

# **BUSINESS PAPER**

## **ORDINARY MEETING**

**THURSDAY 25TH FEBRUARY 2021**

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## WARREN SHIRE COUNCIL

### AGENDA - ORDINARY COUNCIL MEETING

25th February 2021

**1. OPEN MEETING**

**2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

**3. CONFIRMATION OF MINUTES**

Ordinary Meeting held on Thursday, 28th January 2021.

**4. DISCLOSURES OF INTERESTS**

**5. MAYORAL MINUTE(S)**

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**6. REPORTS OF COMMITTEES**

Meeting of the Warren Airport Committee held on  
Tuesday, 9th February 2021 ..... (C14-2.3)

Meeting of Manex held on Tuesday, 16th February 2021 ..... (C14-3.4)

Meeting of the Traffic Committee  
held on Thursday, 18th February 2021 ..... (T5-2)

Meeting of the Warren Public Arts Committee  
held on Thursday, 18th February 2021 ..... (C14-3.29)

**7. REPORTS TO COUNCIL**

**REPORTS OF DELEGATES**

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Nil.

**POLICY**

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Nil.

**7. REPORTS TO COUNCIL****CONTINUED****REPORTS OF THE GENERAL MANAGER**

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**9. MATTERS OF URGENCY**

Nil.

**10. CONFIDENTIAL MATTERS**

Nil.

**11. CONCLUSION OF MEETING****PRESENTATIONS**

Nil.

**WARREN SHIRE COUNCIL**  
**Mayoral Minute**  
**to the Ordinary Meeting of Council to be held at**  
**Council Chambers, Warren, on Thursday 25th February 2021**

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**ITEM 1**

**DELEGATION OF AUTHORITY TO THE GENERAL MANAGER**

**(S12-25.1)**

**RECOMMENDATION:**

That in accordance with the provisions of Section 377 of the Local Government Act, 1993 Council hereby delegates to the General Manager, Gary Woodman on his commencement of duties on Monday, 15th March 2021 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.

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**ITEM 1**

**DELEGATION OF AUTHORITY TO THE GENERAL MANAGER**

**CONTINUED**

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| <p>4. To exercise the power of entry and to authorise other employees of Council to have that power of entry under:</p> <ul style="list-style-type: none"><li>(a) The provisions of the Local Government Act, 1993 Section 191, 191A, 192 and 193.</li><li>(b) The provisions of Section 119E of the Environmental Planning and Assessment Act, 1979.</li><li>(c) The provisions of Section 28 of the Swimming Pools Act, 1992.</li><li>(d) The provisions of Section 66 of the Rural Fires Act, 1997 (in line with Service Level Agreement).</li><li>(e) The provisions of Section 37 of the Food Act, 2003.</li><li>(f) The provisions of Sections 47 and 72 of the Public Health Act, 1991.</li><li>(g) The provisions of Section 164 of the Roads Act, 1993.</li><li>(h) The provisions of Section 42 of the Impounding Act, 1993.</li><li>(i) The provisions of Sections 111 and 196 of the Protection of the Environment Operations Act, 1997</li><li>(j) The provisions of Sections 43, 44 and 50 of the Noxious Weeds Act, 1993.</li><li>(k) The provisions of the Companion Animals Act, 1998.</li></ul> <p>5. To exercise the powers of an authorised officer/person and appoint such persons under:</p> <ul style="list-style-type: none"><li>(a) The Local Government Act, 1993;</li><li>(b) The Impounding Act, 1993;</li><li>(c) The Roads Act, 1993;</li><li>(d) The Food Act, 2003;</li><li>(e) The provisions of the Protection of the Environment Operations Act, 1997</li><li>(f) The Swimming Pools Act, 1992;</li><li>(g) The Public Health Act, 1991;</li><li>(h) The Rural Fires Act, 1997 (in line with Service Level Agreement);</li><li>(i) The Noxious Weeds Act, 1993;</li><li>(j) The Mines Inspection Act, 1901;</li><li>(k) The provisions of the Companion Animals Act, 1998;</li><li>(l) The Environmental Planning and Assessment Act 1979.</li></ul> <p>6. To give approval to "approved forms" as defined by the Local Government Act, 1993.</p> |  |
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**ITEM 1**

**DELEGATION OF AUTHORITY TO THE GENERAL MANAGER**

**CONTINUED**

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.
- 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.

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**ITEM 1**

**DELEGATION OF AUTHORITY TO THE GENERAL MANAGER**

**CONTINUED**

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.
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.

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**ITEM 1**

**DELEGATION OF AUTHORITY TO THE GENERAL MANAGER**

**CONTINUED**

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.
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.



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**ITEM 1**

**DELEGATION OF AUTHORITY TO THE GENERAL MANAGER**

**CONTINUED**

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.
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.

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**ITEM 1**

**DELEGATION OF AUTHORITY TO THE GENERAL MANAGER**

**CONTINUED**

**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.
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.

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**ITEM 1**

**DELEGATION OF AUTHORITY TO THE GENERAL MANAGER**

**CONTINUED**

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.

**PURPOSE**

Council's General Manager will commence duties on Monday, 15th March 2021 and requires delegations to undertake this role.

**BACKGROUND**

The provisions of Local Government Act state:

***"377 General power of the council to delegate***

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:*
- (a) the appointment of a general manager,*
  - (b) the making of a rate,*
  - (c) a determination under section 549 as to the levying of a rate,*
  - (d) the making of a charge,*
  - (e) the fixing of a fee,*
  - (f) the borrowing of money,*
  - (g) the voting of money for expenditure on its works, services or operations,*
  - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
  - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,*
  - (j) the adoption of an operational plan under section 405,*
  - (k) the adoption of a financial statement included in an annual financial report,*
  - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
  - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
  - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
  - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),*

**WARREN SHIRE COUNCIL**  
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**ITEM 1                      DELEGATION OF AUTHORITY TO THE GENERAL MANAGER                      CONTINUED**

- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,*
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) this power of delegation,*
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

*(1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:*

- (a) the financial assistance is part of a specified program, and*
- (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
- (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
- (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*

*(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council."*

**REPORT**

That in accordance with the provisions of Section 377 of the Local Government Act, 1993 Council is required to delegate to the General Manager delegated authority to exercise or perform on behalf of Council the powers, authorities, duties and functions required of this position.

Mr Gary Woodman has been appointed as Council's General Manager, and will be commencing in this role on Monday, 15th March 2021. Mr Woodman is required to have these delegations in place to perform in this position.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Nil.

**RISK IMPLICATIONS**

Nil.

**STAKEHOLDER CONSULTATION**

Nil.

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**ITEM 1                    DELEGATION OF AUTHORITY TO THE GENERAL MANAGER                    CONTINUED**

**OPTIONS**

Nil.

**CONCLUSION**

Delegations of Authority are required for the General Manager.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

5.2.2    Timely and accurate reporting for efficient management and accountability.

**SUPPORTING INFORMATION /ATTACHMENTS**

Nil.

## AIRPORT OPERATIONS COMMITTEE

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Attached are the Minutes of the meeting of the Airport Operations Committee held on Tuesday, 9th February 2021.

**RECOMMENDATION:**

That the Minutes of the Meeting of the Airport Operations Committee held on Tuesday, 9th February 2021 be received and noted and the following recommendations be adopted:

DRAFT

# WARREN SHIRE COUNCIL

Minutes of the Airport Operations Committee  
Meeting held in the Council Chambers, Administration Building, Warren  
on Tuesday, 9th February 2021 commencing at 3.30 pm

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## PRESENT:

Councillor Brett Williamson (Chair)  
Councillor Kevin Taylor  
Pat Hulme  
George Falkiner  
Ralph Smith  
Stephen Glen (General Manager)  
Kerry Jones (Infrastructure Projects Manager)

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## ITEM 1 APOLOGIES

An apology was received from Nigel Martin who were absent due to external commitments and it was **MOVED** Taylor/Smith that a leave of absence be granted for this meeting.

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## ITEM 2.1 CONFIRMATION OF MINUTES (C14-3.12)

**MOVED** Taylor/Hulme that the Minutes of the Meeting held on Thursday, 15th October 2020 be accepted as a true and correct record of that meeting.

