

ORDINARY MEETING

MINUTES

THURSDAY 28TH SEPTEMBER 2023

WARREN SHIRE COUNCIL

Minutes of the Ordinary Meeting of Council
held in the Council Community Room, 115 Dubbo Street Warren
on Thursday 28th September 2023 commencing at 8:32 am

Present:

COUNCILLORS	SJ Derrett	Chair
	AJ Brewer	
	HJ Druce	
	RA Jackson	
	KW Taylor	
	GJ Whiteley	
	KL Walker	
	DJ McCloskey	
STAFF MEMBERS	G Woodman	General Manager (GM)
	B Pascoe	Divisional Manager Finance & Administration (DMFA)
	S Otieno	Divisional Manager Engineering Services (DMES)
	J Burtenshaw	Executive Assistant (EA)

With Mayor Quigley on leave Council's Deputy Mayor, Sarah Derrett commenced Chairing the Meeting.

ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was made by the Deputy Mayor.

APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Apologies were tendered on behalf of Councillor Quigley, Councillor Higgins, Councillor Kinsey and Councillor Van Eldonk who were absent due to external commitments, and it was **MOVED** Druce/Taylor that the apologies be accepted and a leave of absence for the members concerned be granted.

Carried
236.9.23

CONFIRMATION OF MINUTES

MOVED Jackson/Whiteley that the Minutes of the Ordinary Meeting of Council held on Thursday, 24th August 2023 be adopted as a true and correct record of that Meeting.

Carried
237.8.23

DISCLOSURES OF INTERESTS

Councillor Whiteley declared a pecuniary interest in regard to Reports to Council, Manager Health and Development Services Reports Item 3 Proposed Re-Zoning 'Gunnegaldra' Warren and advised that he would vacate the meeting room and take no part in the debate or voting on the matter.

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DISCLOSURES OF INTERESTS

CONTINUED

Councillor Derrett declared a pecuniary interest in regard to the Manager Health and Development Services Report Item 1 Development Approvals and advised that she would vacate the meeting and take no part in the debate or voting on the matter.

MAYORAL MINUTE(S)

Nil.

REPORTS OF COMMITTEES

Ewenmar Waste Depot Committee

MOVED Druce/Walker that the Minutes of the Ewenmar Waste Depot Committee Meeting held on Monday, 5th June 2023 be received and noted.

Carried
238.9.23

Manex

(C14-3.4)

MOVED Jackson/Walker that the Minutes of the Manex Meeting held on Tuesday, 19th September 2023 be received and noted.

Carried
239.9.23

DELEGATES REPORTS

Item 1 Castlereagh Macquarie County Council

(C15-1)

MOVED Whiteley/Druce that the Draft Minutes of the Castlereagh Macquarie County Council Meeting held on Monday, 28th August 2023 be received and noted.

Carried
240.9.23

Item 2 Meeting of the Warren Interagency Support Services held on Thursday, 31st August 2023

(P13-1, S12-25.1)

MOVED Derrett/Walker that the Minutes of the Warren Interagency Support Services Meeting held on Thursday, 31st August 2023 be received and noted.

Carried
241.9.23

Item 3 Alliance of Western Councils

(C14-6.5)

MOVED Derrett/Taylor that the Draft Minutes of the Alliance of Western Councils Board Meeting held on Friday, 8th September 2023 be received and noted.

Carried
242.9.23

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POLICY

Item 1 Council Related Development Application – Conflict of Interest Policy (P13-1, P15-33)

MOVED Jackson/Brewer that:

1. The information be received and noted;
2. The Council Related Development Application Conflict of Interest Policy, be placed on public exhibition for a minimum of 28 days; and
3. Subject to no adverse submissions being received, the Council Related Development Application Conflict of Interest Policy be adopted.

MHD – A
Chk Lst

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

FOR	AGAINST
Councillor Derrett	
Councillor Druce	
Councillor Jackson	
Councillor Whiteley	
Councillor McCloskey	
Councillor Brewer	
Councillor Taylor	
Councillor Walker	

Carried
243.9.23

GENERAL MANAGER'S REPORTS

Item 1 Outstanding Reports Checklist (C14-7.4)

EA - N **MOVED** Whiteley/Jackson that the information be received and noted and that the items marked with an asterisk (*) be deleted.

Carried
244.9.23

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 Jackson/Druce that the information be received and noted.

Carried
245.9.23

WARREN SHIRE COUNCIL

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GENERAL MANAGER'S REPORTS

CONTINUED

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

MOVED Whiteley/Jackson that the information be received and noted.

