

ORDINARY MEETING

MINUTES

THURSDAY 3RD DECEMBER 2020

WARREN SHIRE COUNCIL
Minutes of the Ordinary Meeting of Council
held in Council Chambers, 115 Dubbo Street Warren
on Thursday 3rd December 2020 commencing at 8:30 am

Present:

COUNCILLORS

MJ Quigley	Chair
MJ Beach	
HJ Druce	
KW Taylor	
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 & Development Services (MHD)
J Burtenshaw	Executive Assistant (EA)
Cassy Mitchell	Administration Officer (AO)

APOLOGIES

Apologies were tendered on behalf of Councillor Derrett, Councillor Williamson and Councillor Irving who were absent due to external commitments, and it was **MOVED** Serdity/Walker that the apologies be accepted and a leave of absence for the members concerned be granted.

Carried
233.12.20

CONFIRMATION OF MINUTES

MOVED Beach/Druce that the Minutes of the Ordinary Meeting of Council held on Thursday, 22nd October 2020 be adopted as a true and correct record of that Meeting.

Carried
234.12.20

DISCLOSURES OF INTERESTS

Nil.

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MAYORAL MINUTE(S)

Item 1 Delegation of Authority to the General Manager (S12-25.1)

MOVED Quigley/Taylor that in accordance with the provisions of Section 377 of the Local Government Act, 1993 Council hereby delegates to the Interim General Manager, Stephen Glen delegated authority to exercise or perform on behalf of Council the following powers, authorities, duties and functions:-

A. Council Meeting and Operations

1. To determine matters which are included in the Business Papers of Council and its Committees, subject to the inclusion of the following items when they arise, namely:
 - (i) reports on matters which cannot be determined under delegated authority;
 - (ii) reports required to be submitted under any Act or Regulation;
 - (iii) matters requiring a determination of Policy;
 - (iv) reports directed by the Council to be submitted;
 - (v) matters essential for the Council's information;
 - (vi) matters requested by the Mayor.
2. To invite a group or individual to address any Council Committee.
3. To lay information, to make application for search warrants, to make complaints, to initiate and carry on any proceedings and to represent Council in any Court on any matter.
4. To affix the Council's Common Seal to documents provided that an attestation is still provided with each affixation of the Seal by the signatures of at least one (1) member of the Council's staff and the Mayor or Deputy Mayor.
5. To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council.

B. General Administration

1. To approve recommendations of the Joint Consultative Committee.
2. To disclose Council records in line with the Government Information (Public Access) Act 2009 (GIPA Act) Warren Shire Council Publication Guide in consultation with Council's Public Officer.
3. To enter into Pipeline Agreements with the State Rail Authority or its successor.
4. To exercise the power of entry and to authorise other employees of Council to have that power of entry under:
 - (a) The provisions of the Local Government Act, 1993 Section 191, 191A, 192 and 193.
 - (b) The provisions of Section 119E of the Environmental Planning and Assessment Act, 1979.

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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 \$150,000.
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
235.12.20

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MAYORAL MINUTE(S)

CONTINUED

Item 2 Free Entry to the Warren War Memorial Swimming Pool (S19-2)

MHD-A
Chk Lst

MOVED Quigley/Druce that:

1. Council offer free entry for Warren Shire residents to the Warren War Memorial Swimming Pool until the end of the January 2021 Christmas school holidays; and
2. Council refund pro rata any season ticket purchases.

Carried
236.12.20

Item 3 Health Submission (H2-1)

MOVED Quigley/Walker that Councillor Serdity, Councillor Walker and Councillor Druce meet with Dr John Burke, Mr Tony McAlary, Mr Rod Sandell, Ms Alison Payne and Mrs Alison Campbell to finalise Council's submission for the inquiry into health outcomes and services in rural, regional and remote NSW before the 13th December 2020.

Carried
237.12.20

Item 4 Water Strategy Submission (W2-1)

MOVED Quigley/Beach that the Mayor, Councillor Beach, General Manager, Divisional Manager Engineering Services meet to discuss Council's Water Strategy submission.

Carried
238.12.20

Item 5 Country Mayors (C14-5.5)

MOVED Quigley/Taylor that Council note that the Mayor and the Divisional Manager Engineering Services travelled to Sydney to attend the Country Mayors meeting held in Sydney on Friday, 6th November 2020.

Whilst in Sydney the opportunity was taken to meet with Mr Sam Faraway MLC and his advisors on Thursday, 5th November 2020 to discuss the possible availability of funding for repairs to the Warren Town Levee.