**Carried**

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## ITEM 2.2 BUSINESS ARISING FROM MINUTES

Nil.

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## ITEM 3.1 NEW COMMITTEE MEMBERS

The Chair welcomed new Committee Members George Faulkner and Ralph Smith to the Committee.

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## ITEM 3.2 FUEL POD USAGE TO DATE

The Chair requested that Council's Infrastructure Projects Manager give a verbal report on fuel usage to date. Approximately 3,000ltrs of fuel has been sold to date. Word is slowly getting out among the Aviation community that fuel is available at the Warren Aerodrome. There was some discussion by Committee members that further advertising should be in the Aviation magazines, Industry magazines like Aircraft Owners & Pilots Association, (AOPA) and periodicals such as Aircraft Trader. The Air Services Australia En Route Supplement Australia, (ERSA) will also be updated with this information. There was also discussion about a "How to Use Guide" to be available at the Fuel Pod particularly for the *Fuelcharge* App for Mobile Telephones.

## RECOMMENDATION TO COUNCIL:

**MOVED** Falkiner/Taylor that the information be received and noted.

**Carried**

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# WARREN SHIRE COUNCIL

Minutes of the Airport Operations Committee  
Meeting held in the Council Chambers, Administration Building, Warren  
on Tuesday, 9th February 2021 commencing at 3.30 pm

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## ITEM 3.3 AIRPORT UPGRADE PROGRESS AND STATUS

Council's Infrastructure Projects Manager gave a precis on the background of the project and project funding under the NSW Government's Drought Critical Infrastructure Fund. The original Business Case and Scope of Works and what could be achieved with the funds available. Runway 03/ 21 will be the focus with reforming, resurfacing, realigning, and correcting the drainage and rainwater runoff. All Taxiways and Aircraft Aprons will be repaired and resurfaced. There was some discussion regarding the Apron area around the Refueling Pod and possible Aircraft and/ or propeller damage from this unsealed area. The Infrastructure Projects Manager will discuss this matter with the contractor as a matter of urgency so that this work can be brought forward before the Taxiway between Runways 03/21 and 09/27.

Demolition work will commence next week on the existing terminal building, the steel frame for the new building has arrived and is temporarily stored within the Namoi Cotton storage area. There was some discussion regarding the design and layout of the new building and access to the terminal, as well as use of the facility by interested parties from Bankstown Flying School, with a separate lease agreement with Council.

### RECOMMENDATION TO COUNCIL:

**MOVED** Falkiner/Taylor that the information be received and noted.

**Carried**

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## ITEM 3.4 MVAS – PURCHASE OF AIRPORT LAND, DA, SURVEY ETC. FOR EXISTING WASTE/ WASHDOWN WATER DAM.

Council has received a letter from the owner of Macquarie Valley Agricultural Services, (MVAS) regarding the purchase of land where the MVAS Waste/ Washdown Water dam is located. To enable this dam to be licenced with the EPA the dam must be on land owned by MVAS. MVAS will have to cover all costs including the survey, DA, subdivision, legal and purchase from Council. Preliminary discussions indicate that there is nothing preventing this subdivision and sale progressing once all the prerequisites are met.

### RECOMMENDATION TO COUNCIL:

**MOVED** Falkiner/Taylor that the information be received and noted.

**Carried**

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## GENERAL BUSINESS

Nil.

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## NEXT MEETING

Tuesday, 11th May 2021

**There being no further business the meeting closed at 4:20 pm.**

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## MANEX MINUTES

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Attached are the Minutes of the meeting of Manex held on Tuesday, 16th February 2021.

**RECOMMENDATION:**

That the Minutes of the Meeting of Manex 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

**ITEM 11 GENERAL BUSINESS WITHOUT NOTICE**

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

**WARREN SHIRE COUNCIL**  
Minutes of the Manex Committee Meeting  
held in the Council Chambers, Administration Building, Warren,  
on Tuesday 16th February 2021 commencing at 9.30 am

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**PRESENT:**

Stephen Glen	General Manager
Darren Arthur	Divisional Manager Finance & Administration
Jillian Murray	Treasurer
Rolly Lawford	Divisional Manager Engineering Services
Raymond Burns	Town Services Manager
Rowan Hutchinson	Roads Infrastructure Manager
Maryanne Stephens	Manager Health & Development Services (Chair)
Kerry Jones	Infrastructure Projects Manager
Jody Burtenshaw	Executive Assistant

**ITEM 1 APOLOGIES**

Nil.

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**MOVED** Glen/Stephens that Item 8 be moved forward as the Divisional Manager Engineering Services will be leaving the meeting for a telephone meeting.

**Carried**

**ITEM 8 VENDORPANEL**

The General Manager reminded officers to use Vendorpanel when warranted and consider Council's purchasing policies. The Divisional Manager Engineering Services advised that Council tries to use local contractors and services when possible. The General Manager has requested that a report be presented to Manex each month outlining Council's use of Vendorpanel.

The Divisional Manager Engineering Services left the meeting room at 9.46 am.

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**ITEM 2 BUSINESS ARISING FROM MINUTES**

Nil.

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**ITEM 3 ACTION CHECKLIST**

**MOVED** Murray/Burns that the information be received and noted.

**Carried**

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**ITEM 4.1 2020/2021 SPECIFIC WORKS STATUS REPORT**

**MOVED** Murray/Jones that the information be received and noted.

**Carried**

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**WARREN SHIRE COUNCIL**  
Minutes of the Manex Committee Meeting  
held in the Council Chambers, Administration Building, Warren,  
on Tuesday 16th February 2021 commencing at 9.30 am

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**ITEM 4.2 PROJECTS AND ASSETS STATUS REPORT**

**MOVED** Glen/Arthur 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. **Carried**
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**ITEM 4.3 EWENMAR WASTE DEPOT STATUS REPORT**

The Town Services Manager gave the Committee an update on the Transfer Station.

**MOVED** Stephens/Burns that:

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

**ITEM 5 OFFICE OF LOCAL GOVERNMENT STRATEGIC TASKS (L5-3)**

**MOVED** Arthur/Glen that the information be received and noted. **Carried**

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**ITEM 6 GILGANDRA ABORIGINAL INTERACTIVE MINISTRIES CHURCH – REQUEST FOR MONTHLY SERVICE IN MACQUARIE PARK (P1-7.6)**

**MOVED** Glen/Stephens that the group be granted six (6) months use subject to the group providing documentation of \$20M Public Liability Insurance coverage. **Carried**

---

**ITEM 7 NAMING OF COUNCIL'S MEETING ROOMS**

**MOVED** Glen/Murray that the meeting rooms be called:

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

**ITEM 9 JANUARY 2021 DRAFT MINUTES AND FEBRUARY 2021 BUSINESS PAPER**

The Committee previewed the February 2021 Business Paper and the January 2021 Draft Minutes and actions required were placed on the Action Checklist in Item 1 of the General Manager's Report.

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**WARREN SHIRE COUNCIL**  
**Minutes of the Manex Committee Meeting**  
**held in the Council Chambers, Administration Building, Warren,**  
**on Tuesday 16th February 2021 commencing at 9.30 am**

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**ITEM 10            CORRESPONDENCE AND COMPLAINTS/ACTION REQUESTS STATUS**

The correspondence list and the outstanding complaints/actions list was circulated. It was requested that the responsible officers update the outstanding complaints/actions list and return to the Engineering Administration Officer.

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**ITEM 11            GENERAL BUSINESS WITHOUT NOTICE**

- The Treasurer advised that a new Finance Clerk - Creditors will be commence working with Council on Monday.
- The Treasurer reiterated that any Workers Compensation injuries are to be reported to the Finance Clerk – Payroll within 24 hours. Recently an employee was injured and no information on the claim was given to the Finance Clerk – Payroll.
- The Treasurer requested that if you have approved an employee to be paid at a higher rate of pay for higher duties, a memo signed by the Department Manager is required for auditing and Payroll purposes indicating the grade and level.
- The Treasurer requested an update on the Council house in Gunningba Estate.

The Manager Health and Development Services advised that she has been in contract with the builders and is waiting on their Engineer to review the compaction of the pad and a further inspection of the dwelling for a defects list is to be undertaken. The Manager Health and Development Services has been in contact with a peer at Narromine Shire Council to obtain an unsolicited view. Council's solicitors are in the process of completing an Agreement.