**Carried
246.9.23**

Item 4 Election of Mayor (C14-13)

MOVED Druce/Whiteley that:

1. That Council note that the General Manager or his nominee is the Returning Officer for the purpose of electing the Mayor.
2. That the General Manager or his nominee, as Returning Officer, advise of nominations for the election of Mayor for the one-year term of office, from September 2023 to September 2024;
3. In the event of more than one (1) nomination that Council conduct the election of the Mayor by ordinary ballot and in accordance with the Local Government (General) Regulation 2021; and
4. That following the election, the ballot papers used in the election of the Mayor be destroyed.

**Carried
247.9.23**

The General Manager, as Returning Officer, informed Council that there had been only one nomination received for the position of Mayor, that being Councillor Milton Quigley, who had formally acknowledged in writing his acceptance of the nomination for this position.

Pursuant to Section 3(1) of Schedule 7 of the Local Government (General) Regulation, 2021 the Returning Officer formally advised Council that Councillor Milton Quigley had been elected to the position of Mayor of Warren Shire Council unopposed for the ensuing term.

Item 5 Election of Deputy Mayor (C14-13)

MOVED Druce/Whiteley that:

1. That Council continue the position of Deputy Mayor.
2. That Council note that the General Manager or his nominee is the Returning Officer for the purpose of electing the Deputy Mayor.
3. That the General Manager or his nominee, as Returning Officer, advise of nominations for the election of Deputy Mayor for the one-year term of office, from September 2023 to September 2024;
4. In the event of more than one (1) nomination, that Council conduct the election of the Deputy Mayor by ordinary ballot and in accordance with the Local Government (General) Regulation 2021; and
5. That following the election, the ballot papers used in the election of the Deputy Mayor be destroyed.

**Carried
248.9.23**

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GENERAL MANAGER'S REPORTS

CONTINUED

Item 5 Election of Deputy Mayor

Continued

The General Manager, as Returning Officer, informed Council that there had been only one nomination received for the position of Deputy Mayor, that being Councillor Sarah Derrett who had acknowledged in writing her acceptance of the nomination for this position.

Pursuant to Section 3(1) of Schedule 7 of the Local Government (General) Regulation, 2021 the Returning Officer formally advised Council that Councillor Sarah Derrett had been elected to the position of Deputy Mayor of Warren Shire Council for the ensuing term.

Item 6 Delegation of Authority to the Mayor

(C14-2)

MOVED Taylor/Druce that:

Council issue the following Delegations to the Mayor under the Local Government Act 1993:

1. To carry out any function conferred on and duty imposed on the Mayor under any Act or Regulation.
2. To carry out the general supervision, control and direction of the General Manager.
3. To affix the Common Seal of Council in conjunction with the General Manager or another Councillor to any necessary document pursuant to or consequent upon any decision of Council.
4. To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council.
5. To approve attendance by elected members at conferences, seminars and congresses but such must be within budget provisions.
6. To authorise urgent works up to an amount of \$20,000.00.
7. To issues references under Council letterhead.
8. To promote the area of Council through representations, delegations, functions and personal approaches.
9. To provide civic receptions as deemed appropriate.
10. To invite any group or individual to address any Committee or Council Meeting.
11. To authorise release of Council plant and other resources to assist fire fighting and emergency work.

Carried
249.9.23

Item 7 Delegation of Authority to the Deputy Mayor

(C14-2)

MOVED Taylor/McCloskey that:

Council issue the following Delegations to the Deputy Mayor under the Local Government Act 1993:

1. To carry out the statutory functions of the Mayor and exercise the delegations conferred upon the Mayor whenever the Mayor is absent from the Council area or is otherwise unable to carry out their duties.

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GENERAL MANAGER'S REPORTS

CONTINUED

Item 7 Delegation of Authority to the Deputy Mayor Continued

2. To affix the Common Seal of Council in conjunction with the General Manager or another Councillor to any necessary document pursuant to or consequent upon any decision of Council.
3. To issue references under Council letterhead.

**Carried
250.9.23**

Item 8 Christmas Closure (C14-1)

GM – A
Chk Lst

MOVED McCloskey/Druce that Council close the Office, Service NSW Agency, Library and Works Depot at the close of business on Friday 22nd December 2023 and reopen on Tuesday 2nd January 2024.

**Carried
251.9.23**

Item 9 Organisational Structure (S12-1.1)

GM – A
Chk Lst

MOVED McCloskey/Walker that Council adopt the Organisational Structure as detailed within the report.