Mr Faraway MLC advised that Council would need to speak to the Environment Minister.

Carried
239.12.20

REPORTS OF COMMITTEES

Council Chambers Development Sunset Committee (C14-3.25)

MOVED Serdity/Walker that the Minutes of the Council Chambers Development Sunset Committee Meeting held on Wednesday, 18th November 2020 be received and noted and the following recommendations be adopted:

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REPORTS OF COMMITTEES

Council Chambers Development Sunset Committee **Continued**

Item 4.1 Council Building Addition **(S1-1.15/1)**

That:

1. The information in the report "Council Building Addition and Renovations" be noted.
2. The building works continue to complete the renovation as described in the "Stages to complete Renovations" attached to the report.
3. Council note the completion of the internal renovations to the existing building including the purchase of furniture and project management costs were not included in the original budget of \$1.7 million and is anticipated to cost \$220,000 to finalise the project.
4. The additional \$220,000 be funded from the Infrastructure Replacement Reserve.
5. A final report be presented to Council once all works have been completed and invoices are paid.

Carried
240.12.20

Manex **(C14-3.4)**

MOVED Taylor/Higgins that the Minutes of the Manex Meeting held on Tuesday, 24th November 2020 be received and noted and the following recommendations be adopted:

Item 7 Operational Procedures **(I2-11.1)**

That:

1. The information be received and noted; and
2. The procedures for Checking of oxi sok at pool, Use of manual pool vacuum cleaner, Use of automatic pool vacuum cleaner, Testing chemical levels at pool, Spinal injury or death, Daily routine for pool kiosk, Heart attack or medical emergency, Major chemical spill/gas leak, Natural Disaster: Lightning /hail/storm, Running off till and balancing remittance at Swimming Pool, Faecal incident solid stool response, Faecal incident loose stool response, Drowning or rescue, Contamination of water at swimming Pool (e.g. bird/animals),Cryptosporidium Notification Response, Receipting Swimming Pool Money, be adopted.

Item 8 Foodies Night Markets – Request for Food Markets **(I3-23)**

That Foodies Night Markets be permitted and that they be advised they should liaise with Council on a future date and venue.

Item 9 Request for a Monthly Church Service to be held in Macquarie Park **(P1-7.6)**

That further information be sought on the location, number of expected participants and that a report be presented to Council.

Carried
241.12.20

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REPORTS OF COMMITTEES

CONTINUED

Roads Committee

(C14-3.28)

MOVED Brewer/Druce that the Minutes of the Roads Committee Meeting held on Monday, 30th November 2020 be received and noted and the following recommendations be adopted:

Item 5.1 Council Roads Classification Review (R4-3)

That:

1. The existing Regional Roads all retain their status of being a Regional Roads; and
2. To ensure that Local Shire Roads that are utilised as part of "Inland Flat Route" receive monetary support and financial contributions on their upkeep they be re-classified to Regional Roads, the three (3) local shire roads are Industrial Access Road (5.60km), the Tottenham Road (34.10km) and the section of the Nevertire-Bogan Road from Nevertire to the Tottenham Road intersection (14km).

Item 5.2 State Highway Road Maintenance Council Contract (W6-11)

That:

1. The interim General Manager and Divisional Manager Engineering Services be approved to make an initial approach to the TfNSW representatives to determine whether TfNSW would consider Warren Shire Council's request to being engaged by TfNSW works in accordance with the conditions of the TfNSW's Roads Maintenance Council Contract.
2. A report on the discussion be presented to the Roads Committee for their information and further direction.

Item 5.8 Tyrie Road Segment 00 and 02 Construction (C4 – 1.57)

That:

1. The only stages of works deemed as being affordable within the 2020/21 budget year be completed on Segment 00 and Segment 02 of the Tyrie Road,
2. Additional monies be pursued in future budget years providing for the completion of applying a bitumen surface to Segment 00 and Segment 02 of the Tyrie Road (SR57).

Item 5.9 Road Counter Summary (R4 -20.1)

That:

1. The information be received and noted; and
2. All future road counts include reference points and average vehicle counts.

