



BOGAN SHIRE COUNCIL

Minutes

21 September 2022



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**Minutes of the Ordinary Meeting
of Bogan Shire Council held on 21 September 2022**

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

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

APOLOGIES: Councillor VJ Boag **(Elias/Jackson)**

DISCLOSURE OF INTEREST:

The following disclosures of interests were declared:

- Mrs Stephanie Waterhouse (Director of Finance and Corporate Services) declared a pecuniary interest in the General Managers Report 2. Proposed Solar Farm – Lease of Land. The reason for such interest is that Mrs Waterhouse currently holds a lease over this land.
- Cllr Graham Jackson declared a pecuniary interest General Managers Report Checklist, Big Bogan Festival. The reason for such interest is that he is a retailer in Nyngan who currently sells Big Bogan merchandise.

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219/2022 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 25 August 2022, copies of which have been circulated to Councillors be taken as read and confirmed, with the following amendments:

STRONGER COUNTRY COMMUNITIES FUND – ROUND 5

198/2022 RESOLVED that the General Manager applies for funding under the Resources for Regions Grant for the projects and programs below, in priority order, until all grant funds are exhausted retaining a maximum of 35% for contingencies and project management / administration costs. **(Jackson/Menzies)**

Infrastructure - Roads		
8	Rural Roads	
	a. Pangee Road Construction	\$1,000,000
	b. Coffils Lane (construction & causeways)	\$1,450,000
	c. Okeh Road causeways	\$300,000
9	Nyngan Town Streets	
	a. Resealing Rehabilitation	\$300,000
	b. Footpath/Kerb & Gutter replacement	\$300,000
	c. New footpath Dandaloo Street	\$45,000

PRECIS OF CORRESPONDENCE

SCOTT BARTLEY, RENEWAL OF POOL MANAGER CONTRACT FOR 2022/23 SEASON

210/2022 RESOLVED that Mr Bartley be appointed as the Pool Manager for the duration of the ~~2033/23~~ 2022/23 Season, on the same previous terms and conditions.

(Jackson/Deacon)



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The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 21 September 2022.

214/2022 RESOLVED EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed session of Council with the public excluded, in accordance with the Local Government Act 1993, Clause 10A d) (i) as involving commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. **(Deacon/Jackson)**

215/2022 RESOLVED that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 25 August 2022, copies of which have been circulated to Councillors be taken as read and confirmed **(Jackson/Douglas)**

216/2022 RESOLVED that Council sell Lot 5 DP 1177431 of the John Hoare OAM Business Estate for \$45,000, plus GST, to the current proponent on the following terms:

1. Council agrees to fund and provide the following services to the block:
 - i. Access to Council's sewerage system from the perimeter of the block, including a grinder pump system.
 - ii. Access to Council's water reticulation system to the perimeter of the block.
 - iii. Kerb and guttering to the Lawlor Street frontage of the block.

(Douglas/Menzies)

217/2022 RESOLVED that Council agrees to the variations contained in the Novation and Amendment Deed for the lease of Lot 2, DP222408, subject to the following conditions:

- Extending the term of the lease from 25 years to 35 years, with the rental payable for this extended period to be negotiated by the General Manager
- The granting of a transmission connection easement to Essential Energy through to Dandaloo Street as identified in the correspondence form Red Mud Green Energy on the basis that the portion of Lot 2, DP222408 which forms part of Council's proposed subdivision be excluded from the Solar Farm Lease. **(Milligan/Douglas)**

218/2022 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting move into open Council. **(Milligan/Douglas)**



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URGENT MATTER RAISED BY THE MAYOR

It was **MOVED** that an urgent matter, not included in the Business Paper, be considered for discussion **(Neill/Douglas)**

220/2022 **RESOLVED** that an urgent matter, not included in the Business Paper, relating to Bogan Shire Medical Centre, be considered for discussion **(Neill/Douglas)**

221/2022 **RESOLVED** that Council supports the necessary action taken by the Mayor in bringing to the attention of the government, the potential loss of a doctor at the Bogan Shire Medical Centre as a result of his wife's visa application being refused. **(Jackson/Douglas)**

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

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	23/09/2021	249/2021	Increase of train speed through Nyngan	Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates.	GM	Pending discussions closer to State Elections. UPDATE: Mayor and GM held site visit with Scott Barrett MLC on 13/07/2022.
2	27/05/2022	122/2022	Nyngan Emergency Bore	Council seeks advice from the Minister for Water, as to a mechanism for periodic extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage.	GM	Letter written to Minister for Water. UPDATE: Scott Barrett MLC requested on 11/08/22 and 13/09/2022 to follow up on letter to Minister for Water.