- The Treasurer enquired on which Council house are we selling 39 or 56 Garden Avenue?

The Manager Health and Development Services is to arrange an inspection of 39 Garden Avenue and prepare information for an informed decision to be made.

The Divisional Manager Engineering Services entered the meeting room at 10.30 am.

- The Executive Assistant provided a copy of the draft procedure for the Out of Hours Posts for Facebook and Council's Website and asked for feedback.

**MOVED** Glen/Arthur that the After Hours Facebook and Website Updates procedure be adopted.

**Carried**

- The Manager Health and Development Services advised that the Warren Fire Brigade have requested if hydrant markings in front of the schools could be marked.
- The Manager Health and Development Services Preparation for the Warren Show. The Infrastructure Projects Manager advised that new power poles will be in place before the show. Council to notify the Warren P & A Society with information of the new facilities.
- The Treasurer asked if the town pedestrian crossing markings could please be renewed. The Divisional Manager Engineering Services advised that they are programmed to be in town in May 2021. A letter to be sent to the TfNSW advising that there is a need to renew the highway pedestrian crossing markings, and that Council will have the contractors in town in May 2021 if they wish them to be done at the same time.

**WARREN SHIRE COUNCIL**  
Minutes of the Manex Committee Meeting  
held in the Council Chambers, Administration Building, Warren,  
on Tuesday 16th February 2021 commencing at 9.30 am

---

**ITEM 11**

**GENERAL BUSINESS WITHOUT NOTICE**

**CONTINUED**

- The Manager Health and Development Services enquired on the trees being held in storage at the Depot. The Town Services Manager advised they are surviving and are still in storage.
- The General Manager enquired on how often the public rubbish bins were emptied and when are they emptied? The Manager Health and Development Services to investigate with the contractor.
- A complaint has been received of early morning noise in the main street caused by the cleaning of the footpaths and streets by the “green machine”.
- The Manager Health and Development Services to investigate how early a garbage truck can operate.

**There being no further business the meeting closed 11.17 am.**

DRAFT

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## TRAFFIC COMMITTEE MINUTES

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Attached are the Minutes of the meeting of the Traffic Committee meeting held in the Council Community Room on Thursday, 18th February 2021.

**RECOMMENDATION:**

That the Minutes of the Meeting of the Traffic Committee held on Thursday, 18th February 2021 be received and noted.

**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.

(2)

**ITEM 4.4 COMPOSITION OF TRAFFIC COMMITTEE**

**(T5-2)**

That:

The information be received and noted.

DRAFT

# WARREN SHIRE COUNCIL

Minutes of the 52nd Meeting of the Warren Shire Traffic Committee  
held in Council Community Room, 115 Dubbo Street, Warren on  
Thursday, 18th February 2021 commencing at 3.02 pm

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## ATTENDANCE

Councillor Kevin Taylor (Chair)  
Mr Richard Drooger (TfNSW)  
Sergeant Dave Marr (NSW Police)  
Mr Rolly Lawford (Divisional Manager Engineering Services)  
Mr Stephen Glen (General Manager)  
Ms Angela Muir (Minute Taker)

---

## ITEM 1 APOLOGIES

**MOVED** Taylor/Marr that an apology be accepted and leave of absence be granted to Councillor Sarah Derrett who was absent due to external commitments.

**Carried**

---

## ITEM 2 BUSINESS ARISING FROM MINUTES

**MOVED** Taylor/Marr that the Minutes of the 6th August 2020 be adopted as a true and correct record of that Meeting.

## MATTERS ARISING FROM MINUTES OF THE 6TH AUGUST 2020

Nil.

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## ITEM 3 INSPECTIONS

Nil.

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## ITEM 4.1 SPEED ZONE CHANGES CARINDA ROAD

**(R4-2.5, T5-3)**

### RECOMMENDATION TO COUNCIL:

**MOVED** Marr/Taylor 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.

**Carried**

---



# WARREN SHIRE COUNCIL

Minutes of the 52nd Meeting of the Warren Shire Traffic Committee  
held in Council Community Room, 115 Dubbo Street, Warren on  
Thursday, 18th February 2021 commencing at 3.02 pm

---

**ITEM 4.2      TRAFFIC FLOW CHANGES - INCLUDING ESTABLISHMENT OF A HEAVY VEHICLE BYPASS      (T5-1/R4-1.91)**

**RECOMMENDATION TO COUNCIL:**

**MOVED** Taylor/Drooger 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**

---

**ITEM 4.4      COMPOSITION OF TRAFFIC COMMITTEE      (T5-2)**

**MOVED** Marr/Taylor that the information be received and noted.

**Carried**

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**ITEM 5      GENERAL BUSINESS**

- TfNSW suggested that an application be submitted for funding in the new financial year on behalf of Council for electronic speed signage to be erected on Carinda Road (Item 4.1).
  - TfNSW to supply "C" Sized signs when changes are implemented on the Carinda Road, and Council will install the supplied signs and forward an account to TfNSW for the cost of installing the signs. (Item 4.1).
  - That Council extends an invite to the National Heavy Vehicle Regulator to have a representative to meet about the proposed heavy vehicle bypass in Warren.
  - Look at applying for funding through the Safer Roads Funding Portal to assist with the implementation of the Offset T Intersection on the bypass road with Dubbo Street, Carinda Road and the Industrial Access Road.
- 

**ITEM 6      NEXT MEETING**

10th of August 2021

**THERE BEING NO FURTHER BUSINESS THE MEETING CONCLUDED 3:55 PM.**

## WARREN PUBLIC ARTS COMMITTEE MINUTES

---

Attached are the Minutes of the meeting of the Warren Public Arts Committee held on Thursday, 18th February 2021.

**RECOMMENDATION:**

That the Minutes of the Meeting of the Warren Public Arts Committee 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 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.

# WARREN SHIRE COUNCIL

Minutes of the Warren Public Arts Committee Meeting  
held in the Conference Room, 115 Dubbo Street Warren  
on Thursday 18th February 2021 commencing at 4:10 pm

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**PRESENT:**

Councillor Pauline Serdity	Chair
Councillor Karlene Irving	
Stephen Glen	General Manager
Jenny Quigley	Community Member
Judy Ridley	Community Member
Alisha Leach	Community Member
Jody Burtenshaw	Executive Assistant

**ITEM 1 APOLOGIES**

An apology was tendered on behalf of Councillor Brett Williamson who was absent due to external commitments, and it was **MOVED** Leach/Ridley that the apology be accepted and a leave of absence for the member concerned be granted.

**Carried**

---

**ITEM 2 CONFIRMATION OF MINUTES (C14-3.29)**

**MOVED** Leach/Quigley that the Minutes of the Meeting held on Thursday, 17th December 2020 be accepted as a true and correct record of that meeting.

**Carried**

---

**ITEM 3 BUSINESS ARISING FROM THE MINUTES OF THURSDAY, 17TH DECEMBER 2020**

- Councillor Serdity advised that Council has sent a letter to the Warren Pharmacy requesting further information on their proposed window display.
  - Councillor Serdity advised that the Warren Shire Council Public Art Masterplan will be re-presented to the Committee at a Committee Workshop.
- 

**ITEM 4.1 CONCEPT DESIGN – WARREN STAFFORD STREET RESERVOIR MURAL (C14-3.29)**

**RECOMMENDATION TO COUNCIL:**

**MOVED** Ridley/Leach that Councillor Serdity contact artist Mr Sam Brooks with the amended ideas from the Committee of:

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

**Carried**

---

# WARREN SHIRE COUNCIL

Minutes of the Warren Public Arts Committee Meeting  
held in the Conference Room, 115 Dubbo Street Warren  
on Thursday 18th February 2021 commencing at 4:10 pm

---

**ITEM 4.2 FUNDING UPDATE (G4-1)**

**RECOMMENDATION TO COUNCIL:**

**MOVED** Quigley/Leach that:

1. The General Manager to report back to the Committee at the next meeting 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.

