

BUSINESS PAPER

ORDINARY MEETING

THURSDAY 27TH AUGUST 2020

WARREN SHIRE COUNCIL

AGENDA - ORDINARY COUNCIL MEETING

27th August 2020

1. OPEN MEETING

2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

3. CONFIRMATION OF MINUTES

Ordinary Meeting held on Thursday, 23rd July 2020.

4. DISCLOSURES OF INTERESTS

5. MAYORAL MINUTE(S)

6. REPORTS OF COMMITTEES

Meeting of the Warren Public Arts Committee
held on Tuesday, 28th July 2020 (C14-3.29)

Meeting of the Airport Operations Committee
held on Thursday, 6th August 2020 (C14-3.12)

Meeting of the Local Traffic Committee
held on Thursday, 6th August 2020 (T5-2)

Meeting of the Sporting Facilities Committee
held on Wednesday, 12th August 2020 (S21-2.1)

Meeting of Manex held on Tuesday, 18th August 2020 (C14-3.4)

7. REPORTS TO COUNCIL

REPORTS OF DELEGATES

Item 1 Warren Interagency Support Services –
Meeting 13th August 2020 (C3-9) Page 1

Item 2 Association of Mining and Energy Related Councils (NSW) Inc.
(Verbal Report) (C14-6.3)

POLICY

- Item 1 Public Art: Design and Commissioning Policy (P13-1, C14-3.29)
- Item 2 Leave for Civil Emergencies Policy (P13-1, S12-1)
- Item 3 Staff Relocation Assistance Policy (P13-1, S12-1)

REPORTS OF THE GENERAL MANAGER

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- Item 2 Committee/Delegates Meetings (C14-2) Page 5
- Item 3 Draft Memorandum of Agreement –
Windows On Wetlands Committee (S12-25.1) Page 6
- Item 4 Draft Memorandum of Agreement –
Warren Youth Foundation (C3-3.4) Page 22
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REPORTS OF THE DIVISIONAL MANAGER FINANCE AND ADMINISTRATION

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Charges as at 13th August 2020 (R1-4) Page 4
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- Item 6 Sale of Land – Nevertire –
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REPORTS OF THE MANAGER HEALTH & DEVELOPMENT

- Item 1 Request to Revoke a Menacing Dog Declaration (D5-10) Page 1

8. NOTICES OF MOTIONS/QUESTIONS WITH NOTICE

- Item 1 Model Code of Conduct and Procedures (A7-6) Page 1

9. MATTERS OF URGENCY

Nil.

10. CONFIDENTIAL MATTERS

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11. CONCLUSION OF MEETING

PRESENTATIONS

12 noon – Andrew Lavelle, Project Officer for the Gin Gin Regulator

WARREN PUBLIC ARTS COMMITTEE MINUTES

Attached are the Minutes of the meeting of the Warren Public Arts Committee held on Tuesday, 28th July 2020.

RECOMMENDATION:

That the Minutes of the Meeting of the Warren Public Arts Committee held on Tuesday, 28th July 2020 be received and noted and the following recommendations be adopted:

3.1 Public Arts Charter and Policy

(P13-1, C14-3.29)

That Council adopt the Arts Law Centre of Australia Public Art: Design and Commissioning Information Sheet as provided to the Committee as a Policy, with an acknowledgement to the Arts Law Centre of Australia.

3.2 Design Arts and Required Painting Quality

(C14-3.29)

That Council seek quotations to paint the Stafford Street reservoir tower, under a selective-tendering process to be able to submit a grant application for the project, with the artists and scope of works recommended by the Committee.

WARREN SHIRE COUNCIL

Minutes of the Warren Public Arts Committee Meeting
held in the Council Chambers, 115 Dubbo Street Warren
on Tuesday 28th July 2020 commencing at 4:05 pm

PRESENT:

Councillor Brett Williamson	(Chair)
Councillor Pauline Serdity	
Bruce Lynch	Community Member
Jenny Quigley	Community Member
Judy Ridley (4.10 pm)	Community Member
Alisha Leach	Community Member
Jody Burtenshaw	Executive Assistant

ITEM 1 APOLOGIES

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

Carried

ITEM 2 BUSINESS ARISING FROM THE MINUTES

(C14-3.29)

Nil.

ITEM 3 ACTION CHECKLIST

3.1 Public Arts Charter and Policy

(P13-1, C14-3.29)

RECOMMENDATION TO COUNCIL

MOVED Leach/Serdity that Council adopt the Arts Law Centre of Australia Public Art: Design and Commissioning Information Sheet as provided to the Committee as a Policy, with an acknowledgement to the Arts Law Centre of Australia.

Carried

3.2 Design Arts and Required Painting Quality

(C14-3.29)

Bruce Lynch has made contact with 13 artists to date; one (1) artist advised he is currently overseas, five (5) artists provided information and seven (7) artists are yet to reply. The Committee reviewed the information and printed works provided by the five (5) artists who responded.

WARREN SHIRE COUNCIL

Minutes of the Warren Public Arts Committee Meeting
held in the Council Chambers, 115 Dubbo Street Warren
on Tuesday 28th July 2020 commencing at 4:05 pm

ITEM 3 ACTION CHECKLIST

3.2 Design Arts and Required Painting Quality

Continued

The Committee requested if further information could be sought from the artists and a request was made to include an additional artist. Information required is to include costings for: design; painting; estimation of time to complete mural work; what is provided and what they require Council to provide. This will ensure that accurate costings are submitted for any funding applications. Bruce Lynch to provide a collage of what is visualised. The Stafford Street water reservoir is to be primed and prepared for the artists. Bruce Lynch has an approximate cost for the paint only.

The Committee to liaise with Council to provide artists details and scope of works for the project on the Stafford Street tower, Council then can obtain quotes to be able to apply for grant funding for this project.

Bruce Lynch advised the Committee that he had been in contact with some businesses in Warren asking them to consider a mural on their blank business wall or fence. Favourable comments had been received, but he asked that it be noted that the mural will not be an advertisement for their business.

It was suggested to contact Moree Council to see if they have a Policy on Public Art on private property.

RECOMMENDATION TO COUNCIL

MOVED Lynch/Serdity that Council seek quotations to paint the Stafford Street reservoir tower, under a selective-tendering process to be able to submit a grant application for the project, with the artists and scope of works recommended by the Committee.

Carried

3.3 Sculptures for Macquarie River Walkway – Drought Funding

Councillor Williamson, Jenny Quigley and Council's General Manager, Glenn Wilcox to meet on Thursday, 30th July 2020 to determine the next steps required for this project.

3.4 Master Plan for Public Arts

To be developed and reported back to the Committee.

3.5 Future Funding

Council to investigate funding under the Regional Arts Fund.

3.6 Rules for Public Art

Clarification to be sought.

WARREN SHIRE COUNCIL

Minutes of the Warren Public Arts Committee Meeting
held in the Council Chambers, 115 Dubbo Street Warren
on Tuesday 28th July 2020 commencing at 4:05 pm

ITEM 4 GENERAL BUSINESS WITHOUT NOTICE

- Councillor Serdity advised that Outback Arts may be able to advise on any upcoming funding. The minutes of these meetings are to be forwarded to Councillor Serdity for follow-up with Outback Arts.
 - Councillor Williamson requested if an overview map of the town could be provided to the Committee so that businesses and groups who agree to have murals on their private land can be plotted on the map.
-

ITEM 5 DATE OF NEXT MEETINGS

- A meeting will be called early if needed for Grant funding.
- Tuesday, 1st September 2020 at 4.00 pm.

There being no further business the meeting closed 4.57 pm.

AIRPORT OPERATIONS COMMITTEE

Attached are the Minutes of the meeting of the Airport Operations Committee held on Thursday, 6th August 2020.

RECOMMENDATION:

That the Minutes of the Meeting of the Airport Operations Committee held on Thursday, 6th August 2020 be received and noted and the following recommendations be adopted:

ITEM 2.1 RUNWAY REFURBISHMENT

That Council undertake negotiations with Fulton Hogan to make adjustments to the tender document to allow the construction of the gravel runway and drainage, undertake repairs to the main runway from the eastern end to remove the two (2) critical humps, to construct the taxiways and other works.

ITEM 2.5 AIRPORT TERMINAL BUILDING

That Council seek quotations for the building elements and construction of a terminal building within the grant budget. That final costs are presented to the Committee.

ITEM 2.6 REQUEST TO CONSIDER A FLYING SCHOOL AND LEASE OF BUILDING

That Council negotiate with Bankstown Flying School to establish a school at Warren and prepare conditions of lease.

