Policy FIN003

5. Recommendation

That Council adopt the attached reviewed policy FIN003 Corporate Credit Card Policy.

Bogan Shire Council Policy FIN003 – Corporate Credit Card Policy

POLICY FIN003

Corporate Credit Card Policy



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Bogan Shire Council Policy FIN003 – Corporate Credit Card Policy

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Bogan Shire Council Policy FIN003 – Corporate Credit Card Policy**1. Policy Outcomes Statement**

This policy will assist Council to establish effective internal controls around the use and management of credit cards by Bogan Shire Council and minimise the risk associated with the use of Credit Cards and Fuel cards by employees and elected members of Council.

2. Overview

This Policy will set out the responsibilities of the General Manager who is ultimately responsible for the proper management and administration of credit cards within Council. This Policy will also ensure Cardholders understand and are accountable for the responsible use of credit cards issued by Council.

3. Applicability

This Policy applies to the General Manager, elected members of Council that hold credit cards, and all cardholders at Bogan Shire Council.

4. Principles

The Local Government Act 1993 (LG Act) (section 8B) and the Local Government (General) Regulation 2021 (clause 209) require all councils to establish effective internal control mechanisms for financial management, expenditure, and accounting records.

Under Section 23A of the LG Act new Guidelines have been established in September 2021 on the use and management of credit cards.

The use and management of credit cards by Council is an important element of Councils operations and internal controls and is required to be included in Councils risk management framework.

5. Policy

1. The General Manager has established and will implement the following in relation to Credit Card and Fuel Card management and administration at Bogan Shire Council;

1.1 The General Manager will ensure all cardholders have the appropriate financial and operational delegations to incur expenditure on behalf of Council;

At Bogan Shire Council Credit Cards will be limited to the Mayor, General Manager, Director of Finance & Corporate Services and other officers at the discretion of the General Manager in consultation with the Director Finance and Corporate Services.

Bogan Shire Council Policy FIN003 – Corporate Credit Card Policy

Fuel cards can be held by any person with a Full Private Leaseback Arrangement with Council and an administration card will be held by the Administration Officer – Engineering for use when approved.

- 1.2 A register will be kept and held on Councils Record Management System of all cardholders and their limits.
- 1.3 A credit card issue form found at Attachment A should be completed by each card holder and kept in Council's Record Management System.
- 1.4 Credit cards or Fuel cards are not permitted to be used by any person other than the card holder except for the administration fuel card.
- 1.5 The General Manager will set appropriate card limits for each cardholder and will state that no cash withdrawals will be allowed on any card issued by Bogan Shire Council.

At Bogan Shire Council the card limit for the Mayor, General Manager and Director Finance and Corporate Services is set at \$10,000 each. The card limit for other officers is set at \$5,000 each. The overall Facility Limit is \$60,000.

- 1.6 The General Manager will ensure that Council does not exceed its total borrowing limit or budget limit by issuing the credit card to any cardholder.
- 1.7 All cardholders will ensure that anything purchased on their cards has a budget and that it does not exceed their individual card limit.
- 1.8 The Credit Card should only be used for authorised Council business and purchases and can include reasonable travel, accommodation, and meal/refreshment expenses or for meeting Council liabilities where it is efficient to do so.
- 1.9 All credit card purchases must be done by the Card Holder themselves. If you wish to make a purchase via the credit card you need to ensure you have an authorised requisition in line with Councils procurement policy and a copy of an invoice or a quote for what you are purchasing prior to requesting a purchase by credit card. If you are away from the office when undertaking your purchase this should be completed immediately on return.
- 1.10 All expenditure incurred on corporate credit cards shall be reviewed and authorised monthly by the General Manager and Director Finance and Corporate Services.
- 1.11 Expenditure paid for using corporate credit cards shall be incurred in the exercise of Council business and must be legitimate Council expenditure,

Bogan Shire Council Policy FIN003 – Corporate Credit Card Policy

supported by appropriate documentation and authorised as per Councils purchasing policy, for which a budget provision exists. If this has not occurred, it may result in the expenditure having to be repaid to Council.

- 1.12 All Card Holders will ensure that no personal expenses are charged to the Council credit card. In emergency circumstances only, if private expenditure is incurred, private funds should be transferred or repaid immediately, to offset the expenditure.
- 1.13 Once a purchase is made via the credit card, the authorised requisition, with a ledger account or work order number and the paid invoice should be given to the Accounts Payable Officer who will reconcile the Credit Card statement when payment is due.
- 1.14 Transactions by phone shall be allowed however authorisation by way of a requisition should be completed prior to the transaction taking place and a receipt and tax invoice must be sought and provided to the Accounts Payable Officer as soon as the transaction is made.
- 1.15 Internet transactions shall be allowed however authorisation by way of a requisition should be completed prior to the transaction taking place and a receipt and tax invoice must be sought and provided to the Accounts Payable Officer as soon as the transaction is made.
- 1.16 Purchases shall not be split into separate transactions above the holder's delegated limit outlined in Council's delegation of authority in order to carry out a purchase.
- 1.17 Once you have purchased fuel via your fuel card the receipt should be given to the Accounts Payable Officer with the purpose of the journey and the plant or ledger number to cost the transaction to for reconciliation when the account is paid.
- 1.18 All fuel purchases must only be for the use of fuel as referenced in your Full Private Leaseback Agreement with Council at Section 5 Fuel. If fuel is purchased on the spare card held by the Administration Officer – Engineering it must be approved and the card signed out and back in.
- 1.19 All credit cardholders will keep their credit cards safe and secure at all times. If the card is lost or stolen, they should immediately report this to the Business Services Officer who will report it to the Card Issuer or online at NAB Connect.
- 1.20 All holders of fuel cards will keep their cards safe and secure at all times. If the card is lost or stolen, they should immediately report this to the Engineering Administration Officer.
- 1.21 A direct debit will be established with the Bank to auto pay the monthly outstanding amount to ensure no interest or late payment fees are incurred.

Bogan Shire Council Policy FIN003 – Corporate Credit Card Policy

1.22 The General Manager will undertake an Annual Risk Assessment as part of Council's Risk Management Framework to ensure identified risk treatments remain adequate to ensure the safe and secure use of cards at Bogan Shire Council.

1.23 Breaches of this Policy and Procedure will be investigated as potential breaches of Council's Procurement Policy, relevant Code of Conduct, this Policy and Procedure and/or industrial arrangements and actions taken according to outcomes from an investigation.

6. Attachments

Attachment A – Credit Card Issue Form

7. Authority

Council Resolution no dated . .

8. Policy Owner / Further Assistance

Director Finance and Corporate Services

9. Related Information

- Office of Local Government – Guideline on the use and management of credit cards – September 2021
- FIN004 Procurement Policy

10. Review Date

- December 2028

11. Revision History

Date	Description of Change	Sections Affected
15/12/2011	Policy adopted	All
27/02/2014	Policy adopted	All
23/02/2017	Policy adopted	All
26/11/2020	Policy adopted	All
28/10/2021	Revised Policy to meet new guidelines	All
18/12/2025	Policy adopted	All

Bogan Shire Council Policy FIN003 – Corporate Credit Card Policy

Attachment A – Credit Card Issue Form

Name: _____

Position: _____

Credit Card Number: _____

Date Issued: _____

Credit Limit Issued: _____

I hereby have read and understood Council's Policy and Procedure FIN003 Credit Card Policy and Procedure and shall abide by this document when expending Council funds on the issued credit card.

I acknowledge that failure to abide by Council's Credit Card Policy and Procedure may result in investigation and potential disciplinary action.

Signed: _____

Title: _____

Name: _____

Date: ____/____/____

Signed: _____

Title: General Manager

Name: Derek Francis

13 INFRASTRUCTURE SERVICES REPORTS

13.1 DEPARTMENTAL ACTIVITY REPORT

1. Introduction

The purpose of this report is to provide Council with information regarding the activities of the Infrastructure Services Department.

2. Background

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

3. Discussion

Roads

Road work undertaken for the reporting period 13 November 2025, to 4 December 2025 consisted of the following:

No.	Name	Comments
	Local Roads	
21	Gongolgon Road	Maintenance grading completed
12	Coffil's Lane	Construction of 5km funded by Resources for Regions continues
92	Colane Road	Regional Emergency Road Repair Fund resheeting of 4km completed
60	Whiterock Road	Regional Emergency Road Repair Fund resheeting continues
51	Curran's Road	Regional Emergency Road Repair Fund resheeting of 1km completed
92	Colane Road	Resealing bitumen patches

	Regional Roads	
MR 7514	Cockies Road	Maintenance grading completed
MR 228	Hermidale Nymagee Road	Resealing of 850m completed
MR 7514	Cockies Road	Resealing of 1km completed

	State Highways	
HW7	Mitchell Highway	Sign maintenance
HW8	Barrier Highway	Sign maintenance
HW70	Arthur Hall VC Way	Sign maintenance

Council has completed pothole repairs on the following roads:

• Yarrandale Road	• Canonba Road
• Colane Road	• Nyngan town streets
• Mulla Road	• Hermidale Nymagee Road

The upcoming Road Works Program includes, but is not limited to, the following works:

- Resealing of Derrybong Street
- Mitchell Highway, Barrier Highway and Arthur Hall VC Way Heavy patching program
- Mitchell Highway, Barrier Highway and Arthur Hall VC Way Reseal program
- Construction of Pine Street in Girilambone
- Resealing sections of Canonba and Colane Road funded by Regional Emergency Road Repair Fund
- Resheeting on Gongolgon Road 2km funded by Regional Emergency Road Repair Fund
- Resheeting on New Bogan Road 4km and Larsen's Road 3km.
- Maintenance grading on Piesley Road funded by Regional Emergency Road Repair Fund

Works and Services

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

Civil Works

- Construction of causeways on Okeh Road
- Repaired storm damage on the trolley shed at the Nyngan Museum
- Reinstated Cemetery direction Signage at Girilambone
- Carried out repairs to Flag Poles at the Council Chambers
- Replaced damaged seating at the Shearing Shed Museum

- Commenced preparation for the generator installation at the Bogan Shire Early Learning centre and Bogan Shire Medical Centre
- Carried out repairs to a damaged door at the Coolabah toilet block

Community Facilities

- Mowing/slashing and maintenance of ovals, reserves and Highway which approaches Nyngan (ongoing)
- Cleaning of town facilities
- Cleaning and sweeping of the Nyngan Main Street
- Cleaning of town streets, gutters and culverts
- Preparation works carried out for the annual Christmas Markets at the Nyngan Show ground
- Weed spraying in the lane ways and culverts (ongoing)
- Carried out playground equipment inspections at Parks and ovals

Water & Wastewater

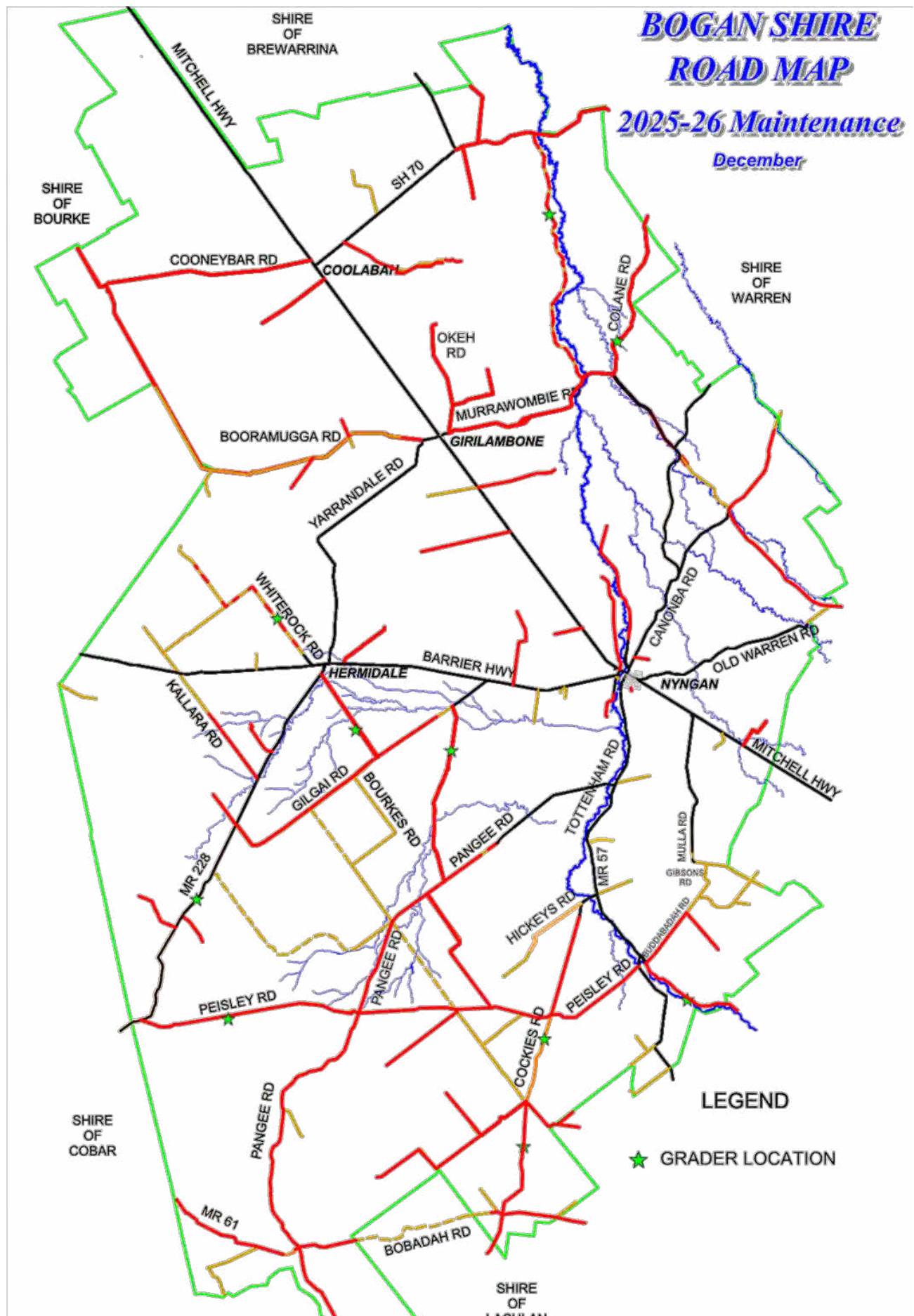
- Repaired broken 100 mm water main in Dandaloo Street between Cathundril and Canonba Street
- Extended Albert Priest Channel run for a further ten days, this will now run until 30th of December 2025
- Pumping from Wilga Tank to Girilambone ground tank (ongoing) Coolabah at 50 % & Girilambone at 20 % (Estimates). Wiga Tank is at an estimated 20% of capacity (6 Megalitres remaining)
- Renewed water service at 29 Warren Street
- Replaced foot valve on the irrigation system to Frank Smith oval
- Carried out Quarterly water meter reads Nyngan Town

4. Attachments

1. Road Maintenance Map

5. Recommendation

That the Infrastructure Departmental Report be received and noted.



