



WARREN SHIRE COUNCIL

ORDINARY MEETING

MINUTES

THURSDAY 1ST DECEMBER 2016

WARREN SHIRE COUNCIL
Minutes of the Ordinary Meeting of Council
Held in Council Chambers, 115 Dubbo Street Warren
on Thursday 1st December 2016 commencing at 8.30 am

Present:

COUNCILLORS	NRF Wilson OAM	Chair
	MJ Quigley	
	KL Walker	
	HJ Druce	
	BD Williamson	
	KW Taylor	
	SJ Derrett	
	RJ Higgins	
	KR Irving	
	AJ Brewer	
	P Serdity	

STAFF MEMBERS	A Wielinga	General Manager
	D Arthur	Manager Finance and Administration
	M Stephens	Manager Health and Development Services
	L Morgan	Manager Engineering Services
	T Wark	Water and Sewer Manager
	D McCloskey	Operations Manager

APOLOGIES

An apology was tendered on behalf of Councillor MJ Beach who was absent due to external commitments, and it was **MOVED** Taylor/Serdity that a leave of absence for the member concerned be granted.

Carried
295.12.16

CONFIRMATION OF MINUTES

MOVED Serdity/Irving that the Minutes of the Ordinary Meeting of Council held on Thursday 27th October 2016 be adopted as a true and correct record of that Meeting.

Carried
296.12.16

DELEGATES AND COMMITTEES

Item 1 **Public Libraries NSW – Central West Zone Meeting** **(L2-7)**

MOVED Serdity/Irving that the information be received and noted.

Carried
297.12.16

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DELEGATES AND COMMITTEES

CONTINUED

Item 2 Warren Interagency Support Services (C3-9)

MOVED Serdity/Williamson that the information be received and noted.

**Carried
298.12.16**

Manex (C14-3.4)

MOVED Williamson/Irving that the Minutes of the Meeting of Manex held on Friday, 14th October 2016 be received and noted.

**Carried
299.12.16**

GENERAL MANAGER'S REPORTS

Item 1 Outstanding Reports Checklist (C14-7.4)

EA-A

MOVED Irving/Serdity that the information be received and noted and that the items marked with an asterisk be deleted.

**Carried
300.12.16**

Item 2 Committee/Delegates Meetings (C14-2)

MOVED Serdity/Brewer that the information be received and noted.

**Carried
301.12.16**

Item 3 Christmas Function (C4-11)

MOVED Taylor/Derrett that Council support the Warren Jockey Club by holding its Christmas function at the Twilight Race meeting on Friday 16th December 2016.

**Carried
302.12.16**

Item 4 Great Western Plains Destination Management Group (T4-3)

MFA - N

MOVED Quigley/Derrett

That:

1. The information be received and noted; and
2. Council continue with the Great Western Plains Destination Management Group and contribute \$5,000.

**Carried
303.12.16**

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GENERAL MANAGER'S REPORTS

CONTINUED

Item 5 Carpet at the Warren Information Tourist Centre (T4-6.1)

GM-A
Chk Lst

MOVED Serdity/Druce

That:

1. The information be received and noted;
2. Council proceed with new floor coverings at the Warren Visitor Information Centre; and
3. This be funded from Council's Infrastructure Improvement Reserve.

Carried
304.12.16

In recognition of the Warren Healthy Town Challenge and to keep awareness of a healthy lifestyle, Council will be standing while dealing with one (1) item of each business paper. Council stood for the following item.

Item 6 Outdoor Fitness Circuit (P1-7.11)

GM-A
Chk Lst

MOVED Quigley/Walker

That:

1. The information be received and noted;
2. Council endorse the action to engage A Space Recreation Pty Ltd to supply, deliver and install the equipment (including undersurfacing, softfall and paving) for the Outdoor Fitness Circuit at the quoted price of \$63,820.00 (Ex GST); and
3. The balance of funding if required to complete the project be from Council's Infrastructure Improvement Reserve.

Carried
305.12.16

Item 7 Annual Report (A1-14)

MOVED Quigley/Serdity that the information be received and noted.

Carried
306.12.16

Item 8 Murray Darling Basin Authority – Northern Basin Review (C12-3.4)

GM-A
Chk Lst

MOVED Druce/Taylor that:

1. The information be received and noted; and
2. The General Manager to arrange a meeting with MMELA and a meeting with MRFF prior to January 2017 Council Meeting.

