

ORDINARY MEETING

MINUTES

THURSDAY 25TH FEBRUARY 2021

WARREN SHIRE COUNCIL
Minutes of the Ordinary Meeting of Council
held in Council Chambers, 115 Dubbo Street Warren
on Thursday 25th February 2021 commencing at 8:39 am

Present:

COUNCILLORS

MJ Quigley Chair

KR Irving

MJ Beach

HJ Druce

BD Williamson

KW Taylor

SJ Derrett

RJ Higgins

KL Walker

AJ Brewer

P Serdity

STAFF MEMBERS

S Glen General Manager (GM)

D Arthur Divisional Manager Finance & Administration (DMFA)

R Lawford Divisional Manager Engineering Services (DMES)

M Stephens Manager Health and Development Services (MHD)

J Burtenshaw Executive Assistant (EA)

APOLOGIES

Nil.

CONFIRMATION OF MINUTES

MOVED Walker/Druce that the Minutes of the Ordinary Meeting of Council held on Thursday, 28th January 2021 be adopted as a true and correct record of that Meeting.

Carried
25.2.21

DISCLOSURES OF INTERESTS

Clr Druce declared a Non-pecuniary Significant Interest in Item 1 of the Manager Health and Development's report and that she would vacate the Chamber and take no part in the debate or voting on the matter.

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MAYORAL MINUTE(S)

CONTINUED

Item 1 Delegation of Authority to the General Manager Continued

- (c) The provisions of Section 28 of the Swimming Pools Act, 1992.
 - (d) The provisions of Section 66 of the Rural Fires Act, 1997 (in line with Service Level Agreement).
 - (e) The provisions of Section 37 of the Food Act, 2003.
 - (f) The provisions of Sections 47 and 72 of the Public Health Act, 1991.
 - (g) The provisions of Section 164 of the Roads Act, 1993.
 - (h) The provisions of Section 42 of the Impounding Act, 1993.
 - (i) The provisions of Sections 111 and 196 of the Protection of the Environment Operations Act, 1997
 - (j) The provisions of Sections 43, 44 and 50 of the Noxious Weeds Act, 1993.
 - (k) The provisions of the Companion Animals Act, 1998.
5. To exercise the powers of an authorised officer/person and appoint such persons under:
- (a) The Local Government Act, 1993;
 - (b) The Impounding Act, 1993;
 - (c) The Roads Act, 1993;
 - (d) The Food Act, 2003;
 - (e) The provisions of the Protection of the Environment Operations Act, 1997
 - (f) The Swimming Pools Act, 1992;
 - (g) The Public Health Act, 1991;
 - (h) The Rural Fires Act, 1997 (in line with Service Level Agreement);
 - (i) The Noxious Weeds Act, 1993;
 - (j) The Mines Inspection Act, 1901;
 - (k) The provisions of the Companion Animals Act, 1998;
 - (l) The Environmental Planning and Assessment Act 1979.
6. To give approval to "approved forms" as defined by the Local Government Act, 1993.
7. To issue references under Council letterhead.
8. To authorise and undertake any necessary arrangements for the attendance of practical, technical and professional staff at any relevant course, seminar, congress meeting and conference but such approved attendance must be within budget limitations.
9. To approve annual, sick, long service, special leave and leave without pay for Council employees.

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MAYORAL MINUTE(S)