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3	28/11/2019	368/2019	Repairs to Nyngan & Cobar Emergency Water Storage	The General Manager be authorised to procure sufficient quantities Geosynthetic Clay Liner & Geotextile material to complete the remediation works, according to specifications provided by NSW Public Works. The procurement be carried out by way of quotations.	DES	Remediation work postponed due to wet weather and soft floor. Floor continues to be wet and soft from rain. Requires warm weather to dry out sub- base A contract variation has been issued to the Contractor for change of scope for repairs to inside batters.
4	17/12/2020	373/2020	Lack of Vacation Care/Before and After School Care in Nyngan	Council approach both primary schools in Nyngan. Council bring this matter to the attention of local State Member and Hon. Sam Faraway MLC.	DPCS	Meetings held with Principals of Nyngan Public and St Joseph's Schools. Letter sent to Hon. Bronnie Taylor MLC, Minister for Mental Health, Rural Youth and Women. UPDATE: Council has been informed that the tender process for the new Before and After School Care service is being dealt with by the Department of Education.

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5	25/02/2021	012/2021	Nyngan Railway Wool Dump	A colour information sign be erected at the Nyngan Railway Wool Dump on stand adjacent to the dump. A cement path from the existing walkway to the sign be constructed, with available funding.	DES	Pending commencement of grant- funded works.
6	27/05/2021	126/2021	Addressing Local Job Vacancies	Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.	DPCS	UPDATE: Planning for new residential subdivision has commenced.
7	28/05/2022	085/2022	Refugee Employment	Council funds, and invites the Bogan Shire's business community to participate in a skills and labour shortage	DPCS	Engagement with business community, including agricultural sector, commenced 18/07/22 with online and paper-based survey.

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				mapping exercise. Following the skills and labour shortage mapping exercise, representatives from identified Refugee Recruitment service providers be invited to a meeting with Council.		Refugee recruitment specialist invited to attend August Council Meeting. COMPLETED
8	28/10/2021	162/2021	Section 355 Committee – Nyngan Museum	General Manager to proceed with discussions to formalise a constitution and associated delegations for Nyngan Museum Committee as a Section 355 Management Committee of Council with a further report to Council.	GM	Initial meeting held with Museum Committee. Draft delegations prepared for further discussions with Museum Committee. Referred to Audit & Risk Committee. UPDATE: Report from Internal Auditor to be considered by ARIC before making recommendations to Council. ARIC Meeting scheduled for 29/09/22.

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9	25/11/2021	331/2021	Recycling Bins in Town Main Street	Recycling bins be made available in town main street.	DDES	Eight recycling bins received – considered in Council's best interest to delay installation until main street paving completed.
	24/03/2022	068/2022	Recycling Bin Waste Stickers	That Council, as part of the recycling education program that will be conducted through schools, supply students with a sticker and encourage to stick it to their household recycling bin.		In Progress.

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10	27/05/2022	111/2022	<p>Nyngan's Big Bogan Festival</p>	<p>Bogan Shire Council applies for funding from the Reconnecting Regional NSW – Community Events program grant to host Nyngan's Big Bogan Festival to be held between October and November 2022.</p> <hr/> <p>Interested Bogan Shire community members be invited to participate in a committee / working group.</p>	<p>DPCS</p>	<p>UPDATE: Event Coordinator now appointed and working with Council Staff. All musical acts have been confirmed, promotion and advertising of the event has commenced.</p> <p>Direction sought from Council as to Bogan Shire Council selling Big Bogan Festival merchandise, including distribution of profit (e.g. funding cost of producing new official VIC visitor guide)</p> <hr/> <p>Invitations made to Community Members.</p> <p>COMPLETED</p>
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11	23/06/2022	126/2022	New Water Treatment Plant Site	A further report to Council be considered for location of the New Water Treatment Plant, including the location as presented to Council, as well as other options outside/adjacent to the levy bank.	DES	UPDATE: Public Works currently investigating suitability of substation site.
12	23/06/2022	141/2022	Dolly Parton's Imagination Library Australia	Council establishes an Imagination Library in partnership with United Way Australia.	DPCS	Initial meeting held with United Way to progress. UPDATE Imagination Library established – commencing November 2022. Council Library staff working in partnership with Community Nurse at Nyngan Hospital to provide sign- up information to new parents. Library staff to administer the program and enter registrations.