Carried
242.12.20

REPORTS OF DELEGATES

Item 1 North Western Library Co-Operative AGM (L2-5)

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

Carried
243.12.20

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DIVISIONAL MANAGER FINANCE AND ADMINISTRATION'S REPORTS

CONTINUED

Item 7 Council Bank Account Signatories (B1-5)

DMFA-A
Chk Lst

MOVED Druce/Walker that the following people be authorised signatories for Council's General Fund Account at the National Australia Bank:

Stephen Glen – Interim General Manager

Darren Arthur – Divisional Manager of Finance & Administration

Jillian Murray - Treasurer

Rolly Lawford – Divisional Manager Engineering Services

Milton Quigley – Mayor

Brett Williamson – Deputy Mayor

Sarah Derrett - Councillor

Carried
254.12.20

DIVISIONAL MANAGER ENGINEERING SERVICES REPORTS

Item 1 Warren Showground, Renewal of the Ron McCalman Pavilion (S7 – 6)

DMES-A
Chk Lst

MOVED Beach/Druce that:

1. Council advise that approval be issued to the Warren Pastoral & Agricultural Association to dismantle and replace the existing aged Ron McCalman Pavilion,
2. All costs associated with the dismantlement and replacement of the Ron McCalman Pavilion be provided by the Warren Pastoral & Agricultural Association,
3. The building selected to replace the existing Ron McCalman Pavilion must be subject and satisfy Council's Development Application (DA) requirements,
4. The replacement structure retains the current name of the Ron McCalman Pavilion.
5. The P & A Society undertake to have the project completed 2 weeks prior to the 2021 Warren Show.

Carried
255.12.20

Item 2 Warren Levee Bank Rehabilitation (F8-1)

DMES-A
Chk Lst

MOVED Taylor/Druce that:

1. This report be recorded as satisfying the Notice of Motion recorded as resolution number 232.10.20 by the Council at its Ordinary Monthly Meeting held on Thursday 22nd October 2020,
2. The plans providing for the rectification of the undermining of the bank and the upper portion of the levee and the estimated cost completing the repairs be accepted and used to pursue the allocation for repairs to the section of the Warren Levee Bank between the Lions Park and the Charles Sturt Bridge over the Macquarie River,
3. Council recognise the need and agree to pursue consultation with representatives of the two higher levels of Government (State & Federal) seeking financial assistance to rectify the deteriorated section of the Warren Town Levee,

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DIVISIONAL MANAGER ENGINEERING SERVICES REPORTS

CONTINUED

Item 2 Warren Levee Bank Rehabilitation Continued

4. Council acknowledge that it intends to commit to undertaking the works “in-house” utilising Council staff, consultants and local contractors to complete the levee rectification works, and
5. Plans and the methods of repairing the damaged section of the Warren Levee Bank between the Lions Park and the Charles Street Bridge have been resolved and will be pursued by the Council and that Local Contractors and knowledge should be engaged.

**Carried
256.12.20**

Item 3 Tender – Supply and Delivery of Passenger, Truck and Earthmoving Tyres (T3-1)

DMES-A
Chk Lst

MOVED Druce/Higgins that:

1. Council, in accordance with Clause 166(a) of the *Local Government (General) Regulation 2005*, formally agree to accept the analysis of the tender evaluation matrix, for the joint group of Member Council for the Contract providing for the supply & delivery of passenger, truck & earthmover tyres within the Warren Shire Council for the two year period commencing 1st January 2021 to the close of business 31st December 2022.
2. Provision is allowed for a 12-month extension based on satisfactory supplier performance which may take this tender through to 31st December 2023.
3. Council issue approval to the executive staff of Regional Procurement Initiative (a division of Hunter Councils Inc) to adjust the prices for the joint group of Member Councils the Contract providing for the supply and delivery of passenger, truck & earthmover tyres in accordance with price variation clauses detailed within the Contract T262021OROC.
4. Council issue approval to the executive staff of Regional Procurement Initiative to sign the Deed of Agreement on behalf of Council for Contract T262021OROC.
5. Warren Shire Council award this contract as the Panel Source Supplier for the period beginning 1st January 2021 to close of business 31st December 2022 in accordance with the terms and conditions of Contract T262021OROC.

**Carried
257.12.20**

MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

Item 1 Vacation Care – Audit Report and Review (V1-2)

MOVED Serdity/Walker that Council note the assessment and audit report completed on Vacation Care.