CONTINUED

Item 1 Delegation of Authority to the General Manager

Continued

C. Finance

1. To designate an employee of Council as the responsible accounting officer in accordance with Part 9 of the Local Government (General) Regulation, 2005.
2. To declare each parcel of rateable land in the Warren Shire Council area to be within one or other of the following categories:-
 - farm land
 - residential
 - mining
 - business
3. To accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person and to write off or reduce interest accrued on rates or charges if the person complies with the agreement.
4. To write off accrued interest on rates or charges payable by a person if the person is unable to pay the accrued interest for reasons beyond the person's control or where payment of the accrued interest would cause that person extreme hardship.
5. To invest money in accordance with Section 625 of the Local Government Act, 1993.
6. To approve reimbursement for shortages in the Cashier's tray up to \$500 in any one case.
7. To approve the submission of tenders, quotations and estimates for private works.
8. To authorise the refund of fees in total or in part in respect of applications either refused by Council or withdrawn by the applicant.
9. To authorise the release of any bond or bank guarantee where the required works or services have been completed in accordance with approvals granted by Council.
10. To require the lodgement of a cleaning deposit for the hiring of Council's parks, ovals, sporting facilities or buildings.
11. To prepare and lodge applications for the payment of a Library Subsidy in accordance with Section 13 of the Library Act, 1939.
12. To authorise expenditure of Council for works and services required in accordance with the adopted annual budget of Council up to a maximum of \$250,000.
13. To initiate, negotiate and authorise royalty agreements on Council's behalf with local landholders for the acquisition of resources in the performance of Council's works programme.

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MAYORAL MINUTE(S)

CONTINUED

Item 1 Delegation of Authority to the General Manager Continued

14. To engage (or dismiss) contractors on an hourly, daily, weekly or monthly basis for works in accordance with Council's Work Programme.
15. To authorise the hire of Council's plant and resources for private works at comprehensive hire rates or at suitably negotiated rates.
16. To write off accrued interest on rates and charges payable by a ratepayer who is paying by instalments in accordance with the provisions relating to the annual rate levy, Council's policy.
17. To destroy Council records in accordance with the provisions of the State Records Act 1998 (NSW).
18. To expend Council's maintenance votes in accordance with, and subject to the limits as adopted by Council in the annual budget.

D. Roads

1. To close roads and bridges temporarily or impose load limits subject to the provisions of the Roads Act, 1993, for repair or construction when necessary.
2. To approve applications for permission to open streets, subject to the proviso that applications received from private individuals (other than from State and Commonwealth authorities) shall not be approved until the cost of reinstatement has been paid in full.
3. To deal with all matters relating to the alteration or deletion of easements or restrictions as to use pursuant to Section 88 (B) of the Conveyancing Act.
4. To issue approvals for structures on footways pursuant to Sections 125 and 126 of the Roads Act, 1993.
5. To give direction to remove obstructions or encroachments on public road pursuant to Section 107 of the Roads Act, 1993.
6. To approve ramp and gate installations in accordance with Council policy.
7. To approve the movement of stock, machinery or any other materials along or across any Council controlled road or through any built up area of the Shire, subject to any provisions of the Roads Act, 1993.

E. Town Planning/Building Control

1. To determine the amount of any bond required to be lodged by developers as security for completion of works.

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MAYORAL MINUTE(S)

CONTINUED

Item 1 Delegation of Authority to the General Manager Continued

2. To exercise Council's power under Section 54 of the Environmental Planning Assessment Act to commence the preparation of a draft Local Environmental Plan and a Draft Development Control Plan.
3. To issue or serve approvals and orders under the provisions of Chapter 7 of the Local Government Act, 1993 and regulations thereunder including the extension, renewal, modification and revocation of any approval granted.
4. To implement Regulation 157c of the Construction Safety Act relating to Amusement Devices.
5. To implement the provisions of the Environmental Restoration and Rehabilitation Trust Act, 1990 as an authorised delegate under such Act.
6. To consider and determine objections and seek the concurrence of the Director-General of the Division of Local Government in relation to such objections under Section 82 of the Local Government Act, 1993.
7. To approve the re-location and re-positioning of buildings.
8. To approve the classification or re-classification of buildings under the provisions of the Local Government (General) Regulations, 2005 and the issue of appropriate certificates and statements.
9. To approve or refuse the issue of Building Certificates pursuant to Section 149D of the Environmental Planning and Assessment Act, 1979 as amended.
10. To authorise the service of orders on owners, builders or other persons to correct any breach of any approval or defects in buildings and structures.
11. To approve unconditionally or subject to conditions or refuse applications received in respect to the construction of fences, advertising signs and street banners.
12. To approve, subject to the payment of fees fixed by Council from time to time and pursuant to Section 68 of the Local Government Act, 1993 the erection of hoardings on footpaths.
13. To consider the applications and to issue unconditionally or subject to conditions or refuse applications for the occupation of caravans or other temporary accommodation on building sites.
14. To grant or refuse the extension/renewal of building approvals issued by Council.
15. To approve the variation of building lines where such variation is of a minor significance.
16. To accept or reject certifications submitted under Section 93 of the Local Government Act, 1993.