**Carried**

---

**ITEM 4.3 WARREN PUBLIC ARTS COMMITTEE TERMS OF REFERENCE (C14-3.29)**

**RECOMMENDATION TO COUNCIL:**

**MOVED** Serdity/Irving that the Terms of Reference for the Warren Public Arts Committee be amended as reported.

**Carried**

---

**ITEM 4.4 LETTER FROM MR BRUCE LYNCH (C14-3.29)**

**RECOMMENDATION TO COUNCIL:**

**MOVED** Serdity/Leach 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**

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**ITEM 5 GENERAL BUSINESS WITHOUT NOTICE**

Nil.

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**ITEM 6 DATE OF NEXT MEETINGS:**

4.00 pm Tuesday, 2nd March 2021.

**There being no further business the meeting closed 5.42 pm.**

**WARREN SHIRE COUNCIL**  
**Report of the General Manager**  
**to the Ordinary Meeting of Council to be held in the**  
**Council Chambers, Warren, on Thursday 25th February 2021**

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**ITEM 1                      OUTSTANDING REPORTS CHECKLIST                      (C14-7.4)**

<b>Date</b>	<b>Resolution or Qwn</b>	<b>Outstanding Matter</b>	<b>Officer Resp</b>	<b>Response/Action</b>
<b>General Manager</b>				
Nil.				
<b>Divisional Manager Finance and Administration Services</b>				
24.9.20	213.9.20	Sale of Land Nevertire Part Lot 165 DP704130	DMFA	Arrange sale of land to Field Solutions Group.
3.12.20	252.12.20	North Western Library Co-Operative 2021/2022 Contribution	DMFA	Include in 2021/2022 Operations Plan & Estimates
*3.12.20	253.12.20	North Western Library Co-Operative Agreement	DMFA	Seal affixed and signed.
*25.1.21	14.1.21	Bank Guarantee – Install Power Lines to Sewerage Treatment Plant	DMFA	Application has been sent to the NAB.
*25.1.21	16.1.21	Transfer of Land to Council in Lieu of Rates	DMFA	Owner advised.
<b>Divisional Manager Engineering Services</b>				
6.12.18	284.12.18	Lot 79 & 80 DP 724585 Wambianna Street, Collie.	DMES	Survey completed and a report is to be presented to Council. This project is currently on hold.
27.6.19	129.6.19	Warren Levee Bank Rehabilitation	DMES	Seek funding as soon as practical. This project will remain on hold until funding is acquired.
26.9.19	204.9.19	Bundemar Street Warren Proposed Centre Median Alteration	DMES	1. Provide a detailed budget for works. 2. Submit plans and documents to Council for consideration and approval. This project currently on hold.

**WARREN SHIRE COUNCIL**  
 Report of the General Manager  
 to the Ordinary Meeting of Council to be held in the  
 Council Chambers, Warren, on Thursday 25th February 2021

ITEM 1

OUTSTANDING REPORTS CHECKLIST

CONTINUED

Date	Resolution or Qwn	Outstanding Matter	Officer Resp	Response/Action
<b>Divisional Manager Engineering Services</b>				
24.9.20	214.9.20	REF – New Sewage Treatment Works	DMES	Tender accepted. Loan application in progress. Request to be sent to Infrastructure NSW for contribution towards increased costs. Works in progress.
3.12.20	256.12.20	Warren Levee Bank Rehabilitation	DMES	<ol style="list-style-type: none"> <li>1. Funding currently being pursued for repairs to the reported section of the Warren levee bank.</li> <li>2. Consulted with State Government representatives seeking financial assistance to rectify deteriorated section</li> <li>3. Works to be undertaken in-house using Council staff and local contractors.</li> <li>4. Local contractors have been liaised with in regards to the methods of repair.</li> <li>5. Fresh applications have been submitted to the Federal Government Department of Infrastructure.</li> </ol>
28.1.21	21.1.21	2020/21 Fixing Country Roads Grant Round 2 Submission and the Australian Government Covid-19 Local Roads and Community Infrastructure Program – Phase 2 Allocation.	DMES	Funding to be announced.

**WARREN SHIRE COUNCIL**  
 Report of the General Manager  
 to the Ordinary Meeting of Council to be held in the  
 Council Chambers, Warren, on Thursday 25th February 2021

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**ITEM 1**

**OUTSTANDING REPORTS CHECKLIST**

**CONTINUED**

<b>Date</b>	<b>Resolution or Qwn</b>	<b>Outstanding Matter</b>	<b>Officer Resp</b>	<b>Response/Action</b>
<b>Manager Health &amp; Development</b>				
27.2.20	36.2.20	Draft Plans of Management	MHD	1. Categories assigned as detailed in report. 2. Crown Reserves classified as identified as operational land 3. Draft Plans of Management nearing completion.
3.12.20	262.12.20	Council houses - 8 and 21 Deacon Drive	MHD	Mediate with builder.
25.1.21	23.1.21	Request to Revoke a Menacing Dog Declaration	MHD	Provide report detailing requested additional information to February Council Meeting.
25.1.21	24.1.21	Request for a Covenant Exemption – Lots 53 & 54 Deacon Drive, Gunningba Estate of Warren	MHD	Grant exemption as per Council's resolution.

**RECOMMENDATION:**

That the information be received and noted and that the items marked with an asterisk (\*) be deleted.

**WARREN SHIRE COUNCIL**  
Report of the General Manager  
to the Ordinary Meeting of Council to be held in the  
Council Chambers, Warren, on Thursday 25th February 2021

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**ITEM 2 COMMITTEE/DELEGATES MEETINGS**

**(C14-2)**

The following is a listing of various committee/delegates meetings of Council since the last meeting.

**MEETINGS HELD**

<b>DATE</b>	<b>COMMITTEE / MEETING</b>	<b>LOCATION</b>
9.2.2021	NW Bush Fire Management Committee Meeting	Coonamble
9.2.2021	Planning, Industry & Environment - Planning Delivery Unit (PDU)	Warren
10.2.2021	Bronnie Taylor MLC & Sam Farraway MLC visit	Warren
17.2.2021	Central West Local Land Services	Warren
17.2.2021	Council Workshop	Warren
18.2.2021	Murray Darling Basin Authority	Warren
18.2.2021	Local Traffic Committee	Warren
18.2.2021	Warren Public Arts Committee	Warren
24.2.2021	Orana Joint Organisation Board Meeting	Narromine
24.2.2021	Warren Sporting Facilities Committee	Warren

**FUTURE MEETINGS NOT ON MEETING SCHEDULE**

<b>DATE</b>	<b>COMMITTEE / MEETING</b>	<b>LOCATION</b>

**RECOMMENDATION:**

That the information be received and noted.



**WARREN SHIRE COUNCIL**  
**Report of the General Manager**  
**to the Ordinary Meeting of Council to be held in the**  
**Council Chambers, Warren, on Thursday 25th February 2021**

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**ITEM 3                    VARIATION TO CONTRACT FOR NEW SEWERAGE TREATMENT WORKS (G4-1.34)**

**RECOMMENDATION:**

1. That Council endorse the actions of the Infrastructure Project Manager in managing the works associated with the removal of the unsuitable material associated with variation;
2. Council authorise the expenditure of \$250,628 (ex GST) for the removal of the unsuitable material at the new Sewerage Treatment Works, funded from the Sewerage Fund; and
3. Savings from the new Sewerage Treatment Works project, if any, be placed in the Sewerage Fund.

**PURPOSE**

The purpose of this report is to advise Council of the additional costs to the Contract (Scope of Works) for works undertaken by the contractor during excavation and earthworks for the Oxidation and Evaporation Ponds for the new Sewerage Treatment Works.

**BACKGROUND**

Gongues Construction Pty Ltd were engaged by Warren Shire Council following an extensive Expression of Interest and Tendering process to construct the new Warren Sewerage Treatment Works to a design provided by the NSW Government's Public Works Advisory. During the initial construction phase of the project the Contractor found that there was unsuitable base material on the sites where the large Oxidation and Evaporation Ponds were to be constructed. This area contained approximately 40,000m<sup>3</sup> of unsuitable material to be removed before a solid base (floor) for the ponds could be detected. The Geotechnical Engineering survey and assessment carried out by Macquarie Geotech under the Public Works Advisory predesign surveys did not detect this material.