**Carried
252.9.23**

Item 10 Meeting Dates, Times and Order of Business (C14-2)

MOVED McCloskey/Taylor that:

GM – A
Chk Lst

1. Council adopt the meeting dates and location as listed with the commencement time of 8.30 am:

Thursday	26th October 2023	Warren
Thursday	7th December 2023	Warren
Thursday	25th January 2024	Warren
Thursday	22nd February 2024	Warren
Thursday	28th March 2024	Warren
Wednesday	24th April 2024	Warren
Thursday	23rd May 2024	Warren
Thursday	27th June 2024	Warren
Thursday	25th July 2024	Warren
Thursday	22nd August 2024	Warren
Thursday	26th September 2024	Warren

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GENERAL MANAGER'S REPORTS

CONTINUED

Item 10 Meeting Dates, Times and Order of Business Continued

2. The Order of Business in accordance with Council's Code of Meeting Practice be as follows:

- Opening meeting;
- Acknowledgement of Country;
- Apologies and Applications for a Leave of Absence by Councillors;
- Confirmation of Minutes;
- Disclosures of Interests;
- Mayoral Minute(s);
- Reports of Committees
- Report of Delegates;
- Reports to Council;
- Notices of Motions/Questions with Notice;
- Matters of Urgency;
- Confidential Matters;
- Conclusion of the meeting; and
- Presentations.

Carried
253.9.23

DIVISIONAL MANAGER FINANCE AND ADMINISTRATION'S REPORTS

Item 1 Reconciliation Certificate – August 2023 (B1-10.16)

MOVED Walker/Jackson that the Statements of Bank and Investments Balances as at 31st August 2023 be received and noted.

Carried
254.9.23

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

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

Carried
255.9.23

Item 3 Works Progress Reports – Finance & Administration Projects (C14-7.1, C9-1)

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

Carried
256.9.23

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DIVISIONAL MANAGER FINANCE AND ADMINISTRATION'S REPORTS

CONTINUED

Item 4 Internally Restricted Funds as at 30th June 2023 (A1-5.40)

DMFA – N

MOVED Jackson/Walker that Council note the list of Internally Restricted Funds as at 30th June 2023 included in Council's 2022/2023 General Purpose Financial Statements, understanding they are an estimate at present and will be finalised within the end of financial year audit initiative.

Carried
257.9.23

Item 5 Service NSW Agency Agreement (R6-6)

DMFA – A
Chk Lst

MOVED McCloskey/Taylor that Council authorise the General Manager (other required staff) to sign and execute the agreement on behalf of Council, to maintain this service provision to Warren residents and the wider community.

Carried
258.9.23

DIVISIONAL MANAGER ENGINEERING SERVICES REPORTS

Item 1 Works Progress Reports - Roads (C14-7.2)

MOVED Whiteley/McCloskey that the information be received and noted.

Carried
259.9.23

Item 2 Works Progress Reports – Town Services (C14-7.2)

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

Carried
260.9.23

Item 3 Works Progress Reports – Fleet/Workshop (C14-7.2)

MOVED Whiteley/Jackson that the information be received and noted.

Carried
261.9.23

MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

Item 1 Development Application Approvals (D4-9)

Councillor Derrett advised the meeting that she would be declaring an interest on this item and will be leaving the meeting room. Councillor Derrett asked for Councillor Whiteley to Chair the meeting for this item.

At this point in the meeting, the time being 9.45 am Councillor Derrett left the meeting room due to her Pecuniary Interest Declaration and was not in sight of the meeting room. Councillor Whiteley consented to Chair the meeting for this item.

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MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

CONTINUED

Item 1 Development Application Approvals

Continued

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

Carried
262.9.23

At this point in the meeting the time being 9.46 am, Councillor Derrett returned to the meeting room and resumed her role as Chair.

Item 2 Works Progress Reports – Health and Development Services

(C14-7.3)

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

Carried
263.9.23

At this point in the meeting, the time being 9.48 am Councillor Whiteley left the meeting room due to his Pecuniary Interest Declaration and was not in sight of the meeting room.

Item 3 Proposed Re-Zoning ‘Gunnegaldra’ Warren

(P15-31.6)

MOVED Druce/Walker that the information be received and noted and that Council support in principle the proposed re-zoning of “Gunnegaldra” Warren.