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MAYORAL MINUTE(S)

CONTINUED

Item 1 Delegation of Authority to the General Manager Continued

17. To approve Development Applications for all developments/classes of buildings where no substantial community objection is registered.
18. To refuse Development Applications that do not comply with legislation, Council's LEP or DCP.
19. To authorise, where appropriate, the determination of Land and Environment Court matters by an Assessor of the Court.
20. To grant a departure from a development standard pursuant to the various Development Control Plans where that provision is available and where such departure is considered to be in accordance with the overall aims and objectives of the relevant plan.
21. To serve any notices or orders or intention of any notice or order under the provisions of the Local Government Act and Regulations, Environmental Offences and Penalties Act and Regulations, Public Health Act and Regulations, Food Act and Regulations, Protection of the Environment Act, 1997 and regulations.
22. Pursuant to any delegation from the Director-General of the Department of Health to issue clean up notices under Section 51 of the Food Act, 1989.
23. Pursuant to any delegation from the Director-General of the Department of Health to serve Orders for Closure under Section 52 of the Food Act, 1989.
24. To approve or refuse applications for the installation of waste treatment devices and human waste storage facilities under Section 68 of the Local Government Act, 1993.
25. To issue Undertaker and Mortuary approvals pursuant to Section 68 of the Local Government Act, 1993.
26. To authorise the carrying out of work by Council pursuant to Section 678 of the Local Government Act, 1993.
27. To reject applications for approval pursuant to Section 85 of the Local Government Act, 1993.

F. BUSHFIRE/EMERGENCY SERVICES

1. To authorise the release of Council plant and other resources to assist fire fighting and emergency work.
2. To authorise the use of Council resources to support the Warren Local Emergency Management Committee, Warren Local Emergency Operations Controller or Warren State Emergency Service Local Controller.
3. To authorise the use of Council's resources and exercise the powers conferred under Section 36 of the Environmentally Hazardous Chemicals Act, 1985.

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MAYORAL MINUTE(S)

CONTINUED

Item 1 Delegation of Authority to the General Manager Continued

4. To make Council appointments to the Warren Local Emergency Management Committee pursuant to the State Emergency Rescue and Management Act, 1989.

G. Impounding/Stock Control/Saleyards

1. To appoint Impounding Officers and authorised persons to impound and/or destroy certain animals and articles pursuant to the Impounding Act, 1993.
2. To implement the provisions of the Companion Animals Act 1999 and regulations and serve any notice for breaches of the subject Act and Regulations.
3. To issue any temporary grazing permits for public roads or for any Council controlled lands in accordance with Council's policy on this matter, or any other appropriate State or Federal legislation or any reasonable conditions of approval as determined by the General Manager.

H. Miscellaneous Operational Matters

1. To determine applications for use of public roads for walkathons, charitable collections, motorcar trials, bicycle races and the like where the involvement of the Warren Local Traffic Committee is not specifically required.
2. To determine the conditions of use of Council's parks gardens and reserves and other places in accordance with section 632 of the Local Government Act, 1993.
3. To vary the dates of opening and closing of the Warren Pool Complex.
4. To impose and enforce any necessary restrictions to the water supplies of Warren, Nevertire and Collie.
5. To issue pavement concessions for aircraft wishing to use the Warren Aerodrome in accordance with the guidelines issued by the Department of Transport.
6. In consultation with the Mayor the authority to approve or refuse applications for mineral explorations throughout the Shire unconditionally or subject to any appropriate conditions.
7. To approve the free utilisation of Council plant and equipment to charitable, service, voluntary and community organisations within the Shire in accordance with Council's policy.
8. To issue NOTAMS advices to the CASA in accordance with appropriate legislative requirements.