13.2 AERODROME LIGHTING GRANT

1. Introduction

The purpose of this report is to seek Council's direction on the funding source to replace the Pilot Activated Lighting (PAL) system at Nyngan Aerodrome.

2. Background

Reports were presented to Council's August and October 2025 meetings regarding the likely cost to replace the PAL at Nyngan aerodrome. This was estimated to be \$467,000, with no allowance for contingency. The reports (attached) also included information on potential funding sources.

At the October 2025 Meeting it was resolved (244/2025):

1. That this matter be brought to the urgent attention of local Members Jamie Chaffey and Roy Butler with an appeal for financial assistance, highlighting the potential risk to patient safety in an emergency situation.
2. That a decision on whether to proceed with the project or hand back the Federal grant be deferred until the November meeting.

3. Discussion

Council has received a copy of correspondence from Roy Butler to Minister Moriarty, requesting the anticipated timeline for funding announcements under REDCIP.

At the time of writing, no response had been received from Jamie Chaffey, and no advice regarding success or otherwise for our grant application under the NSW government's Regional Economic Development and Community Investment Program (REDCIP).

No other suitable grant funding has been identified for this project.

The August and October reports indicated some funding options for Council's consideration. The following capital projects have not commenced and Council may wish to re-allocate funds to the replacement of a Pilot Activated lighting system.

- Re-allocation of the \$130,000 currently allocated for exclusion fencing.
- Loan
- Re-allocation of other budgeted funds

4. Attachments

1. October 2025 Business Paper
2. August 2025 Business Paper

5. Recommendation

For Council's consideration

13.2 AERODROME LIGHTING GRANT

1. Introduction

The purpose of this report is to seek Council's direction on the funding source to replace the Pilot Activated Lighting (PAL) system at Nyngan Aerodrome.

2. Background

A report was presented to Council's August 2025 meeting regarding the likely cost to replace the PAL at Nyngan aerodrome. This is estimated to be \$467,000, with no allowance for contingency. The report (attached) also included information on potential funding sources.

Funding sources include the approved Federal Government's Remote Airstrip Upgrade Grant of \$116,550, the submitted application under the NSW government's Regional Economic Development and Community Investment Program (REDCIP) programme in the amount of \$515,533, and potential Council funds.

3. Discussion

The first milestone for the Federal Government grant is due on 31 October 2025, for the completion of design and procurement. As the project is not fully funded, this work has not yet been undertaken.

The acquittal date for the Federal Government grant and final report has already been extended to May 2026. We have been advised that under this grant it is not possible to do part of the project as the funding application was for a complete PAL.

At the time of writing, no advice as to the outcome of the REDCIP application has been received.

Accordingly, if Council wishes to proceed with a PAL, and utilise the \$116,550 grant (with associated acquittal timing), funding will need to be allocated. As outlined in the August 2025 report funding sources include:

- Re-allocation of the \$130,000 currently allocated for exclusion fencing.
- Loan
- Re-allocation of other budgeted funds

4. Attachments

1. August 2025 Business Paper

5. Recommendation

For Council's consideration

13.2 AERODROME LIGHTING

1. Introduction

The aim of this paper is to present information on the likely cost to replace the Pilot Activated Lighting (PAL) system at Nyngan Aerodrome.

2. Background

Approximately four years ago the Pilot Activated Lighting (PAL) system at Nyngan aerodrome ceased to function. The PAL was originally installed circa 1972. Since the system failure, Council has been using battery operated flares on the occasions when a night landing is required. In recent years there have been on average nine night time landings per annum.

It should be noted that standard procedure for night landings when the PAL was operational was for staff to be called out to do a 'roo run' prior to aircraft landing and take-off. This practice continues with the use of flares.

In 2024 Council applied for funding under the Federal Government's Remote Airstrip Upgrade Grant towards the replacement of the PAL. Council was successful in gaining a grant of \$116,550 towards the project which was then estimated to be \$350,000. Council was to contribute the balance of \$233,450. The acquittal date for the completion of the project and final report has already been extended to May 2026. (It is not possible to do part of the project as the funding application was for a complete PAL).

In February 2025 Council applied for funding under the NSW government's Regional Economic Development and Community Investment Program programme in the amount of \$515,533, to add to the previous grant (\$116,550) to complete a PAL. This estimate included a back-up generator, project management and contingency to the combined value of approximately \$165,000. At the time of writing this report, Council has not been advised of an outcome to the grant application.

3. Discussion

Nyngan Aerodrome is not permanently manned and there are no records on daytime usage. Night landings are recorded due to the requirement for staff to be called out.

There is currently one charter flight which lands at the aerodrome weekly (Wednesdays). This flight requires a pavement concession as the plane mass / tyre pressure exceed the runway pavement rating. The pavement concession that has been approved by Director Infrastructure Service on a month to month basis is subject to inspections of the runway before and after each use, and the plane operator confirming that they are responsible for the cost of any damage to the runway and taxiways.

Council does not charge landing fees and therefore there are no direct revenues associated with aerodrome usage. Landing fees can be the subject of a separate report.

Ordinary Council Meeting Agenda**28 August 2025**

The merits of a PAL versus the currently approved project for exclusion fencing of the aerodrome has recently been raised. The estimated cost for Council to complete a PAL with no contingency and without replacing the backup generator is \$467,000.

There is currently \$130,000 allocated for exclusion fencing. This allocation plus the previously approved grant totals \$246,550, leaving a shortfall of \$220,450.

Staff attendance to night landings is required with and without a PAL. If PAL is a higher priority than exclusion fencing, additional funding options could include:

- Loan
- Re-allocation of budgeted funds
- Use of any available unallocated cash.

Council may wish to review the adopted capital program to source funds. A number of projects were the subject of revote at the July 2025 meeting.

These include a couple of programs that could potentially be accessed to fund a PAL.

- Pipe Culvert Renewals Rural Roads Current balance \$160,000
- Bridge Repair Program Current balance \$160,000

A number of failing culverts have recently been identified, and it is recommended that the Pipe Culvert Renewals Rural roads not be fully drawn down.

4. Attachments

Nil

5. Recommendation

For noting.

13.2 AERODROME LIGHTING

1. Introduction

The aim of this paper is to present information on the likely cost to replace the Pilot Activated Lighting (PAL) system at Nyngan Aerodrome.

2. Background

Approximately four years ago the Pilot Activated Lighting (PAL) system at Nyngan aerodrome ceased to function. The PAL was originally installed circa 1972. Since the system failure, Council has been using battery operated flares on the occasions when a night landing is required. In recent years there have been on average nine night time landings per annum.

It should be noted that standard procedure for night landings when the PAL was operational was for staff to be called out to do a 'roo run' prior to aircraft landing and take-off. This practice continues with the use of flares.

In 2024 Council applied for funding under the Federal Government's Remote Airstrip Upgrade Grant towards the replacement of the PAL. Council was successful in gaining a grant of \$116,550 towards the project which was then estimated to be \$350,000. Council was to contribute the balance of \$233,450. The acquittal date for the completion of the project and final report has already been extended to May 2026. (It is not possible to do part of the project as the funding application was for a complete PAL).

In February 2025 Council applied for funding under the NSW government's Regional Economic Development and Community Investment Program programme in the amount of \$515,533, to add to the previous grant (\$116,550) to complete a PAL. This estimate included a back-up generator, project management and contingency to the combined value of approximately \$165,000. At the time of writing this report, Council has not been advised of an outcome to the grant application.

3. Discussion

Nyngan Aerodrome is not permanently manned and there are no records on daytime usage. Night landings are recorded due to the requirement for staff to be called out.

There is currently one charter flight which lands at the aerodrome weekly (Wednesdays). This flight requires a pavement concession as the plane mass / tyre pressure exceed the runway pavement rating. The pavement concession that has been approved by Director Infrastructure Service on a month to month basis is subject to inspections of the runway before and after each use, and the plane operator confirming that they are responsible for the cost of any damage to the runway and taxiways.

Council does not charge landing fees and therefore there are no direct revenues associated with aerodrome usage. Landing fees can be the subject of a separate report.

Ordinary Council Meeting Agenda

28 August 2025

The merits of a PAL versus the currently approved project for exclusion fencing of the aerodrome has recently been raised. The estimated cost for Council to complete a PAL with no contingency and without replacing the backup generator is \$467,000.

There is currently \$130,000 allocated for exclusion fencing. This allocation plus the previously approved grant totals \$246,550, leaving a shortfall of \$220,450.

Staff attendance to night landings is required with and without a PAL. If PAL is a higher priority than exclusion fencing, additional funding options could include:

- Loan
- Re-allocation of budgeted funds
- Use of any available unallocated cash.

Council may wish to review the adopted capital program to source funds. A number of projects were the subject of revote at the July 2025 meeting.

These include a couple of programs that could potentially be accessed to fund a PAL.

- | | |
|-------------------------------------|---------------------------|
| • Pipe Culvert Renewals Rural Roads | Current balance \$160,000 |
| • Bridge Repair Program | Current balance \$160,000 |

A number of failing culverts have recently been identified, and it is recommended that the Pipe Culvert Renewals Rural roads not be fully drawn down.

4. Attachments

Nil

5. Recommendation

For noting.

13.3 HERMIDALE WATER

1. Introduction

The purpose of this paper is to provide further information on Hermidale water supply.

2. Background

Hermidale water consumption, and the increasing use of water from the Cobar Water Board's (CWB) pipeline was considered at Council's November 2025 meeting. It was resolved (273/2025);

That the General Manager monitors any consumption from the meters in Hermidale at the base of the elevated storage is in the small tank in the CWA War Memorial Park, with a further report to Council in March 2026.

3. Discussion

This has been prepared as an interim report, with a further report to be presented in March as resolved above.

Hermidale has dual water reticulation - one system for ground tank water, and one system for CWB water. The ground water tank reticulation is pressurised by gravity from the high level tanks, whilst the CWB reticulation is pressurised whilst the CWB pumps are operating. Properties have the ability to switch between systems. The Cobar Water Board's pipeline runs through Hermidale, along Nyngan Street.

Hermidale is fed from an offtake (25mm dia) from the CWB pipeline, which is metered as indicated in Attachment 1.

At present, due to no runoff to the ground tank, CWB water is also being fed to the high level tanks so residents can use either system.

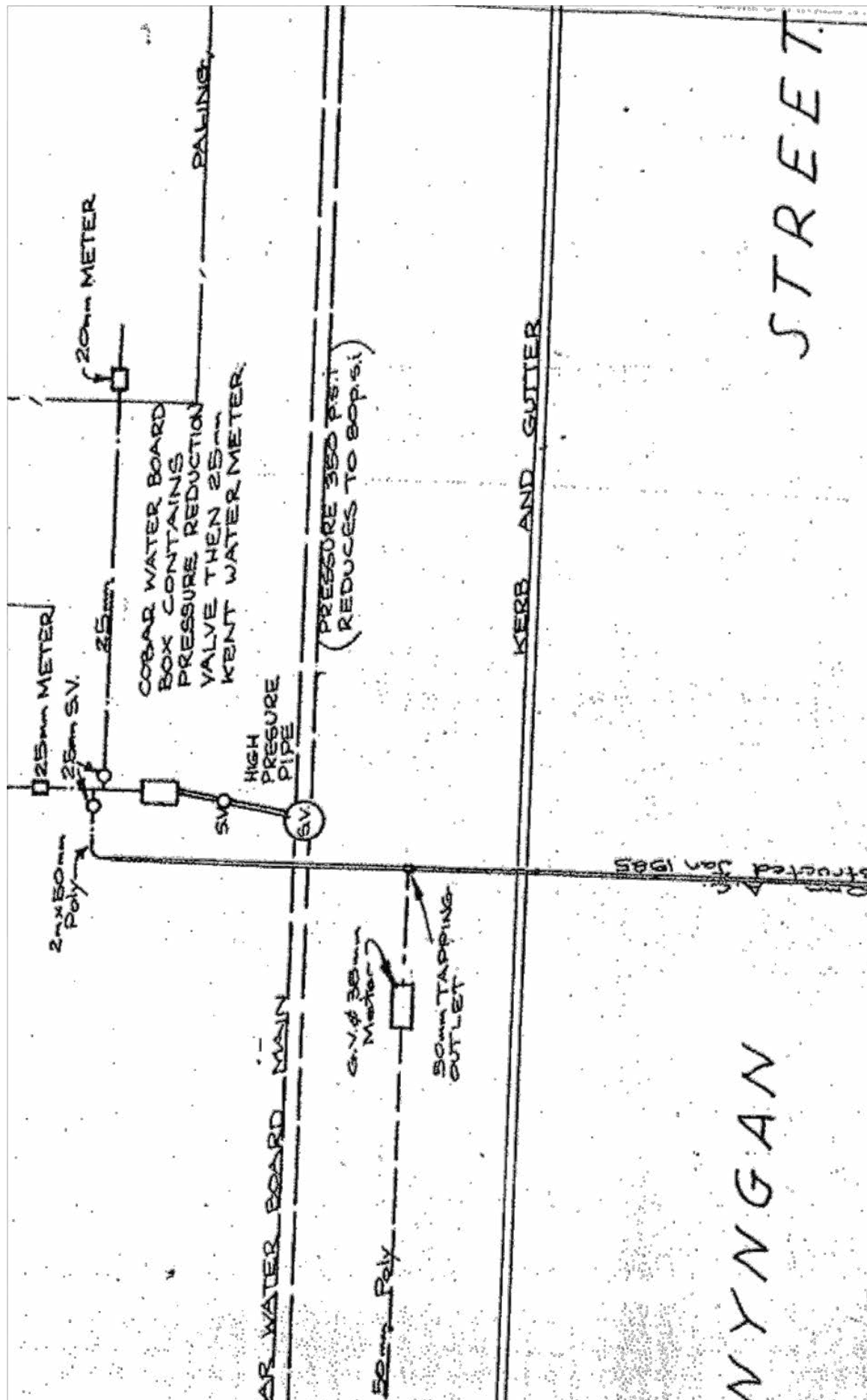
The new water meters are now being read weekly. Latest information will be presented verbally.