Carried
307.12.16

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MANAGER ENGINEERING SERVICES REPORTS

CONTINUED

Item 6 Warren Health, Sporting and Cultural Precinct – Connections Study - 2016

(B9-1)

MES-A
 Chk Lst

MOVED Taylor/Williamson

That:

1. Council endorse the “Warren Health, Sporting and Cultural Precinct – Connections Study – 2016”, including the action plan contained within as outlined below.

Project No.	Project Description	From	To	Priority Score	Estimated Cost
8	Multi-purpose service shared path link	Multi-purpose centre	River red gum walk	126	\$ 167,072
9	Lawson St pedestrian and cyclist bridge	Existing shared path on the southern side of the Macquarie River	Northern side of the Macquarie River	125	\$ 810,520
10	Shared path	New Lawson Street Bridge	Levee bank shared path	123	\$ 50,784
11	Lighting improvements along shared paths	Sturt Bridge & New Lawson St Bridge	Sporting and cultural centre	123	\$ 132,250
3	Levee shared path – south	Existing shared path at river red gum walk.	Sporting and cultural centre	122	\$ 158,240
5	Two pedestrian refuge	Gillendoon St	Coonamble Rd	117	\$ 68,080
4	Shared path	Windows on the wetlands	Johns Ave	116	\$ 58,880
12	End of trip facilities	Along shared paths	Along shared paths	116	\$ 17,250
16	End of trip facilities	Along shared paths	Along shared paths	116	\$ 3,000
6	Shared path	Coonamble Rd	River red gum walk	113	\$ 30,176
2	Speed zones (20km within sporting and cultural centre)	Entrance to Udora Road	Internal Roads	111	\$ 4,600
1	Sturt Bridge underpass improvements	Sturt Bridge	Sturt Bridge	110	\$ 23,000
7	Victoria Park Rd works improvements and car park	Adjoining sporting and cultural precinct	Adjoining sporting and cultural precinct	107	\$ 184,000
15	Macquarie Park shared path extension	Macquarie Park	Sturt Bridge	97	\$ 51,340
14	Levee shared path – Udora Rd	Udora Rd	Windows on the wetlands	97	\$ 165,600
13	Levee shared path – North	Sporting and Cultural Centre	Udora Road	96	\$ 198,000
Total					\$2,122,792

2. That Council actively seek external funding, including grants, to implement the action plan.
3. That a funding plan be submitted to Council after all external funding sources have been identified.
4. That a comprehensive maintenance program which identifies key tasks and levels of service be identified and included in the relevant asset management plans as the assets in the action plan are created.

Carried
317.12.16

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MANAGER ENGINEERING SERVICES REPORTS

CONTINUED

Item 7 Shared Vegetation Management – Essential Energy (E3-1)

MES-A
Chk Lst

MOVED Williamson/Taylor that Council nominate the Manager Engineering Services to represent Warren Shire Council on Essential Energy's "Vegetation Management Consultation Group".

Carried
318.12.16

**Item 8 Restart NSW Water and Waste Water Projects –
Restart NSW Funding Deed Formal Instrument (S5-10.2)**

MES-A
Chk Lst

MOVED Williamson/Quigley
That:

1. The information be received and noted.
2. Council affix the Seal of Approval to the Restart NSW Funding Deed – RNSW 825 Warren New Sewage Treatment Plant (funding amount up to - \$3,050,000.00 depending on total project cost, Council contribution is 50% of the total project cost) with the Treasurer as the Minister administering section 8(a) of the Restart NSW Fund Act 2011 (NSW) acting for and on behalf of the Crown in right of the State of New South Wales

Carried
319.12.16

Item 9 2016/2017 Regional Roads REPAIR Program (W6-16.20)

MOVED Serdity/Quigley that the information be received and noted.

Carried
320.12.16

MANAGER HEALTH AND DEVELOPMENT'S REPORTS

Item 1 Development Application Approvals (B4-9)

MOVED Taylor/Derrett that the information be received and noted.

Carried
321.12.16

Item 2 Department of Planning Circulars (P15-10)

MOVED Taylor/Serdity that the information be received and noted.

Carried
322.12.16

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MANAGER HEALTH AND DEVELOPMENT'S REPORTS **CONTINUED**

Item 3 **Sporting and Cultural Centre Report** **(S21-2)**

MOVED Quigley/Walker that the information be received and noted.

Carried
323.12.16

Item 4 **Information Centre Record for the Month of October 2016** **(T4-6.1)**

MOVED Serdity/Williamson that the information be received and noted.

Carried
324.12.16

Item 5 **Impounding Officer's Report** **(P4-4)**

MOVED Taylor/Druce that the information be received and noted.