GENERAL BUSINESS

That Council advertise for two (2) flying members on the Airport Committee through Council's monthly newsletter and website.

WARREN SHIRE COUNCIL

Minutes of the Airport Operations Committee
Meeting held in the Council Chambers, Administration Building, Warren
on Thursday, 6th August 2020 commencing at 3.00 pm

PRESENT:

Councillor Brett Williamson (Chair)
Pat Hulme
Kerry Jones (Infrastructure Projects Manager)
Glenn Wilcox (General Manager)

ITEM 1 APOLOGIES

Apologies were received from Councillor Kevin Taylor, Geoff McKay and Nigel Martin who were absent due to external commitments and a leave of absence was granted for this meeting.

ITEM 2.1 TENDER FOR RUNWAY REFURBISHMENT

A single tender was received from Fulton Hogan to undertake works on the sealed runway, gravel runway, drainage and taxiways.

The tender amount is above the available funding. The Committee reviewed the items in the tender as to remove items to bring the tender back to the budget amount.

RECOMMENDATION TO COUNCIL:

That Council undertake negotiations with Fulton Hogan to make adjustments to the tender document to allow the construction of the gravel runway and drainage, undertake repairs to the main runway from the eastern end to remove the two (2) critical humps, to construct the taxiways and other works.

Carried

ITEM 2.2 AIRPORT FUEL

Installation of airport fuel tanks and pumps will commence in August 2020.

Carried

ITEM 2.3 RNAV

The company selected to undertake the RNAV has gone out of business. New quotes are being called from two (2) other companies to undertake the work.

ITEM 2.4 AIRCRAFT CHARGES FOR LANDING

Council is discussing changing charges with the Australian Airforce for landings. Currently this charge is collected by Airports Association of Australia and a part fee passed back to Council. Further details will be reported to the committee once discussion with the RAAF has been undertaken.

WARREN SHIRE COUNCIL

Minutes of the Airport Operations Committee
Meeting held in the Council Chambers, Administration Building, Warren
on Thursday, 6th August 2020 commencing at 3.00 pm

ITEM 2.5 AIRPORT TERMINAL BUILDING

RECOMMENDATION TO COUNCIL:

That Council seek quotations for the building elements and construction of a terminal building within the grant budget. That final costs are presented to the Committee.

Carried

ITEM 2.6 REQUEST TO CONSIDER A FLYING SCHOOL AND LEASE OF BUILDING

Council has received a request to consider a lease arrangement to host a flying school at the Airport.

The Committee supports the establishment of the flying school.

RECOMMENDATION TO COUNCIL:

That Council negotiate with Bankstown Flying School to establish a school at Warren and prepare conditions of lease.

Carried

GENERAL BUSINESS

- That the Committee look to replace members that have left town or are not attending meetings.

RECOMMENDATION TO COUNCIL:

That Council advertise for two (2) flying members on the Airport Committee through Council's monthly newsletter and website.

Carried

There being no further business the meeting closed at 4:10 pm.

LOCAL TRAFFIC COMMITTEE MINUTES

Attached are the Minutes of the meeting of the Local Traffic Committee meeting held on Thursday, 6th August 2020.

RECOMMENDATION:

That the Minutes of the Meeting of the Local Traffic Committee held on Thursday, 6th August 2020 be received and noted.

ITEM 4.1 TRAFFIC FLOW CHANGES WARREN HEAVY VEHICLE BYPASS (C14-3.17)

That:

1. The Local Traffic Committee and the Council formally acknowledge the intent to implement the changes complying with the Council resolution numbered 216.10.19 formatted at its meeting conducted on the 24th October 2019,
2. The proposed extensive onsite advertisement utilising the various forms of media and hard-face signage be utilised before, during and after the event be endorsed,
3. As many media connections, including Website, Facebook, Warren Weekly, Televised Article (Shire Mayor) and a Local Area Radio Interview be utilised, and
4. The TfNSW be approached to assist with the cost of establishing the "Give Way" changes on the intersection of the Carinda and Industrial Access Roads.

ITEM 4.2 CHANGE OF PARKING DIRECTION BURTON STREET – ADJACENT WARREN TAFE (R4-20.1)

That:

1. The parking in Burton Street between the bridge over the Macquarie River and Lawson Street on the eastern side immediately adjacent to the Warren TAFE be changed from angle parking to parallel parking,
2. TfNSW be approached to assist with the cost of establishing the parking changes, and
3. The changes be arranged as soon as possible.

ITEM 4.3 LOADING ZONE ESTABLISHMENT – COBB LANE WARREN

(R4-2.6)

That:

1. The area highlighted in pink on the attached plan, being the centre portion of Cobb Lane be registered as a loading zone, and
2. The appropriate signposting be established illustrating the area to the public.

WARREN SHIRE COUNCIL

Minutes of the 51st Meeting of the Warren Shire Traffic Committee
held in Council Chambers, 115 Dubbo Street, Warren on
Thursday, 6th August 2020 commencing at 3.00 pm

ATTENDANCE

Councillor Kevin Taylor (Chair)
Councillor Sarah Derrett
Mr Rolly Lawford, Divisional Manager Engineering Services
Mrs Sharon Grierson (TfNSW)
Sergeant Dave Marr (NSW Police)
Ms Angela Muir (Minute Taker)

ITEM 1 APOLOGIES

An apology was received from Richard Drooger (TfNSW), who was absent due to external commitments and it was noted that a leave of absence be granted for this meeting.

Carried

ITEM 2 BUSINESS ARISING FROM MINUTES

MOVED Taylor that the Minutes of the 11th October 2019 as circulated be adopted as a true and correct record of that Meeting.

MATTERS ARISING FROM MINUTES OF THE 11TH OCTOBER 2020

Nil.

ITEM 3 INSPECTIONS

Nil.

ITEM 4.1 TRAFFIC FLOW CHANGES WARREN HEAVY VEHICLE BYPASS (C14-3.17)

RECOMMENDATION TO COUNCIL:

MOVED Taylor that:

1. The Local Traffic Committee and the Council formally acknowledge the intent to implement the changes complying with the Council resolution numbered 216.10.19 formatted at its meeting conducted on the 24th October 2019,
2. The proposed extensive onsite advertisement utilising the various forms of media and hard-face signage be utilised before, during and after the event be endorsed,
3. As many media connections, including Website, Facebook, Warren Weekly, Televised Article (Shire Mayor) and a Local Area Radio Interview be utilised, and
4. TfNSW be approached to assist with the cost of establishing the "Give Way" changes on the intersection of the Carinda and Industrial Access Roads.

Carried

WARREN SHIRE COUNCIL

Minutes of the 51st Meeting of the Warren Shire Traffic Committee
held in Council Chambers, 115 Dubbo Street, Warren on
Thursday, 6th August 2020 commencing at 3.00 pm

ITEM 4.2 CHANGE OF PARKING DIRECTION BURTON STREET – ADJACENT WARREN TAFE (R4-20.1)

RECOMMENDATION TO COUNCIL:

MOVED Taylor that:

1. The parking in Burton Street between the bridge over the Macquarie River and Lawson Street on the eastern side immediately adjacent to the Warren TAFE be changed from angle parking to parallel parking,
2. TfNSW be approached to assist with the cost of establishing the parking changes, and
3. The changes be arranged as soon as possible.

Carried

ITEM 4.3 LOADING ZONE ESTABLISHMENT – COBB LANE WARREN (R4-2.6)

At this point in the meeting, the time being 3:30 pm Councillor Taylor declared an interest and left the meeting and was not in sight of the meeting room. Councillor Derrett assumed the role of Chair.

RECOMMENDATION TO COUNCIL:

MOVED Derrett that:

1. The area highlighted in pink on the attached plan, being the centre portion of Cobb Lane be registered as a loading zone, and
2. The appropriate signposting be established illustrating the area to the public.

Carried

At this point in the meeting the time being 4.00 pm, Councillor Taylor entered the meeting room and resumed the role of Chair.