4. Attachments

1. Sketch of Hermidale offtake from Cobar Water Board pipeline

5. Recommendation

That this report be received and noted.



13.4 TRANSFER OF CROWN ROAD AT FIVEWAYS AND TOTTENHAM

1. Introduction

The purpose of this report is to seek Council's direction regarding a proposal from the Department of Planning, Housing and Infrastructure - Crown Lands to transfer a Crown Road at Five Ways and Tottenham to Bogan Shire Council. Similar correspondence has been sent to Lachlan Shire Council.

2. Background

Council has received correspondence over the years (Including 2005, 2009, 2012, & 2024) from Mr/Mrs Watson, or Ms Kristine Beatie and Ms Susanne Baker regarding access to the property "Hopbush Valley", which is located in Lachlan Shire. The requests have been along the lines of Council accepting, upgrading and maintaining the Crown Road(s).

Council's March 2024 resolution (046/24) follows:

1. That the General Manager, Mayor and Deputy Mayor enter into discussions with the property owners, to determine what if any alternatives they have for accessing the property via Lachlan Shire and whether they have approached Lachlan Shire Council and have discussed this matter or have any outcome from those discussions with Lachlan Shire Council.
2. That Council contact Lachlan Shire Council to obtain information on their intention in relation to this matter.
3. That the General Manager provides a report to Council in May or June, confirming:
 - (a) Options for transferring the unformed Shire Road, after transfer from the Crown is complete, into private ownership. Or alternatively if Lachlan Shire could take over the Crown land, either by transfer or purchase from Bogan Shire Council.
 - (b) The costs of clearing timber and forming the road to the minimum acceptable standard.
 - (c) Mechanisms to ensure current and future owners of "Hopbush Valley" property are aware that Council has no intention of upgrading the road beyond the minimum acceptable standard.
4. That Council defers any decision on this matter until the General Manager's report comes to Council.

The General Managers Checklist of August 2024 reported the following:

Lachlan Shire Council considered this matter at their meeting on 17 July 2024 with the following resolution:

“Council uphold previous resolution 2021/65 and decline the request to become the road authority.”

It is recommended that this item be marked as completed at this stage with the property owners informed that Bogan Shire Council remains open to further discussions if the property owners are able to resolve matters with Lachlan Shire Council.

3. Discussion

As noted in the 2024 Business Paper there is approximately 4.7km of Crown Road in Bogan Shire and approximately 4.3km in Lachlan Shire. The outcome desired by Ms Beatie and Ms Baker requires both Bogan Shire and Lachlan Shire to accept the transfer of the Crown Road, and fund clearing and road construction and maintenance works. Expected costs were outlined in the March 2024 Business Paper. The cost in 2026 will almost certainly be higher.

The Departmental correspondence alleges that the road is formed and provides legal practical access to their residence. The 2025 Google imagery does not indicate any residence in Bogan Shire that needs to utilise the Crown Road.



Photo taken from Cockies Road, looking towards the Crown Road.



The above photographs were taken in late November 2025.

The other rationale for the proposed transfer is that the Department can find no records of being referenced in any development. And that if Crown Roads had been referenced in any development proposals, the Department would have informed Bogan Shire of the need to transfer the road to Council control. It is difficult to provide commentary on the Department's record keeping practices.

At the time of writing Lachlan Shire had not responded to the Department but had indicated that their response would be along the lines of the previous Council report.

It is intimated in the third dot point on page 1 of the Department's correspondence that even if Council objects to the proposed transfer, the Department may determine to transfer the Crown Roads to Council.

Council's previous position that 'owners of "Hopbush Valley" property are aware that Council has no intention of upgrading the road' will need to be re-iterated if the department decides to transfer this Crown Road to Council.

4. Attachments

1. Correspondence from department of Planning, Housing and Infrastructure
2. Copy of March 2024 Business Paper
3. 2025 Image from Google

5. Recommendation

That Council object to the proposed transfer of the Crown Road as shown in the sketch in the Department of Planning, Housing and Infrastructure - Crown Lands correspondence of 31 October 2025 as:

- The Department alleges that the road is formed.
- The Department's premise that 'several residences rely on the Crown Road to access their property' is not correct. No residences in Bogan Shire rely on this Crown Road for access.
- The Department not being able to locate records (of it being referenced) is not a valid argument in transferring a Crown Road to Council.

Department of Planning, Housing and Infrastructure



General Manager
Bogan Shire Council
PO Box 221
NYNGAN NSW 2825
Via email only: admin@bogan.nsw.gov.au

Our reference: DOC25/204694

31 October 2025

Subject: Transfer of Crown road at Five Ways and Tottenham

Dear Sir/Madam,

The Department of Planning, Housing and Infrastructure – Crown Lands (the Department) has received representations from Ms Kristine Beatie and Ms Susanne Baker concerning access to their residence being Lots 12 & 13 DP 752866 223 DP755805, located at 5270 Cockies Road, Tottenham. Ms Beatie and Ms Baker have been in contact with the Department seeking that maintenance works be undertaken to the unnamed Crown road leading to their property.

Several residences rely on the Crown road to access their properties, located off Nyngan Road and Cockies Road which are both Council public roads. The road is formed and provides legal practical access to these properties (see Diagram A below). The Department cannot locate any records of being referenced regarding the developments undertaken on these properties. If referenced, the Department would have informed Bogan Shire Council of the requirement to transfer the roads to Council control prior to any works be undertaken.

Roads that service Council approved developments or residences owned by rate payers within the Bogan LGA should be transferred pursuant to Section 152(1) of the Roads Act 1993. This legitimately places Council in a position to manage the roads in accordance with the requirements of Development Consents it has issued and is consistent with [Department's policy for road transfers](#). Accordingly, the Department seeks Council's concurrence to transfer those sections of Crown roads shown in yellow outline on the attached 'Diagram A'.

The Department looks forward to receiving Council's reply by **Friday, 9 January 2026** to facilitate notification of the agreed transfer. Responses will be managed as follows:

- Council provides an agreement within the consultation period – the Crown road will be transferred to Council by order in the Government Gazette under the provisions of s152(1) of the Roads Act 1993;
- If no response is received from Council, the Department will assume Council supports the proposed road transfer and the Crown road will be transferred to Council by NSW Government Gazette in accordance with Section 152(1) of the Roads Act 1993;
- If Council provides an objection during the consultation period with supporting documentation to substantiate why the Crown road is not suitable for transfer, the response will be taken into consideration before a determination is made.

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
Locked Bag 5022, Parramatta NSW 2124

www.dphi.nsw.gov.au 1

Department of Planning, Housing and Infrastructure

Please note a letter has also been sent to Lachlan Shire Council seeking their agreement to transfer the section of Crown road location within the Lachlan LGA.

I have asked Mrs Vicky Lyons (Group Leader - Property Management) be available to discuss this matter, should Council have any further questions. Mrs Lyons can be contacted on 0429 156 720 (phone) or at vicky.lyons@crowmland.nsw.gov.au (email).

Yours sincerely,

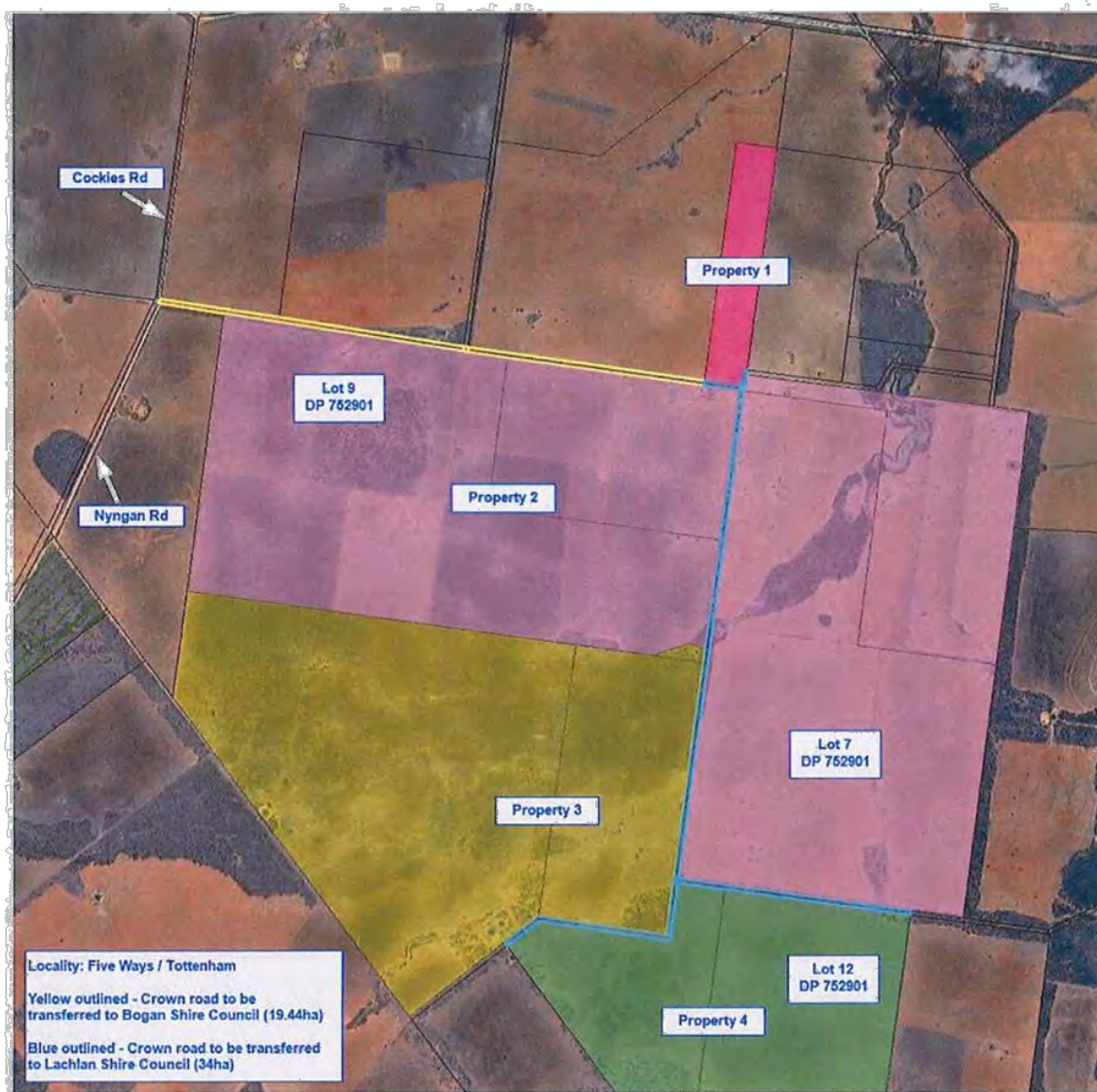
Sharon Hawke
Director Regional Operations West
DPHI - Crown Lands

Department of Planning, Housing and Infrastructure

PO Box 2185, DANGAR NSW 2309
 Phone: 1300 886 235
 Fax: (02) 4925 3517
orange-crownlands@crowland.nsw.gov.au
www.crownland.nsw.gov.au



Attachment A: Map of road to transfer to Bogan Shire Council (yellow outline)



13.2 CROWN ROAD OFF COCKIES ROAD

1. Introduction

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

2. Background

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

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

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

3. Discussion

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

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



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28 March 2024



The photos above are from 2012 but provide a good indication of the current access and the clearing required. The estimated cost to clear and stockpile timber is \$40,000 but that would need to be confirmed by a contractor following a site inspection. To form a road to a good standard for the 4.7km would require a full grader crew with water and roller and is estimated to cost \$30,000 with an additional \$120,000 if a crushed rock pavement was required. Report to Council in 2009 and 2012 are included as attachments for ease of reference.

4. Attachments

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

5. Recommendation

For Council's consideration.