Carried
325.12.16

Item 6 **Disability Inclusion Action Plan** **(S1-22)**

MOVED Serdity/Walker that the information be received and noted.

Carried
326.12.16

MHD-A
Chk Lst

Item 7 **Development Application**
Extension Unmanned Refuelling Facility on
Lots 5 and 10, DP861182, Corner Gunningbar, Cremorne
and Narromine Streets, Nevertire **(P16-16.18)**

MOVED Quigley/Taylor

That:

- 1) The information be received and noted; and
- 2) Development Application P16-16.18 Extension to Unmanned Vehicle Refuelling Facility at Lots 5 and 10 DP 861182, corner Gunningbar, Cremorne and Narromine Streets, Nevertire is approved with the following conditions;

Conditions prescribed by the *Environmental Planning and Assessment Regulation 2000*

1. The work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: Statutory requirement.

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MANAGER HEALTH AND DEVELOPMENT'S REPORTS

CONTINUED

- Item 7 Development Application**
Extension Unmanned Refuelling Facility on
Lots 5 and 10, DP861182, Corner Gunningbar, Cremorne
and Narromine Streets, Nevertire

Continued

Conditions imposed by Council

2. A sign must be erected in a prominent position on the site:
- showing the name, address and telephone number of the principal certifying authority for the work, and
 - showing 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
 - stating that unauthorised entry to the work site is prohibited

Reason: Statutory requirement.

3. Prior to the extension of the existing unmanned refuelling facility the developer must seal (2 coats) the road pavement within the swept path plus 1m from both the entry/exit to the site. The work is to be inspected and to be to the satisfaction of Warren Shire Council's Operations Manager.

Reason: To ensure vehicles can safely enter/exit the site during wet weather.

4. **Prior to the extension of the existing unmanned refuelling facility** the developer must seal (2 coats) the vehicle paths through the site. The work is to be inspected and to be to the satisfaction of Warren Shire Council's Operations Manager

Reason: To ensure vehicles can safely move through the site during wet weather.

5. Guide posts are to be installed at all pipe culvert headwalls on site.

Reason: To ensure culvert headwalls are visible to reduce damage caused by vehicles accessing the site.

6. The development is to be undertaken in accordance with the plans submitted with the application and as modified by these conditions of consent.

Reason: To confirm and clarify the terms of this consent.

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MANAGER HEALTH AND DEVELOPMENT'S REPORTS

CONTINUED

Item 7 Development Application
Extension Unmanned Refuelling Facility on
Lots 5 and 10, DP861182, Corner Gunningbar, Cremorne
and Narromine Streets, Nevertire **Continued**

7. Construction, demolition and associated work shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00am to 6.00pm.
Saturdays	8.00am to 5.00pm
Sundays & public holidays	no construction work to take place.

Reason: To ensure the amenity of the area is not compromised.

8. All lighting on the premise is to be time controlled manual push buttons, with a maximum time limit of 15 minutes.

Reason: To ensure that all lighting on the development site is sufficiently controlled to minimise the impacts on the surrounding area.

9. The applicant shall ensure that all builders refuse and trade waste, whilst on site, is stored in a manner that does not cause any nuisance. All waste is to be removed from the site at the completion of the construction works.

Reason: To ensure the applicant removes all waste from the site, which could reduce the amenity of the area.

10. All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

Reason: To ensure pedestrian and vehicular access is not restricted in public places.

11. Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

Reason: To ensure that filling placed on land does not affect natural drainage.

12. Fill shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

Reason: To ensure that the works do not result in water being diverted onto adjoining land.

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MANAGER HEALTH AND DEVELOPMENT'S REPORTS

CONTINUED

- Item 7 Development Application
 Extension Unmanned Refuelling Facility on
 Lots 5 and 10, DP861182, Corner Gunningbar, Cremorne
 and Narromine Streets, Nevertire**

Continued

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

Under the provisions of the Local Government 1993 as amended Section 375A(3) a division was called.