ITEM 4.4 TRANGIE – COLLIE ROAD SPEED RESTRICTION- SAFTEY (R4-2.6)

RECOMMENDATION TO COUNCIL:

Be Noted that:

1. The Local Traffic Committee formally acknowledge the presence of the existing 80km/hr speed restriction serving the 6km section of the Collie to Trangie Road between 2.6km and 8.6km south of the Collie Village,
2. The Local Traffic Committee formally support the need to upgrade the traffic facilities by establishing a greater number of 80km/hr speed restriction signs serving the 6km section of the Collie to Trangie Road,
3. TfNSW be approached to assist with the cost of establishing the Speed Restrictions on the Collie Trangie Road for 6km section being made up of Segments 14, 16 and 18 so as to improve the safety level for all road users on this hazardous unsafe section of road, and
4. The Council be prepared, pursue grants to assist in the elimination of the dangerous sections (Segments 14, 16 and 18) of the Collie-Trangie Road.

Carried

WARREN SHIRE COUNCIL

Minutes of the 51st Meeting of the Warren Shire Traffic Committee
held in Council Chambers, 115 Dubbo Street, Warren on
Thursday, 6th August 2020 commencing at 3.00 pm

ITEM 4.5 TRUCK REST AREA UPGRADE (R4-2.2)

- Committee fully support this idea to assist truck drivers with fatigue management.
-

ITEM 4.6 DUBBO STREET PARKING ON FOOTPATH (R4-1.70)

Nothing to be Reported.

ITEM 5 GENERAL BUSINESS

- Mrs Sharon Grierson (TfNSW) asked the Committee if Council's Safety Management Plans with Railway Crossings has reviewed and updated recently. It was discussed that Council will review these plans during the project to upgrade the Nevertire-Bogan Railway Crossing.
-

ITEM 6 NEXT MEETING

To be advised.

THERE BEING NO FURTHER BUSINESS THE MEETING CONCLUDED 4:12 PM.

SPORTING FACILITIES COMMITTEE MEETING

Attached are the Minutes of the Sporting Facilities Committee Meeting held on Wednesday 12th August 2020.

RECOMMENDATION:

That the Minutes of the Meeting of the Sports Facilities Committee held on 12th August 2020 be received and noted and the following recommendations be adopted:

ITEM 6 CENTRE MANAGER REPORT – GYM FEES (S21-2)

That letters be sent out from the Centre Manager regarding Gym fees in relation to COVID – 19 restricted hours and that an offer to refund fees or extend gym contract period be offered on a pro rata basis.

ITEM 6.3 FUNDING (S21-2)

That Council purchase the following items as listed:

Item	Comment
Wireless Scoreboard Indoor Court Upgrade	\$8000.00 allocated in 2020-21 budget to complete, Centre Manager to obtain quotes. That local clubs fund raise 25% and Council to provide 75% to help with the cost of asset renewal.
TV Antenna and Ports	\$1800.00 allocated in 2020-21 budget to install antenna on roof and ports in Community Room and Downstairs Carpeted Area
Projector, Screen, Audio Visual	\$3600.00 allocated in 2020-21 budget to upgrade audio visual equipment in community room and downstairs carpeted area. Retractable ceiling mounted screen and projector for community room and wall mounted TV with cabinet to be installed in downstairs carpeted area. If funds allow investigate upgrade to TV, webcam and microphone system on conference cart in Community room for conference meetings.

ITEM 6.3 FUNDING**CONTINUED**

Item	Comment
Bain Marie Purchase	\$2400.00 allocated in 2020-21 budget to purchase new Bain Marie in kitchen area. Old Bain Marie to be used for hire away from the building only to avoid damage to unit.
Evaporative Air Conditioner Unit Northern End	\$13,800.00 allocated in 2020-21 budget to upgrade evaporative air conditioner unit on northern end of building. To be installed

ITEM 9 SWIMMING POOL ENTRANCE FEE**(S19-2)**

That Council reduce all Season Ticket fees by 25% during the 2020-2021 financial year for the Warren War Memorial Swimming Pool and Council set a fee of \$2.00 inc GST for single pool entry into the Warren War Memorial Swimming Pool during the 2020-2021 financial year.

DRAFT

WARREN SHIRE COUNCIL

Minutes of the Sporting Facilities Committee meeting held at the Council Chambers, Warren on Wednesday the 12th August 2020 commencing at 2:35pm

Present:

Councillor MJ Quigley (Chairman)
Councillor KR Irving
Councillor BD Williamson
Councillor KW Taylor
Wesley Hamilton (Centre Manager)
Nicole Risely (Swimming Club)
Glenn Wilcox (General Manager)
Maryanne Stephens (Manager of Health and Development)
Wendy Haywood (Swimming Pool Manager)
Cassy Mitchell Assistant to MHD (Minute taker)

ITEM 1 APOLOGIES

An apology was tendered on behalf of Rolly Lawford (Divisional Manager of Engineering Services and it was **MOVED** that a leave of absence be granted for this meeting.

Carried

ITEM 2 CONFIRMATION OF MINUTES OF THE SPORTING FACILITIES COMMITTEE MEETING 13TH MAY 2020

MOVED that the Minutes of the Meeting held on the 13th May 2020 be accepted as a true and correct record of that meeting. With the addition of the following amendment.

ITEM 6.7 CRICKET GROUND UPGRADE

1. The Committee note the provision of a change room and canteen building on the south western side of the field that will serve all users including Senior and Junior Cricket, Little A's, Soccer and other users and that costs, quotations or tenders are required to build this structure;
2. Two (2) storage buildings will be provided at opposite ends of the senior cricket pitch for the Soccer Clubs and Little A's;
3. The cricket ground has been enlarged to competition size and a turf cricket pitch shall be developed that is on an alignment of 046°/226° as permitted in the field set out design;
4. New cricket practice nets shall be provided to the north western corner of the precinct adjacent to the Council Works Depot;
5. Council has sought a professional design for lighting, suitable for fast ball games;
6. A new fence shall be priced (picket) to define the field boundaries and current or future grant funding shall be used; and
7. Irrigation upgrades will be undertaken based on professional irrigation design and computer management programs.
8. PA system to be installed.

Carried

ITEM 3 BUSINESS ARISING FROM MINUTES

Nil.

WARREN SHIRE COUNCIL

Minutes of the Sporting Facilities Committee meeting held at the Council Chambers, Warren on Wednesday the 12th August 2020 commencing at 2:35pm

ITEM 4 ACTION CHECKLIST

<i>Date</i>	<i>Outstanding Matter</i>	<i>Officer Resp.</i>	<i>Response/Request/Comment</i>	<i>Completion Date</i>
12.10.2016	Matting at practice nets	CM	To be included in Carter Oval redevelopment plan. Investigate suitable grant for local sporting club to apply for.	Pending
21.02.2018	Research replacement of pool facilities	MHD	Filtration system to be installed. Future project direction and plan to commence. Management and works program to be established. Grants to be sourced. Assessment of what projects have been completed to date including expenditures be completed.	2020
21.02.2018	Victoria Park Master Plan	CM	Crown Land Management Plan has been received and reviewed. Plan to be reviewed for comment by stake holders of Victoria Park before being implemented.	2020
04.04.2018	Installation of Sealed Netball / Basketball Courts	IPM/DMES	Bollards Installed. Turf to be installed surrounding outdoor courts.	2020
31.07.2019	Carter Oval Upgrade	IPM	Program has commenced. Establishing project management / works program. Skate Park construction complete.	2021
23.10.2019 *	Installation of shade structure over baby pool area and lane 1 concourse	CM/IPM	Quotes obtained. Seek grant funding. If unsuccessful add to pending 2020-21 budget for consideration. To be reviewed with Master Plan.	2020
12.02.2020*	Quote to install reverse cycle air-conditioning WSCC	CM	Report August Committee Meeting for information.	August 2020
12.02.2020 *	General Maintenance and Repairs Pool Pump Shed	CM	Liaise with MHD and seek quote to colour match existing 50m pool pump shed and new filtration system area to other building and infrastructures within the pool yard.	Oct 2020

MOVED that:

1. The Action Checklist progress be received and noted; and
2. Items marked with an asterisk (*) be deleted.

Carried

WARREN SHIRE COUNCIL

Minutes of the Sporting Facilities Committee meeting held at the Council Chambers, Warren on Wednesday the 12th August 2020 commencing at 2:35pm

ITEM 5 FINANCIAL REPORT

MOVED that the information be received and noted.

Carried

ITEM 6 CENTRE MANAGER REPORT – GYM FEES (S21-2)

MOVED that letters be sent out from the Centre Manager regarding Gym fees in relation to COVID – 19 restricted hours and that an offer to refund fees or extend gym contract period be offered on a pro rata basis.

Carried

ITEM 6.3 ASSET RENEWAL

That Local Clubs fund raise 25% and Council to provide 75% to help with the cost of asset renewal.