Item 13.2

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28 March 2024

Kristine Beattie and Susanne Baker
Mobile 0428933834 Mobile 0415251010

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

7th March 2024

ATTN: GENERAL MANAGER

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

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

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

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

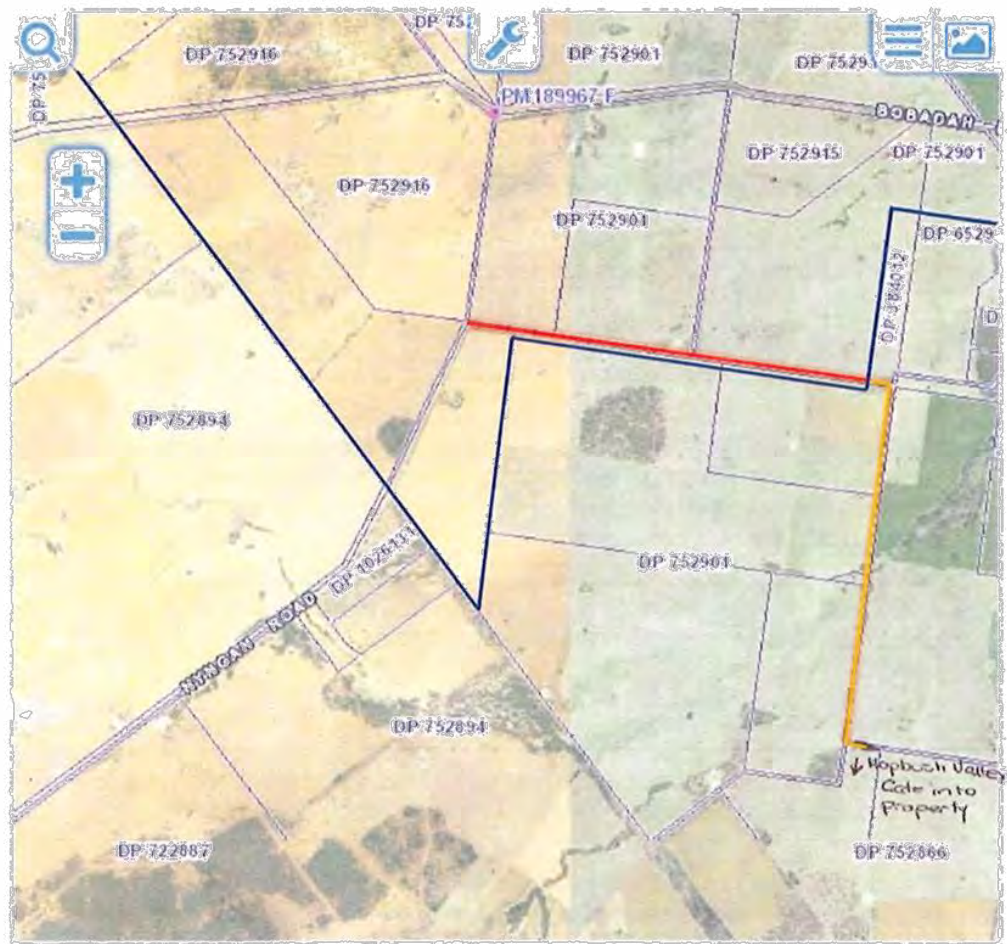
We would like to arrange a meeting with the person authorised to move forward with this as matter of urgency as we are unable to operate our agricultural business until such time we have adequate thoroughfare.




We would appreciate it if this request could be prioritised.

Anticipating a prompt reply.

Kind Regards,

Kristine BEATTIE and Susanne BAKER



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



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

2 CROWN ROAD OFF COCKIES ROAD

2.1 Introduction

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

2.2 Background

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

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

2.3 Discussion

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

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

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

2.4 Recommendation

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

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

2 CROWN ROAD OFF COCKIES ROAD, SOUTH OF BOBADAH ROAD

2.1 Introduction

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

2.2 Background

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

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

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

2.3 Issues

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

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

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

Manager of Engineering Services¹ to the Ordinary Meeting of Bogan Shire Council held on 17th December 2009

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

2.4 Assessment

2.4.1 Strategic Implications

Nil.

2.4.2 Statutory and Policy

Roads Act.

2.4.3 Consultation

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

2.4.4 Technical assessment

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

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

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

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

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

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

2.4.5 Financial Implications

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

2.4.6 Tables and Graphs

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

2.5 Conclusion

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

2.6 Recommendation

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

3 PAYNES ROAD**3.1 Introduction**

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

3.2 Background

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

3.3 Issues

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

Full Screen Map | Search | Map

Google maps Address

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



Highways NSW | Highways

Street View

Map data © OpenStreetMap contributors, Imagery © Mapbox

Map data © OpenStreetMap contributors, Imagery © Mapbox



14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS**14.1 DEVELOPMENT APPLICATIONS REPORT****1. Introduction**

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

2. Discussion

Four new Development Applications were received during the reporting period. The table below outlines Development Applications that are currently under assessment:

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2024/014	Mr S Issa	15 Pine Street, Girilambone	Hotel/Motel accommodation	\$1,607,026	Under assessment
2025/015	Ms J New	34 Dandaloo Street, Nyngan	New Private Shed	\$13,240	Approved
2025/018	Mr V Williamson	66 Bogan Street, Nyngan	New Multi Dwelling	\$1,400,408	Report to Council refers
2025/019	Mr A Hunter	16 Terangion Street, Nyngan	Alterations to building	\$214,500	Under assessment
2025/020	Taylor Made Building	1110 Murrawombie Road, Girilambone	Manufactured Dwelling	\$779,535	Additional Information Required
2025/021	Mr R Pelkey	60-62 Tottenham Road, Nyngan	New Private Shed	\$30,000	Under assessment
2025/022	Mr R Brook	9 Cannonbar Street, Nyngan	New Private Shed	\$22,000	Additional Information Required

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

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

3. Attachments

1. Development Applications Statistics

4. Recommendation

That the Development Applications Report be received and noted.

	Application Type							Application Value
	Totals		Breakup					
	DA	CDC	Dwellings	Shed/Garage/ Patio/Awning	Pool	Sub- division	Other	
July 2025	0	0	0	0	0	0	0	\$0.00
August 2025	2	0	0	2	0	0	0	\$56,000.00
September 2025	2	1	0	1	0	0	2	\$751,600.00
October 2025	3	0	0	1	0	0	2*	\$3,020,674.00
November 2025	4	0	1	2	0	0	1**	\$1,046,035.00
December 2025								
January 2026								
February 2026								
March 2026								
April 2026								
May 2026								
June 2026								
Total 2025/26	11	1	1	6	0	0	5	\$4,874,309.00
Total 2024/25	18	2	4	9	1	2	4	\$ 4,476,447.00
Total 2023/24	27	0	8	14	1	0	4	\$ 7,576,651.00
Total 2022/23	33	1	7	12	5	2	8	\$ 7,443,708.00
Total 2021/22	26	0	13	8	2	1	5	\$ 6,354,396.00
Total 2020/21	34	3	5	14	3	5	9	\$ 4,107,610.00
Total 2019/20	24	0	0	10	1	3	10	\$ 11,294,300.00

* Hotel/Motel accomodation + New Multi Dwelling

** Alterations to building

14.2 DETERMINATION OF DEVELOPMENT APPLICATION 2025/018

1. Introduction

The purpose of this report is to seek Council's decision on a Development Application lodged with Council for proposed multi-dwelling housing located at Lot 7032 DP 1124388 No 66 Bogan Street, Nyngan.

2. Background

A Development Application (DA) was lodged with Council via the NSW Planning Portal proposing to construct a dual occupancy on the property, with an existing single storey dwelling located on the property the proposed development would now need to be classified as multi-dwelling housing.

Council's Delegations of Authority to the General Manager allows for the following:-

"To approve plans of subdivision and other development applications that comply with sound planning practice, appropriate standards, legislation and Council policy. Applications expected to have significant unresolved social, economic or environmental impacts, designated developments and all assessments that result in a recommendation for refusal are to be reported to Council for determination".

As an objection was received and issues raised during the neighbour notification process remain unresolved, the application is referred to Council for determination.

3. Discussion

The proposed DA consists of an existing single-story dwelling located on the eastern side of the property, and a new attached dual occupancy to be located on the western side of the property resulting in the applicant seeking approval for multi-dwelling housing. The location of the property is shown in Figure 1.



Figure 1- Aerial View of subject property – 66 Bogan Street Nyngan.

In accordance with Section 1.8 of Council's Development Control Plan, the application and supporting documents were circulated to neighbouring property owners for comment,

resulting in one written objection. During the notification period, the objecting property owner raised the following concerns:

1. *Housing density*

I understand that in larger towns (e.g., Dubbo and Orange) this type of development is common practice where there is a much higher demand for housing than in small country towns. It is my understanding after discussions with Council Staff & Locals that there are NO other developments of this type in Nyngan.

2. *Privacy.*

The current plans have windows & Patio doors that will look directly into my backyard. Number of residents residing in 2 x 4-bedroom houses on a very small block.

3. *Lack of Consultation*

I had a conversation with Local Police Officers re: security cameras, if they could see into my backyard now that the house next door had been demolished, it was during this conversation that I was told that there was talk of 2 x 4 bed townhouses being built there. I made numerous phone calls to [REDACTED] before speaking with [REDACTED] (Project Managers) who were unwilling to have any discussion with me in regard to what was planned.

I asked [REDACTED] if he understood what size the former house block was. His response, he had been out here & done a sight inspection. I asked why they didn't have a conversation with the ONLY resident it would affect? The only response I received was that I could object to council.

The applicant was then provided with the objection details and provided the following responses to address the objections:

- 1. In relation to the subject development site and proposed development, housing density is controlled by the local environmental plan and development control plan in relation to land use and zoning controls. In this case, the proposed development is classified as multi dwelling housing and the subject site is zoned as R1 General Residential pursuant to the Bogan Local Environmental Plan 2011. Multi dwelling housing is permitted with consent in the R1 zone. With consideration of the Bogan Development Control Plan 2012, we refer back to the justification provided in the SoEE, prepared by Urban Approved on 22 September 2025. In particular, reference to site density controls as follows – The area identified within the fenced boundaries of the subject site is approximately 812.4m² and sits within an overall lot size area of approximately 3,020m². When considering the subject fenced area in isolation, each new dwelling would be allocated 361.6m² (Dwelling A) and 450.8m² (Dwelling B) respectively. This complies with the 300m² minimum requirement. With consideration given to the proposed density on the site, the development proposed is consistent with the requirements of the local planning legislation.*

2. *Based on the comments provided, it is understood that the objecting neighbour resides in the property (Lot 81 DP 1010259) to the west of the site. It is understood that the four (4) proposed bedrooms, two (2) bathrooms and outdoor patio area orientate to the west. In addressing privacy concerns, it is understood that the proposed separation distance of 1.5m from the existing 1.8m high boundary fence provides a generous BCA compliant setback solution (noting the typical 900mm requirement). In addition, bathrooms are to include frosted glass, and internal bedrooms will install privacy furnishings. The infrequent use of the outdoor patio area for quiet recreation is within the rights of the new tenant and not a concern for the existing neighbour. For added privacy, Police Housing propose to install a 2.1m high Colourbond fence along the western boundary, pending Council's approval.*
3. *It is understood that Council policy for community consultation relating to a development of this type and scale requires notification of the adjoining neighbours by letter for comment during the development assessment process. These comments are then to be considered on their merit as part of the assessment undertaken by Council's town planning officer. Although valid concerns have been raised, the responses provided in this letter clearly demonstrate development compliance with Council's local plans and policies. Further noting that these policies are not only Council's, but also the community's and have been prepared in consultation with local stakeholders. Homes NSW have had three (3) phone conversations with [REDACTED] including a detailed discussion about the style and purpose of construction. This discussion occurred on 1 August 2025 with [REDACTED]. By the conclusion of the conversation, [REDACTED] was comfortable with the single level design having previously believed the development would be two story. [REDACTED] reassured [REDACTED] that the Council notification process would take place despite being Crown development. In relation to the existing security cameras and related privacy concerns, these are not considered to be relevant to the subject development application.*

The objector was given a copy of the responses and given the opportunity to provide final comments or withdraw the objections. On 10 December 2025, the below was received by Council:

Hello [REDACTED]

I would like to address the responses to my objections to the proposed development at 66 Bogan Street.

I believe that it is important to note that the section of land in this proposed development is part of a much larger block which includes the Court House, Police Station, house on the corner (68 Bogan St) & the driveway between 66 & 68 Bogan Street.

The driveway between 66 & 68 Bogan Street is rarely used, it is mostly just an eyesore as it traps leaves & rubbish from the park which is never cleaned up.

I would ask the developer to consider removing an unused driveway & relocating the proposed building.

Under NO circumstance will I accept the proposed 2.1m Colourbond fence. A fence of this high will turn my backyard into what will feel like prison yard.

I request that the windows facing my backyard be required to use privacy glass, not clear glass.

Regards



Following this, Council staff completed an assessment of the application with the following comments made in response to the objection:

1. As noted by the applicant, the proposed development meets the numerical standards for density noted in Council's Development Control Plan.
2. Council has completed its community consultation requirements by completing neighbour notification for the proposed development.

The application was also provided to Council's Planning Consultant for peer review, with the following comments made:

I have reviewed the documents lodged with the DA and the process undertaken by Council's development assessment officer which are considered satisfactory and appropriate.

The conclusions associated with the proposed permissibility and suitability of the development on the subject property align with the objectives of both Council's LEP and DCP and I have formed the view that it would be reasonable for Council to approve the development.

I have also reviewed the correspondence from the adjoining landowner and in particular her concerns in relation to the following matters:

1. *Housing Density*
2. *Privacy*
3. *Lack of consultation*

In relation to these matters, I have the following opinion:

1. Housing density – this form of development is permissible with consent in the R1 General Residential zone and complies with the numerical standards of both Council's LEP and DCP.

2. Privacy – it is noted that in the additional information letter from the consultant town planner that the proposed side boundary setback in question is 1500mm which is 600mm more than the minimum prescribed in the BCA. In addition, "police housing propose to install a 2.1m high colourbond fence along the western boundary, pending Council's approval". These commitments coupled with the provision of frosted glass to the bathrooms and privacy furnishings in the internal bedrooms will in my opinion reduce any perceived privacy issues to the degree necessary.

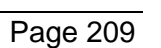
3. Lack of consultation – Council has no control of the level of consultation between relevant parties however the proponent appears to have engaged in positive communication with the adjoining landowner in an appropriate way to be a “reasonable neighbour”. Council has allowed the adjoining landowner to be involved in the decision-making process and has taken into consideration the concerns expressed.

