



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**26 November 2015**





**Minutes of the Ordinary Meeting of Bogan Shire Council  
held in the Council Chambers on 26 November 2015 at 9.30am**

**PRESENT:** Councillors RL Donald OAM, JE Hampstead OAM, WG Deacon, LH Dutton, HJ Griffiths, EM McLaughlin, GRJ Neill and KM Ryan.

Also present were Mr Derek Francis (General Manager), Mr Graeme Bourke (Manager of Engineering Services), Mr Ty Robson (Acting Manager Development and Environmental Services), Mr Luke Taberner (Manager of Corporate Services) and Mrs Cathy Ellison.

**434/2015 RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 22 October 2015, copies of which have been circularised to Councillors be taken as read and confirmed. **(Hampstead/Ryan)**

Business arising from the Minutes: Nil

**435/2015 RESOLVED** that the Minutes of the Extraordinary Meeting of Council held on 17 November 2015, copies of which have been circularised to Councillors be taken as read and confirmed. **(Ryan/Griffiths)**

Business arising from the Minutes: Nil

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the meeting on 26 November 2015.

**428/2015 APOLOGY: RESOLVED** that the apology from Councillor JL Douglas be received and she be granted leave of absence from both meetings. **(Ryan/Griffiths)**

**429/2015 EXCLUSION OF PRESS AND PUBLIC: RESOLVED** that Council move into a closed section 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. **(Neill/Griffiths)**

**430/2015 RESOLVED** that the Minutes of the Closed and Confidential Meeting of Council held on 22 October 2015, copies of which have been circularised to Councillors be taken as read and confirmed. **(Griffiths/Ryan)**

**431/2015 RESOLVED** that Council endorses the recommendation of Regional Procurement for the supply of bulk emulsion to Bogan Shire Council and accepts the tender of Bitupave Limited at \$0.90 per litre. **(Ryan/Neill)**

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**432/2015 RESOLVED** that the payment to property owners for gravel / crushed rock royalties be increased to \$0.50 per cubic metre (\$0.75 per tonne) for the 2015/16 financial year. **(Ryan/Griffiths)**

**433/2015 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting moved into open Council. **(Deacon/Neill)**

## **COMMITTEE MEETING MINUTES**

### **1 SHOWGROUND USERS ADVISORY GROUP MEETING**

Minutes of the Showground Users Advisory Group Meeting held at Bogan Shire Council Chambers on 16 October 2015

**436/2015 RESOLVED** that:-

1. The Minutes of the Showground Users Advisory Meeting held on Friday 16 October 2015 be received and noted.
2. Council remove the fence to the north of the Pavilion and repair the trackside fence in that area.
3. Council advises users of their responsibility to erect a security fence on day of the event, and that Council has supplies of temporary security fencing available for hire.
4. Duck Creek Committee be required to advise Council by end of March 2016 on what crowd control measures they plan to have in place for stage access at their annual race meeting. **(Ryan/McLaughlin)**

More picnic tables to be considered in the budget.

Other matters:

**437/2015 RESOLVED** that Council send an Appreciation Letter to Kinsley and Nicole Hunt for their contribution to the community during their time in Nyngan. **(Deacon/Griffiths)**

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

### 1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	25/10/2012	315/2012	<b>Local Heritage Sites</b>	When new VIC commences, signpost heritage sites with heritage colour and erect sign with the history of each location.	<b>GM</b>	VIC accreditation approved.  Design of signs underway.
2	13/12/2012 28/03/2013	418/2012 098/2013	<b>Davidson Park Revitalisation Program</b>	Council remove the entire playground, equipment, associated ground cover, fencing & park-bench seating with shelter. Establish paving pathways to the mural.	<b>MDES</b>	Most works completed. Due to competing priorities and medical centre planning, majority of remaining works to be reprogrammed to 4 <sup>th</sup> quarter 2015/2016.
3	19/12/2013	532/2013	<b>Rezoning of Rural Land Outside the Nyngan Township</b>	Report on estimated cost be provided to February 2014 Council meeting prior to progressing with the proposal.	<b>MDES</b>	Planning proposal lodged with the NSW Department of Planning and Infrastructure. Gateway Determination: Rezoning to proceed subject to conditions.