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13	23/06/22	148/2022	Pangee Street Paving	The Director of Engineering investigate options of disposing of the pavers, as alternatives of what was discussed at the meeting, including costings, and report back to Council.	DES	<p>Most appropriate method of disposal would appear to be removing old pavers to a non-Council-owned site to enable public access to the pavers free of charge. Further investigations continuing.</p> <p><u>UPDATE:</u> It is recommended that Council advertises before work commences for Expressions of Interest from interested parties to have the old pavers delivered to an appropriate site of theirs, where times can be arranged for the public to collect pavers. After a set period of time, the interested party can then make use of unwanted pavers as they see fit.</p>
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14	28/07/2022	162/2022	Bogan River Signage	The General Manager, in consultation with the Mayor and Deputy Mayor, have discussions with the NALC as to whether the wording should be placed on an individual sign or as part of an information sign, as well as their preference for sign location.	GM	Letter sent to Nyngan LALC. Further discussions to take place. UPDATE: Nyngan LALC has advised that they support the wording as part of the proposed information signs in locations previously mentioned in the report to Council. COMPLETED
15	28/07/2022	171/2022	Hoskins Street Subdivision	Council approves the draft subdivision layout, with following amendments: Inclusion of a laneway between lots 18-23 and lots 28-33. Accordingly reduce the number of affected blocks to retain an average size of around 1000m ² .	DES	Amended plan sent back to consultants. Meetings between Alliance of Western Council and NSW Government held of 17/08/22 and 19/08/22 to discuss.

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				Strong representation is made to the Minister for Western New South Wales in relation to Biodiversity Fund contributions.		UPDATE: Further representation to be made by the Alliance of Western Councils.
16	25/08/2022	207/2022	Removal of Athel Pines	<p>Council removes all Athel Pines located adjacent to the airport.</p> <p>Council plants native species to replace the Athel Pines that will be removed, with funding to be allocated at the next budget review.</p>	DDES	UPDATE: Obtaining quotations prior to carrying out the work.
17	25/08/2022	208/2022	Kerbside Waste	Council determine that the bulky kerbside collection trial proceed and determine associated costs at the next budget review.	DDES	UPDATE: Investigating processes and associated costs, to report to Council at the October meeting.

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18	25/08/2022	209/2022	Subdivision of Land Below the Minimum Lot Size	The General Manager investigates the costs involved in a housekeeping amendment to the Bogan LEP 2011, and report back to a future Council Meeting	DDES	<u>UPDATE:</u> Initial meeting held with consultant, report to Council at the October Meeting.
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Item from Checklist

10. NYNGANS BIG BOGAN FESTIVAL

Clr Jackson left the room for this item.

222/2022 RESOLVED that Council support the actions of staff to create merchandise, as required, to sell at the Big Bogan Festival and beyond, with any profits to be allocated to producing a new Bogan Shire Visitor Information Guide.
(Milligan/Bright)

Clr Jackson returned to the room

223/2022 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist.
(Deacon/Elias)

2 PRECUINARY INTEREST

Summary: *Tabling of the Pecuniary Interest Register is a requirement under Section 450A of the Local Government Act.*

224/2022 RESOLVED that the Pecuniary Interest Register, in respect of the period 1 July 2021 to 30 June 2022, be received and noted. **(Jackson/Menzies)**

3 CHRISTMAS – NEW YEAR CLOSURE

Summary: *The purpose of this report is to obtain Council’s approval for the closure of Council offices over the Christmas/New Year holiday period.*

225/2022 RESOLVED that:

1. Council closes the Shire Offices including Library, Bogan Shire Medical Centre and Bogan Shire Youth and Community Centre on Wednesday 28 December 2022, Thursday 29 December 2022 and Friday 30 December 2022 and advises the community accordingly.
2. That the Bogan Shire Council Christmas Party take place between 12.00pm and 3.00pm on 15 December 2022, involving all Councillors, Staff and their partners, and that council covers the cost of this event.