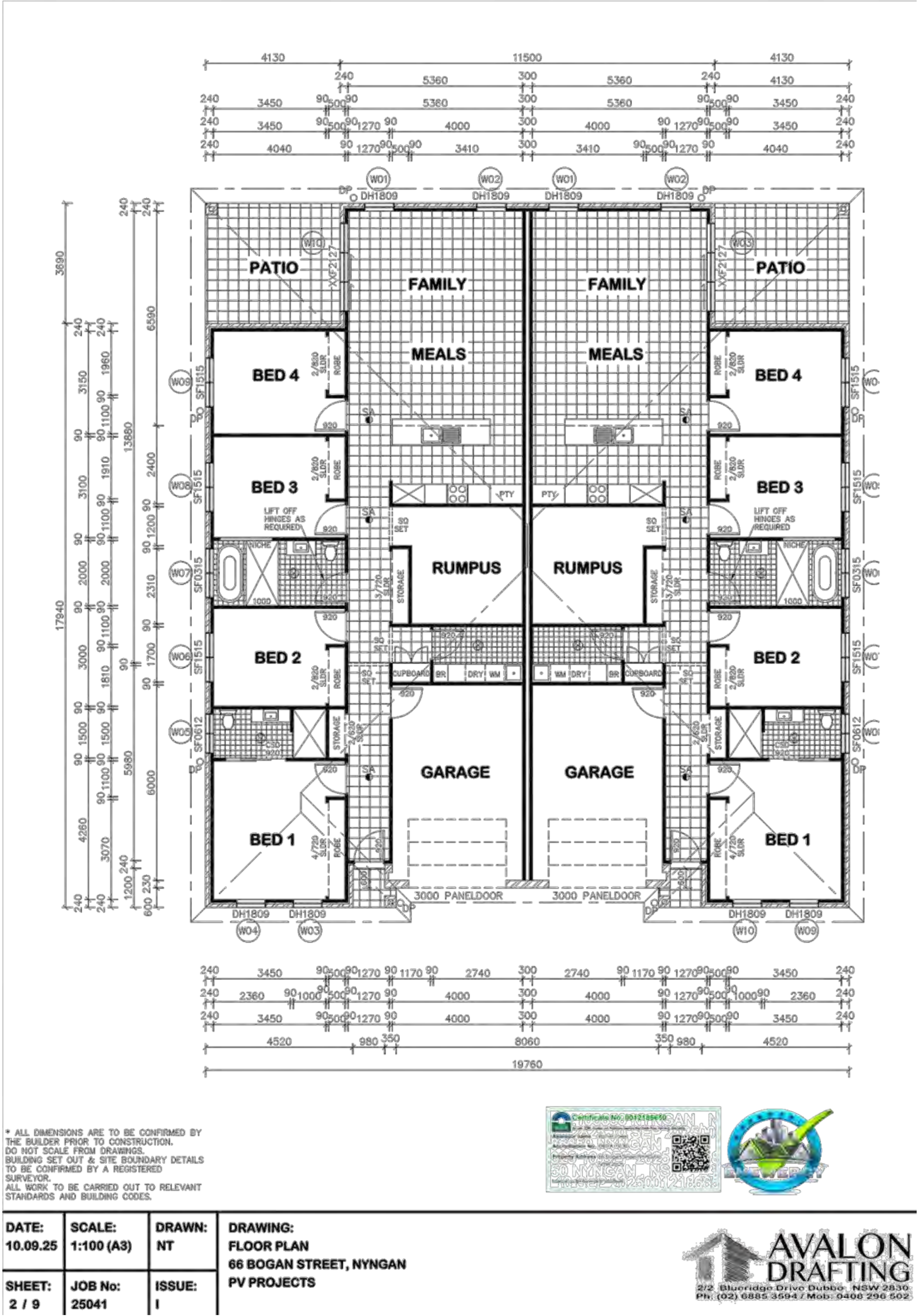
4. Attachments

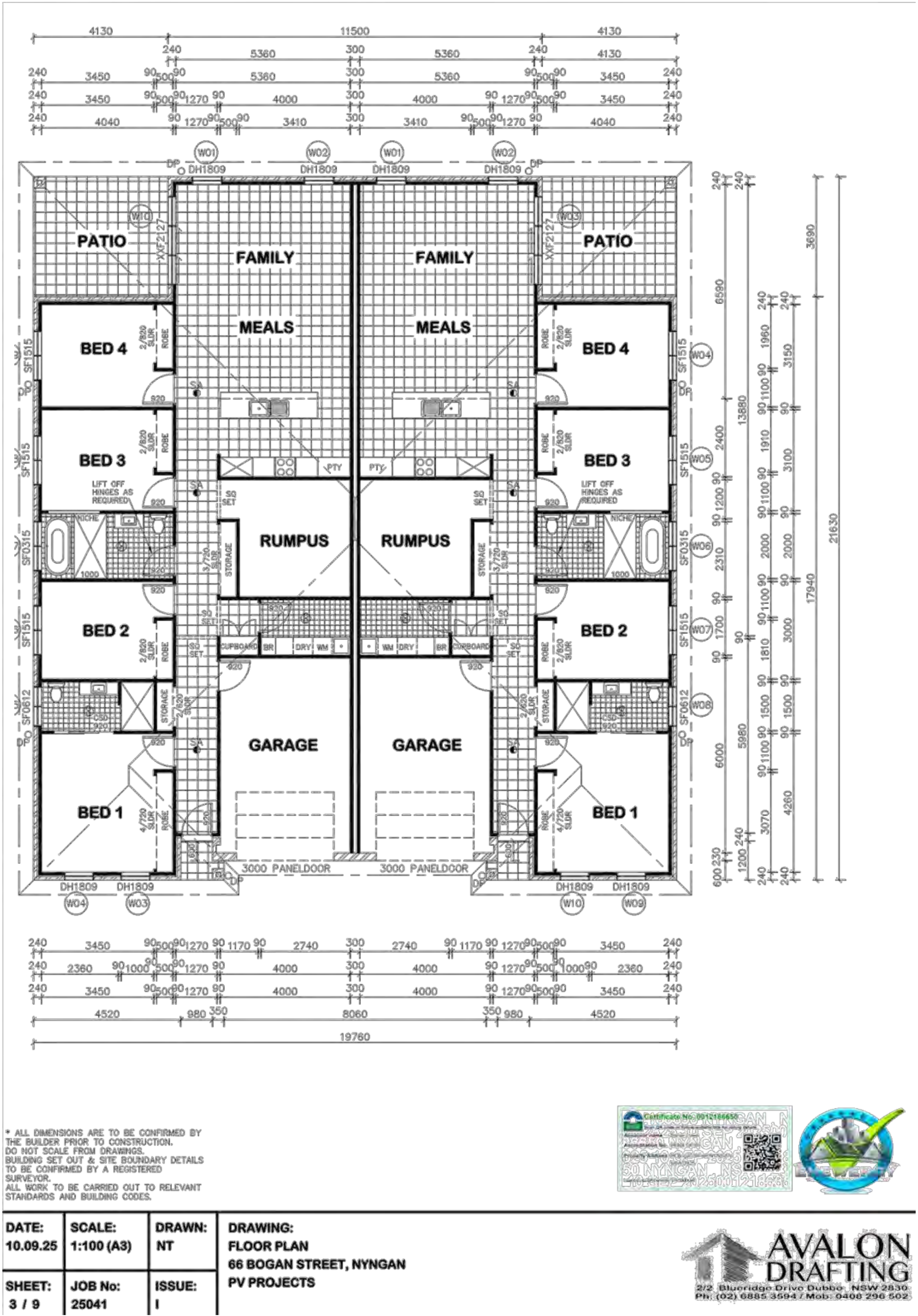
1. Proposed Development Plans
2. Statement of Environmental Effects
3. Draft - Notice of Determination

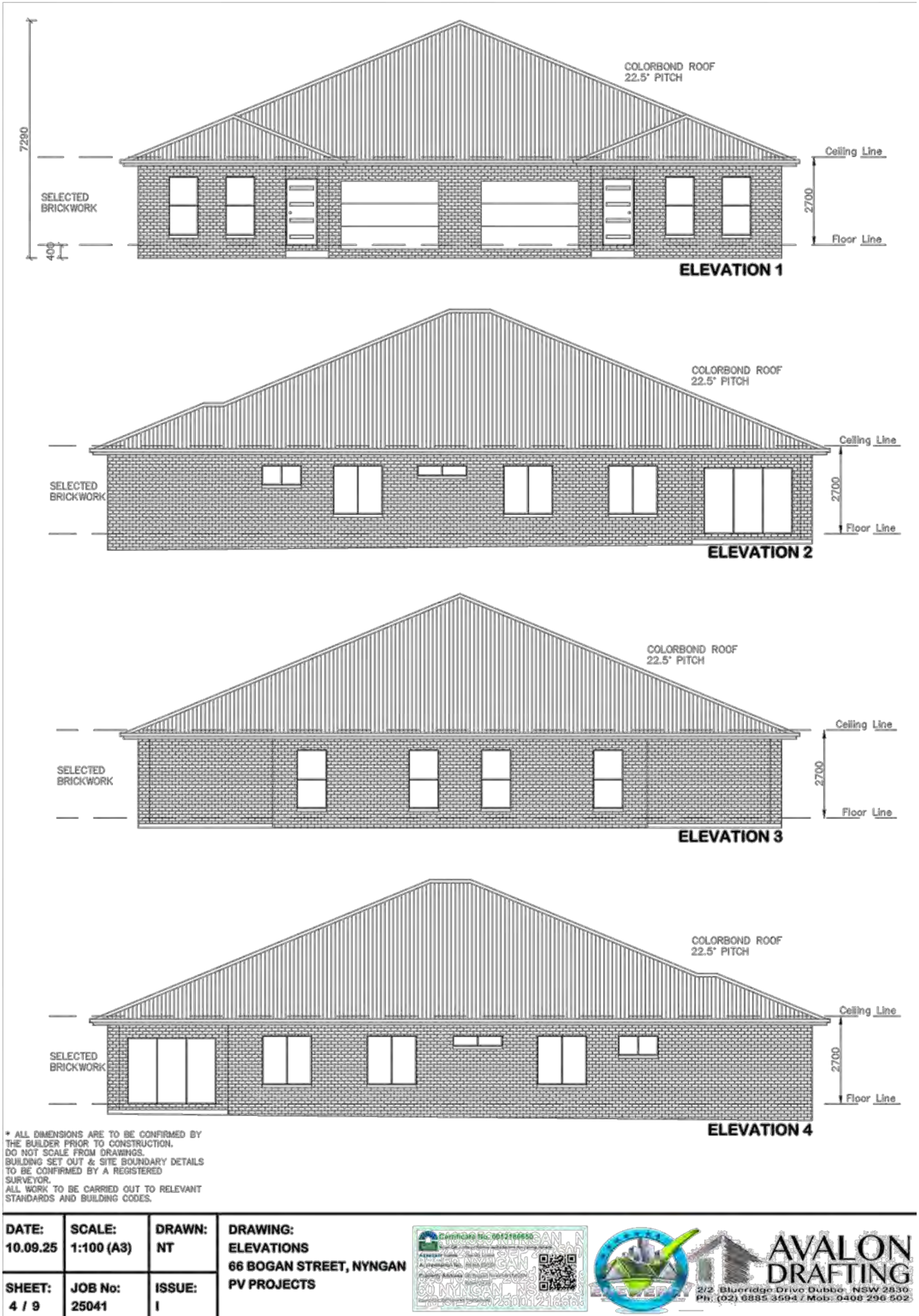
5. Recommendation

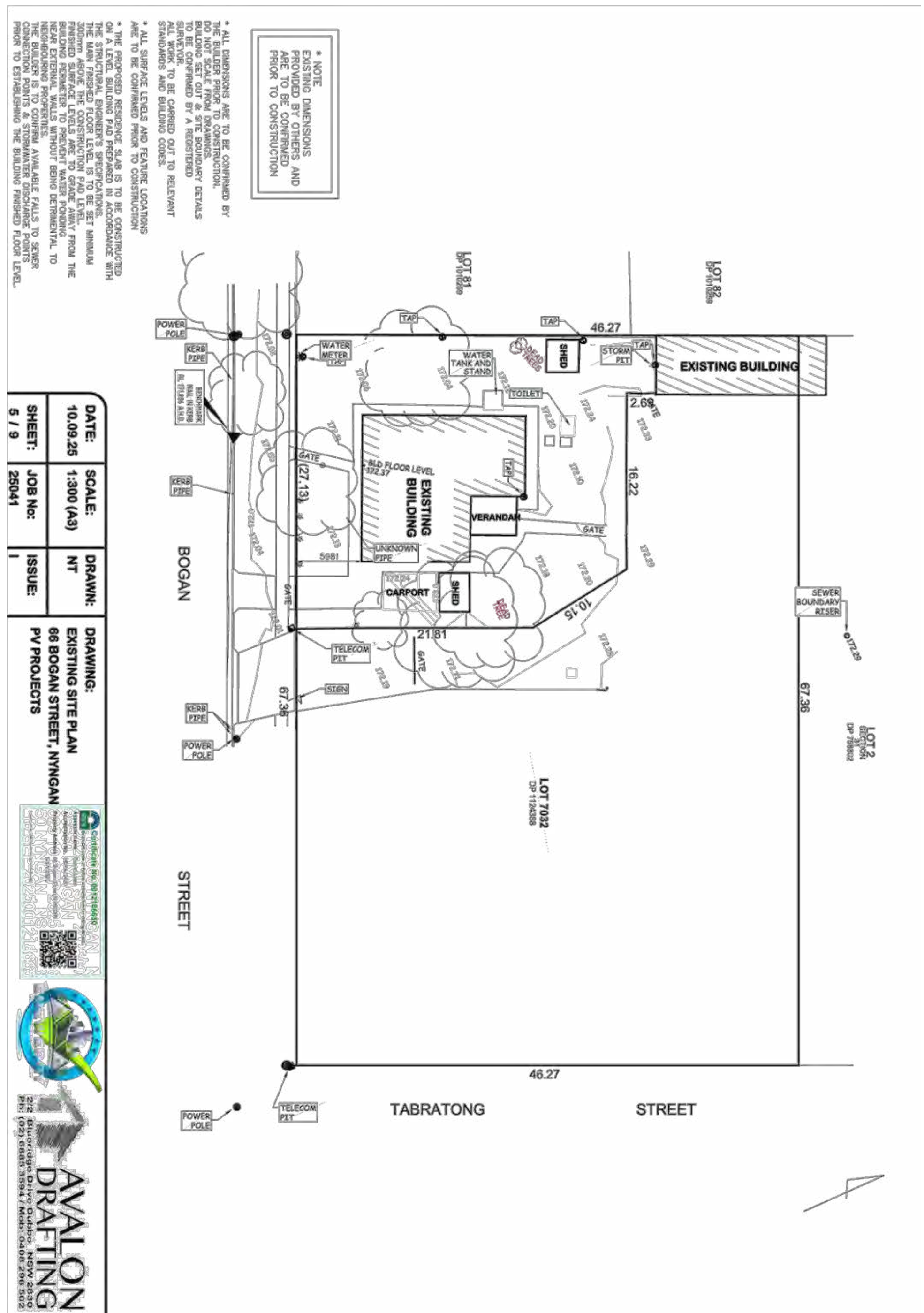
The Development Application 2025/018 for the construction of multi-dwelling housing on Lot 7032 DP1124388 No 66 Bogan Street, Nyngan be approved subject to the conditions in the Draft Notice of Determination.

