



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**23<sup>rd</sup> February 2012**



**Minutes of the Ordinary Meeting of Bogan Shire Council held in the Council Chambers  
on 23<sup>rd</sup> February 2012 at 9.30am**

**PRESENT:** Councillors RL Donald, JL Douglas, LH Dutton, HJ Griffiths, JE Hampstead OAM, AM Kennedy, EM McLaughlin, GRJ Neill and KM Ryan.

Also present were Mr Derek Francis (General Manager), Ms Theresa Haley (Manager of Corporate Services), Mr Tim Riley (Manager of Environmental Services), Mr Mike Ryan (Acting Manager of Engineering Services) and Mrs CJ Ellison.

**REMEMBRANCE:** Mr Peter Dutton OAM.

**DECLARATION OF PECUNIARY INTEREST:** Nil

**013/2012 RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 15<sup>th</sup> December 2011, copies of which has been circularised to Councillors be taken as read and confirmed. **(Hampstead/ McLaughlin)**

Business Arising from the Minutes:

Nil

**The following resolutions arose from decisions made in the Closed and Confidential Section of the Meeting held on 23<sup>rd</sup> February 2012.**

**001/2012 EXCLUSION OF PRESS AND PUBLIC: RESOLVED** that the Committee move into a closed and confidential section of the Council Meeting because information discussed in a closed section of Council with the public excluded in accordance with Section 10A of the Local Government Act as involving information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. **(Ryan/Neill)**

**002/2012 RESOLVED** that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 15<sup>th</sup> December 2011, copies of which has been circularised to Councillors be taken as read and confirmed. **(Griffiths/Ryan)**

**003/2012 RESOLVED** that:

1. Council advise the Nyngan Local Aboriginal Land Council that at this time, the preferred location for the Visitors Information Centre is the Nyngan Museum.

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2. The Nyngan Museum Committee be requested to confirm whether the establishment of a Visitor Information Centre in the old ticketing and waiting room is acceptable to them. **(Ryan/Griffiths)**

**004/2012 RESOLVED** that:-

1. Council's general policy position is that it will give consideration to making accommodation available for Government agencies and other service providers to rent.

2. (a) Subject to conditions attached to the transfer agreement for the former ambulance station, Council agrees to rent the former residence to the NSW Police at a market rental to be determined.

(b) The Mayor and General Manager be authorised to negotiate this market rental and enter into a rental agreement with the NSW Police on behalf of Council. **(Hampstead/Dutton)**

**005/2012 RESOLVED** that Council gives public notice, as required by Section 610F of the Local Government Act 1993, that it intends amending its schedule of fees and charges for the 2011/2012 to include a new fee as follows:-

*Where Council staff are required to perform clean-up work on private property as a result of non-compliance with an Order under Section 124 of the Local Government Act, 1993 Council charges the responsible property owner a fee for this service being at cost based on Council's standard charge out rates for staff and plant.*

**(Hampstead/Ryan)**

**006/2012 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. **(Douglas / Kennedy)**

**007/2012 EXCLUSION OF PRESS AND PUBLIC: RESOLVED** that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed would if disclosed prejudice the maintenance of law. **(Ryan/Neill)**

**008/2012 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. **(Griffiths/Kennedy)**

**009/2012 EXCLUSION OF PRESS AND PUBLIC: RESOLVED** that the Committee move into a closed and confidential section of the Council Meeting

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because information provided and discussed involves matters concerning particular individuals other than Councillors. (**Hampstead/Dutton**)

**010/2012** INCLUSION OF PRESS AND PUBLIC: **RESOLVED** that the meeting move into open Council. (**Ryan/Griffiths**)

**011/2012** EXCLUSION OF PRESS AND PUBLIC: **RESOLVED** that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed involves matters concerning particular individuals other than Councillors. (**Ryan/Hampstead**)

**012/2012** INCLUSION OF PRESS AND PUBLIC: **RESOLVED** that the meeting move into open Council. (**Ryan/Neill**)

## **COMMITTEE MEETING MINUTES**

### **1. MUSEUM COMMITTEE MEETING**

**014/2012** **RESOLVED** that the report be received. (**Douglas/Ryan**)

## **REPORTS TO ORDINARY MEETING OF COUNCIL – MAYOR**

### **1 AUSTRALIA DAY AMBASSADOR**

**015/2012** **RESOLVED** that:

1. Council endorse Mr Reg Kidd as Bogan Shire Council's Australia Day Ambassador 2012.
2. Send thank you letters to Mr Reg Kidd and the Nyngan High School Band.
3. The Town Hall be the venue for future Australia Day Celebrations.
4. Future Australia Day Celebrations include activities at the pool and the seven a side cricket game. (**Kennedy/Griffiths**)

