

ORDINARY MEETING

MINUTES

THURSDAY 23RD SEPTEMBER 2021

WARREN SHIRE COUNCIL

Minutes of the Ordinary Meeting of Council
held in the Council Community Room, 115 Dubbo Street Warren
on Thursday 23rd September 2021 commencing at 8:30 am

Present:

COUNCILLORS	MJ Quigley	Chair
	KR Irving	
	MJ Beach	
	HJ Druce	
	KW Taylor	
	SJ Derrett	
	RJ Higgins	
	KL Walker	
	AJ Brewer	
	P Serdity	
STAFF MEMBERS	G Woodman	General Manager (GM)
	D Arthur	Divisional Manager Finance & Administration (DMFA)
	R Burns	Acting Divisional Manager Engineering Services (DMES)
	M Stephens	Manager Health & Development Services (MHD)
	J Burtenshaw	Executive Assistant (EA)

APOLOGIES

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

**Carried
200.9.21**

CONFIRMATION OF MINUTES

MOVED Beach/Irving that the Minutes of the Ordinary Meeting of Council held on Thursday, 26th August 2021 be adopted as a true and correct record of that Meeting.

**Carried
201.9.21**

DISCLOSURES OF INTERESTS

Councillor Derrett declared a non-pecuniary interest in regards to Item 3 Divisional Manager Finance & Administration Report - Works Progress Reports – Finance & Administration Projects and advised that she would vacate the meeting and take no part in the debate or voting on the matter.

MAYORAL MINUTE(S)

Nil.

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REPORTS OF COMMITTEES

Ewenmar Waste Depot Sunset Committee

MOVED Serdity/Druce that the Minutes of the Ewenmar Waste Depot Sunset Committee Meeting held on Wednesday, 8th September 2021 be received and noted.

**Carried
202.9.21**

Manex

(C14-3.4)

GM - A
Chk Lst

MOVED Serdity/Druce that the Minutes of the Manex Meeting held on Tuesday, 14th September 2021 be received and noted.

**Carried
203.9.21**

Warren Local Emergency Management Committee

MOVED Derrett/Walker that the Minutes of the Warren Local Emergency Management Committee Meeting (Covid-19 Clinic Catch up) held on Monday, 6th September 2021 be received and noted.

**Carried
204.9.21**

POLICY REPORTS

Item 1 Procurement and Disposal Policy

(P13-1, P12-1)

GM - A
Chk Lst

MOVED Taylor/Derrett that:

1. The information be received and noted;
2. The Procurement and Disposal Policy as amended at the meeting be placed on public exhibition for a minimum of 28 days; and
3. Subject to no adverse comments being received, the Policy be adopted.

**Carried
205.9.21**

Item 2 Communications and Engagement Policy and the Community Engagement Strategy

(P13-1, C8-1)

GM - A
Chk Lst

MOVED Irving/Serdity that:

1. The information be received and noted;
2. The Communications and Engagement Policy and the Community Engagement Strategy as amended at the meeting be placed on public exhibition for a minimum of 28 days; and
3. Subject to no adverse comments being received, the Communications and Engagement Policy and the Community Engagement Strategy be adopted.

**Carried
206.9.21**

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POLICY REPORTS

Item 3 Community Awareness – Activity Development Policy 2018 (P13-1, P15-10)

MHD - A
Chk Lst

MOVED Derrett/Irving that:

1. The information be received and noted:
2. The Community Awareness – Activity Development Policy 2018 be placed on public exhibition for a minimum of 28 days: and
3. Subject to no adverse submissions being received, the amended Policy be adopted.
 - Community Awareness – Activity Development Policy 2018

**Carried
207.9.21**

GENERAL MANAGER'S REPORTS

Item 1 Outstanding Reports Checklist (C14-7.4)

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

**Carried
208.9.21**

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

Item 2 Committee/Delegates Meetings (C14-2)

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

**Carried
209.9.21**

Item 3 Works Progress Reports – Infrastructure Projects (C14-7.1, G4-1, G4-1.43)

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

**Carried
210.9.21**

Item 4 Meeting Schedule Until Council End of Term and Initial New Council (C14-2)

GM - A
Chk Lst

MOVED Serdity/Taylor that Council adopt the Council Meeting dates as listed:

- Thursday, 28th October 2021 in Warren commencing at 8.30 am;
- Thursday, 2nd December 2021 in Warren commencing at 2.00 pm; and
- Tuesday, 11th January 2022 in Warren commencing at 8.30 am.