MOVED that Council purchase the following items as listed:

Item	Comment
Wireless Scoreboard Indoor Court Upgrade	\$8000.00 allocated in 2020-21 budget to complete, Centre Manager to gain quotes.
TV Antenna and Ports	\$1800.00 allocated in 2020-21 budget to install antenna on roof and ports in Community Room and Downstairs Carpeted Area
Projector, Screen, Audio Visual	\$3600.00 allocated in 2020-21 budget to upgrade audio visual equipment in community room and downstairs carpeted area. Retractable ceiling mounted screen and projector for community room and wall mounted TV with Cabinet to be installed in downstairs carpeted area. If funds allow investigate upgrade to TV, webcam and microphone system on conference cart in Community for conference meetings.
Bain Marie Purchase	\$2400.00 allocated in 2020-21 budget to purchase new Bain Marie in kitchen area. old Bain Marie to be used for hire away from the building only to avoid damage to unit.

Carried

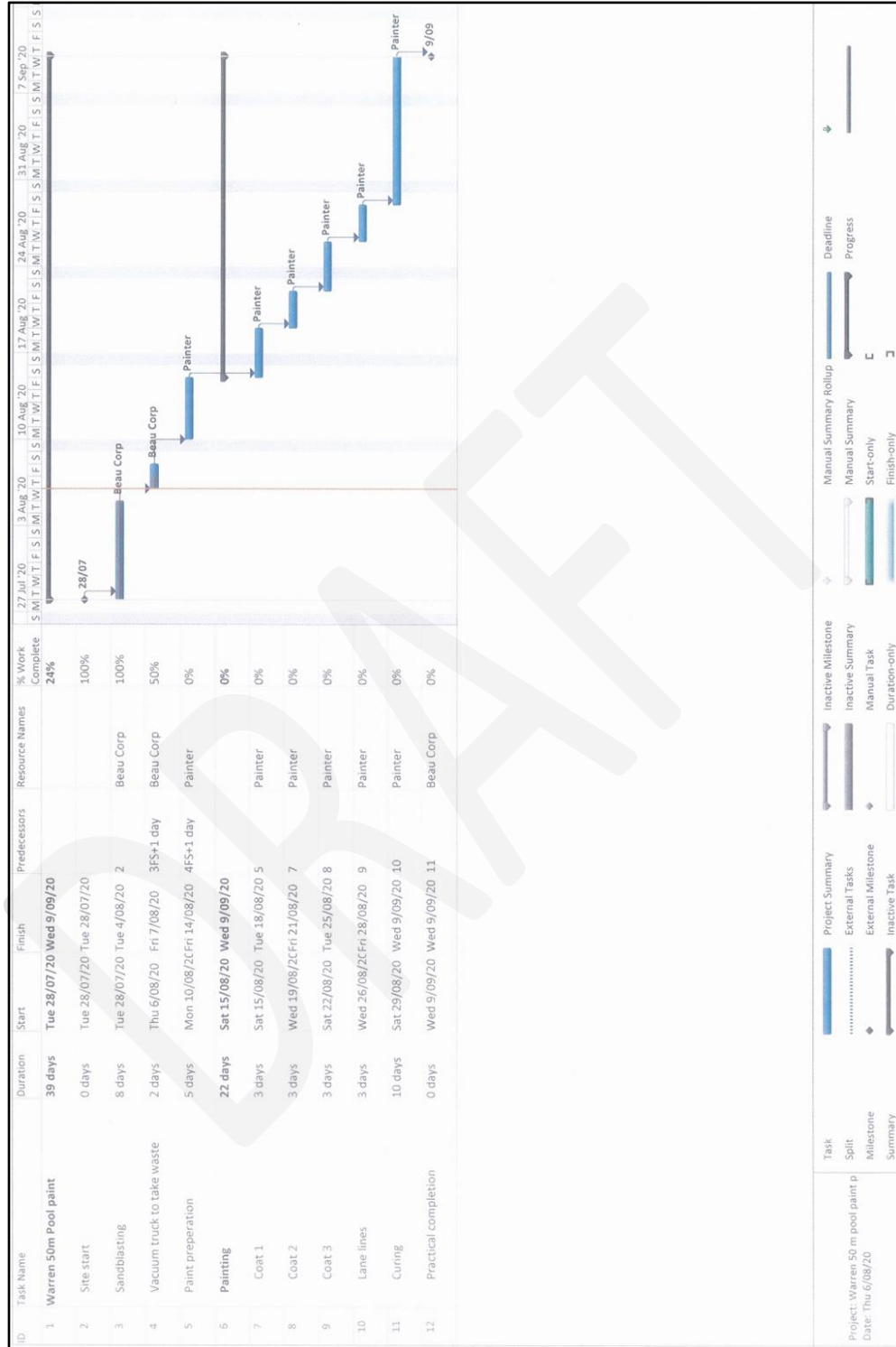
WARREN SHIRE COUNCIL

Minutes of the Sporting Facilities Committee meeting held at the Council Chambers, Warren on Wednesday the 12th August 2020 commencing at 2:35pm

ITEM 7 SWIMMING POOL MASTERPLAN

(S19-2)

Time line for fibre glassing Works at the pool.



MOVED that the information be received and noted.

Carried

WARREN SHIRE COUNCIL

Minutes of the Sporting Facilities Committee meeting held at the Council Chambers, Warren on Wednesday the 12th August 2020 commencing at 2:35pm

ITEM 13 DATE OF NEXT MEETING

Thursday, 24th September 2020 at the Swimming Pool.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 4.25 PM.

DRAFT

MANEX MINUTES

Attached are the Minutes of the meeting of Manex held on Tuesday, 18th August 2020.

RECOMMENDATION:

That the Minutes of the Meeting of Manex held on Tuesday, 18th August 2020 be received and noted.

ITEM 3 ACTION CHECKLIST

That the:

1. Information be received and noted and the item marked with an asterisk (*) be deleted; and
2. Engineering Department return completed staff performance reviews immediately.

ITEM 4.2 PROJECTS AND ASSETS STATUS REPORT

That the:

1. Information be received and noted; and
2. Report be reviewed by the relevant officers and brought back to the Committee.

ITEM 4.3 EWENMAR WASTE DEPOT STATUS REPORT

That the:

1. Information be received and noted; and
2. Manager Health and Development Services contact the NSW Environmental Trust to request a variation to the funding deed for an extension of time.

DRAFT

WARREN SHIRE COUNCIL
Minutes of the Manex Committee Meeting
held in the Council Chambers, Administration Building, Warren,
on Tuesday 18th August 2020 commencing at 2.30 pm

PRESENT:

Glenn Wilcox	General Manager
Darren Arthur	Divisional Manager Finance & Administration
Jillian Murray	Treasurer (Chair)
Maryanne Stephens	Manager Health & Development Services
Raymond Burns	Town Services Manager
Kerry Jones	Infrastructure Projects Manager
Jody Burtenshaw	Executive Assistant

ITEM 1 APOLOGIES

An apology was received from Rolly Lawford, who was absent due to external commitments and it was **MOVED** Arthur/Burns that a leave of absence be granted for this meeting.

Carried

ITEM 2 BUSINESS ARISING FROM MINUTES

Nil.

ITEM 3 ACTION CHECKLIST

MOVED Wilcox/Jones that the:

1. Information be received and noted and the item marked with an asterisk (*) be deleted; and
2. Engineering Department return completed staff performance reviews immediately.

Carried

ITEM 4.1 2020/2021 SPECIFIC WORKS STATUS REPORT

MOVED Jones/Arthur that the information be received and noted.

Carried

ITEM 4.2 PROJECTS AND ASSETS STATUS REPORT

MOVED Wilcox/Burns that the:

1. Information be received and noted; and
2. Report be reviewed by the relevant officers and brought back to the Committee.

Carried

WARREN SHIRE COUNCIL

Minutes of the Manex Committee Meeting
held in the Council Chambers, Administration Building, Warren,
on Tuesday 18th August 2020 commencing at 2.30 pm

ITEM 4.3 EWENMAR WASTE DEPOT STATUS REPORT

MOVED Stephens/Jones that the:

1. Information be received and noted; and
2. Manager Health and Development Services contact the NSW Environmental Trust to request a variation to the funding deed for an extension of time.

Carried

ITEM 5.1 NSW GOVERNMENT CIRCULARS (L5-3)

MOVED Arthur/Wilcox that the information be received and noted.

Carried

ITEM 5.2 OFFICE OF LOCAL GOVERNMENT STRATEGIC TASKS (L5-3)

MOVED Arthur/Burns that the information be received and noted.