Other Matters:

**016/2012** **RESOLVED** that Council after consideration not continue with further discussions with the NSW Police Band to attend the Nyngan Show. (**Ryan/Douglas**)



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**017/2012 RESOLVED** that Council congratulate the Nyngan Fishing Club and the Central West Catchment Management Authority on the successful Bogan River Carp Muster. **(Griffiths/Kennedy)**

**018/2012 RESOLVED** that Council investigate having the fingerlings placed back into the river. **(Griffiths/Dutton)**

**019/2012 RESOLVED** that the roads tour be conducted on Thursday 22<sup>nd</sup> March 2012 and the village tour on Monday 16<sup>th</sup> April 2012. **(Griffiths/Kennedy)**

**020/2012 RESOLVED** that the March Council meeting be held on Thursday 29<sup>th</sup> March 2012. **(Ryan/Neill)**

**021/2012 RESOLVED** that Council donate \$1000 to the Council team involved in the Relay for Life event. **(Ryan/Douglas)**



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

**1 CHECKLIST**

Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
<b>1</b>	23/08/2007 25/02/2010 22/07/2010	500/2007 371/2007 370/2007 20/2010  244/2010	Housing Residential & Aged Care Accommodation  Aged Care Facility	Feasibility of developing Council owned land, subdivide, establish further aged care accommodation.  Nyngan Community Homes Committee to meet with Council.	Mayor / GM	Meetings have been held with the Community Homes Committee to advance the project.  Mayor & GM facilitated a meeting with Community Homes & Yarrabin who will now work together towards an agreement on the management of the Community homes.  GM attended meeting of Community Homes to discuss proposal. Verbal report at the December 2011 Council meeting.

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
<b>2</b>	24/04/2008 16/12/2010	140/2008 421/2010	Main Street	Advertise preliminary street plans & seek community comment.	MES	Base plans of main street being prepared.  Landscape architect visited Nyngan week of the 6 <sup>th</sup> February 2012 & will send fee proposal to Council for consideration.
<b>3</b>	23/10/2008	447/2008	Residences- Pangee Street	Council to speak to residents.	MEvS	John Holland Pty Ltd advised to undertake demolition work as a matter of urgency.
<b>4</b>	25/02/2011 24/03/2011 28/04/2011	09/2009 467/2009 164/2010 384/2010 80/2011 114/2011	Ambulance Station	Council express interest in acquiring the former ambulance station premises.	Mayor	Council write to Health Minister asking to acquire station at no cost to be used for community purposes. Mens Shed has acquired lease of both allotments at ambulance station. Council has approached Dept Health to have lot 9 transferred free of charge and offer to purchase lot 10 in its present condition for \$22,500. Follow up has been done with Dept of Health. Response expected before Christmas.



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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
						Department of Health have recommended to Government Asset Management Committee (GAMC) to accept Council's offer.
<b>5</b>	26/11/09	460/2009 223/2010	APC	<p>Letters to surrounding Councils advising of EOI to improve water delivery.</p> <p>Contact Fed Govt to ensure \$12m remains.</p> <p>Try and obtain more Government funding to complete the piping of the APC project.</p>	GM  Mayor	<p>Mark Coulton has been contacted to organise a meeting with Ministers Burke &amp; Crean.</p> <p>A meeting held with State Water Office who received a copy of quote from Irritek. Combined deputation with Cobar Shire Council to meet with Minister Katrina Hodgkinson. Cobar Shire Mayor &amp; GM have agreed to meeting. Meeting request sent to Minister.</p> <p>Follow-up request for meeting sent to Minister.</p>