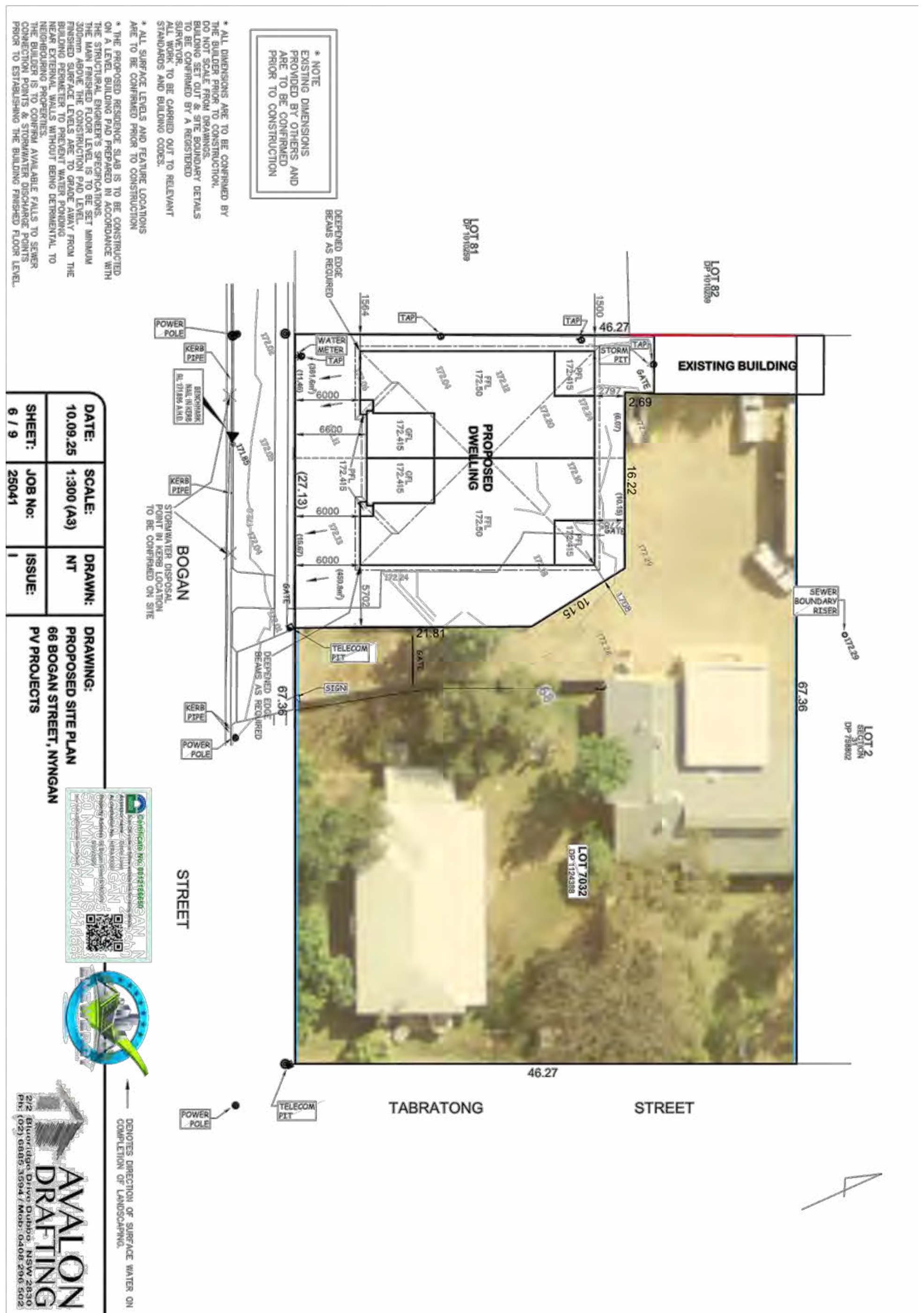




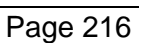














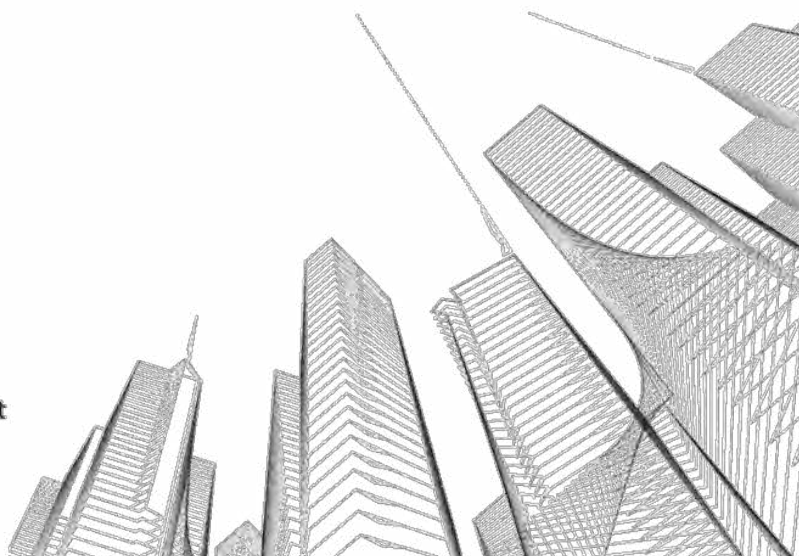
STATEMENT OF ENVIRONMENTAL EFFECTS

66 Bogan Street, Nyngan

Multi-dwelling Housing

Client: PV Projects

Principal Town Planner: Nicholas Allatt



URBAN APPROVED
STATEMENT OF ENVIRONMENTAL EFFECTS – 66 BOGAN STREET, NYNGAN

This report is provided by Urban Approved for PV Projects (the Client and Applicant) in support of the future subject Development Application subject to, and in accordance with, the agreement between the Client and Urban Approved and based on an agreed scope of work and legislation current at the time of preparation. It has been prepared without taking into account the Client's financial situation or needs and before acting on any matters contained within the report the Client agrees they should consider its appropriateness having regard to their own objectives, financial situation and needs.

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Acknowledgements:

We acknowledge and pay our respect to the traditional owners of the land Urban Approved operates from, the Wiradjuri Nation. We extend our acknowledgement and respect to First Nations Peoples of this land, and all people who have found their home now in Dubbo.

Date of Report: 22 September 2025

Document Control		
Revision	Date	Details
A	19 September 2025	Draft for internal review
B	22 September 2025	Final
Town Planner	Administrative Review	Applicant/Client
Nicholas Allatt	Erin McCosker	PV Projects

URBAN APPROVED
STATEMENT OF ENVIRONMENTAL EFFECTS – 66 BOGAN STREET, NYNGAN

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URBAN APPROVED
STATEMENT OF ENVIRONMENTAL EFFECTS – 66 BOGAN STREET, NYNGAN

Introduction

Urban Approved has been engaged by PV Projects (the Applicant), to prepare a Statement of Environmental Effects (SoEE) seeking approval for the construction of a new dual occupancy (attached) at Lot 7032 DP 1124388, No. 66 Bogan Street Nyngan (site). The proposed development would result in three (3) dwellings on the site and therefore approval is sought for multi-dwelling housing.

The site is zoned R1 General Residential in accordance with the Bogan Local Environmental Plan 2011 (LEP).

The proposed multi-dwelling housing is permissible with consent in the R1 zone pursuant to the provisions of the LEP.

The site contains an existing dwelling house and part of the Nyngan police station (property boundary runs through the building). The site is located within an established urban area, serviced by existing infrastructure and in proximity to local sporting facilities adjacent to the subject site.

This development application is lodged on behalf of the Crown, in particular, the Department of Communities and Justice. The proposed new dual occupancy (attached) will provide for housing opportunities and increased densities within an area of Nyngan zoned for denser housing options.

This SoEE has been prepared in the approved form as prescribed under Section 24 of the Environmental Planning and Assessment Regulation 2021 and in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Site Context

The site is identified as Lot 7032 DP 1124388, No. 66 Bogan Street Nyngan. The site is located on the fringe of the Nyngan CBD and is within a short walking distance to key services and facilities.

The total lot area is approximately 3,020m² and is separated by fencing to delineate the site from the existing dwelling house and police station.

The topography of the site is relatively flat and is accessible primarily from Bogan Street to the south. The area of the site, which is the subject of this development application, is currently vacant and previously contained the former dwelling house. This area is fenced from other development on the lot.

The allotment adjoining the site to the north (Lot 2 DP 758802) includes heritage item (I2) Nyngan Court House.

URBAN APPROVED
STATEMENT OF ENVIRONMENTAL EFFECTS – 66 BOGAN STREET, NYNGAN

The subject site is located within an existing residential neighbourhood and benefits from infrastructure which currently services the existing dwelling house and former dwelling house on the property. The dwelling house depicted in the aerial image to the west of the site is the former dwelling house which has recently been demolished and removed, with the area to be developed for a new dual occupancy (attached).

The subject site is depicted in **Figure 1**. The site locality is depicted in **Figure 2**.

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Figure 1. Subject Site

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Figure 2. Site Locality

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Development Description

The proposed development includes the construction of a new dual occupancy (attached) and associated site works on the vacant portion of the subject land. Due to the presence of an existing dwelling house on the site, the proposed development application is made to seek approval for multi-dwelling housing. This includes the existing separate dwelling house and dual occupancy (attached).

The details of the new dual occupancy (attached) are as follows:

Dwelling A (West)	
Front orientation	South
Number of stories	Single story
Number of bedrooms, bathrooms and car spaces per dwelling	4 bedrooms, 2 bathrooms and single car garage.
Construction material	External brick clad with a Colourbond roof.
Total Gross Floor Area (GFA), including living, garage and patio	211.29m ²
Vehicle access	New driveway access from Bogan Street to the south.
Infrastructure servicing	New dwelling to connect to reticulated water and sewer services which are currently available to the existing dwelling house on the property. Electricity and telecommunications also available in proximity to the site.
Dwelling B (East)	
Front orientation	South
Number of stories	Single story
Number of bedrooms, bathrooms and car spaces per dwelling	4 bedrooms, 2 bathrooms and single car garage.
Construction materials	External brick clad with a Colourbond roof.
Total Gross Floor Area (GFA), including living, garage and patio	211.29m ²
Vehicle access	New driveway access from Bogan Street to the south.

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Infrastructure servicing	New dwelling to connect to reticulated water and sewer services which are currently available to the property. Electricity and telecommunications also available in proximity to the site.
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The proposed development plan is depicted in **Figure 3** and is provided attached as **Appendix A**.

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STATEMENT OF ENVIRONMENTAL EFFECTS – 66 BOGAN STREET, NYNGAN

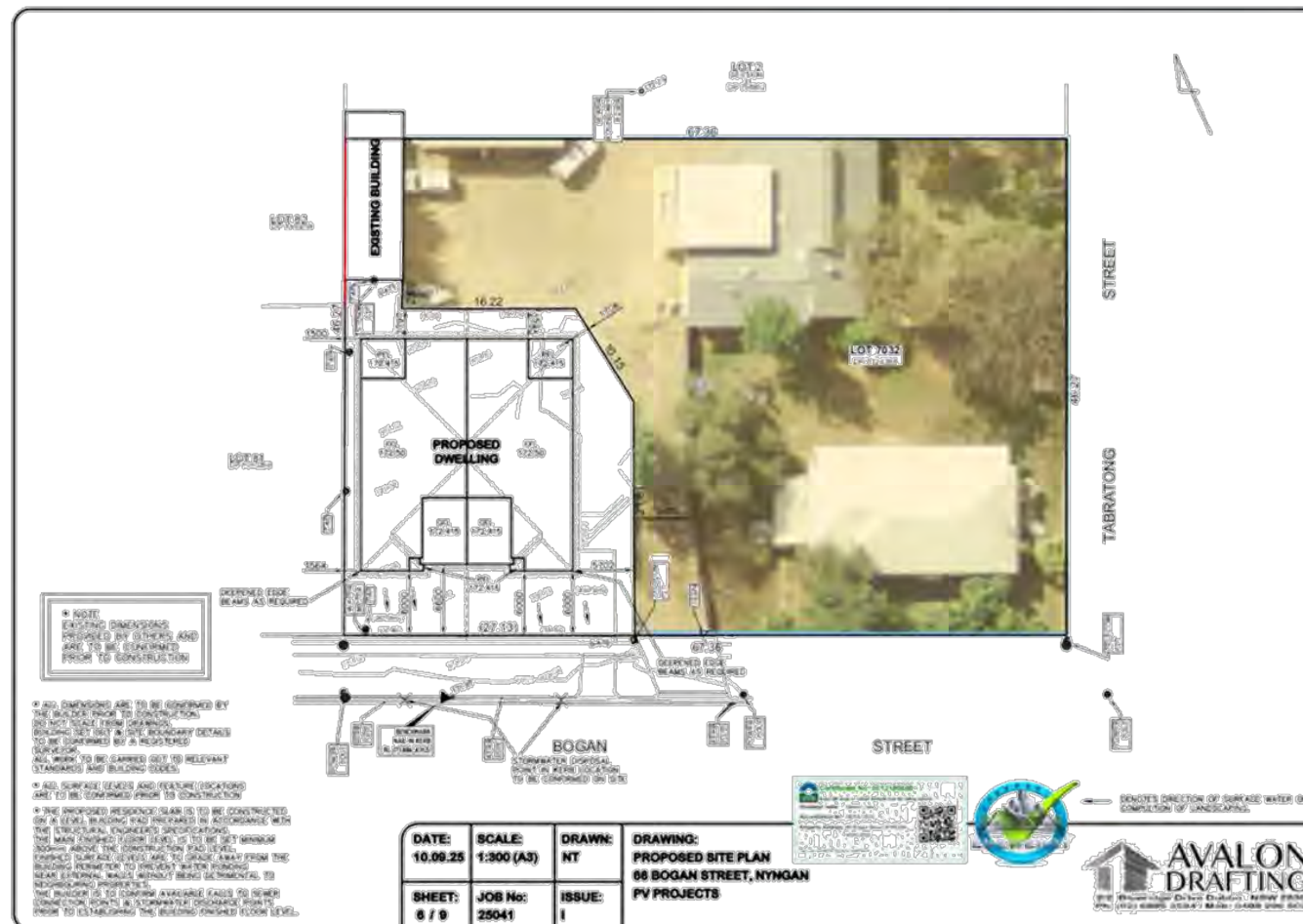


Figure 3. Proposed Development Plan

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Integrated Development

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and concurrent approval from a State Agency under Section 4.46 of the EP&A Act.