Carried
26.2.21

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MAYORAL MINUTE(S)

CONTINUED

Item 2 Acknowledgement to Interim General Manger

MOVED Quigley that Warren Shire Council acknowledges and appreciates the effort and contributions Stephen Glen has made to the Shire in his position as Interim General Manager.

**Carried
27.2.21**

REPORTS OF COMMITTEES

Airport Operations Committee

(C14-3.12)

MOVED Williamson/Taylor that the Minutes of the Airport Operations Committee Meeting held on Tuesday, 9th February 2021 be received and noted.

**Carried
28.2.21**

Manex

(C14-3.4)

MOVED Irving/Serdity that the Minutes of the Manex Meeting held on Tuesday, 16th February 2021 be received and noted.

Item 4.2 Projects and Assets Status Report

That:

1. The information be received and noted; and
2. Any anticipated Council Office closures are to be advertised due to the ongoing renovation works to the Administration Building.

Item 4.3 Ewenmar Waste Depot Status Report

That:

1. The information be received and noted;
2. That new signs be arranged on entry to the Ewenmar Waste Depot.

Item 6 Gilgandra Aboriginal Interactive Ministries Church – Request for Monthly Service in Macquarie Park **(P1-7.6)**

That the group be granted six (6) months use subject to the group providing documentation of \$20M Public Liability Insurance coverage.

Item 7 Naming of Council's Meeting Rooms

That the meeting rooms be called:

- a) Conference Room
- b) Community Room
- c) Interview Room
- d) Old Chambers Room

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REPORTS OF COMMITTEES

CONTINUED

Manex

Continued

Item 11 General Business Without Notice

That the After Hours Facebook and Website Updates procedure be adopted.

**Carried
29.2.21**

Traffic Committee Minutes

(T5-2)

MOVED Taylor/Derrett that the Minutes of the Local Traffic Committee Meeting held on Thursday, 18th February 2021 be received and noted and the following recommendations be adopted:

Item 4.1 Speed Zone Changes Carinda Road

(R4-2.5, T5-3)

That:

1. A submission be submitted to TfNSW requesting that on the Carinda Road (Regional Road No.333) approaching the Industrial Access Road intersection that a new speed limit zone be established comprising of the following.
 - 00m to 500m – 60km per hour Sign
 - 500m to 1000m – 60km Ahead Signage
 - Beyond 1000m 100km per hour
2. A number of double-sided reminder signs indicating current speeds be established on Dubbo Street between the Railway Parade and the Industrial Access Road Intersection

Item 4.2 Traffic Flow Changes - Including Establishment of a Heavy Vehicle Bypass

(T5-1, R4-1.91)

That:

1. The proposal to establish the Warren Heavy Vehicle Bypass utilising primarily the Industrial Access Road be advertised with the aim of seeking user and community comments.
2. Stafford Street between Dubbo Street and the north eastern side of Zora Street be signposted as not being available for usage by large vehicles (B-Doubles, B-Triples, Road Trains)
3. A proposal be submitted to TfNSW to assist with the signpost changes that will be required when the Warren Heavy Vehicle Bypass is being implemented.
4. Council consults with all local business houses in Stafford Street and Zora Street in relation to the changes for heavy vehicles to enter and exit Zora Street from the Oxley Highway.

**Carried
30.2.21**

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REPORTS OF COMMITTEES

CONTINUED

Warren Public Arts Committee

(C14-3.29)

MOVED Serdity/Irving that the Minutes of the Warren Public Arts Committee Meeting held on Thursday, 18th February 2021 be received and noted and the following recommendations be adopted:

Item 4.1 Concept Design – Warren Stafford Street Reservoir Mural

(C14-3.29)

That Councillor Serdity contact artist Mr Sam Brooks with the amended ideas from the Committee of:

- Soccer;
- Swimming;
- Skateboarding; and
- Cricket.

Item 4.2 Funding Update

(G4-1)

That:

1. The General Manager to report back to the Committee at the next meeting with possible funding options; and
2. The General Manager to liaise with the funding body on the possible extension of when the funds need to be expended and the project finalised.