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
<b>6</b>		171/2010	Lower Weir User	Council write to user asking for documentation regarding water entitlement & advise Council is further investigating matter.	GM	Letter sent. Documentation received. Refer to State Water.  Letter sent to Office of NSW Water. Unsatisfactory response received. Further letter to be sent by Flashman & Chalker.
<b>7</b>	22/07/2010	236/2010	Tritton Mines	Council write to Tritton Mines asking for photos for the displays in the Museum.	GM	Mines waiting on photos to be created in high definition.  Displays have been refreshed by Mines. Council officers liaising with mines and museum regarding photos.
<b>8</b>	28/10/2010	331 & 332/2010	Palais Theatre	Investigate making the outdoor area a venue for community use.	MES	Plan of Management currently being developed.  Currently in draft form.
<b>9</b>	22/02/2011	25/2011	Showground	Obtain quote for upgrade of showers & urinals.	MEvS	Works in progress, to be completed ASAP but no later than 31 <sup>st</sup> March 2012.

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<b>10</b>	24/03/2011	83/2011	Cinema	Investigate the recommencement of movies.	CDO	<p>Community Development Officer to look into having the SRC and Bourke Police involved in trying to recommence the movies.</p> <p>Cr Douglas to speak to the schools regarding Council's intention to try to recommence the movies, stress behaviour at the movies. On Hold – pending result of Management Plan for Palais Theatre.</p>
<b>11</b>	27/10/2011	318/2011	Upper & Lower Weir Users	Circularise Weir User' submission to Councillors. Council delegates to meet to discuss submission & agree on Council's position whether to support it or not.	ENG	The Office of Water has sought Council's comments in relation to a submission from irrigators requesting retention of existing drawdown provisions in the licence for the top weir.

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
						<p>The Office was informed that the security of town water supplies was Council's primary responsibility but Council was willing to assist irrigators by administering their licence conditions as part of Council's reporting requirements to the Office of Water.</p> <p>As a general comment it was advised that Council would support the irrigators requests as long as Council's water entitlements were protected and operation of the system was not compromised.</p>
<b>12</b>	27/10/2011	335/2011	Companion Animal Policy	Prepare a draft Companion Animal Policy – report back to Council, incorporating public feedback & recommendations.	GM/ MEvS	General Manager's report refers. Action Plan has been developed.

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
<b>13</b>	27/10/2011	351/2011	MGB Replacement	Community consultation be undertaken. Report to December Council meeting based on costs & outcome from community consultation.	MEvS	Report to February 2012 Council Meeting.
<b>14</b>	24/11/2011	366/2011	Agronomist in Nyngan	Letter to the Department of Primary Industries asking to have the agronomist returned to Nyngan.	Mayor	Letter sent.
<b>15</b>	24/11/2011	370/2011	Visitor Information Centre	Prepare cost estimates for establishment of VIC at the Museum in the old ticketing & waiting room.	GM	MEvS met with Museum Committee 7/12/11 to discuss options.  Awaiting response from Museum Committee.
<b>16</b>	24/11/2011	375/2011	State Property Authority (SPA) DOCS building	Council agrees in principle to transfer Lot 32 (DOCS) to SPA on the condition that funding is provided to establish the Access Centre.  Negotiation further with SPA for a contribution to relocate BBM.	GM	Letter sent to SPA advising of the four items.  Awaiting response from SPA on Departmental approval for their proposal alterations.

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
				Request SPA to facilitate the transfer of trusteeship for the former Ambulance Station (Lot 9). Council agrees to grant right of way to SPA to all vehicular access to the rear of Lot 32.		
<b>17</b>	24/11/2011	376/2011	Bogan Bush Mobile	Explore suitable options for relocation. Prepare a report with an estimate of costs and recommended funding sources for preferred options.	MCS/MEvS	Report to December 2011 Council Meeting.  Pending progress with item 19.
<b>18</b>	24/11/2011	378/2011	Palais Theatre	Prepare a licence agreement.  Provide a report on the Theatre's compliance with essential fire services requirements with an estimate to rectify them.	GM  MEvS	In progress.  Draft Agreement completed for discussion with Angie White.  95% completed.