(Jackson/Deacon)



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4 DECEMBER 2022 / JANUARY 2023 RECESS

Summary:

The purpose of this report is for Council to consider the option of going into recess during December 2022/ January 2023.

226/2022 RESOLVED that:

1. Council goes into recess from Friday 23 December 2022 until 31 January 2023 and consequently does not have an Ordinary Meeting during January 2023.
2. Pursuant to and subject to the limitations of Section 377 of the Local Government Act, Council grants authority to the Mayor, Deputy Mayor and General Manager with Councillors to be contacted if practical, to make decisions on behalf of Council during this recess period.
3. Any such decisions are to be reported to the Council at its first meeting in 2023.

(Douglas/Milligan)



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

1 VISITOR INFORMATION CENTRE OPERATIONAL REPORT

Summary:

The purpose of this report is to provide information to Council on the operations of the Visitor Information Centre.

227/2022 RESOLVED that the Operational Report for the Visitor Information Centre be received and noted. **(Douglas/Elias)**

2 AUSTRALIA DAY 2023 NOMINATIONS AND AWARDS

Summary:

The purpose of this report is for Council to approve the Australia Day Award categories, nomination form, guidelines and voting system for the 2023 awards.

228/2022 RESOLVED that Council approves the categories, nominations forms and guidelines with the date of Monday 5 December 2022 being the closing date for all nominations and Councillor votes to be received by Wednesday 14 December 2022. **(Jackson/Deacon)**

Meeting adjourned at 6.30pm for supper and resumed at 7.00pm.

3 BOGAN SHIRE EARLY LEARNING CENTRE

Summary:

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

229/2022 RESOLVED that the Early Learning Centre report be received and noted. **(Menzies/Bright)**

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4 BOGAN SHIRE YOUTH AND COMMUNITY CENTRE – VENUE HIRE FEES AND CHARGES

Summary: *The purpose of this report is for Council to fix fees and make charges for venue hire at the Bogan Shire Youth and Community Centre.*

BSYCC Venue Hire				
Room	Corporate Hire (+GST)	Private Use (+GST)	Community Organisations	Youth and Community Programs
Room 1 (full day)	\$170	\$100	Nil	Nil
Room 1 (half day <3hrs)	\$100	\$50	Nil	Nil
Room 2 (full day)	\$170	\$100	Nil	Nil
Room 2 (half day <3hrs)	\$100	\$50	Nil	Nil
Room 1&2 (full day)	\$340	\$200	Nil	Nil
Room 1&2 (half day <3hrs)	\$200	\$100	Nil	Nil
Room 3 (full day)	\$85	\$50	Nil	Nil
Room 3 (half day <3hrs)	\$50	\$25	Nil	Nil
Room 4 (full day)	\$75	\$40	Nil	Nil
Room 4 (half day <3hrs)	\$40	\$20	Nil	Nil
Room 3&4 (full day)	\$160	\$90	Nil	Nil
Room 3&4 (half day <3hrs)	\$90	\$45	Nil	Nil
Bond for Rooms (No GST)	\$100	\$100	Nil	Nil
Kitchen/Lounge (per day)	\$400	\$290	Nil	Nil
Kitchen/Lounge (half day <3hrs)	\$290	\$170	Nil	Nil
Sports Hall (per day)	\$400	\$400	Nil	Nil
Sports Hall (half day <3hrs)	\$290	\$290	Nil	Nil
Additional cleaning after hire	Actual Cost	Actual Cost	Nil	Nil
Bond for K/L/Hall (No GST)	\$800	\$800	Nil	Nil



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230/2022 RESOLVED that:

1. Council adopts the Bogan Shire Youth and Community Centre fees and charges contained within this report.
2. Revenue generated from these fees and charges be identified separately in the budget review and directed to youth and community programs and resources.