**REPORT**

Council's Infrastructure Projects Manager received verbal notification of unsuitable material being found on site at the STW Construction on Wednesday 4 November 2020. He visited the site accompanied by the Projects and Maintenance Officer that same day. Discussions were held with the Gongues Project Site Superintendent onsite and then in a telephone conversation with the Gongues Project Manager regarding the suitable actions required to overcome this unsuitable material for the floor of the Oxidation Ponds. Following these discussions between Gongues and Council staff the Infrastructure Projects Manager authorised the removal of the material so that construction was not delayed.

The Infrastructure Projects Manager carried out several inspections of the site over the following weeks as this material was removed, and further testing was conducted by both Gongues and Macquarie Geotech. Engineers. A formal request for the variation including total costs was received by the Infrastructure Projects Manager from the Contractor on 17 December 2020 and the Infrastructure Projects Manager notified the Contractor that this variation was acceptable. A further email was received from Gongues in support of works carried out on site regarding this variation. The Infrastructure Projects Manager inspected the site where this material was removed on December 18 and accepted that the works were complete.

**WARREN SHIRE COUNCIL**  
**Report of the General Manager**  
**to the Ordinary Meeting of Council to be held in the**  
**Council Chambers, Warren, on Thursday 25th February 2021**

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**ITEM 3                      VARIATION TO CONTRACT FOR NEW SEWERAGE TREATMENT WORKS**  
**CONTINUED**

**FINANCIAL AND RESOURCE IMPLICATIONS**

The cost of the variation is in addition to the contract value. The \$250,628 (ex GST) can be funded from the Sewerage Fund, which currently has \$1.2M. Any savings from the Sewerage Treatment Works Project are to go into the Sewerage Fund.

**LEGAL IMPLICATIONS**

There are Contract requirements between Warren Shire Council and Gongues Construction for completion of works, including the payment of variations approved by Council.

**RISK IMPLICATIONS**

Nil.

**STAKEHOLDER CONSULTATION**

Nil

**CONCLUSION**

These works were required to be completed to ensure the integrity of the design of the new Sewerage Treatment Works was maintained. As the unsuitable material was not identified in the tender documents, the removal of the material is a variation to the contract.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

4.3.3 Provide Warren and village of Nevertire with an adequate and environmentally acceptable sewerage scheme that is appropriately priced for all consumers

**SUPPORTING INFORMATION**

Nil.

# WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration  
to the Ordinary Meeting of Council to be held in the  
Council Chambers, Warren on Thursday 25<sup>th</sup> February 2021

ITEM 1

RECONCILIATION CERTIFICATE – JANUARY 2021

(B1-10.16)

## RECOMMENDATION

That the Statements of Bank and Investments Balances as at 31<sup>st</sup> January 2021 be received and noted.

## PURPOSE

To certify that the internal and external cash and investments position of Council is reconciled each month.

## BACKGROUND

Clause 212 of the Local Government (General) Regulation 2005 requires the Responsible Accounting Officer to provide a written report setting out details of all money that the council has invested under Section 625 of the Local Government Act.

## REPORT

Following is the reconciled internal funds of Council that have been reconciled with the Bank Statements as at 31<sup>st</sup> January 2021.

## INTERNAL LEDGER ACCOUNT RECONCILIATION

	Balance 31-Dec-20	Transactions	Balance 31-Jan-21
General	7,922,047.45	(97,811.37)	7,824,236.08
Water Fund	482,742.95	(15,206.90)	467,536.05
Sewerage Fund	2,602,851.79	(363,509.57)	2,239,342.22
North Western Library	64,153.57	(1,200.19)	62,953.38
Trust Fund	133,217.48	99.04	133,316.52
Investment Bank Account	(8,716,236.47)	(17.18)	(8,716,253.65)
	<b>2,488,776.77</b>	<b>(477,646.17)</b>	<b>2,011,130.60</b>

# WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration  
to the Ordinary Meeting of Council to be held in the  
Council Chambers, Warren on Thursday 25<sup>th</sup> February 2021

ITEM 1

RECONCILIATION CERTIFICATE – JANUARY 2021

CONTINUED

## BANK STATEMENT RECONCILIATION

Balance as per Bank Statement =	2,015,601.80
Add: Outstanding Deposits for the Month	84.00
Less: Outstanding Cheques & Autopays	(4,555.20)
<b>Balance as per Ledger Accounts less Investments =</b>	<b>2,011,130.60</b>

## INVESTMENTS RECONCILIATION

### Investments as at 31st January 2021

No.	Institution	Amount	Term & Rate	Maturity Date
	National Australia Bank	216,253.65	Variable	On Call A/c
5	Macquarie Credit Union	1,500,000.00	182 days @ 0.85%	2-Mar-21
7	National Australia Bank	1,500,000.00	90 days @ 0.45%	15-Feb-21
8	National Australia Bank	1,500,000.00	90 Days @ 0.45%	22-Feb-21
9	National Australia Bank	3,000,000.00	91 days @ 0.45%	8-Mar-21
1	Macquarie Credit Union	1,000,000.00	90 Days @ 0.45%	30-Jan-21

**TOTAL INVESTMENTS =** **8,716,253.65**

## BANK AND INVESTMENT ACCOUNTS BREAKDOWN

Externally Restricted Funds Invested	6,663,500.00
Internally Restricted Funds Invested	3,507,753.00
2020/21 General Fund Operating Income & Grants	556,131.25
<b>TOTAL BANK &amp; INVESTMENTS ACCOUNTS BALANCE =</b>	<b>10,727,384.25</b>

As Councils Responsible Accounting Officer I certify that the above listed investments are in accordance with Council Policy and the Local Government Act and Regulations.

# WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration  
to the Ordinary Meeting of Council to be held in the  
Council Chambers, Warren on Thursday 25<sup>th</sup> February 2021

---

ITEM 1

RECONCILIATION CERTIFICATE – JANUARY 2021

CONTINUED

**FINANCIAL AND RESOURCE IMPLICATIONS**

N/A

**LEGAL IMPLICATIONS**

N/A

**RISK IMPLICATIONS**

N/A

**STAKEHOLDER CONSULTATION**

N/A

**OPTIONS**

N/A

**CONCLUSION**

This report is provided to advise Council of its financial position.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

5.2.2 Timely and accurate reporting for efficient management and accountability.

**SUPPORTING INFORMATION / ATTACHMENTS**

N/A

# WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration  
to the Ordinary Meeting of Council to be held in the  
Council Chambers, Warren on Thursday 25<sup>th</sup> February 2021

---

ITEM 2                    **STATEMENT OF RATES & ANNUAL CHARGES**

**(R1-4)**

## **RECOMMENDATION**

That the information be received and noted.

## **PURPOSE**

To advise Council of the rates and annual charges levied, collected and currently outstanding as at the report date.

## **BACKGROUND**

A major source of revenue council receives each year is through the levying of rates and annual charges on property owners in the Warren Shire Council local government area to provide and maintain services to the Warren Shire community.

## **REPORT**

Attached to this report is the statement of rates and annual charges as at 12<sup>th</sup> February 2021 including comparisons over the last four years.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Nil

## **RISK IMPLICATIONS**

N/A

## **STAKEHOLDER CONSULTATION**

N/A

## **OPTIONS**

N/A

## **CONCLUSION**

This report is provided to advise Council of the balance of rates and annual charges for the current financial year.

## **LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

5.2.2 Timely and accurate reporting for efficient management and accountability.

## **SUPPORTING INFORMATION / ATTACHMENTS**

Statement of Rates and Annual Charges as at 12<sup>th</sup> February 2021.

# WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration  
to the Ordinary Meeting of Council to be held in the  
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ITEM 2 STATEMENT OF RATES & ANNUAL CHARGES

CONTINUED

12TH FEBRUARY 2021

Name of Rate	NETT		COLLECTIONS FOR YEAR			NETT ARREARS	
	ARREARS 1st JULY \$	NETT LEVY \$	TOTAL RECEIVABLE \$	AMOUNT COLLECTED \$	COLLECT AS % AGE OF TOTAL REC'ABLE	ARREARS AMOUNT \$	ARREARS AS % AGE OF TOTAL REC'ABLE
General Fund Rates	208,310	4,975,910	5,184,220	2,951,385	56.93%	2,232,835	43.07%
Warren Water Fund	49,372	466,643	516,015	320,445	62.10%	195,570	37.90%
Warren Sewerage Fund	61,270	492,794	554,064	333,527	60.20%	220,537	39.80%
<b>TOTAL 2020/2021</b>	<b>318,952</b>	<b>5,935,347</b>	<b>6,254,299</b>	<b>3,605,357</b>	<b>57.65%</b>	<b>2,648,942</b>	<b>42.35%</b>
<b>TOTAL 2019/2020</b>	<b>178,732</b>	<b>5,789,682</b>	<b>5,968,414</b>	<b>3,445,412</b>	<b>57.73%</b>	<b>2,523,002</b>	<b>42.27%</b>
<b>TOTAL 2018/2019</b>	<b>128,294</b>	<b>5,612,659</b>	<b>5,740,953</b>	<b>3,456,792</b>	<b>60.21%</b>	<b>2,284,161</b>	<b>39.79%</b>
<b>TOTAL 2017/2018</b>	<b>125,675</b>	<b>5,436,234</b>	<b>5,561,909</b>	<b>3,264,801</b>	<b>58.70%</b>	<b>2,297,108</b>	<b>41.30%</b>
<b>TOTAL 2016/2017</b>	<b>137,085</b>	<b>5,349,258</b>	<b>5,486,343</b>	<b>3,149,575</b>	<b>57.41%</b>	<b>2,336,768</b>	<b>42.59%</b>
		<b>13-Feb-17</b>	<b>8-Feb-18</b>	<b>14-Feb-19</b>	<b>13-Feb-20</b>	<b>12-Feb-21</b>	
<b>COLLECTION FIGURES AS \$</b>		<b>3,149,575</b>	<b>3,264,801</b>	<b>3,456,792</b>	<b>3,445,412</b>	<b>3,605,357</b>	
<b>COLLECTION FIGURE AS %</b>		<b>57.41%</b>	<b>58.70%</b>	<b>60.21%</b>	<b>57.73%</b>	<b>57.65%</b>	

# WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration  
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**ITEM 3**                      **SALE OF DWELLING AT 39 GARDEN AVENUE WARREN NSW 2824**                      **(S1-1.35)**

## **RECOMMENDATION**

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

## **PURPOSE**

To seek Council's resolution for the sale of the dwelling at 39 Garden Avenue Warren at market value.

## **BACKGROUND**

Council resolved at the April 2018 Meeting to engage Hotondo Homes (Newlet Constructions P/L) to build two (2) dwellings on Lots 52 and 58 of Gunningba Estate for the price of \$371,074.00 per dwelling inclusive of GST. Funding of the two (2) dwellings to come from the sale of 2 Roland Street and 56 Garden Avenue and the balance from restricted funds.

## **REPORT**

The original resolution of Council at the April 2018 meeting was to sell the dwelling at 56 Garden Avenue Warren (constructed in 1982) but after an inspection by Council's Manager of Health & Development Services on the dwelling at 39 Garden Avenue Warren (constructed in 1985) it may be more practical to sell this dwelling due to the following issues being identified:

1. The roof battens are warping believed to be from the weight of the tiled roof which is causing the cracking of the internal ceiling and walls in many areas,
2. The ground movement has also caused tiles and grout in the wet areas to crack and move.

Although a thorough estimate has not been undertaken to repair all the defects, an estimate to replace the roof battens and tiles with new battens, colourbond roofing and install earthwool insulation, repair the ceiling and paint was obtained, the quotation received amounted to \$42,795.00 (Ex GST) for these works.

Management agree that spending this amount of money on repairs is not in the best interest of Council as the dwelling at 56 Garden Avenue Warren is in a far better condition requiring only minor maintenance but more importantly is structurally sound.

It is proposed to list the dwelling with all Real Estate Agents in Warren for transparency and accountability and have them also assess their opinion of the current market value.

Council's adopted 2018/2019 Estimates included an amount of \$190,000.00 for the sale of 56 Garden Avenue Warren, it is anticipated that the sale of 39 Garden Avenue Warren will return around the same amount as included in the Operational Plan & Estimates.

It is also recommended that authority be given to the Mayor and General Manger to negotiate and finalise the sale with any potential buyers to minimise any potential delay in finalising the sale.



# WARREN SHIRE COUNCIL

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ITEM 3

SALE OF DWELLING AT 39 GARDEN AVENUE WARREN NSW 2824

CONTINUED

## FINANCIAL AND RESOURCE IMPLICATIONS

It is anticipated the proceeds from the sale of 39 Garden Avenue Warren will be around the amount included in the Operational Plan & Estimates therefore there will be no financial implications.

## LEGAL IMPLICATIONS

Nil

## RISK IMPLICATIONS

N/A

## STAKEHOLDER CONSULTATION

N/A

## OPTIONS

N/A

## CONCLUSION

It is recommended that Council resolve to list for sale the dwelling at 39 Garden Avenue Warren with the local Real Estate Agents.

## LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

- 1.1.5 Retain and develop housing for skilled people.
- 5.2.2 Timely and accurate reporting for efficient management and accountability.

## SUPPORTING INFORMATION / ATTACHMENTS

Photos of internal defects.

# WARREN SHIRE COUNCIL

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ITEM 3

SALE OF DWELLING AT 39 GARDEN AVENUE WARREN NSW 2824

CONTINUED



# WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration  
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ITEM 3

SALE OF DWELLING AT 39 GARDEN AVENUE WARREN NSW 2824

CONTINUED



# WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration  
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ITEM 3

SALE OF DWELLING AT 39 GARDEN AVENUE WARREN NSW 2824

CONTINUED



**WARREN SHIRE COUNCIL**  
**Report of the Divisional Manager Engineering Services**  
**to the Ordinary Meeting of Council to be held in the**  
**Council Chambers, Warren, on Thursday 25th February 2021**

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**ITEM 1                      TENDER – SUPPLY AND DELIVERY OF BITUMEN EMULSION      (C14-6.2/51)**

**RECOMMENDATIONS:**

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 contact through to 31st December 2023.

**PURPOSE**

The purpose of this report is to seek Council's approval to award the Regional Procurement joint group of Member Councils the joint contract for the supply & delivery of bitumen emulsion.

**BACKGROUND**

As a result of discussions with participating councils regarding their requirements for the supply & delivery bitumen emulsion Regional Procurement has called an open Panel Source tender.

Three (3) sets of tender documents were downloaded from the Tender link Portal.

The tender closed at 10.00am on Tuesday 29<sup>th</sup> September 2020.

The participating joint group of Councils involved in this tender are:

Bogan Shire Council  
Brewarrina Shire Council  
Bourke Shire Council  
Cobar Shire Council  
Coonamble Shire Council  
Gilgandra Shire Council  
Mid-Western Regional Council  
Narromine Shire Council  
Warren Shire Council  
Walgett Shire Council  
Warrumbungle Shire Council

The contract is to run for two (2) years from 1st January 2021 to the close of business 31st December 2022. An additional one (1) year contract extension option may be taken up based on satisfactory performance by the contractors.

Three (3) tenders in total were received from:

- Bitupave Ltd t/a Boral Asphalt.
- Fulton Hogan Industries Pty Ltd.
- Downer EDI Works Pty Ltd.

**WARREN SHIRE COUNCIL**  
**Report of the Divisional Manager Engineering Services**  
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**ITEM 1                      TENDER – SUPPLY AND DELIVERY OF BITUMEN EMULSION                      CONTINUED**

**REPORT**

The aspects of the report are as resolved and issued by the Regional Procurement Account Manager on the 22nd October 2020. The details of the tender assessment are as follows.

**PROBITY**

The tender has been conducted in accordance with Clause 166(a) of the Local Government (General) Regulation 2005.

Conflict of Interest Declarations were signed by all participating evaluation panel members including the Regional Procurement facilitator. The declarations are available to be viewed if required.

No late tenders were received.

All tenderers were noted as active on the ASIC website.

All tenderer insurance records were checked against Tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.

All tenders were deemed conforming to the Tender requirements.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process.

Confidentiality and probity were maintained throughout the process.