Following consideration of Section 4.46, the proposed development will not require concurrent approval pursuant to the EP&A Act.

S1.7 Part 7 Biodiversity Conservation Act 2016

Pursuant to Section 1.7 of the EP&A Act, the DA is subject to Part 7 of the Biodiversity Conservation Act (BCA Act).

In accordance with Section 7.2 of the BCA Act, Development or activity is likely to impact on biodiversity if any of the following applies:

1. It is likely to significantly affect threatened species or ecological communities or their habitats; or
2. The development exceeds the biodiversity offsets scheme threshold; or
3. It is carried out in a declared area of outstanding biodiversity value.

The subject site is located within Nyngan's urban extent and is generally clear of vegetation.

The proposed development is not mapped as containing terrestrial biodiversity in accordance with the LEP. The proposed new development is not likely to significantly impact on biodiversity.

S4.15 Environmental Planning and Assessment Act 1979

The proposed development application has been prepared following consideration of matters pursuant to Section 4.15 of the EP&A Act.

The relevant matters of Section 4.15 have been addressed in the following sections:

1. Environmental Planning Instruments
2. Draft Environmental Planning Instruments
3. Development Control Plan
4. Planning Agreements
5. Environmental Planning and Assessment Regulations 2021
6. Other Environmental, Social and Economic Impacts
7. Site Suitability
8. Public Interest

Environmental Planning Instruments

State Environmental Planning Policy (Resilience and Hazards) 2021

In accordance with Section 4.6 of the SEPP, a consent authority must not consent to the carrying out of any development on land unless it has first considered whether the land is contaminated.

The site was formerly occupied by a previous dwelling house which has since been demolished and removed. It is understood this activity was undertaken in accordance with Council's requirements. Contamination is not anticipated to be present on the site and is considered to be consistent with the requirements of the SEPP.

Bogan Local Environmental Plan 2011

The subject site is located within the Bogan Shire Local Government Area and is subject to the provisions of the Bogan Local Environmental Plan 2011 (LEP).

A review of the applicable LEP maps (Sheet_008A) is provided in **Table 1**.

Table 1. LEP Mapping

Map	Applicability
Land Application Map	Bogan LEP 2011
Land Zoning Map	R1 General Residential
Lot Size Map	No MLS
Land Reservation Acquisition Map	Not applicable.
Heritage Map	Not applicable.
Terrestrial Biodiversity Map	Not applicable.
Groundwater Vulnerability Map	Not applicable.
Watercourse Map	Not applicable.
Wetlands Map	Not applicable.
Urban Release Area Map	Not applicable.

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Land Use Zoning

The Bogan Local Environmental Plan (LEP) 2011 applies to the subject land. The land is zoned as R1 General Residential pursuant to clause 4.1 of the LEP.

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.

Multi-dwelling housing is permissible with consent in the R1 zone pursuant to the provisions of the LEP. The proposed development will provide for the housing needs of the community within an urban centre which benefits from existing services and facilities.

The proposed development is consistent with the objectives of the R1 zone.

Clause 5.10 Heritage conservation

The site is not mapped as a local or State heritage item pursuant to Schedule 5 of the LEP. The subject land is located within an urban environment which has been subject to previous development.

It is noted that there is an existing heritage item located directly to the north of the subject site identified as the Nyngan Court House (Item 2). The building is a two story, red brick construction and is located 50m to the north of the new dual occupancy site and is visually separated by the existing police station. Despite the separation and distant proximity between the new development and the heritage item, the proposed development is of a single-story brick construction consistent with the streetscape and nearby heritage building.

It is not anticipated that the proposed subdivision would result in significant impact to any items or places of Aboriginal or European heritage.

Clause 7.1 Earthworks

The proposed earthworks are considered to be minor and would include standard site preparation for construction of the concrete slab for the new dual occupancy (attached) and associated driveway and infrastructure installation. Standard erosion and sediment control measures are to be implemented to mitigate impact on adjoining properties or on stormwater quality. For further detail please refer to attached Erosion and Sediment Control Plan (Appendix A).

The site has been disturbed previously during the construction of the existing dwelling house, and therefore no Aboriginal artefacts are likely to be present on the land.

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Clause 6.3 Stormwater

The proposed development includes the connection of the roof down pipes of the new dual occupancy into Council's stormwater infrastructure located on Bogan Street. It is noted that existing kerb outlets discharge to the street's stormwater system and that an existing stormwater pit is located to the north-west corner of the property. The finished ground level surrounding the new development is to fall back to the street where possible with stormwater flowing to the rear of the property captured by the existing stormwater pit.

Clause 6.8 Essential Services

Existing services from the former dwelling house to be reconnected to the new dual occupancy, including reticulated water and sewer services, electricity and telecommunications where required.

Roof water is to be managed via downpipes into Council's stormwater network located on Bogan Street. A new driveway crossover is proposed to provide direct vehicle access to each dwelling via Bogan Street with the existing crossover to service the proposed side access for Dwelling B.

Draft Environmental Planning Instruments

A review of the Bogan Shire Council website, for draft Planning Proposals on exhibition, was undertaken on 18 September 2025. As a result, it is understood that there are no draft amendments proposed to the LEP which would impact the subject development.

Development Control Plan

The Bogan Development Control Plan (DCP) 2012 applies to the subject land. The site is zoned as R1 General Residential, and the proposed development is to establish multi dwelling housing on the site. The Residential Standards, in particular, multi dwelling development controls, are applicable to the proposed development.

The key sections of the DCP which relate to the subject addressed in **Table 1**.

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Table 1. DCP Compliance

<i>Additional New Dual Occupancy (Attached) – Multi-dwelling Housing</i>		
<u>Element</u>	<u>Compliance</u>	<u>Justification</u>
<i>1. Building Setbacks</i>	Complies.	The proposed front setback from Bogan Street to the front vertical of the new dual occupancy is 6m. The dwellings are attached and are to include a fire rated separation wall. Setback distances to surrounding development complies with the 900mm minimum prescribed under the BCA.
<i>2. Density</i>	Complies.	The area identified within the fenced boundaries of the subject site is approximately 812.4m ² and sits within an overall lot size area of approximately 3,020m ² . When considering the subject fenced area in isolation, each new dwelling would be allocated 361.6m ² (Dwelling A) and 450.8m ² (Dwelling B) respectively. This complies with the 300m ² minimum requirement.
<i>3. Design</i>	Complies.	Single garages are proposed to each dwelling which does not exceed 60% of the street elevation.
<i>4. Utilities</i>	Complies.	Existing services which previously connected to the former western dwelling are to be reconnected to the new dual occupancy, these include reticulated water and sewer services, electricity and telecommunications where required. Roof water is to be managed via downpipes into Council's stormwater network located on Bogan Street. A new driveway crossover is proposed to provide direct vehicle access to each new dwelling via Bogan Street with the existing crossover to service the proposed side access for Dwelling B.
<i>5. Building Height</i>	Complies.	The proposed ridge height of the roof is 7.29m which is less than the maximum 8.5m requirement.

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6. <i>Site Coverage</i>	Complies.	The proposed hardstand area for dwelling A is approximately 295m ² (82%) and Dwelling B is approximately 328m ² (73%). The acceptable solution is 75% hardstand area. With further consideration of the overall area of the site, this percentage is balanced by the surrounding turfed lawn and gardens areas located around the property. When considering the development in the context of the whole allotment, the proposed development complies.
7. <i>Privacy</i>	Complies.	Privacy is maintained between the new development and existing adjoining development with an existing 1.8m high Colorbond fence. A proposed new fence and gates are to be installed to the front of the property. The materials of the new fence and gates are to comprise of a 1.2m high semi-transparent, satin black aluminum, to ensure passive surveillance is maintained over the street.
8. <i>Solar Access</i>	Complies.	<p>The proposed dwellings are of a single-story construction with adequate separation distances to facilitate sunlight into the building and principal private open space areas from the north.</p> <p>Although the new dwellings are attached, windows are provided to all rooms excluding the central rumpus and laundry areas. Noting that the laundry is not a habitable room and the rumpus is typically used for television viewing.</p>
9. <i>Parking</i>	Complies.	A single car garage is provided to each dwelling with additional parking available on the front driveway noting the 6m boundary setback distance. An additional car parking space is available to the east of Dwelling B behind the proposed gates, should additional provision be required for visitor parking. All spaces will be secured behind the front fence and gates.
10. <i>Access</i>	Complies.	All car parking areas will be located on hardstand area. Although it is noted that stacked parking and vehicle movements are to occur in a forward direction entering and existing the site, the nature of the proposed development in isolation to the existing dwelling house, is essentially a dual occupancy (attached). With this considered, although multi-dwelling housing is the technical land use definition overall, the function of the new development is better characterized as a dual

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		occupancy and as such, the car parking and access arrangement is considered suitable in the context of the site and type of development proposed.
<i>11. Private Open Space</i>	Complies.	Requirements for north facing POS is 35m ² with a 4m minimum dimension. Each undercover patio area is approximately 4m x 3.7m with additional turfed area surrounding. Patios are accessible directly from internal living areas. Existing fencing ensures privacy is maintained.
<i>12. Landscaping</i>	Complies.	Turf and low water gardens are proposed as part of the new development; detail provided in attached BASIX commitment plan (Appendix A). The area of landscaping proposed is considered appropriate in the context of a low maintenance housing option.
<i>13. Outdoor Lighting</i>	Not applicable.	
<i>14. Adaptability</i>	Not applicable.	
<i>15. Facilities</i>	Complies.	Key facilities including garbage storage and clothes drying are to be provided behind the building line and screened from public view. Mailboxes are to be provided at the front property boundary.
<i>16. Storage</i>	Complies.	Sufficient storage is provided internally noting the cupboard adjoining the rumpus room and additional cupboard in the hallway area. Additional area is also located within the outdoor private open space areas to accommodate a small shed/lawn locker should it be required.
<i>17. Water Tanks</i>	Complies.	Water tanks to be provided to the rear of the property and to BASIX specifications.

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Planning Agreements

Following review of the NSW Government website, local contributions reporting on 19 September 2025, no planning agreements were found to relate to the subject proposal.

Environmental Planning and Assessment Regulations 2021

This SoEE has been prepared in the approved form as prescribed under Section 24 of the Environmental Planning and Assessment Regulation 2021.

Other Environmental, Social and Economic Impacts

The proposed multi-dwelling housing development will provide additional housing opportunities in the Bogan Shire whilst capitalising on access to existing infrastructure within immediate proximity to the subject site. The proposed dual occupancy (attached) will result in positive social and economic benefits.

Site Suitability

The subject site is zoned R1 General Residential in accordance with the LEP. Multi-dwelling housing is permissible with consent in the R1 zone pursuant to the LEP. The central location of the subject land provides convenient access to public facilities and local parks. The site is considered to be suitable for the proposed development.

Public Interest

The proposed development is consistent with local and State planning legislation and is therefore considered to be in the public's best interest.

Conclusion

Urban Approved has been engaged by PV Projects (the Applicant), to prepare a Statement of Environmental Effects (SoEE) seeking approval for the construction of a new dual occupancy (attached) at Lot 7032 DP 1124388, No. 66 Bogan Street Nyngan (site). The proposed development would result in three (3) dwellings on the site and therefore approval is sought for multi-dwelling housing.

The site is zoned R1 General Residential in accordance with the Bogan Local Environmental Plan 2011 (LEP).

The proposed multi-dwelling housing is permissible with consent in the R1 zone pursuant to the provisions of the LEP.

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The site contains an existing dwelling house and part of the Nyngan police station (property boundary runs through the building). The site is located within an established urban area, serviced by existing infrastructure and in proximity to local sporting facilities adjacent to the subject site.