(Jackson/Deacon)

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

1 INVESTMENTS AUGUST 2022

Summary: *The report is to outline the performance of Council's Investment Portfolio for the month of August 2022.*

The Investment Report for August 2022 is shown below. At the 31st August 2022 Council had \$19.5 million invested. There has been an increase of \$4 million due to claims being received for Transport for NSW projects, the first milestone of Stronger Country Community Round 4 Resources for Regions Round 8 projects, Second Water Storage project as well as the 1st Quarter Financial Assistance Grant payment.

231/2022 **RESOLVED** that the Investments Report be received and noted.
(Bright/Milligan)

2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

Summary: *This report is to provide a comparison of rate collections as at 31st August 2022, with the same period last year.
Total arrears have decreased from \$1,127,103 as at the 31st August 2021 to \$1,041,352 as at 31st August this year.*

The Director of Finance and Corporate Services reported at the meeting, that at the date of the meeting, current arrears had decreased to \$926,453.

Rate Collections	2022-2023	2021-2022
Arrears Prior to 30/06/2022	703,371	837,156
First Instalment arrears as at 31/08/2022	223,082	289,947
Second Instalment outstanding as at 31/08/2022	1,073,388	1,064,747
Third Instalment outstanding as at 31/08/2022	1,111,728	1,096,655
Fourth Instalment outstanding as at 31/08/2022	1,125,827	1,105,011
Total Arrears	1,041,352	1,127,103
Total Outstanding	4,237,396	4,393,516
Monthly Transactions		
Amount Levied & B/Fwd	6,017,058	6,158,231
Add: Adjustments	7,052	3789
Less: Payments to end of May	-1,706,547	-1,691,583
Less: Rebates	-78,290	-76,921
Add: Postponed	0	0
Gross Total Balance	4,418,449	4,393,516
Arrears of total amount levied %	17%	18%



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232/2022 RESOLVED that the Rates and Annual Charges collection report be received and noted. **(Jackson/Menzies)**

3 ADOPTION OF THE 2021/2022 DRAFT ANNUAL STATEMENTS

Summary: *To adopt the 2021/2022 Draft Annual Statements and for Council to delegate Authority to the General Manager to Authorise the Year End Account for issue.*

Consolidated Accounting Surplus of \$9,938,000.

Surplus of \$7,326,000 in the General Fund is due to \$7,719,000 in expenditure being capitalised and not expensed and the income included in the Operating Result.

Surplus of \$2,917,000 in the Water Fund is due to Capital Grant funding included in the operating result and expenditure of \$3,006,000 being capitalised and not expensed.

Consolidated unrestricted cash reserves of \$1,345,000.

233/2022 RESOLVED that:

1. Council adopts the 2021/2022 Draft Annual Statements, with thanks conveyed to staff for the preparation of the statements.
2. Council delegates authority to the General Manager to authorise the Year End Accounts for issue.

(Douglas/Elias)

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

1 DEPARTMENTAL ACTIVITY REPORT

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

234/2022 RESOLVED that:

1. The Engineering Departmental Activity Report be received and noted.
2. Council contact Transport for NSW and request that a work order be issued for roadside slashing to be carried out, between the Albert Priest Channel and Nevertire boundary.

(Menzies/Jackson)