**Tender Evaluation**

*The tender evaluation was conducted on Thursday 22/10/2020 via telephone:*

- Eric McCutcheon – Gilgandra Shire Council
- Mark Kentish – Regional Procurement

**Methodology:**

The % weightings and criteria were agreed upon prior to the tender closing.

The evaluation result was determined by:

- Adding the total value of all items together to determine the lowest overall price.
- The lowest overall amount was awarded the full Criteria % for each Category, as shown in the Evaluation Results Table on the following page.
- Each subsequent total \$ value was then divided into the lowest total amount to obtain a score.
- Other Evaluation Criteria was evaluated based on the following factors:
  - If the tenderer provided the required evidence to meet the benchmark, e.g.: a current ISO certificate and QMS document contents page, the Evaluation Panel awarded full marks (5) for that category.

**WARREN SHIRE COUNCIL**  
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**ITEM 1                      TENDER – SUPPLY AND DELIVERY OF BITUMEN EMULSION                      CONTINUED**

- If the tenderer provided partial evidence to meet the benchmark, e.g.: provided a QMS document contents page but they are not ISO certified, the Panel determined a lower score between 2-4, subject to the evidence in front of them.
  - If the tenderer failed to meet the benchmark completely, e.g.: they demonstrated no ability to meet the criteria and did not provide any evidence, the Panel awarded 0 points to the tenderer for that evaluation criteria.
- Where “Referees” was included as weighted criteria, each Tenderer’s Referees Score was Referees Score was calculated by adding the total scores obtained from the Tenderer’s three nominated referees (where each is worth up to 25 points) and dividing this total by the maximum possible score of 75, then multiplying this number by the allocated matrix Weighting value.

# WARREN SHIRE COUNCIL

Report of the Divisional Manager Engineering Services to the Ordinary Meeting of Council to be held in the Council Chambers, Warren, on Thursday 25th February 2021

ITEM 1 TENDER – SUPPLY AND DELIVERY OF BITUMEN EMULSION

CONTNUED

Evaluation Results:

<b>T252021OROC</b>	Annual Usage per Council	<b>Supply and Delivery of Bitumen Emulsion</b>		
Evaluation Criteria Price = Cost of Bitumen per litre + Delivery per litre x Annual Usage		Boral Asphalt	Downer EDI	Fulton Hogan
Warren Shire Council CRS60	191,500	\$195,330.00	\$170,435.00	\$172,350.00
	<b>60.00</b>	<b>52.35</b>	<b>60.00</b>	<b>59.33</b>
Referees	10	9.20	10.00	9.53
Quality Assurance	10	10.00	10.00	10.00
WH&S	10	10.00	10.00	10.00
Customer Service	10	8.00	8.00	8.00
<b>Total</b>	<b>100</b>	89.55	98.00	96.87



**WARREN SHIRE COUNCIL**  
Report of the Divisional Manager Engineering Services  
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**ITEM 1 TENDER – SUPPLY AND DELIVERY OF BITUMEN EMULSION**

**CONTINUED**

**Evaluation Outcome:**

***Contract Duration***

*This contract will run for 24 months from 1 January 2021 to 31 December 2022. A 12-month extension option may be taken up based on satisfactory performance by the contractor/s.*

***Contract Price Variations:***

*Refer to the Clause 3.4 Price Adjustment in the relevant.*

***Tender de-brief:***

*Regional Procurement will formally invite Tenderers to seek feedback on their respective submissions. Where requested, Tenderers will be offered further details on their results in the evaluation process.*

**FINANCIAL AND RESOURCE IMPLICATIONS**

It is considered that all financial and resource implications have been provided for in the tender and the assessment process.

**LEGAL IMPLICATIONS**

It is considered that there are no legal implications.

**RISK IMPLICATIONS**

It is considered that there are minimal risk implications.

**STAKEHOLDER CONSULTATION**

It is considered that the necessary stakeholder consultations have been completed within the tender assessment process.

**OPTIONS**

It is the view that there be no better option.

**CONCLUSION**

That the Regional Procurement joint Member Council tender and associated contracts as per the recommendations be accepted.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

5.2.2 Timely and accurate reporting for efficient management and accountability.

**SUPPORTING INFORMATION**

There is no supporting information.

**ATTACHMENTS**

There are no attachments.

**WARREN SHIRE COUNCIL**  
Report of the Manager Health & Development Services  
to the Ordinary Meeting of Council to be held in the  
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**ITEM 1                      DEVELOPMENT APPLICATION APPROVALS**

**(D4-9)**

**RECOMMENDATION:**

That the information be received and noted.

**PURPOSE**

To inform the Councillors of the approved Development Applications by Council for the previous months of November and December.

**BACKGROUND**

Council received Development Applications from residents in the Warren Shire area to seek approval.

**REPORT**

The following Development Applications were approved for January 2021.

<b>FILE</b>	<b>LOCATION</b>	<b>WORKS</b>	<b>RECEIVED</b>	<b>APPROVED</b>
P16-20.25	767 Bundemar Road	Construction of dwelling and shed	22/12/2021	15/1/2021
P16-21.01	Gunnegaldra Road	Construction of a shed for storage	6/1/2021	29/1/2021

**LEGAL IMPLICATIONS**

Council is required under the EPA Act to assess and determine applications within established timeframes.

**RISK IMPLICATIONS**

The EPA Act provides appeal mechanisms for applicants who believe that their application requires review.

**STAKEHOLDER CONSULTATION OPTIONS**

Council issues a S101 EPA Act list of approvals monthly for the community to review.

**CONCLUSION**

This report is provided to allow Council and the community to see the applications determined each month.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

5.2.2 Timely and accurate reporting for efficient management and accountability.

5.2.1 Quality customer service focus by Council staff.

1.4.4 Help ensure safe and sustainable development.

**SUPPORTING INFORMATION/ ATTACHMENT**

Nil.

**WARREN SHIRE COUNCIL**  
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**ITEM 2**

**REQUEST TO REVOKE A MENACING DOG DECLARATION**

**(D5-10)**

**RECOMMENDATION:** That;

The Menacing Dog Declaration of “Posh” microchip 991001001627880 is revoked.

**PURPOSE**

The purpose of this report is for Council to reconsider the application of a dog owner to revoke a Menacing Dog Declaration as per the Companion Animals Act (1998).

**BACKGROUND**

On Wednesday the 5<sup>th</sup> June 2019 Warren Shire Council’s Ranger received a phone call regarding two (2) German Shephard-cross dogs present on a Udora Road property. The caller reported that the animals were chasing sheep into the Macquarie River and causing them to drown.

Warren Shire Council’s Ranger attended the property and spoke with the owner of the sheep who reported that the dogs have travelled in a direction towards the rear of the hospital. The owner of the sheep showed the Ranger the four sheep that the dogs had cause to drown, floating in the Macquarie River.

Warren Shire Council’s Ranger searched the riverbank in the direction indicated, that being behind the hospital. Council’s Ranger came upon two (2) German Shephard-cross dogs chasing a kangaroo in Victoria Oval. The dogs continued to chase the kangaroo, causing the kangaroo to flee into the river. The two dogs continued to pressure the kangaroo, preventing the kangaroo from escaping the water. The kangaroo’s head was submerging due to fatigue and stress. The dogs did not bite the kangaroo, however the Ranger observed both dogs displaying unreasonable aggression towards the kangaroo.

In the Ranger’s professional opinion, the aggression observed in the dogs’ actions towards the kangaroo warranted a Menacing Dog Declaration to be issued. The process commenced with a notice as required under the Companion Animals Act (1998), and the subsequent Declaration being issued.

After the 12 months that the menacing dog declaration was in place, a request was received to revoke the declaration and this request was reported to the August 2020 Council meeting. It was moved that the Menacing Dog Declaration remain in place (minute 179.8.20).

**REPORT**

The purpose of this report is to request Council to reconsider the application to revoke a Menacing Dog Declaration.