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
<b>19</b>	15/12/2011	404/2011	Far West Academy of Sport	Letters to Ministers for Sport & Recreation and Western NSW expressing concern to the transition of the Far West Academy of Sport to an independent organisation, without Council consultation and be assured the NSW Sport & Recreation Division will provide ongoing adequate financial support.	GM	Letters sent.  Reply in February 2012 Precis.
<b>20</b>	15/12/2011	405/2011	Biodiversity Grant Fund	Council support an application for the establishment & restoration of native wetland & waterways in the vicinity of the recreational weir, Frank Smith Oval & Hoskins Street Level Crossing.	GM	Application sent, awaiting outcome.
<b>21</b>	15/12/2011	418/2011	Long Day Care	Council write to Yarrabin Outreach, copy to Tritton Mines expressing concerning about the age and opening hours. Investigate other day care hours.	GM	Letters sent.  Verbally advised by Yarrabin Chairman that they expect hours of Long Day Care and Pre-School will complement each other.



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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
						<ul style="list-style-type: none"><li>- Formal response to Council's letter requested.</li><li>- Other day care options being pursued with NSW Family Day Care Association.</li></ul>





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**022/2012 RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist. **(Douglas/Hampstead)**

**2 TONGLING EXCHANGE PROGRAM POLICY AP004**

**023/2012 RESOLVED** that:

1. The draft policy AP004 Tongling Exchange Program be adopted with the following inclusion in section 3, Composition of Delegations – the selection committee be the Mayor and the General Manager from Council or their delegates, and the Principal and one teacher from the Nyngan High School.
2. The General Manager discuss the content of the policy with the Principal, Nyngan High School to communicate Council’s policy position. **(Ryan/Neill) CARRIED**

Council moved in the Closed and Confidential section of the meeting to discuss the Tongling Delegation.

**It was MOVED** that two more paying students who have met the criteria and chosen by the selection panel be invited to be part of the delegation to China. **(McLaughlin/Ryan)**

It was **PUT** to Council and **LOST**.

**3 COMPANION ANIMAL SURVEY**

**024/2012 RESOLVED** that this report be received and action commenced immediately. **(Hampstead / Dutton)**

**4 COMMUNITY STRATEGIC PLAN**

**025/2012 RESOLVED** that the report be received and noted. **(Ryan/Kennedy)**

**026/2012 RESOLVED** that during the exhibition period of the Community Strategic Plan, Council call a public meeting, inviting the attendees of the initial community meeting and members of the community to provide them with an opportunity to discuss the draft Plan. **(Douglas/Neill)**



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**5 COMMUNITY ENGAGEMENT STRATEGY**

**027/2012 RESOLVED** that the draft Community Engagement Strategy be adopted.  
**(Ryan/Douglas)**

Council moved into the Closed and Confidential Section of the meeting.

Sergeant Tony Wood now addressed the meeting.

Council Adjourned for lunch at 12 noon.

Prior to lunch Council inspected the Showground facilities and new Jet Patcher.

After lunch Council inspected 41 Flashman Avenue.

Council resumed at 2.00pm.

**028/2012 RESOLVED** that Council upgrade the two female toilets next to the new men's complex, opposite the racecourse entrance. **(Ryan/McLaughlin)**

**6 FINANCIAL RATIOS**

**029/2012 RESOLVED** that:

1. This report be received and noted.
2. The Manager, Corporate Services prepares a report for Council's consideration including an analysis of the composition of accounts receivable, recommended changes to Council's existing debt recovery policy / procedures and other remedial action as necessary. **(Douglas/Neill)**



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## **REPORTS TO ORDINARY MEETING OF COUNCIL - MANAGER OF CORPORATE SERVICES' REPORT**

### **1 BANK RECONCILIATION**

**030/2012 RESOLVED** that the Bank Reconciliation be received and noted. (Ryan/Griffiths)

### **2 INVESTMENTS**

**031/2012 RESOLVED** that the investments report be received and noted. (Kennedy/Neill)

### **3 SUMMARY OF RATE COLLECTIONS**

**032/2012 RESOLVED** that the rate collections report be received and noted.  
(Ryan/ Hampstead)

### **4. LIBRARY REPORT**

**033/2012 RESOLVED** that the library report be received and noted. (Hampstead/Kennedy)

### **5. MANAGEMENT PLAN QUARTERLY REVIEW DECEMBER 2011**

**034/2012 RESOLVED** that the Management Plan Quarterly Review report be received and noted. (Ryan/McLaughlin)

### **6. BUDGET REVIEW DECEMBER 2011**

Council moved into the Closed and Confidential Section of the meeting to discuss the budget.