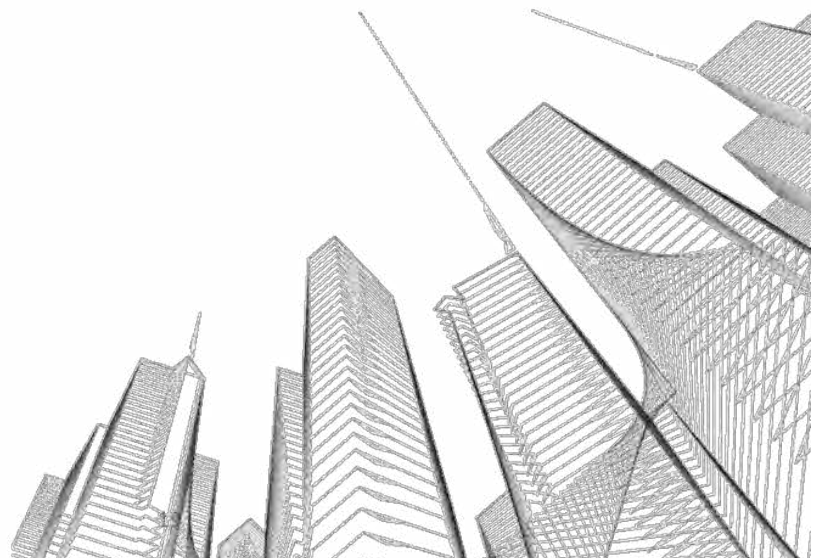
This development application is lodged on behalf of the Crown, in particular, the Department of Communities and Justice. The proposed new dual occupancy (attached) will provide for housing opportunities and increased densities within an area of Nyngan zoned for denser housing options.

This SoEE has been prepared in the approved form as prescribed under Section 24 of the Environmental Planning and Assessment Regulation 2021 and in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

This Development Application is provided to Council for consideration, with a recommendation for approval.

Should any questions or clarification be required, please contact our Principal Town Planner, Nicholas Allatt on 0431 186 069 or via email nicholas.allatt@urbanapproved.com.au.

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STATEMENT OF ENVIRONMENTAL EFFECTS – 66 BOGAN STREET, NYNGAN





"Comfortable Country Living"

DA10/2025/018/001
Date: 18 December 2025

**Mr Vincent Williamson
66 Bogan Street
NYNGAN NSW 2825**

Dear Mr Williamson,

**Notice of Determination of Development Application
Section 4.15 (1)(a), Environmental Planning and Assessment Act 1979**

Premises to which Notice refers: Pt Lot: 7032 DP 1124388 No 66 Bogan Street NYNGAN NSW 2825

Proposed Development: New Multi Dwelling Housing

The application submitted by you for permission to undertake the above described development, has been approved by Council.

The application has been determined as a conditional consent subject to the compliance with the conditions attached to this Notice and adherence to the requirements of the Environmental Planning and Assessment Act 1979 and Regulation thereunder.

Development Application Number: 10/2025/018/001

Determination Date: 18 December 2025

Operation of Consent Date: 18 December 2025

Consent Expiry Date: 18 December 2030

Note: Such consent will not lapse once the proposed development is physically commenced before the date the consent would otherwise lapse, except where a specific condition of consent limits the duration of consent.

The Planning Assessment Commission has not conducted a review of this application.

Approvals under the Local Government Act 1993 integrated with this consent:
Section 68 – Sewer, Water and Stormwater

Telephone: (02) 6835 9000
Facsimile: (02) 6835 9011
Email: admin@bogan.nsw.gov.au
www.bogan.nsw.gov.au

Address all
communications to:
The General Manager
PO Box 221

Council Chambers
81 Cobar Street
Nyngan
New South Wales

DA No. 10/2025/006/001

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:

Plan Reference	Drawn By	Dated/Sheets
Statement of Environmental Effects	Urban Approved Town Planning	22 September 2025
Architectural Plans	Avalon Drafting	10-9-2025; Sheets 1-9 of 9

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority:

Construction Site Management Plan

4. Before the issue of a Construction Certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier.

The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Erosion and Sediment Control Plan

5. Before the issue of a Construction Certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.

Waste Management Plan

6. Before the issue of a Construction Certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

(a) Council's Waste Management Development Control Plan OR

(b) details the following:

- the contact details of the person(s) removing the waste
- an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
- the address of the disposal location(s) where the waste is to be taken.

The applicant must ensure the waste management plan is referred to in the construction site.

C. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to work commencing on the subject site(s):

Notification/Principal Certifying Authority

7. The applicant must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.
8. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:

- (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land.
- (b) The notice shall be given seven (7) days prior to the commencement of work.

Construction Requirements

9. The applicant/builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public.

Site Facilities

10. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Site Notice Board

11. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
- (a) The name, address and telephone number of the principal certifying authority for the work; and
 - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (c) Unauthorised entry to the premises is prohibited.

Relocation of Services

12. The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

D. DURING CONSTRUCTION

The following conditions are to be complied with or addressed during construction:

Hours of Construction Work and Deliveries

13. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 5:00pm Monday to Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Security Fence

14. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note: Fencing is not to be located on Council's reserve area.

BCA Compliance

15. Pursuant to Section 4.17 (11) of the EP&A Act 1979 all building work must be carried out in accordance with the requirements of the BCA

External

16. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.

Pollution Control

17. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

18. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

19. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the Applicant and Contractor shall ensure the appropriate Regulatory Authority (e.g. Environment Protection Authority, WorkCover Authority, Council, NSW Fire Brigade etc.) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority. (Note: Such materials cannot be disposed of to landfill unless the particular facilities are licensed to receive that type and class of waste).

Stormwater Runoff

20. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

D. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:

Certificates

21. The premises must not be utilised until an OC is issued by Council. Copies of all documents relied upon for the issue of the occupation certificate must be forwarded to Council.

F. ADVISORY

- (a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 8.2 of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months after the date on which the application has been deemed to be determined.
- (b) If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which the application has been deemed to be determined.
- (c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- (d) The Planning Assessment Commission has/has not (nominate whichever is relevant), conducted a review of the application.
- (e) These conditions are imposed to control development, having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979.
- (f) "DIAL BEFORE YOU DIG" DIAL 1100. Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables, or you can lodge a free enquiry at: <http://www.1100.com.au>
- (g) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- (h) You are advised that the placement of a concrete path around your home may render your home vulnerable to termite attack. To minimise the possibility of any damage, ensure that a minimum of 75mm clearance is provided between the base of the weephole and the level of the path.
- (i) The Bogan Shire Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time

due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential effect of Salinity to ensure the ongoing structural integrity of any work undertaken. Bogan Shire Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

- (j) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- (k) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

DEFINITIONS

AEP	Annual Exceedance Probability
BCA	Building Code of Australia
Council	Bogan Shire Council
DECC	Department of Environment and Climate Change
CC	Construction Certificate
1% AEP Flood	The 1 in 100 year flood
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
LPI Service	Land and Property Information Service
OC	Occupation Certificate
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RMS	Roads and Maritime Service

Yours faithfully

Jackson Williams-Hedges
Manager Development and Environmental Services
Bogan Shire Council

14.3 NYNGAN WAR MEMORIAL SWIMMING POOL ACTIVITY REPORT

1. Introduction

The purpose of this report is to advise Council of the activities and statistics relating to the Nyngan War Memorial Pool.

2. Background

The Nyngan War Memorial Pool was opened to the public on 4 October 2025 for the current 2025/2026 season. The Pool and its facilities are managed by an external contractor who is responsible for the upkeep and day to day operations of this facility.

3. Discussion

The Nyngan War Memorial Pool (The Pool) has had a successful start to the season recording 2,716 visitors in October and 3,672 visitors in November.

The Pool operates Monday to Friday from 6.30am till 8.00am for early morning swimmers. It is also open seven days a week from 11am, closing at 6pm in October, 7pm in November, and 8pm from December through to March to take advantage of the longer daylight hours.

A range of regular activities continue to be well supported. The Nyngan Amateur Swim Club (NASC) hosts its regular Friday evening swimming club events as well as occasional weekend carnivals. Social groups participate in water aerobics and the 'Splashers' group makes use of the precinct for its regular Sunday morning swims. Families also take advantage of early season swimming lessons, and NASC conducts morning and afternoon swimming sessions throughout the week.



The Pool will host school swimming carnivals early in the 2026 school year which will include all of the Nyngan schools, as well as Girilambone, Hermidale and The Marra small schools.

Council will again provide free access to the pool for Australia Day 2026. This has proven to be popular in past years as community members take advantage of the facilities to cool off and socialise. Other activities that are well patronised by the younger visitors to the Pool include the splash play area and water slide.



Maintenance undertaken in the 'off season' included replacing the frayed shade sail over the small toddler pool and 3 shade sails located over the diving blocks of the 50m pool, line painting of basketball court, painting of older style timber table and chairs and general maintenance such as calibration of the automatic dosing unit and servicing of the pool cleaner.

Patching work was undertaken at the beginning of the season to address cracking in the pool floor that had resulted in a hole in the fibre-glazed cell structure. Although the affected area has been rectified for the short term, this section of the floor will be further assessed when specialist contractors attend to repair the floor bubble, which is scheduled for September 2026.

The Pool continues to experience water loss however, overall losses have improved since the 2023/2024 season following pipe repairs. Despite these improvements, current water loss levels remain higher than at the same time last season, as shown in the water usage table below.

2023/2024	KL	2024/2025	KL	2025/2026	KL
October	187.74	October	50.55	October	58.51
November	227.66	November	61.10	November	86.14
December	242.16	December	52.03	December	
January	264.38	January	41.67	January	
February	266.65	February	39.62	February	
March	98.64	March	44.45	March	

4. Attachments

Nil

5. Recommendation

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

15 PRECIS OF CORRESPONDENCE**15.1 DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER**

Correspondence received from The Department of Climate Change, Energy, The Environment and Water, regarding Nyngan Hermidale Pump Stations.

Attachments

1. Correspondence received from The Department of Climate Change, Energy, The Environment and Water

Recommendation

For Noting.

OFFICIAL: Sensitive - NSW Government

**Department of Climate Change, Energy, the Environment and Water**

Our ref: OUT25/14965

Mr Derek Francis

General Manager

Bogan Shire Council

By email: derek.francis@bogan.nsw.gov.au

December 2025

Construction begins on landmark Nyngan and Hermidale pump stations

The NSW Department of Climate Change, Energy, the Environment and Water is pleased to inform Bogan Shire Council that construction is beginning on one of the largest water infrastructure projects in Western NSW.

The Nyngan to Cobar Pump Stations Project will deliver 2 new state-of-the-art pump stations at Nyngan and Hermidale.

I would like to acknowledge the Wongaibon as the Traditional Owners and Native Title holders of the land on which this project takes place. I pay my respects to Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander peoples.

As you know, Cobar is one of the only NSW towns without its own water source. Water is pumped 130km from Nyngan via the Albert Priest Channel. These new pump stations will keep supply secure for homes, businesses and the local economy.

The upgraded infrastructure will incorporate the latest technology, enabling remote monitoring and boosting safety for operators while reducing the risk of critical failures.

Contractor SRG Global Utilities (formally Diona) is now on site and leading delivery of the project, with construction of both pump stations expected to be completed by mid-2027.

The project is jointly funded by the Australian Government, through the National Water Grid Fund, and the NSW Government.

It is being delivered in close partnership with local stakeholders to ensure the new infrastructure is fit-for-purpose and future-ready.

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
Locked Bag 5022, Parramatta NSW 2124

www.dcceew.nsw.gov.au/

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**Department of Climate Change, Energy, the Environment and Water**

I would like to thank you and Bogan Shire Council for your valued contribution to the project and I look forward to continuing to work with you on this important project.

If you have any questions regarding this update, please contact Project Manager Puneet Kaur via email puneet.kaur@dcceew.nsw.gov.au.

Yours sincerely,

Sarah Horne

Director Infrastructure North

Department of Climate Change, Energy, the Environment and Water

More information

- visit water.nsw.gov.au/nyngan-cobar-pipeline
- call 1300 081 047
- Email water.enquiries@dcceew.nsw.gov.au

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Department of Climate Change, Energy, the Environment and Water



Nyngan to Cobar Pump Stations Project - Nyngan and Hermidale pump station locations



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15.2 CORRESPONDENCE FROM THE HON KRISTY MCBAIN, MINISTER FOR EMERGENCY MANAGEMENT; MINISTER FOR REGIONAL DEVELOPMENT, LOCAL GOVERNMENT AND TERRITORIES

Correspondence received from The Hon Kristy McBain, Minister for Emergency Management, Minister for Regional Development, Local Government and Territories regarding the inquiry into Local Government funding and Fiscal Sustainability.

Attachments

1. Correspondence received from The Hon Kristy McBain MP

Recommendation

For Noting.

**The Hon Kristy McBain MP**

Minister for Emergency Management
Minister for Regional Development, Local Government and Territories
Member for Eden-Monaro

Dear Mayor

I am pleased to advise that on 4 November 2025, I referred the matter of local government funding and fiscal sustainability to the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport (the Committee). My referral allows the Committee to build on the previous inquiry into local government sustainability which lapsed with the Federal election in May 2025.

I am delighted that the Committee has announced that it will continue this important work through the new inquiry into Local Government Funding and Fiscal Sustainability (the Inquiry). The Terms of Reference (TOR) for this Inquiry have a sharper focus on the financial sustainability of local governments, including the interactions between levels of governments, funding sources and the impact and effectiveness of those sources.

The Committee will consider evidence already presented from the previous inquiry, but is also calling for additional or updated submissions to explore these new areas of focus. While there is no need to resubmit any previous submissions, I encourage anyone who may have more to add to the Inquiry given its revised terms of reference to consider making a submission. Written submissions may be provided to the Inquiry until **3 February 2026**.

For the TOR and more information regarding the Inquiry, including how to make a submission, please visit the Parliament of Australia website at: www.aph.gov.au/Parliamentary_Business/Committees/House/Regional_Development_Infrastructure_and_Transport/LocalGovernmentFunding. Any questions relating to written submissions process should be directed to the Committee Secretariat at: rdit.reps@aph.gov.au.

I look forward to receiving the Committee's final report and recommendations and continuing to deliver on the Government's commitment to supporting a strong and sustainable local government sector.

Yours sincerely

Kristy McBain MP

21 /11/2025

Parliament House, Canberra ACT 2600 Tel: 02 6277 7060 | Email: minister.mcbain@mo.regional.gov.au
Electorate Offices: PO Box 214, Queanbeyan NSW 2620 Tel: 02 6284 2442 | PO Box 1233, Bega NSW 2550 Tel: 02 6492 0542

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16 MEETING CLOSURE