This matter was previously presented to the August Council meeting. It was resolved that the Menacing Dog Declaration remain in place (minute 179.8.20). Council then received a further request to re-consider the revoking of the Menacing Dog Declaration again. This resulted in Council obtaining legal advice as the legislation only refers to the revoking options within the first 12-month period after the declaration is issued. The advice is that the dog owners can reapply to Council for the consideration of revoking a Menacing Dog Declaration on a monthly basis

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**ITEM 2                      REQUEST TO REVOKE A MENACING DOG DECLARATION                      CONTINUED**

The facts of the incident for the Menacing Dog Declaration is that the dog showed aggression towards the kangaroo.

The Menacing Dog Declaration was issued based upon the behaviour witnessed by the Ranger, in accordance with the Companion Animals Act 1998. The event has occurred, and Council's Ranger has enforced the Companion Animals Act 1998, based upon the events observed.

Council can make the decision to revoke the Menacing Dog Declaration as per the *Companion Animal Act (1998)*:

*“(1) The owner of a dog that has been declared a dangerous dog or a menacing dog under this Division can apply to the council of the area in which the dog is ordinarily kept (whether or not it is the council whose authorised officer made the declaration) for the declaration to be revoked.*

*(1A) An application under subsection (1) cannot be made until after the period of 12 months following the date on which the dog was declared to be a dangerous dog or a menacing dog.*

*(2) The council to which the application is made may revoke the declaration but only if satisfied that:*

*(a) It is appropriate to do so, and*

*(b) If the Council determines that it is necessary the dog has undergone appropriate behavioural training.*

*(2A) In making a determination under subsection (2) (a) in relation to a menacing dog declaration, the council is to have regard to the nature and extent of any behavioural training that the dog has undergone.*

*(3) The council must, as soon as practicable, give notice to the owner of the dog that the declaration has been revoked or that the council has refused to revoke the declaration.”*

This matter was presented to the January 2021 Council meeting for re-consideration of revoking the Menacing Dog Declaration. It was resolved;

*“that further information be provided to the February Council Meeting that will include:*

- 1. A witness report provided by the sheep owner;*
- 2. The age of the dog at the time of the incident; and*
- 3. Any behavioural training that the dog has undertaken.*

**Amendment MOVED** Brewer that:

- 1. Council lift the Menacing Dog Declaration for the dog microchip number 991001001627880; and*
- 2. The General Manager monitor the dog's ongoing behaviour.*

**The amendment was lost due to the want of a seconder.**

**Carried  
23.1.21”**

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**ITEM 2                      REQUEST TO REVOKE A MENACING DOG DECLARATION                      CONTINUED**

Following on from this motion, the matter was discussed at the Councillors Workshop held Wednesday 17<sup>th</sup> February 2021. During the workshop it was clarified that the incident involving the sheep was not considered relevant to the facts surrounding the Menacing Dog Declaration and therefore the requested witness report is not required. Since the incident occurred, the dog now resides at a different address, the dog is older, and the owners have complied with all Menacing Dog Declaration requirements. The Ranger has not received any reports or observed the animal roaming. For the dog to complete behavioural training there may be considerable expense to the owner.

**FINANCIAL AND RESOURCE IMPLICATIONS**

There are no financial and resource implications as part of reconsidering the revoking of the Menacing Dog Declaration of “Posh” microchip 991001001627880.

**LEGAL IMPLICATIONS**

Council can make the decision to revoke the Menacing Dog Declaration as per the *Companion Animal Act (1998)*:

- (2) The council to which the application is made may revoke the declaration but only if satisfied that:*
  - (a) It is appropriate to do so, and*
  - (b) If the Council determines that it is necessary the dog has undergone appropriate behavioural training*
- (2A) In making a determination under subsection (2) (a) in relation to a menacing dog declaration, the council is to have regard to the nature and extent of any behavioural training that the dog has undergone.*
- (3) The council must, as soon as practicable, give notice to the owner of the dog that the declaration has been revoked or that the council has refused to revoke the declaration.”*

The Companion Animals Act 1998 does not stipulate how often after the initial application the owner could reapply for the declaration to be revoked. Advice obtained determined that applications can be on a monthly basis.

**RISK IMPLICATIONS**

Council should consider the safety of the community when making the decision to revoke the Menacing Dog Declaration. The Ranger did not witness any aggressive behaviour towards people during his dealings with the dog. If the dog does commit an offence, the matter will be dealt with as per the requirements of the Companion Animals Act 1998.

**STAKEHOLDER CONSULTATION**

At the time of issuing the Menacing Dog Declaration, the owner was informed of the option to apply to have the Menacing Dog Declaration revoked. After obtaining the legal advice, the owner was advised that they could reapply on a monthly basis.

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**ITEM 2**

**REQUEST TO REVOKE A MENACING DOG DECLARATION**

**CONTINUED**

**OPTIONS**

Council has the following options available:

1. That Council can consider applications for the revoking of Menacing Dog Declarations on a monthly basis,
2. Uphold the Menacing Declaration, or
3. Revoke the Menacing Declaration, or
4. As per the Companion Animal Act (1998), Council may require the animal to undergo appropriate behavioural training prior to considering the revocation of the Menacing Dog Declaration.

**CONCLUSION**

The Menacing Dog Declaration of “Posh” microchip 991001001627880 should be revoked as the dog now resides at a different address, the dog is older, and the owners have complied with all Menacing Dog Declaration requirements. The Ranger has not received any reports or observed the animal roaming.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

Objective 1.4.7 - Provide animal control services to meet the demands of the community.

**SUPPORTING INFORMATION / ATTACHMENTS:**

Letter from applicant.

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ITEM 2

REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED

Attention: General Manager  
Warren Shire Council  
115 Dubbo Street  
WARREN NSW 2824

Dear Sir,

***Re: Menacing Dog order on "Posh" Microchip #991001001627880***

I am writing in regards to the Menacing Dog order that was placed upon my dog on the 7<sup>th</sup> August 2019. Please accept this letter as another request to have this order revoked.

This matter came before council on 24<sup>th</sup> August 2020 and I would just like to be able to have my say to address some concerns that came out of that meeting that I watched the recording of. Apologies in the delay, I have had this letter typed up since after this meeting but have been waiting since that time for confirmation that I can apply monthly to have this looked at.

- This dog was declared a menacing dog for no other reason than it was seen chasing a kangaroo by Johnny White. We were informed by Johnny White that our dog was seen "chasing and playing" with a kangaroo. It wasn't until we contested the intent to place this order on our dog that there was a mention of the dog having the kangaroo in the river and not letting it out. It seemed every time we spoke to Johnny White there was a different story being told about this. My wife even phoned Maryanne Stephens and complained about the constant lies and change of story.

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ITEM 2

REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED

- There was lots of mention around “sheep” or “stock” at the previous meeting, this dog was never seen chasing or attacking sheep and therefore this should not be even part of the consideration in regards to this dog coming off this order as it is not facts. My wife was informed by Johnny White that the phone he received off the owner of the sheep was that it looked like “pig dogs” chasing the sheep. Vastly different to the look of a long haired German Shephard x Kelpie.
- In regards to the concerns from Councillor Irving around the animal chasing small children, I acknowledge these concerns but would like to let you know that my wife and I have 4 children (one of whom is only 2 years old) and this animal is the most placid animal (and always has been).
- In regards to the concerns from Councillor Walker and Councillor Beach around continuation of killing sheep/stock, again I acknowledge your concerns but again I will bring your attention back to the facts that this animal was not seen chasing/killing stock it was only a kangaroo that it was chasing.

This animal is a family pet and her current lifestyle is very poor due to the restrictions in place. Our children can not even go and enjoy their much loved pet as she must be locked away unless an adult is present and even then she must be muzzled.

As mentioned by Johnny White at the September meeting this dog has been no trouble since the initial incident, is no longer a puppy, is desexed which has also matured her, and is no longer at the previous residence where she was at the time of the kangaroo incident.

My wife and I are more than happy to attend and answer any further questions.

Regards



**WARREN SHIRE COUNCIL**  
**Notice of Motion**  
to the Ordinary Meeting of Council to be held in the  
Council Chambers, Warren, on Thursday 25th February 2021

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**ITEM 1                      MOBILE AND INTERNET COVERAGE IN NEVERTIRE                      (T2-1)**

**RECOMMENDATION:**

That Warren Shire Council lobby the NSW Government to 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.

**Proposed:** Councillor P Serdity

**Date:** 11th February 2021