**2 FUTUREBUS – FEASIBILITY PROPOSAL FOR INSTALLING &
OPERATING AN ELECTRICITY GENERATING PLANT**

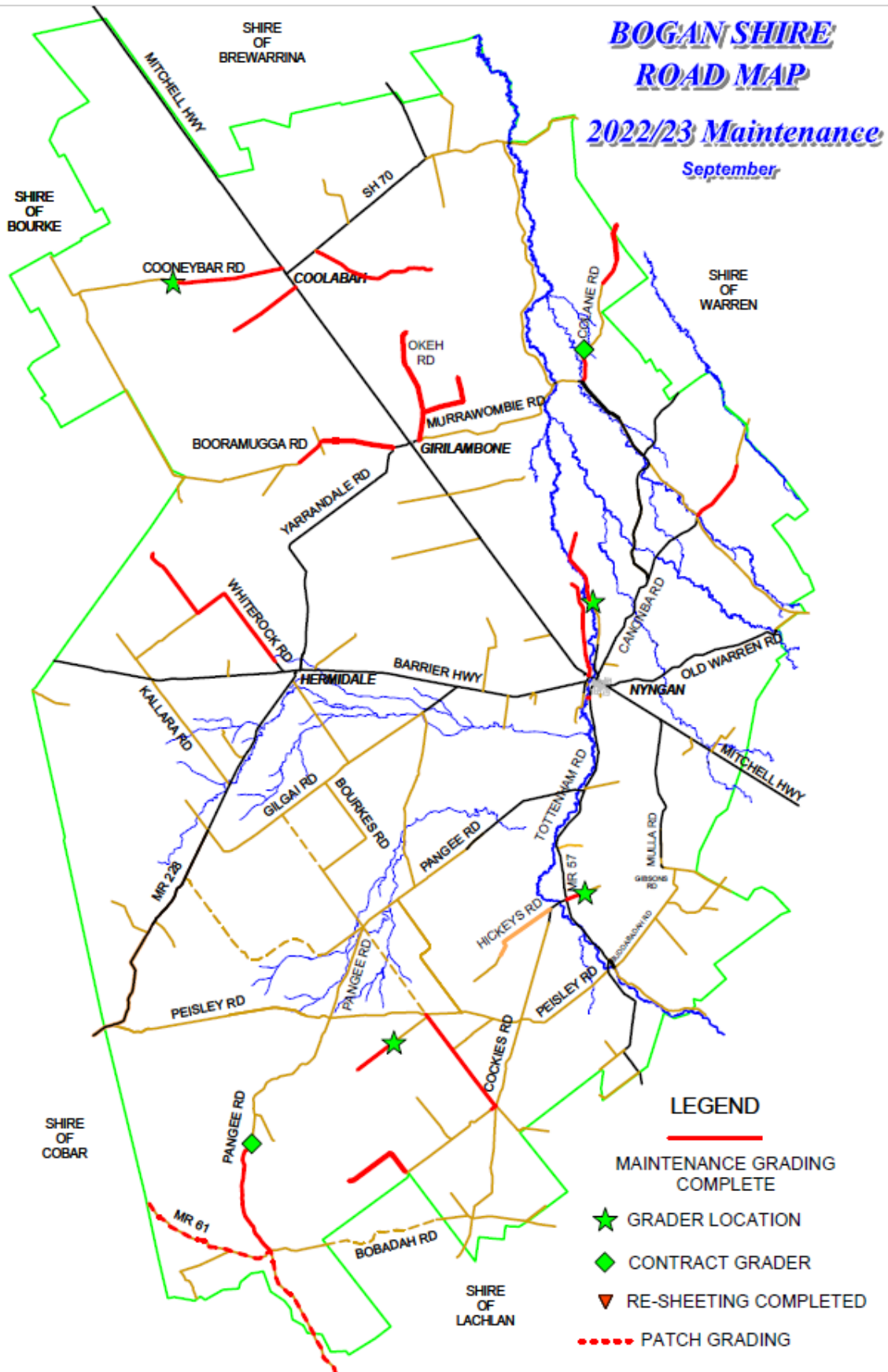
Summary: *The purpose of this report is for Council to consider a feasibility proposal from a company called FutureBus for the installation and operation of a proton exchange membrane (PEM), water electrolyzers and containerised balance-of-plants.*

235/2022 RESOLVED that:

1. The report on FutureBus be received and noted.
2. The report on Futurebus be forwarded to the Alliance of Western Councils.

(Douglas/Menzies)

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

1 DEPARTMENTAL ACTIVITY REPORT

Summary:

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

236/2022 RESOLVED that the Development and Environmental Services Departmental Activity Report be received and noted. **(Deacon/Menzies)**

PRECIS OF CORRESPONDENCE

1 CR DARRIEA TURLEY AM, PRESIDENT LGNSW

237/2022 RESOLVED that the correspondence from Cr Darriea Turley AM, President LGNSW, regarding the Rural Fire Service “red fleet”, be received and noted. **(Menzies/Bright)**

There being no further business, the meeting closed at 7.30pm

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

.....
GENERAL MANAGER

.....
MAYOR