**Carried
211.9.21**

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GENERAL MANAGER'S REPORTS

CONTINUED

Item 5 Delegation of Authority to the General Manager (S12-25.1)

GM - A
Chk Lst

MOVED Taylor/Higgins that in accordance with the provisions of Section 377 of the Local Government Act, 1993 Council hereby delegates to the General Manager, Gary John Woodman delegated authority to exercise or perform on behalf of Council the following powers, authorities, duties and functions to the date of when the new Council provides further delegations:-

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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Item 5 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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GENERAL MANAGER'S REPORTS

CONTINUED

Item 5 Delegation of Authority to the General Manager

Continued

C. Finance

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

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GENERAL MANAGER'S REPORTS

CONTINUED

Item 5 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 roads 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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GENERAL MANAGER'S REPORTS

CONTINUED

Item 5 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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GENERAL MANAGER'S REPORTS

CONTINUED

Item 5 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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GENERAL MANAGER'S REPORTS

CONTINUED

Item 5 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
212.9.21

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GENERAL MANAGER'S REPORTS

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Item 6 Christmas Closure (C14-1)

GM - A
Chk Lst

MOVED Serdity/Druce that Council close the Office, Service NSW Agency, Library and Works Depot at the close of business on Friday 24th December 2021 and reopen on Tuesday, 4th January 2022.

Carried
213.9.21

MORNING TEA

At this point in the meeting, the time being 10.38 am, Council adjourned for a meeting break.

RESUMPTION

The meeting resumed at 11.04 am.

DIVISIONAL MANAGER FINANCE AND ADMINISTRATION'S REPORTS

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

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

Carried
214.9.21

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

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

Carried
215.9.21

At this point in the meeting, the time being 11.07 am Councillor Derrett left the meeting.

Item 3 Works Progress Reports – Finance & Administration Projects (S1-1.15, C9-1)

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

Carried
216.9.21

At this point in the meeting the time being 11.10 am, Councillor Derrett re-joined the meeting.

Item 4 Internally Restricted Funds as at 30th June 2021 and 1st July 2021 (A1-5.39)

DMFA - A
Chk Lst

MOVED Serdity/Walker that:

1. That Council note the list of Internally Restricted Funds as at 30th June 2021 included in Council's 2020/2021 General Purpose Financial Statements, and
2. That Council note and approve the list of Internally Restricted Funds as at 1st July 2021.

Carried
217.9.21

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DIVISIONAL MANAGER FINANCE AND ADMINISTRATION'S REPORTS

CONTINUED

Item 5 Financial Assistance Grant 2021/2022

(L5-5.2/41)

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

**Carried
218.9.21**

DIVISIONAL MANAGER ENGINEERING SERVICES REPORTS

Item 1 Works Progress Reports - Roads

(C14-7.2)

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

**Carried
219.9.21**

Item 2 Works Progress Reports – Town Services

(C14-7.2)

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

**Carried
220.9.21**

Item 3 Works Progress Reports – Fleet/Workshop

(C14-7.2)

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

**Carried
221.9.21**

MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

Item 1 Development Application Approvals

(D4-9)

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

**Carried
222.9.21**

Item 2 Works Progress Reports – Health and Development Services

(C14-7.3)

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

**Carried
223.9.21**

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There being no further business the meeting closed at 11.38 pm.

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

MINUTE NO. .10.21

.....
GENERAL MANAGER

.....
MAYOR