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						<p>Consultants underway.</p> <p>Draft Bushfire Assessment completed.</p> <p>Deadline for completion of Planning Proposal is February 2016.</p>
4	27/02/2014	006/2014	<b>Medical Services</b>	Pursue & make enquiries into using the Nyngan Multipurpose Service Centre & waiting rooms to attract an additional Medical Officer with VMO rights.	<b>GM</b>	Discussions with Senior Management of NSW Western LHD ongoing – use of MPS is a possibility.
5	28/05/2015	156/2015	<b>Teamster Rest Area</b>	Cobb & Co Coach & Wool Wagon location.	<b>MDES</b>	Ongoing discussions progressing with NHS.
	24/09/2015	342/2015		Invite NHS to make suggestions for internal & external painting that the school could undertake.		

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6	22/06/2014	209/2014	<b>Tourist Information Bay</b>	<p>On commencement of project, Council advise owners/apparent owners of existing highway signage that existing signs to be removed &amp; may be replaced by signs on the Information Bays.</p> <p>Council charge an annual fee and an initial fee.</p>	<b>GM / MES</b>	<p>DA approved.</p> <p>Sign construction commenced.</p> <p>Earthworks delayed due to wet weather.</p> <p>Programmed to be completed by 30<sup>th</sup> November.</p>
7	26/09/2014	362/2014	<b>Nyngan Waste Management &amp; Resource Facility</b>	<p>Cost analysis be presented to Council to compare costs of providing additional staff to man the facility against awarding a contract to an external party.</p>	<b>MDES</b>	<p>Section 96 modification application under assessment to amend the hours of operation as no Sunday trading is currently approved.</p> <p>Expression of Interest to be advertised within the Region to enable cost analysis once Waste Facility Operational Plan is prepared. This will provide the details to understand how the facility will need to be managed during operation and in accordance with licence requirements for either Council staff or contractor.</p> <p>Further report to Council once above matters have been finalised.</p>

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8	26/09/2014	363/2014	<b>Fire Safety Audit Program</b>	Further report on progress of compliance with Program.	<b>MDES</b>	Fire Safety Audit Reports (FSARs) to all selected properties completed. Meetings held with several owners/Board of Directors.
	26/02/2015	033/2015		Legal proceedings including the issuing of Notices and Orders to commence against the owner/occupier of any premises who fails to confirm their agreement to comply with the findings of the FSAR.		Efforts still being made to have owners upgrade building voluntary.
9	26/02/2015	024/2015	<b>Long Day Care</b>	Loan be raised for Council's contribution to the project.	<b>MCS</b>	Will be raised towards the end of 2015/16 financial year.
	24/09/2015	337/2015		Subject to checking the LG Act, Council proceed with constructing the project itself.		<b>MDES</b>
	22/10/2015			Advise appropriate name for Nyngan Long Day Care Centre.	Verbal report at Council meeting.	



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10	26/02/2015	034/2015	<b>Street Trees</b>	An Arborist Report be obtained and a report to April 2015 Council meeting.	<b>MDES</b>	Included in current Business Paper.
11	26/02/2015	042/2015	<b>Chinese Portion – Nyngan Cemetery</b>	Repairs to the burner be carried out in the current year's program.	<b>MDES</b>	Three quotes received and preferred consultant to be selected based on budget and inclusions within quotation.
	25/06/2015	224/2015		Other upgrading matters be considered in 2015/16 estimates.  A Heritage Conservation & Management Report be prepared by a selected Consultant within the allocated budget.  Send a copy of the MDES report & recommendations from the Heritage Conservation & Management Report to Mr White.  Send a letter to the Chinese Embassy with a copy of the Heritage Conservation & Management Report.		Action pending completion of report.  Action pending completion of report.