FOR	AGAINST
Councillor Wilson OAM	Nil
Councillor Serdity	
Councillor Brewer	
Councillor Higgins	
Councillor Derrett	
Councillor Williamson	
Councillor Druce	
Councillor Walker	
Councillor Quigley	
Councillor Taylor	

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MANAGER HEALTH AND DEVELOPMENT'S REPORTS

CONTINUED

MHD-A
Chk Lst

- Item 8 Development Application**
Unmanned Refuelling Facility on Lot 1, DP864987
Nevertire-Bogan Road, Nevertire **(P16-16.19)**

MOVED Druce/Williamson

That:

- 1) the information be received and noted; and
- 2) Development Application P16-16.19 for a Unmanned Vehicle Refuelling Facility at Lot 1 DP 864987 Nevertire-Bogan Road, Nevertire is approved with the following conditions; subject to nil submissions in the form of objections being received;

Conditions prescribed by the *Environmental Planning and Assessment Regulation 2000*

1. The work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: Statutory requirement.

Conditions imposed by Council

2. A sign must be erected in a prominent position on the site:
 - showing the name, address and telephone number of the principal certifying authority for the work, and
 - showing 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
 - stating that unauthorised entry to the work site is prohibited

Reason: Statutory requirement.

3. **Prior to the construction of the unmanned refuelling facility** the developer must seal (2 coats) the road pavement within the swept path plus 1m from both the entry/exit to the site. The work is to be inspected and to be to the satisfaction of Warren Shire Council's Operations Manager.

Reason: To ensure vehicles can safely enter/exit the site during wet weather.

4. **Prior to the construction of the unmanned refuelling facility** the developer must seal (2 coats) the vehicle paths through the site beginning at the access point from Nevertire-Bogan Road. The work is to be inspected and to be to the satisfaction of Warren Shire Council's Operations Manager

Reason: To ensure vehicles can safely move through the site during wet weather.

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MANAGER HEALTH AND DEVELOPMENT'S REPORTS

CONTINUED

**Item 8 Development Application
 Unmanned Refuelling Facility on Lot 1, DP864987
 Nevertire-Bogan Road, Nevertire**

Continued

5. The tree located at the intersection of Nevertire-Bogan Road and the sites access road is to be removed.

Reason: To ensure visibility is not impeded while vehicles are entering and exiting the facility.

6. Prior to the construction of the toilet facility the developer is to apply and be granted a Section 68 approval under the Local Government Act 1993 by Warren Shire Council

Reason: To ensure the toilet facility is built in accordance with the National Construction Code 2016 and the Australian Standard 3500 Plumbing and Drainage.

7. All lighting on the premise is to be time controlled manual push buttons, with a maximum time limit of 15 minutes.

Reason: To ensure that all lighting on the development site is sufficiently controlled to minimise the impacts on the surrounding area.

8. The development is to be undertaken in accordance with the plans submitted with the application and as modified by these conditions of consent.

Reason: To confirm and clarify the terms of this consent.

9. Construction, demolition and associated work shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00am to 6.00pm.
Saturdays	8.00am to 5.00pm
Sundays & public holidays	no construction work to take place.

Reason: To ensure the amenity of the area is not compromised.

10. All lighting on the premise is to be time controlled manual push buttons, with a maximum time limit of 15 minutes.

Reason: To ensure that all lighting on the development site is sufficiently controlled to minimise the impacts on the surrounding area.

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MANAGER HEALTH AND DEVELOPMENT'S REPORTS

CONTINUED

**Item 8 Development Application
 Unmanned Refuelling Facility on Lot 1, DP864987
 Nevertire-Bogan Road, Nevertire**

Continued

11. The applicant shall ensure that all builders refuse and trade waste, whilst on site, is stored in a manner that does not cause any nuisance. All waste is to be removed from the site at the completion of the construction works.

Reason: To ensure the applicant removes all waste from the site, which could reduce the amenity of the area.

12. All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

Reason: To ensure pedestrian and vehicular access is not restricted in public places.

13. Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

Reason: To ensure that filling placed on land does not affect natural drainage.

14. Fill shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

Reason: To ensure that the works do not result in water being diverted onto adjoining land.

15. Any excavation/fill is to be suitably retained.

Reason: To ensure the stability of the site and adjoining properties.

16. Suitable measures are to be in place at all times to ensure buildings on adjoining land are protected from damage as a result of the carrying out of the development.

Reason: To ensure adjoining property is adequately protected.

17. Damage done to any footpath, kerb and gutter, driveway crossing, drain or the like caused by the applicant during the course of construction works shall be made good prior to occupation or use of the development.

Reason: To ensure public safety is not compromised.

**Carried
328.12.16**

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MANAGER HEALTH AND DEVELOPMENT'S REPORTS

CONTINUED

- Item 8 Development Application
 Unmanned Refuelling Facility on Lot 1, DP864987
 Nevertire-Bogan Road, Nevertire**

Continued

ADVISORY NOTE

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

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Under the provisions of the Local Government 1993 as amended Section 375A(3) a division was called.