Carried

ITEM 6 IMPOUNDING OFFICER'S REPORT (P4-4)

MOVED Stephens/Arthur that the information be received and noted.

Carried

ITEM 7 LEAVE FOR CIVIL EMERGENCIES POLICY (P13-1, S12-1)

MOVED Burns/Arthur the information be received and noted.

Carried

ITEM 8 STAFF RELOCATION ASSISTANCE POLICY (P13-1, S12-1)

MOVED Stephens/Burns that the information be received and noted.

Carried

ITEM 9 JULY 2020 DRAFT MINUTES AND AUGUST 2020 BUSINESS PAPER

The Committee previewed the August 2020 Business Paper and the July 2020 Draft Minutes and actions required were placed on the Action Checklist in Item 1 of the General Manager's Report.

WARREN SHIRE COUNCIL
Minutes of the Manex Committee Meeting
held in the Council Chambers, Administration Building, Warren,
on Tuesday 18th August 2020 commencing at 2.30 pm

ITEM 9 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.

ITEM 10 GENERAL BUSINESS WITHOUT NOTICE

- The Infrastructure Projects Manager presented to the Committee a Warren War Memorial Swimming Pool Management Manual for review.
- Airport water extension – a formal agreement with the three (3) affected owners concerning their water availability charge is to be presented to Council for approval.
- The Manager Health and Development Services advised that she is preparing a late report for the August Council meeting.
- The Treasurer advised that the Finance Clerk – Payroll has been receiving phone calls from staff asking when their performance regrading will take effect.
- The Treasurer enquired if the Tourist Information Centre will be reopening soon. The General Manager advised that at this stage the centre will remain closed due to COVID-19.
- The Treasurer enquired if the potable water supply for drought conditions is still in effect at 10,000 litres per month. The General Manager advised that it is still in place.
- The Treasurer enquired on the use of Council vehicles when not on call.

There being no further business the meeting closed 3.35 pm.

WARREN SHIRE COUNCIL
Delegates Report by Councillor K Walker
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 1 WARREN INTERAGENCY SUPPORT SERVICES (C3-9)

RECOMMENDATION:

That the information be received and noted.

A meeting of the Warren Interagency Support Services was held on Thursday, 13 August 2020 in the meeting room of the Warren Sporting and Cultural Centre.

1. Meeting opened at 1.05pm.
Chair: Clr Sarah Derrett Secretary: Clr Katrina Walker
Clr Derrett welcomed everyone to the meeting

2. Present:
Bill Murray - Marathon Health, Kim Gaydon - Carer Gateway, Alannah Fraser - Carer Gateway Peer Support, Mary Small - Aboriginal Health Worker Warren MPHS, Emma Howard - Outreach Midwife, Wanita Gibbs – WDV CAS, Mellissa Shennan - Western Women’s Legal Support, Tearne Rya – WDV CAS, Therese Quigley - Hear Our Heart, Virginia Redenbach - Hear Our Heart, Anita Rudolph - Hear Our Heart.

Apologies:

Clr Karlene Irving - Warren Shire Council, Leyna Howard and Ursula Ryan - Royal Flying Doctor Service, Chris Letton - RaRMS Health Service Warren, Carol Owens - Breakthru, Camilla Herbig.

Apologies: **Moved** Katrina Walker **Seconded** Bill Murray

Carried

3. Minutes of the last meeting held on Thursday 13 February 2020 be accepted as a true and correct record of that meeting.

Moved Sarah Derrett **Seconded** Bill Murray

Carried

4. Business Arising: Nil

5. Correspondence In:
Clr Karlene Irving wished to congratulate the Warren Youth Foundation on the successful grant application, from the Stronger Community fund. The \$154,000 received would help to setup the facility; including purchasing furniture and sporting equipment.
Various flyers

6. Correspondence Out: Nil

7. Action Check List:
Question from Clr Sarah Derrett to Clr Katrina Walker in regard to the Community Transport issue between Nevertire and Warren. Clr Walker replied that since COVID, had emerged in March in NSW, there had been no further developments.

WARREN SHIRE COUNCIL
Delegates Report by Councillor K Walker
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 1

WARREN INTERAGENCY SUPPORT SERVICES

CONTINUED

8. Agency Reports:

Bill Murray - Marathon Health

The programme is a self- guided plan and covers the areas of anxiety and stress that people can be struggling with in rural areas.

The programme covers the Western Area Health region. The programme can be done remotely via the phone and this has been found to have a good success rate.

Emma Howard - Outreach Midwife spoke of the services she provides and the days she visits Warren. She has a room at the Warren MPHS.

The three ladies from Hear Our Heart presented information on the service they provide. They teach children in Warren at Little Possums, Warren Pre- School and St. Mary's on how to blow their nose properly and how important it is to look after their ears. The bus they travel in has a permanent audiologist onboard.

The next Community visit by the Earbus, that parks near the Warren MPHS, will be Tuesday 6 October 2020.

Warren Central School children receive ear testing from Marathon Health. The children from the school are also able to visit the Earbus.

9. General Business: Nil

Clr Derrett thanked everyone for attending the meeting.

Meeting Closed 1.45pm

Date of Next Meeting: Depending on future COVID meeting guidelines the next meeting will be held on Thursday, 8 October 2020 at 1pm at the Warren Sporting and Cultural Centre.

POLICY REGISTER

PUBLIC ART: DESIGN AND COMMISSIONING

Policy adopted: Minute No.

Reviewed:

File Ref: P13-1, C14-3.29

DOCUMENT CONTROL

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox (General Manager)	First Edition	Council Minute No. (20XX)

Note:

This policy has been developed from the Arts Law Centre of Australia's Public Art: Design and Commissioning Information Sheet. Council acknowledges that the policy as presented has been taken to meet Council's requirements.

DRAFT



Public Art: Design and Commissioning

Introduction

Public art as discussed in this information sheet refers to any permanent or temporary artistic works situated in public spaces and accessible by members of the public, excluding artworks held in the collections of galleries and museums. Such public art is often specially commissioned by local councils and other publically funded bodies to add character and atmosphere to a public space, whilst at the same time supporting local artists and the local economy.

Public art commissions create exciting opportunities for artists, allow Australians to enjoy aesthetically beautiful environments, and stimulate community engagement with the arts.

Public Art Policies

Many public art commissions are the result of current Local Council Public Art Policies (the Policies). The Policies are enacted by local councils and aim to create a culturally rich and prosperous community through support and encouragement of the arts. The growth in popularity of such Policies means that more artists are engaging with local councils and other similar bodies, and therefore require cost efficient access to commission agreements.

Public art commissions may also arise through a 'Percent for Art' scheme. Western Australia's [Percent for Art Scheme](#) uses an allocation of up to one percent of the estimated total cost of public building projects to commission public artworks from West Australian artists. Public building projects identified from the State Government's capital works list with an estimated total cost in excess of \$2 million are eligible for the consideration and inclusion of a Percent for Art component.

Increasingly public art projects are also funded by property developers creating public spaces within a commercial development. This may be due to public art private developer contribution requirements in the relevant local council's planning policies.

For example, the [City of Sydney public art policy](#) encourages the installation of public art in all commercial developments; however it is not a prerequisite for approval in single dwelling houses and other small developments. Public art may be included as a condition of consent in large developments, such as urban renewal areas and in all privately initialled multiple residential, commercial or industrial

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ABN 71 002 706 256 ACN 002 706 256

projects which include a significant amount of public space or which have a construction value exceeding \$10 million.¹

City of South Perth gives a developer, in cases where public art is required as a condition of development approval, three options to satisfy the condition.² The developer may choose to provide their contribution as cash in lieu to the City's Public Art Fund, provide public art within the development or choose a suitable location within the neighbouring precinct of the development.

Commissioning models

The Policies generally specify three commissioning models depending on the nature of the project, the project scale and budgets.³ For projects with a significant budget, there would usually be an open competition, where councils would place an advertisement in appropriate publications inviting artists to submit expressions of interest to make proposals for public artworks. From the submissions, a shortlist of artists would be engaged to prepare concept proposals for a concept fee.