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12	23/07/2015	243/2015	<b>Dental Surgery</b>	Report be prepared for Council on the cost/benefit of co-locating the Dental Surgery with the Medical Centre.	<b>MDES</b>	Scheduled for last quarter 2015.
13	23/07/2015	252/2015	<b>Railway Turntable</b>	Make enquiries through Rail Heritage, or elsewhere, to source the availability of an old steam engine, & if so, what would be the cost of locating it onto the old Turntable.	<b>MES</b>	No suitable engines have been located to date.  No further progress.
14	23/07/2015	263/2015	<b>Crushed Waste Rock</b>	Council approach Tritton Mines to offer to purchase the rock.	<b>MES</b>	Tritton have not yet set a price. Council staff to inspect material.
15	23/07/2015	269/2015	<b>O'Reilly Park Toilet Facility Upgrade</b>	Upgrades to toilet facility, an access way, ramp and handrail.	<b>MDES</b>	Works scheduled to commence in December 2015.
16	20/08/2015	297/2015	<b>Removal of shed – proposed Medical Centre, Pangee Street.</b>	Call for Expressions of Interest for the purchase & removal of shed.	<b>MDES</b>	EOI placed in local paper 28 October 2015. One (1) EOI received. Removal of shed expected to commence shortly.

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17	24/09/2015	377/2015	<b>Baby Change Tables</b>	Baby Change Tables be made available in O'Reilly Park & Davidson Park.	<b>MDES</b>	Quotes received. Installation programmed simultaneously with the toilet facilities upgrade works.
18	22/10/2015	402/2015	<b>Councillors &amp; Officer Liability insurance</b>	Report to Council on the requirement of the Insurance, giving examples form other Councils that have made use of the cover.	<b>COR</b>	Representative from StateWide Mutual / JLT to address Council at the February 2016 meeting.
19	22/10/2015	406/2015	<b>Maintenance Grading of Logans Road</b>	Council, in consultation with affected property owners, develops & communicates a policy in regard to gates on public roads so as to comply with the provision of the Roads Act.	<b>MES</b>	No progress to date.

**438/2015 RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the checklist. **(Hampstead/Griffiths)**

## 2 NYNGAN SHOW DAY

### **Summary:**

- *This report recommends a request to the Minister for Finance and Services for a public holiday from 12 noon on Monday 9 May 2016 for the Nyngan Show.*

**439/2015 RESOLVED** that Council apply to the Minister for Finance and Services for the declaration, under the Public Holidays Act 2010, of a local public holiday for the Bogan Shire Council Local Government area from 12 noon on Monday 9 May 2016. **(Ryan/Neill)**

**440/2015 RESOLVED** that a joint approach from the Nyngan Combined Schools and Council be made to the Department of Education for schools to have a full day holiday to attend the local Show Day. **(Griffiths/Hampstead)**

Council adjourned for morning tea at 10.30am and resumed at 10.50am.

## 3 LIONS PARK

### **Summary:**

- *The purpose of this report is to inform Council of funding available that is suitable for undertaking upgrades to Lions Park and request Council consider applying for this funding.*

**441/2015 RESOLVED** that Council consults with the community, including Local Aboriginal Land Council and Bogan Aboriginal Corporation, and submits a Social Housing Community Improvement Fund grant application for recreation facilities in Lions Park. **(Ryan/Griffiths)**

## REPORT TO ORDINARY MEETING OF COUNCIL – MANAGER CORPORATE SERVICES

### 1 BANK RECONCILIATION

**442/2015** RESOLVED that the Bank Reconciliation Report as at 31 October 2015 be received and noted. (Griffiths/Neill)

### 2 INVESTMENTS OCTOBER 2015

**443/2015** RESOLVED that the Investments Report for the month of October 2015 be received and noted. (Hampstead/McLaughlin)

### 3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

**444/2015** RESOLVED that the Rates Collections Report as at 31 October 2015 be received and noted. (Ryan/Griffiths)

### 4 ANNUAL FINANCIAL REPORTS

#### **Summary:**

- *The purpose of this report is to update Council on the Financial Reports for the year ended 30 June 2015.*
- *Council's Auditor's Report will be available for inspection from the Manager Corporate Services prior to the meeting.*

This item was deferred until the Special Meeting of Council at 12 noon.