**Carried
258.12.20**

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MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

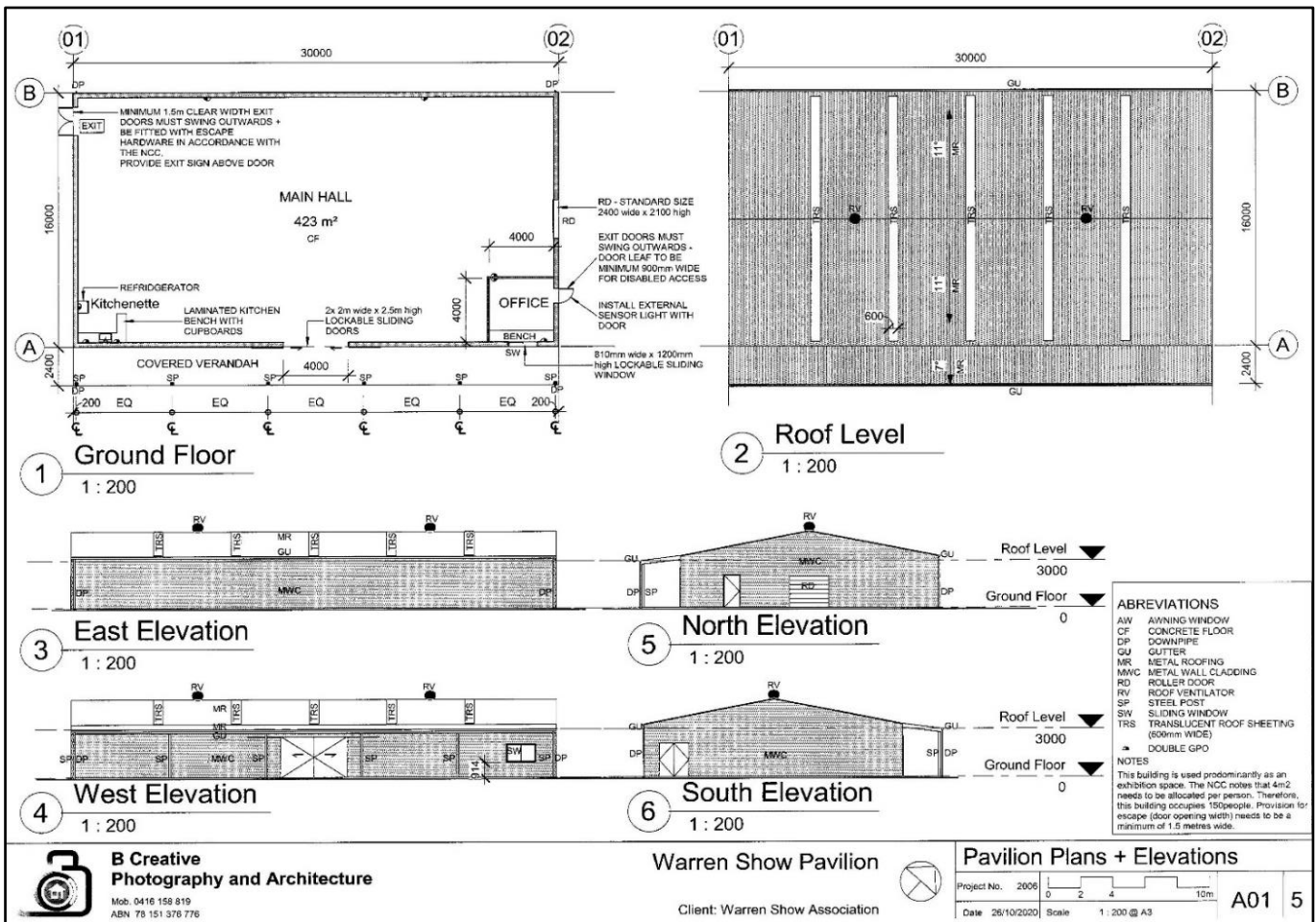
CONTINUED

Item 4 Development Application Demolition and Rebuilding of the McCalman Pavilion Warren Showground

Continued

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

FOR	AGAINST
Councillor Quigley	Nil
Councillor Serdity	
Councillor Taylor	
Councillor Beach	
Councillor Walker	
Councillor Brewer	
Councillor Higgins	
Councillor Druce	



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NOTICE OF MOTIONS

Nil.

There being no further business the meeting closed at 10.46 am.

**THESE MINUTES WERE CONFIRMED AT THE ORDINARY MEETING OF COUNCIL
HELD ON THURSDAY, 28TH JANUARY 2021 AS BEING
A TRUE AND CORRECT RECORD.**

MINUTE No. 2.1.21

.....
GENERAL MANAGER

.....
MAYOR