Where project budgets are small, where projects relate to specific cultural groups, or where the requirement is that the artist lives in a particular area, limited competition commissioning model would generally be used.⁴

In some circumstances, for example, where it is considered that the work of a particular artist would meet project objective, council may make a direct invitation to a particular artist to undertake a commission.⁵

There is also a hybrid model, suitable for smaller scale projects, a panel of providers, chosen from expressions of interest every couple of years, from which artists with relevant experience could be engaged. This combines limited competition and direct engagement.⁶

The commissioning process is similar in all models: establishing the brief and the selection criteria, artists' response to the brief, including their experience, shortlisting of artists (selection of the artist in the direct commission model), development of a design concept by the shortlisted artists (the selected

¹ City of Sydney Interim Guidelines for Public Art in Private Developments http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0005/139811/INTERIM_GUIDELINES_PUBLIC_ART_IN_PRIVATE_DEVELOPMENTS_SEP2006.pdf p. 2

² Public Art Guidelines for Community Groups and Individuals, City of South Perth <http://www.southperth.wa.gov.au/Documents/Services/Art-Collection-and-Public-Art/Public-Art-Toolkit---August-2014.pdf> p. 8.

³ Hobart City Council Public Art Strategy, http://www.hobartcity.com.au/files/783dd9ea-2f5f-44bc-a2f0-9d1f00b5f5a2/public_art_strategy.pdf p. 31

Public Art making it happen, commissioning guidelines for local councils https://www.lga.sa.gov.au/webdata/resources/files/PublicArt_MakingItHappen.pdf p. 8

City of Sydney City Art Public Art Strategy http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0004/139810/Final-Version-City-Art-Public-Art-Strategy.pdf p. 62

Public Art Guidelines for Community Groups and Individuals, City of South Perth <http://www.southperth.wa.gov.au/Documents/Services/Art-Collection-and-Public-Art/Public-Art-Toolkit---August-2014.pdf> p. 14

⁴ Public Art making it happen, commissioning guidelines for local councils https://www.lga.sa.gov.au/webdata/resources/files/PublicArt_MakingItHappen.pdf p. 10.

There is a variety of limited commission models, such as where a (competitively appointed) curator or tenderer develops a shortlist of appropriate artists, or where a public art body (e.g. Public Art Advisory Panel in the City of Sydney) recommends suitable artists. City of Sydney City Art Public Art Strategy http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0004/139810/Final-Version-City-Art-Public-Art-Strategy.pdf p. 62

⁵ Public Art making it happen, commissioning guidelines for local councils https://www.lga.sa.gov.au/webdata/resources/files/PublicArt_MakingItHappen.pdf p. 10.

⁶ Hobart City Council Public Art Strategy, http://www.hobartcity.com.au/files/783dd9ea-2f5f-44bc-a2f0-9d1f00b5f5a2/public_art_strategy.pdf p. 32

artist in the direct commission model), concept presentation and assessment against the brief, selection of concept (except in direct commission), signing of commissioning agreement, design development by the selected artist, creation of artwork, installation and handover of artwork.

When developing a design brief, the Policies require thorough planning, establishing clear objectives and ensuring that stakeholders' purposes are reflected in the brief, consideration of broader legislative requirements, development plans and council policies that impact on urban design decisions, public infrastructure, capital works, etc.⁷

Artists working with Local Councils

Arts Law is often approached by councils seeking advice on developing fair and reasonable systems for negotiating or contracting with artists, as well as by artists involved in public art commissions. To assist both the commissioners and artists, Arts Law has developed [public art guidelines](#) explaining all stages of a public art project and important issues to be addressed by the parties, as well as each parties' responsibilities during the commissioning process and for the life of the artwork, which should be read by the parties prior to committing to a project.

For an example of guidelines for creators and commissioners of public artworks – see: [City of Melbourne Public Art Program: Expressions of Interest 2012](#)

Public Art Design and Commission Agreement

Arts Law's [Public Art Design and Commission Agreement](#) (the Agreement) can be used whenever a public body such as a local council commissions an artist to create an artwork which will be publically exhibited. The Agreement can also be used where an artwork has been commissioned by a private entity, such as a building developer, and will be exhibited in a public place such as a lobby of a building. The aim of the Agreement is to create provisions which protect both the artist and the commissioner, allowing them to work together throughout the stages of development to achieve the best possible artistic output.

If an artist is being commissioned to design and create an artwork for private or commercial purposes, then Arts Law's sample [Design and Commission Agreement](#) may be more appropriate.

The commissioning process

When a public body commissions a work of art there are usually four stages: issuing of the brief to artist, designing the artwork, creation of the artwork and finally installation of the work.

The Agreement can help ensure each party is aware of their obligations and rights at each stage of the process as well as guiding them through any problems that may arise during the course of creation.

As well as covering the obligations of both parties throughout the creative process involved with the commission of a piece of public art, the Agreement deals with the associated copyright ownership in the artwork. Copyright ownership can be a contentious issue, and dealing with it at the start of the commission arrangement can reduce the likelihood of copyright ownership disputes further down the track.

⁷ Public Art making it happen, commissioning guidelines for local councils
https://www.lga.sa.gov.au/webdata/resources/files/PublicArt_MakingItHappen.pdf p. 15

Issuing of the brief to Artist

The Agreement assumes that this stage has already been completed at the time of entering into the Agreement and that the artist's preliminary design has been selected for a development into a detailed design.

Designing the artwork

At this stage, the artist is required to produce a more detailed design based on the brief and the preliminary design. If the commissioner accepts the design, the design forms part of the Agreement.

The Agreement allows the commissioner to seek changes to the design that do not make the design substantially different to the brief or the preliminary design. The commissioner is required to pay the artist a fee for the amended design.

The commissioner has a complete discretion to reject the design, which is why it is important for the parties to discuss the design and any changes in detail. If the design is rejected, the Agreement will automatically come to an end, however, the commissioner will be required to pay a design fee to the artist, provided the design is delivered on time and does not substantially differ from the preliminary design.

Creation of the Artwork

The artist must create the artwork in accordance with the design approved by the commissioner and, if requested by the commissioner, provide particular reports (for example, engineer's or safety reports) in connection with the creation and installation of the artwork. If the artwork is to be created onsite, the commissioner must provide the artist with full access, and the artist must notify the commissioner when the artwork is completed.

The commissioner may request a number of minor changes, but if the artist is not comfortable with making the changes, this clause should be deleted.

The commissioner may only reject the artwork if it is not created according to the design, but only after giving the artist an opportunity to correct the artwork. If the artwork is rejected, the Agreement will come to an end and the artist must return any payments other than the design fee to the commissioner, but may keep the artwork.

Installation of the work

The commissioner must prepare the site for the installation, however, the installation and the costs associated with it are the artist's responsibility. If the artwork is created offsite, the parties are to agree who will take the responsibility for the safe transport of the artwork.

The artist is required to provide the commissioner with the maintenance manual and the commissioner must ensure that the artwork is maintained in accordance with it.

The Agreement contains a 12-month warranty requiring the artist to rectify, at no cost to the commissioner any latent defects in the artwork, except for wear and tear or to defects which are inherent in the material selected or the site's environment.

Death or incapacity of the artist

In the event of death or incapacity of the artist, the Agreement provides for a pro-rata compensation of costs or expenses. Once the commissioner has made the payment, it owns the artwork and may engage another artist to complete the artwork, resulting in joint copyright of the final artwork between the original artist and the artist who completed the artwork.

This clause may be amended if the original artist does not want another artist to complete the artwork.

Intellectual property & ICIP

The Agreement is drafted to give title in the design and artwork to the commissioner, once the commissioner has paid the full commission fee, however, the artist retains ownership of copyright in the preliminary design, design and artwork. This means that the artist has the exclusive right to reproduce, publish and communicate the preliminary design, design and artwork to the public. The commissioner may only reproduce the artwork for certain limited purposes without further payment.

If the artwork is created by an Aboriginal or Torres Strait Islander artist and it contains or refers to Indigenous objects, knowledge or works, the [Indigenous Cultural and Intellectual Property \(ICIP\)](#) must be considered. Protocols have been developed by the Australia Council, which describe appropriate ways of using Indigenous cultural material, and interacting with Indigenous artists and Indigenous communities: [Visual Arts: Protocols for producing Indigenous Australian Visual Arts](#).

The protocols are not legally binding unless inserted into a contract, however, Arts Law strongly urges anyone dealing with works which embody ICIP to act consistently with the protocols.

Photography of the artwork

The Agreement gives the commissioner the right to reproduce the artwork for certain limited purposes (marketing, archival purposes) without further payment.