### 5 ANNUAL REPORT 2014/2015

#### **Summary:**

- *Within 5 months after the end of each year, a Council must prepare its annual report for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.*
- *The purpose of this report is to update Council on the Annual Report for the financial year 1 July 2014 to 30 June 2015.*

**445/2015** RESOLVED that the Annual Report 2014/2015 be received and noted.  
(Ryan/Griffiths)

## 6 FINANCIAL ASSISTANCE TO THE GIRL GUIDES ASSOCIATION

### **Summary:**

- *The purpose of this report is to advise Council of a request for financial assistance in relation to service charges levied on the Girl Guides Association.*

**446/2015** RESOLVED that Council provide financial relief of \$540 to the Girl Guides Association for payment of the non-residential fixed sewer charge.  
(Ryan/McLaughlin)

## 7 FUNDING OPTIONS FOR THE NYNGAN MEDICAL CENTRE

### **Summary:**

- *Estimated cost \$1.2 million.*
- *Not a financially viable investment but huge community benefit.*
- *Repayments \$108,000, which must be funded from operating.*
- *Sufficient unrestricted cash.*
- *Must watch recurring operational costs.*

**447/2015** RESOLVED that Council note the financial implications of investing in the construction of a new medical centre in Nyngan. (Ryan/ Neill)

## 8 BOGAN BUSH MOBILE OPERATIONAL REPORT

### **Summary:**

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

**448/2015** RESOLVED that the Bogan Bush Mobile Operational Report for Term 3 be received and noted. (Griffiths/Neill)



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## REPORT TO ORDINARY MEETING OF COUNCIL – MANAGER ENGINEERING SERVICES

### 1 OPERATIONAL REPORT

#### **449/2015 RESOLVED** that:-

1. The Operational Report, Civil Works, Community Facilities and Roads for the reporting period 12 October 2015 to 13 November 2015 be received and noted.
2. Following complaints about build-up of dust on the northern side of the railway crossing adjacent to the Graincorp silo, Council write to Graincorp requesting them to take action to reduce the dust hazard as a matter of urgency, as it had been reported that the dust has detrimental effects on nearby residents. **(Hampstead/ Griffiths)**

## REPORT TO ORDINARY MEETING OF COUNCIL – MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES

### 1 DEVELOPMENT APPLICATIONS

**450/2015 RESOLVED** that the Development Applications since Council's October Meeting be received and noted. **(Ryan/Deacon)**

### 2 OPERATIONAL REPORT – PARKS AND GARDENS TEAM

**451/2015 RESOLVED** that the Operational Report – Parks and Garden be received and noted. **(Dutton/Hampstead)**

### 3 OPERATIONAL REPORT – WEEDS

**452/2015 RESOLVED** that the Operational Report – Weeds be received and noted. **(Griffiths/Neill)**

#### 4 NOXIOUS WEED BUDGET AND FUNDING UNDER THE NSW WEEDS ACTION PROGRAM (WAP1520)

##### **Summary:**

- *Confirmation is sought from Council in relation to the Noxious Weeds Program for the Bogan Shire over the next 2 years following budget cuts by the NSW Government.*
- *Should Council wish to maintain the current level of service and achieve the same program as applied for, supplementary Council funding will be required of \$6,678.66 in Year 1 and \$9,293.08 in Year 2 and this is recommended to demonstrate our commitment to the control of Noxious Weeds in the Bogan Shire.*
- *It should be noted that Council currently budgets almost \$72,000 each year for Noxious Weeds Expenditure regardless of grant funding.*