**035/2012 RESOLVED** that the 2011/12 budget adjustments details in appendix 2 to the Manager - Corporate Services budget review report, resulting in a cash flow surplus of \$64,549 be approved.  
(Ryan/Douglas)



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## **REPORTS TO ORDINARY MEETING OF COUNCIL –**

### **ACTING MANAGER OF ENGINEERING SERVICES' REPORT**

#### **1 PROVISION OF COUNCIL SERVICES**

**036/2012** RESOLVED that the request from Mr. Paul Johnston on behalf of John Nich Pty Ltd for the extension of a water main to lot 8 Flashman Ave not be approved. Advice of Council's resolution to include the original DA conditions. **(Hampstead/Neill)**

## **REPORTS TO ORDINARY MEETING OF COUNCIL – WORKS MANAGER'S REPORT**

**037/2012** RESOLVED that the Civil Works and Roads Report be received and noted. **(Dutton/Kennedy)**

## **REPORTS TO ORDINARY MEETING OF COUNCIL – MANAGER OF ENVIRONMENTAL SERVICES REPORT**

#### **1 DEVELOPMENT APPLICATIONS**

**038/2012** RESOLVED that the report be received and noted. **(Dutton/Griffiths)**

Cr McLaughlin now left the meeting, the time being 2.50pm.



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**2 WASTE MANAGEMENT PROGRAM – MGB REPLACEMENT PROGRAM**

**039/2012 RESOLVED** that:

1. The report be received and noted.
2. The 240ltMGB replacement program commence without delay at no cost to the householder.
3. All serviceable 240ltMGB collected from households are to be inspected, cleaned and prepared for use in Council parks, road rest areas, street bins or placed in storage at the Council Depot.
4. The new 240lt MGB collection commence without delay with the official termination of the collection of the old 240lt MGB to be as from 30<sup>th</sup> June 2012.
5. Any resident that seeks an additional 240lt MGB for Waste or Recycling be charged the replacement cost of \$66.00 (as to cover the assembly, delivery and administrative process by Council staff).
6. All new and any replacement 240lt Mobile Garbage Bins and Recycling Bins belong to the premises not the residents and shall stay with the individual premises.  
**(Ryan/Dutton)**

**3 WASTE –RECYCLING COLLECTION DATA**

**040/2012 RESOLVED** that the report be received and noted. **(Dutton/Griffiths)**

**4 PROPOSED NEW DOG POUND**

**041/2012 RESOLVED** that:

1. Council approves the construction of a new dog pound this financial year in the amount of \$30,000.
2. The new pound be located next to the Nyngan Airport in the area marked on the diagram attached to this report. **(Hampstead/Griffiths)**



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## PRECIS OF CORRESPONDENCE

### 1 THANK YOU LETTERS

**042/2012 RESOLVED** that the thank you letters be received and noted. (Griffiths/Kennedy)

### 2 PREMIER & CABINET – DIVISION OF LOCAL GOVERNMENT

Below is an acknowledgment letter to Council's submission to the *Dual Roles: Councillors as Members of Parliament in NSW* discussion paper.

**043/2012 RESOLVED** that the report be received and noted. (Griffiths/Dutton)

### 3 SPORT AND RECREATION

**044/2012 RESOLVED** that the report be received and noted and advise the Office of Communities Sport and Recreation that Council's representative on the Working Party will be Councillor Douglas, and alternate representative Councillor Neill. (Hampstead/Douglas)

### 4 LGSA

**045/2012 RESOLVED** that Council agree to pay a levy of \$8651.71, plus GST over three financial years to the LGSA for the Constitutional Recognition of Local Government advertising campaign. (Dutton/Griffiths)

### 5 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (NSW)

**046/2012 RESOLVED** that the Australia Local Government Women's Association (NSW) 59<sup>th</sup> Annual Conference being held in Dubbo, 22<sup>nd</sup> to 24<sup>th</sup> March 2012 be noted. (Douglas/Kennedy)

### 6 GOVERNMENT WEEKLY CIRCULARS

**047/2012 RESOLVED** that the Local Government Weekly Circulars be noted. (Ryan/Neill)



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Other Matters:

**048/2012 RESOLVED** that Council make available the facilities as requested for the Junior Rugby League Easter Challenge. (Neill/Griffiths)

There being no further business the meeting closed at 3.30pm.

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

.....  
**GENERAL MANAGER**

.....  
**MAYOR**

**NOTES**

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