However, section 65 of the *Copyright Act 1968* (Cth) allows anyone to make reproductions of sculptures and certain other artworks permanently on display in a public place (eg. painting, drawing, engraving or photograph of artwork or including it in a broadcast), including for commercial purposes, without payment to the artist or infringing the artist's copyright. This means that if the artwork is subject to clause 65, the commissioner will be able to use the images for purposes other than those specified in the Agreement.

Moral Rights

Moral rights are rights that are personal to the author of an artwork and include the right of the author to be named as the creator of the work, the right of the author to prevent others to be named as creators of the work and the right of the author to ensure his work is not subjected to derogatory treatment. Arts Law has developed an information sheet on [Moral rights](#).

The Agreement requires the commissioner to attribute the author of the work, and if the artwork involves the use of ICIP, the custodial interest of the community. This is subject to the author's right to have any notice identifying him with the artwork removed where the artwork is completed by another artist, where another artist performs repairs to or restoration of the artwork, or where the commissioner alters, modifies or relocates the artwork.

In the event of destruction, removal, deaccession or relocation of the artwork, the Agreement requires compliance with section 195AT of the *Copyright Act 1968* (Cth). This section requires the person who wishes to destroy, remove or relocate the artwork to give the author a reasonable opportunity to remove the work from the place where it was situated, or a notice stating the person's intention to carry out the above acts and an opportunity for the author to seek and have access to the artwork for the purpose of making a record of the work, or consulting with the person about the intended acts.

Resale Royalty Right for Visual Artists Act 2009

If the artwork is sold to a third party during the term of the artist's copyright in the artwork, the Agreement provides that the commissioner is required to pay the artist a resale royalty of 5% of the sale price when eligible artworks are sold commercially for \$1000.00 or more during the artist's life or for a period of 70 years after the artist's death. The [artists' resale royalty scheme](#) is managed by the

[Copyright Agency/Viscopy](#). For more information on resale royalties, refer to Arts Law's Information sheet [Resale royalty rights for visual artists](#).

Liability and insurance

The Agreement allows the parties to agree on who will bear the risk of the artwork being lost or damaged during various stages of the creation process. It would usually be the party who has the greatest level of control over the artwork at that stage and this depends on whether the artwork is created on the commissioner's premises or not. Under the Agreement, both parties must maintain public liability insurance in relation to any artwork created on their premises. Arts Law's information sheet on [Liability and insurance](#) provides further information on various types of insurance.

Disputes

The Agreement requires the party who wants to access the dispute resolution procedure to first send a written notice of the dispute to the other party. The parties are required to act in good faith in attempting to resolve the dispute themselves. However, if this is not possible, then the parties must attend mediation arranged through Arts Law mediation service. Mediation is an informal and less expensive process of dispute resolution where a facilitator encourages the parties to negotiate a resolution which is acceptable to them. Only after the parties have attempted mediation can either of the parties commence court proceedings. For further information on mediation, see Arts Law's [Alternative Dispute Resolution and the Arts Law Mediation Service](#).

Information on the Arts Law site includes some articles related to sculpture

It is very important that all parties have a clear understanding of their rights and obligations in the process of public art commission and it is preferable to have terms of the agreement set out in writing. In addition to this information sheet, there is other valuable information on commissioning artworks on the Arts Law's website, including the following case studies:

[A Cancelled Commission Case Study](#)

Victor Cusack, "Man, Time, and the Environment" - [Negotiating with Councils](#)

The Town of Victoria Park: [Best Practice in Public Art](#)

Further information

Arts Law publishes '*Visual Artists and the Law*' by Shane Simpson. 3rd Edition by Annabel Clemens (2013) in [EPUB format](#), [MOBI format](#) & [eBook - PDF format](#); which provides a commentary on: the basics of copyright (Ch 1); trading copyright (Ch, 2); protecting your copyright (Ch 3); moral rights (Ch 4); contracts (ch 5); collecting societies (Ch 7); resale royalties (Ch 8); securities, sales and galleries (Ch 9); art and the internet (Ch 10); Aboriginal and Torres Strait Islander artists (Ch 11); photography (Ch 12); sculptures (Ch 13); design (Ch 14); insurance and liability (Ch 16); debt (Ch 17); tax and super (Ch 18).

Arts Law publishes: Catherine Fargher and Seth Richardson, [The Arts Insurance Handbook](#): A Practical Guide for Artists and Arts Organisations, 2nd ed., Arts Law Centre of Australia, 2005.

You can find information about copyright at the [Australian Copyright Council](#) website, including:

- An introduction to Copyright in Australia
- Artists & Copyright
- Assigning & Licensing rights

- Street Art and Copyright

Need more help?

Contact Arts Law if you have questions about any of the topics discussed above

Telephone: (02) 9356 2566 or toll-free outside Sydney 1800 221 457

Also visit the [Arts Law website \(www.artslaw.com.au\)](http://www.artslaw.com.au) for more articles and information sheets

Disclaimer

The information in this information sheet is general. It does not constitute, and should be not relied on as, legal advice. The Arts Law Centre of Australia (**Arts Law**) recommends seeking advice from a qualified lawyer on the legal issues affecting you before acting on any legal matter.

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The Arts Law Centre of Australia has been assisted by the Commonwealth Government through the Australia Council, its arts funding and advisory body.



Australian Government



POLICY REGISTER

LEAVE FOR CIVIL EMERGENCIES POLICY

Policy adopted: Minute No.

Reviewed:

File Ref: P13-1, S12-1

DOCUMENT CONTROL

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox 10th August 2020	First Edition	Council Minute No. (20XX)

DRAFT

BACKGROUND

Policies, Procedures and Guidelines

Warren Shire Council (WSC) recognises that its workers who are active members of Civil Emergency Services such as the Bushfire Brigade or the State Emergency Service or other similar organisations may be called on from time to time to assist with responding to and assisting people affected by civil emergencies caused by bushfires, storms, floods or other events.

OBJECTIVE

The objective of this policy is to establish guidelines for granting leave to workers who are active members of voluntary emergency services so they can assist in managing emergencies outside of the Warren Shire Area.

DEFINITION

“Worker” in the context of this policy has the same meaning as that in the Work Health and Safety Act 2011.

SCOPE

This policy applies to all WSC workers who are volunteer members of recognised emergency response organisations.

The policy does not apply to workers who receive wages from the emergency organisation that they represent nor does it apply to an emergency in a neighbouring shire that has a direct effect on this Council (e.g. a bush fire that threatens properties in this Shire).

Civil emergencies leave to be approved by the General Manager.

POLICY

Workers who are volunteers in a recognised emergency response organisation will be granted two (2) days paid leave per annum when there is a declared emergency outside of this Shire so that they can assist in managing the emergency.

Leave beyond this period may be taken from the employees’ other leave entitlements. Leave without pay will not be granted.

WSC may choose not to grant this leave if an employee’s absence will cause exceptional inconvenience or hardship in the workplace or will jeopardise the safety or security of WSC operations, other employees or the public.

WSC may require an employee who has taken leave for a civil emergency to provide proof of fitness before resuming normal duties.

A recognised emergency is where there is some kind of independent or official notification (e.g. Government declared disaster or Rural Fires Act S44 event).

GENERAL MANAGER

POLICY REGISTER

STAFF RELOCATION ASSISTANCE POLICY

Policy adopted: Minute No.

Reviewed:

File Ref: P13-1, S12-1

DOCUMENT CONTROL

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox 10th August 2020	First Edition	Council Minute No. (20XX)

DRAFT

BACKGROUND

Warren Shire Council acknowledges that to attract key staff, assistance in relocation is required.

To assist staff appointments and the relocation from areas outside of Warren Shire to within Warren Shire Council area only.

OBJECTIVE

The objective of this policy is to establish guidelines for granting financial support to workers who are employed from outside of the Warren Shire Area.

DEFINITION

“Worker” in the context of this policy has the same meaning as that in the Work Health and Safety Act 2020.

SCOPE

This policy only applies to positions agreed to by the General Manager at the time of appointment where the employee is in a Manager or Senior Manager role, or that to attract an employee due to the scarcity of a trade.

The policy does not apply to workers who are existing residents or own a residence in Warren Shire Council area or where no authorisation from the General Manager at the time of appointment has been received.

POLICY

This policy only applies to new appointments of workers in the category of Manager, Senior Manager, General Manager or an employee who holds a trade qualification that has been advertised by Council to seek a worker who is in a critical position in Council.

The General Manager will authorise in writing only the workers to whom this policy applies and will base this decision on the scarcity of applications for a position, the need to attract a high quality applicant or worker, the distance that a worker shall relocate from and the overall organisational need for the employee.