Item 4.3 Warren Public Arts Committee Terms of Reference

(C14-3.29)

That the Terms of Reference for the Warren Public Arts Committee be amended as reported.

Item 4.4 Letter from Mr Bruce Lynch

(C14-3.29)

That the General Manager prepare a response to Mr Lynch's letter and that the letter be circulated to the Committee for concurrence prior to sending.

**Carried
31.2.21**

GENERAL MANAGER'S REPORTS

Item 1 Outstanding Reports Checklist

(C14-7.4)

MOVED Walker/Derrett that the information be received and noted and that the items marked with an asterisk (*) be deleted.

**Carried
32.2.21**

In recognition of Warren being a healthy town and to keep awareness of a healthy lifestyle, Council will be standing while dealing with Item 2 of the General Manager's report.

Item 2 Committee/Delegates Meetings

(C14-2)

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

**Carried
33.2.21**

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GENERAL MANAGER'S REPORTS

CONTINUED

Item 3 Variation to Contract for New Sewerage Treatment Works (G4-1.34)

GM - A
Chk Lst

MOVED Quigley/Druce that Council defer Item 3 of the General Manager's report pending further discussions with the Contractor.

**Carried
34.2.21**

DIVISIONAL MANAGER FINANCE AND ADMINISTRATION'S REPORTS

Item 1 Reconciliation Certificate – January 2021 (B1-10.16)

MOVED Derrett/Druce that the Statements of Bank and Investments Balances as at 31st January 2021 be received and noted.

**Carried
35.2.21**

Item 2 Statement of Rates and Annual Charges (R1-4)

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

**Carried
36.2.21**

Item 3 Sale of Dwelling at 39 Garden Avenue Warren NSW 2824 (S1-1.35)

DMFA - A
Chk Lst

MOVED Beach/Irving that:

1. Council list for sale the dwelling at 39 Garden Avenue Warren with the local Real Estate Agents at market value; and
2. Authority be given to the Mayor and General Manager to negotiate with prospective purchasers for settlement of the sale.

**Carried
37.2.21**

DIVISIONAL MANAGER ENGINEERING SERVICES REPORTS

Item 1 Tender – Supply and Delivery of Bitumen Emulsion (C14-6.2/51)

DMES - A
Chk Lst

MOVED Druce/Walker that:

1. That Downer EDI Works Pty Ltd be awarded this contract as the Single Source supplier to Warren Shire Council for the period 1st January 2021 to 31st December 2022; and
2. That a provision be allowed for a 12 months extension based on satisfactory supplier performance, which may take this contract through to 31st December 2023.

**Carried
38.2.21**

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MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

Item 1 Development Application Approvals (D4-9)

At this point in the meeting, the time being 9.39 am Councillor Druce left the Chamber due to her Non-pecuniary Significant Declaration and was not in sight of the meeting room.

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

Carried
39.2.21

At this point in the meeting the time being 9.40 am, Councillor Druce entered the meeting room.

Item 2 Request to Revoke a Menacing Dog Declaration (D5-10)

MHD - A **MOVED** Brewer/Walker that the Menacing Dog Declaration of "Posh" microchip
 Chk Lst 991001001627880 is revoked.

Carried
40.2.21

NOTICE OF MOTIONS

Item 1 Mobile and Internet Coverage in Nevertire (T2-1)

GM - A **MOVED** Serdity/Druce that Warren Shire Council lobby the Federal and the NSW Government to
 Chk Lst include the Nevertire region in the "Black Spot" funding program as a top priority and as a matter
 of urgency to increase the coverage area for mobiles and internet.

Carried
41.2.21

There being no further business the meeting closed at 9.53 am.

THESE MINUTES WILL BE CONFIRMED AT THE ORDINARY MEETING OF COUNCIL
HELD ON THURSDAY, 25TH MARCH 2021 AS BEING
A TRUE AND CORRECT RECORD.

MINUTE NO. 43.3.21

.....
GENERAL MANAGER

.....
MAYOR