FOR	AGAINST
Councillor Wilson OAM	Nil
Councillor Serdity	
Councillor Brewer	
Councillor Higgins	
Councillor Derrett	
Councillor Williamson	
Councillor Druce	
Councillor Walker	
Councillor Quigley	
Councillor Taylor	

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MAYORAL MINUTES

The Mayor advised that the following items of general interest and Council business transacted through the period since the last Council Meeting.

- * The Mayor advised that another successful Cotton Cup Race Meeting was held on Sunday, 6th November 2016. He congratulated all involved in organising these events.
- * The Mayor advised that the 'Hit the Ground Running' Councillor Workshops were held in Gilgandra on 9th November 2016 and Cobar on 28th November 2016. The Councillors from Warren that attended gave good reports on the content of these Workshops.
- * The Mayor advised that on the 16th November 2016, he had taken part in a teleconference regarding the National Disaster Relief and Recovery Arrangements. The OROC Group of Councils were seeking clarification on what works were eligible to be claimed.
- * The Mayor advised that on the 21st November 2016, himself and the General Manager had held a meeting with the Macquarie Marshes Environmental Landholders Association regarding Council's resolution on the Northern Basin Review.
- * The Mayor advised that on the 25th November 2016, himself and the General Manager had attended the Lower Macquarie Water Utilities Alliance Launch of the Water and Drought Security Report.

UP AND COMING EVENTS

- * The Mayor reminded Councillors of the Sara Storer Concert to be held on Friday 2nd December 2016, as a fundraiser for RiverSmart.
- * The Mayor thanked Councillor Williamson for being able to represent Council at the St Mary's School Presentation night on the 5th December 2016 and Councillor Quigley for being able to represent Council at the Warren Central School Presentation Night on the 8th December 2016.
- * The Mayor thanked Councillors Walker and Druce for being able to represent Council at the Visitors Information Centre Christmas function, on the 7th December 2016.
- * The Mayor reminded Councillors that the Macquarie Fishing Classic will be held from the 9-11 December 2016.
- * The Mayor advised that the Chamber of Commerce would be holding its AGM and Christmas Dinner on Thursday, 15th December 2016.

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UP AND COMING EVENTS

CONTINUED

- * The Mayor reminded Councillors of the up and coming Twilight Race Meeting on Friday 16th December 2016, where Council would be holding its Christmas function.
- * The Mayor advised Council that he would be attending the OROC and LMWU Alliance Board Meetings to be held in Bourke on Friday, 2nd December 2016.
- * The Mayor advised Council that the January Council Meeting will be held on Wednesday, 25th January 2016 as Australia Day was on Thursday, 26th January.
- * The Mayor took this opportunity to wish Councillors, Staff and all associated with Warren Shire a Merry Christmas.

QUESTIONS WITHOUT NOTICE

By Councillor Quigley

GM-A
Chk Lst

1. Councillor Quigley requested if the Guidelines for the Painting of Business Houses Facades could be reviewed and reported to Council.

By Councillor Walker

1. Councillor Walker expressed concern at the number of road trains coming through town and not using the Industrial Access Road during harvest. The General Manager advised that to stop this practice, Council would have to review the classification of the road through town.

By Councillor Williamson

1. Councillor Williamson expressed concern that the Highway Patrol were writing infringement notices for people not parking within the white lines in Dubbo Street and requested if Council can seek clarification and list the matter for the next Traffic Committee Meeting.

By Councillor Derrett

1. Councillor Derrett requested if the Australia Day nomination forms could be placed on Council's website and Facebook.

By Councillor Higgins

1. Councillor Higgins enquired if there was a limit on the number of dogs in the residential area. The General Manager advised that under the Companion Animals Act there was no limit, but Council could pass a bylaw setting a limit.

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QUESTIONS WITHOUT NOTICE

CONTINUED

By Councillor Brewer

1. Councillor Brewer enquired on what actions could be taken about a nuisance and barking dog. The General Manager advised that for Council to act, it required information to enable it to act. Council had diaries which were available for people to log date and times of dogs barking and Council could then use this for follow up action.

By Councillor Serdity

1. Councillor Serdity requested if the vacant lots at Nevertire could be slashed.

There being no further business the meeting closed at 12.15 pm.

**THESE MINUTES WERE CONFIRMED AT THE ORDINARY MEETING OF COUNCIL
HELD ON WEDNESDAY 25TH JANUARY 2017 AS BEING
A TRUE AND CORRECT RECORD.**

MINUTE NO. 2.01.17

.....
GENERAL MANAGER

.....
CHAIRMAN