##### **453/2015 RESOLVED that:-**

1. The report be received and noted.
2. Council provide supplementary funding to support the Noxious Weeds Program (WAP1520) in 2015/16 of \$6,678.66 and 2016/17 of \$9,293.08.
3. Savings be identified in the 2<sup>nd</sup> budget review to compensate for the additional expenses in 2015/16. **(Ryan/Hampstead)**



## 5 TREE RISK ASSESSMENT REPORT –TOWN STREETS

### **Summary:**

- *A Tree Risk Assessment has been conducted by Bluegum Tree Care and Consultancy and provides an assessment on those trees where formal complaints have been received by residents or whereby trimming has been undertaken by the local electrical authority.*
- *From the assessment, 4 trees present a moderate risk and are recommended for immediate removal.*
- *33 trees are recommended for removal over the coming 6 to 12 months which present a low risk to Council and replacement trees are recommended.*
- *No fig trees have been recommended for removal however management options have been included.*
- *Council is recommended to endorse a street tree planting program for the town to ensure appropriate plant species are selected in the future.*

### **454/2015 RESOLVED that:-**

1. The report be received and noted.
2. Council endorse the recommendations of the tree risk assessment report noting:-
  - 4 moderate risk trees within O'Reilly Park be removed within the next 6 months and replanted with appropriate mature species.
  - 33 trees (excluding any figs) be progressively removed over the next 2 to 3 years and replanted with appropriate mature species, subject to the necessary budget being approved each year.
  - Fig trees be selectively pruned / shaped, with bracing systems installed and stumps grinded, as appropriate by a qualified AQF Level 2 Arborist, subject to the necessary budget being approved each year.
3. Council have a qualified arborist attend in 24 months to reassess those trees which have been retained.
4. The Manager Development and Environmental Services prepares a street tree planting program, including a diagram of the assessed trees within the next 12 months, ensuring that appropriate mature replacement tree species are included within the future program for Council's consideration.  
**(McLaughlin/Neill)**

## NYNGAN LONG DAY CARE CENTRE – MONTHLY REPORT

### **Summary:**

- *Monthly report on the construction status of the Nyngan Long Day Care Centre (NLDCC).*

**455/2015** RESOLVED that the Nyngan Long Day Care Centre Report be received and noted. **(Griffiths/Deacon)**

Council commends the Acting Manager of Development and Environmental Services, other staff and contractors involved with the clearing of 76 Pangee Street.

## PRECIS OF CORRESPONDENCE

### **1 NYNGAN LOCAL ABORIGINAL LAND COUNCIL**

**456/2015** RESOLVED that the correspondence received from the Nyngan Local Aboriginal Land Council thanking Council and staff for participating and making Nyngan NAIDOC week a successful event be received. **(Ryan/Griffiths)**

### **2 MINISTER FOR TRADE, TOURISM AND MAJOR EVENTS, MINISTER FOR SPORT**

**457/2015** RESOLVED that the correspondence received from The Hon Stuart Ayres MP, Minister for Trade, Tourism and Major Events, Minister for Sport in reply to Council's correspondence regarding insurance fees paid by sporting clubs and how they are spent be received, and a response be forwarded to the Minister for Sport and the Minister for Health concerning the inadequate reply to Council's enquiry. **(Ryan/Neill)**

### **3 THE HON BARNABY JOYCE MP - MINISTER FOR AGRICULTURE AND WATER RESOURCES**

**458/2014** RESOLVED that the correspondence received from The Hon Barnaby Joyce MP – Minister for Agriculture and Water Resources in reply to Council's enquiry about country of origin labelling requirements for products such as cider and apple juice be received. **(McLaughlin/Griffiths)**



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#### 4 AUSTRALIA'S BROADBAND NETWORK

**459/2015** RESOLVED that the copy of the Media Release concerning the NBN Updates National Three Year Construction Plan be received. **(Neill/Deacon)**