MHD – A
Chk Lst

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

FOR	AGAINST
Councillor Derrett	
Councillor Druce	
Councillor Jackson	
Councillor McCloskey	
Councillor Brewer	
Councillor Taylor	
Councillor Walker	

Carried
264.9.23

WARREN SHIRE COUNCIL

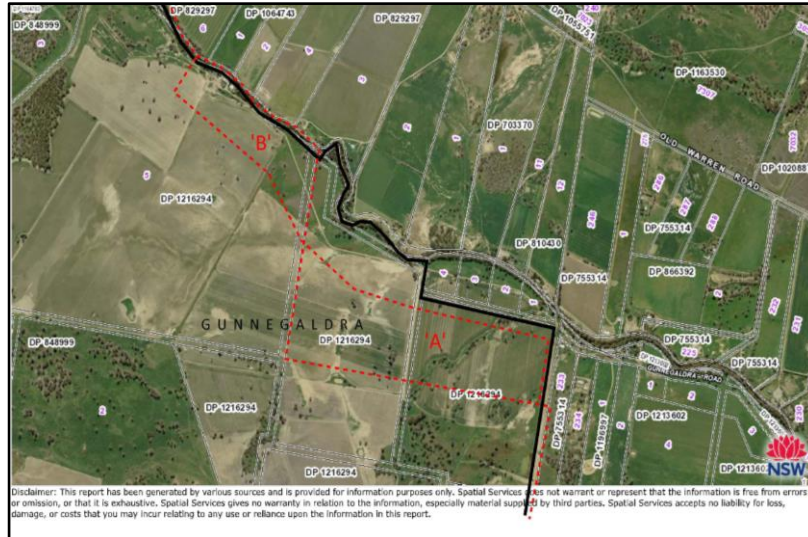
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MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

CONTINUED

Item 3 Proposed Re-Zoning 'Gunnegaldra' Warren

(P15-31.6)



At this point in the meeting the time being 9.56 am, Councillor Whiteley returned to the meeting room.

NOTICES OF MOTIONS/QUESTIONS WITH NOTICE

Nil.

MATTERS OF URGENCY

Quotation for Concrete Footpath and Miscellaneous Pavement Works at Carter Oval Youth Sports Precinct.

Committee of the Whole Closed Council Matter:

- One (1) quote received is over \$250,000 (inc. GST);
- Council decision instead of staff delegation;
- Otherwise needs to be reported to the October 2023 Council Meeting;
- Supplementary Report to the Committee of the Whole Closed Council; and
- Deputy Mayor (Chair) decision to consider the matter as a Matter of Urgency.

The Chair, Councillor Sarah Derrett determined that this matter would be considered as a Matter of Urgency and will be considered in Committee of the Whole Closed Council.

Councillor Brewer left the meeting room at 9.59 am.

Councillor Brewer returned to the meeting room at 10.00 am.

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CONFIDENTIAL MATTERS

MOVED Whiteley/Taylor that the Council proceed into the Committee of the Whole Closed Council, the time being 10.01 am to consider matters in accordance with Section 10A(2)(d)(i) of the Local Government Act.

Carried
265.9.23

MOVED Whiteley/Taylor that the press and the public be excluded from the Committee of the Whole Closed Council in accordance with Section 10A(2)(d)(ii) of the Local Government Act.

Carried
266.9.23

Council resumed in Open Council at 10.16 am.

REPORT OF THE GENERAL MANAGER

Item 1 Concrete Footpath and Miscellaneous Pavement Works at Carter Oval Youth Sports Precinct (G4-1.12)

MOVED Taylor/Whiteley that:

GM – A
Chk Lst

1. In accordance with the provisions of Clause 178 (1) (a) of Local Government (General) Regulation 2021 under the Local Government Act 1993, the Quotation submitted by Precinct Commercial Pty Ltd, in the Recommended Quotation Amount of \$179,555.50 (excluding GST), be accepted to undertake the Concrete Footpath and Miscellaneous Pavement Works at Carter Oval Youth Sports Precinct Warren, NSW; and
2. The General Manager be authorised to issue a Purchase Order to Precinct Commercial Pty Ltd to formalise the procurement for the scoped work under the Request for Quotation (RFQ) Document.

Carried
267.9.23

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There being no further business the meeting closed at 10.18 am.

THESE MINUTES WILL BE CONFIRMED AT THE ORDINARY MEETING OF COUNCIL
HELD ON THURSDAY, 26TH OCTOBER 2023 AS BEING
A TRUE AND CORRECT RECORD.

MINUTE NO. .10.23

.....
GENERAL MANAGER

.....
DEPUTY MAYOR