#### 5 JUVENILE JUSTICE

**460/2015** RESOLVED that the correspondence received from the NSW Government Juvenile Justice in reply to Council's correspondence regarding recent incidents at the Nyngan airport be received. (Griffiths/Neill)

**At 12 noon Council presented the Annual Financial Reports to the public.**

#### ANNUAL FINANCIAL REPORTS

**Summary:**

- *The purpose of this report is to update Council on the Financial Reports for the year ended 30 June 2015.*
- *Council's Auditor's Report will be available for inspection from the Manager Corporate Services prior to the meeting.*

At 12 noon, the Ordinary Meeting of Council was suspended and a Special Meeting open to present the audited Financial Reports and Auditors' Report for the year ending 30 June 2015 to the public, in accordance with Section 418(3) of the Local Government Act 1993.

**461/2014** RESOLVED that the Financial Reports and Auditor's Report for the period 1 July 2014 to 30 June 2015 presented to the public be received and noted, and staff involved be commended for their work. **(Ryan/Griffiths)** Unanimous

Council returned to the Ordinary Meeting of Council.



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## 6 NYNGAN HISTORICAL / HERITAGE SOCIETY

**462/2015 RESOLVED** that the correspondence received from the Nyngan Historical / Heritage Society raising concerns be advised of the following:-

Nyngan Cemetery: In Council's opinion the Cemetery is in a good condition.

Cannonbar Cemetery: Further investigation is being carried out by Council to determine responsibility for the cemetery and the location of the original Cannonbar Cemetery.

Cobb & Co Coach Shed: Council is currently addressing signage, in consultation with the Nyngan High School.

Shearing Shed: Signage is in progress.

Footpath along Nymagee Street: This is a Council matter and the footpaths are inspected and addressed on a need basis.

Town Clock: The Town Clock will be given to the Museum. **(Neill/Ryan)**

## 7 SCOUTS AUSTRALIA NSW

Crown Land Reserve 88617 at Nyngan

50-52 Cannonbar Street (Cnr Derribong Street, Nyngan NSW 2825)

**463/2015 RESOLVED** that:-

1. Council refuse the offer to be appointed as Reserve Trust Manager for Crown Land Reserve 88617 at Nyngan.
2. Council advise Scouts Australia that if they wish to relinquish trusteeship of the land, they suggest to NSW Government that it be transferred under freehold ownership to Council, which Council would be happy to accept.  
**(Ryan/Hampstead)**

## 8 LOCAL LAND SERVICES

**464/2015 RESOLVED** that the correspondence received from the Central West Local Land Services concerning the use of Round Up be received.  
**(McLaughlin/Deacon)**



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**9 NYNGAN AMATEUR SWIMMING CLUB**

**465/2015 RESOLVED** that Council provide \$250 to the Nyngan Amateur Swimming Club for sponsorship to the annual Swimming Carnival being held on 20 December 2015. **(Ryan/Hampstead)**

**10 WEEKLY CIRCULARS**

**466/2015 RESOLVED** that the Weekly Circulars 41/15 to 45/15 be noted. **(Griffiths/McLaughlin)**

Other matters:

17 December Council Meeting to commence at 8.30am.

Christmas Lights Competition - Council to continue support of the competition. To be judged by Councillors Griffiths and McLaughlin, with Councillor Ryan alternate judge.

Correspondence received from NSW Land and Property Information advising of visits to Council to provide information explaining values changes as part of the revaluation process. Council extend an invitation to LPI to attend the March 2016 Council Meeting.

Councillor Danny Dutton submitted his resignation as a Councillor for Bogan Shire Council effective at the close of Council business 26 November 2015.

**467/2015 RESOLVED** that Bogan Shire Council accept the resignation of Councillor Leo Harley Dutton (Danny) with effect from the close of Council business on 26 November 2015. **(Hampstead/Griffiths)**

There being no further business the meeting closed at 12.35pm.

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

.....  
**GENERAL MANAGER**

.....  
**MAYOR**