1. The General Manager may authorise up to a maximum of 75% or \$5,000 including GST of the quoted removal cost in accordance with 2(a), to allow a worker who has agreed to be appointed, assistance to relocate.
2. Warren Shire Council will only make this payment on the following basis:
 - a. That Council issues an order for an approved removal company to move the worker;
 - b. That the worker agrees to pay to Council any costs above the agreed amount payable by Council. This repayment will be paid weekly over an agreed period but no longer period than 18 months;
 - c. That the worker enters into an agreement that if the worker leaves Council employ within 6 months of the relocation that they will repay the full amount paid by Council for the relocation;
 - d. That the worker agrees that if they leave Council within 12 to 18 months of the relocation that they will pay 50% of the costs paid by Council for the relocation; and
 - e. That after a period of 18 months employment Council will not require any repayment by the worker.

3. That Council will not make any payment towards relocation other than through an order to a moving company and when evidence is presented by that approved company that furniture or other items have been moved to an address within Warren Shire Council.
4. That no payments will be made for a worker to move to an address outside of Warren Shire Council area at anytime prior to employment or during appointment as a worker.
5. Council will not agree to any cash payment made to an employee who moves themselves.

DRAFT

WARREN SHIRE COUNCIL
 Report of the General Manager
 to the Ordinary Meeting of Council held in the Warren Sporting
 and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 1 OUTSTANDING REPORTS CHECKLIST (C14-7.4)

Date	Resolution or Qwn	Outstanding Matter	Officer Resp	Response/Action
Mayor				
*23.7.20	140.7.20	General Manager End of Contract	Mayor	A consultancy service for the employment of a General Manager has been engaged.
General Manager				
28.5.20	92.5.20	Purchase of Public Land for Toilet	GM	Contract and Subdivision Linen to be registered.
*25.6.20	127.6.20	Warren War Memorial Swimming Pool Shade Covers	GM	Shade covers have been ordered, footings have been bored and set. Shade shelters will be installed between the 14th – 18th September 2020.
*23.7.20	141.7.20	Draft MOA – Windows on Wetlands Committee	GM	Council Workshop held on the 12th August 2020.
*23.7.20	141.7.20	Draft MOA – Warren Youth Foundation	GM	Council Workshop held on the 12th August 2020.
*23.7.20	142.7.20	Warren Splash Pad Design and Construct, RFT T08/2020	GM	Tender accepted.
*23.7.20	146.7.20	Independent Planning Commission (IPC) Hearing Narrabri Gas Project	GM	Written submission submitted to the IPC on the 4th August 2020.
Divisional Manager Finance and Administration Services				
*23.7.20	145.7.20	Donation Request – Warren Museum & Gallery Assoc. Inc.	DMFA	Warren Museum & Gallery Assoc. Inc. advised of Council's decision.
Divisional Manager Engineering Services				
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 currently on hold.
6.12.18	287.12.18	Mount Foster Quarry Usage Proposal	DMES	The EPA require additions to the surface stormwater plan and have specified that the additional works are to be completed. So as to enable additional production authority must be sought to “drill and blast”

WARREN SHIRE COUNCIL
Report of the General Manager
to the Ordinary Meeting of Council held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 1

OUTSTANDING REPORTS CHECKLIST

CONTINUED

Date	Resolution or Qwn	Outstanding Matter	Officer Resp	Response/Action
Divisional Manager Engineering Services			Continued	
		Mount Foster Quarry Usage Proposal Continued		and consequently a DA must be lodged seeking approval to drill and blast. The DA will be subject to a new scope of operations. Once these have been agreed to the EPA will amend the quarry licence certifying full operations. The approval to “drill and blast” is being pursued. The matter will be issued to the Plant Committee once resolved. This project currently on hold.
27.6.19	129.6.19	Warren Levee Bank Rehabilitation	DMES	<ol style="list-style-type: none"> 1. Seek funding as soon as practical; 2. Arrange a relevant component project team; 3. Arrange an appropriate budget in the annual estimates; 4. Implementation of the recommendations contained within the NSW Public Works Report Number DO/13/02 Visual Audit of the Warren Levees (North and South) dated 6 November 2013 is in progress; 5. Utilise the specific issues detailed within the 6 November 2013 Visual Audit Report be used to form the basis of the next inspection of the Warren Town Levee as required in the Warren Levee Operations and Maintenance Manual. This project currently on hold.

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ITEM 1 OUTSTANDING REPORTS CHECKLIST CONTINUED

Date	Resolution or Qwn	Outstanding Matter	Officer Resp	Response/Action
Divisional Manager Engineering Services			Continued	
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.
5.12.19	270.12.19	Mt Foster Quarry Usage Proposal	DMES	Tender closed, reported to March 2020 Plant Committee Meeting. This project currently on hold.
Manager Health & Development				
27.6.19	136.6.19	Warren War Memorial Swimming Pool Refurbishment Grant	MHD	Work has been completed on separating the wading pool filtration and chlorination from the main pool. Work commenced to install main pool filtration units, new pipes, new electricals. New concrete concourse, shade sails ordered and general repairs to fibreglass lining and painting contracted.
5.12.19	272.12.19	Shade structures at Warren War Memorial Swimming Pool	MHD	Drought funding allocated and order written to install.
27.2.20	36.2.20	Draft Plans of Management	MHD	1. Council assign categories of Community Land as detailed in report. 2. Notify Minister 3. Seek Ministerial consent to classify Crown Reserves as identified as operational land
26.3.20	58.3.20	Targeted Earlier Intervention	MHD	1. Awaiting on Service Agreement and Schedule for contract. 2. Initiate trial MOU with the Warren Youth Group.

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ITEM 1 OUTSTANDING REPORTS CHECKLIST CONTINUED

Date	Resolution or Qwn	Outstanding Matter	Officer Resp	Response/Action
Manager Health & Development				Continued
*28.5.20	86.5.20	Placement of St Mary's School building rubbish being placed in the general section of the waste depot	MHD	Unsorted waste fee levied.

RECOMMENDATION:

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

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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

DATE	COMMITTEE / MEETING	LOCATION
28.07.2020	Warren Public Arts Committee	Warren
6.08.2020	Traffic Committee	Warren
6.08.2020	Airport Committee	Warren
12.08.2020	Sporting Facilities Committee	Warren
12.08.2020	Council Workshop	Warren
13.08.2020	Interagency Support Services Meeting	Warren
14.08.2020	MERC Executive Meeting	Teleconference
18.08.2020	Manex Committee	Warren

FUTURE MEETINGS NOT ON MEETING SCHEDULE

DATE	COMMITTEE / MEETING	LOCATION
6-8.10.2020	LGNSW Water Management Conference	Narrabri
22-24.11.2020	LGNSW Annual Conference 2020	Lovedale
16-18.11.2020	National Local Roads and Transport Congress 2020	Wrest Point, Tasmania

RECOMMENDATION:

That the information be received and noted.

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ITEM 3

**DRAFT MEMORANDUM OF AGREEMENT – WINDOWS ON WETLANDS
COMMITTEE**

CONTINUED

VI. RESPONSIBILITIES OF RiverSmart Australia Ltd

DESCRIBE THE RESPONSIBILITIES OF RiverSmart Australia Ltd UNDER THIS AGREEMENT

- RiverSmart will work with Council to create, implement, monitor and evaluate annual work plans that identify specific objectives and activities of interest to both Partners particularly in relation to the Macquarie River and Marshes and the WOW Centre;
- Assign volunteers from RiverSmart to work with Council, and with other partners of Council, or with other regional or local organisations, to conduct activities agreed upon by both parties, to assure that work is completed in accordance with the approved Work Plan.
- Provide an up to date education, recreation and cultural heritage venue that promotes Warren Shire Council area and highlights the Macquarie Marsh as a traveler destination;
- Provide tourism advice on tourism trails both within Warren Shire Council and adjoining areas that promote return visitation.
- Help promote all businesses within Warren Shire that provide education of aquatic and floodplain biodiversity, provide accommodation, food or general leisure activities.
- Maintain the buildings and other structures at the WOW Centre in accordance with annual work plans.
- RiverSmart shall provide an annual statement of accounts indicating the expenditure of funds in accordance with the agreed annual work plans.
- RiverSmart shall provide to Council a copy of its insurances for public liability and volunteers annually.
- RiverSmart shall make two (2) presentations to Council annually of short duration to explain how it is meeting its commitments under the MOA and discuss with Council works required or partnership arrangements. (Talk will be no longer than 20 minutes)

VII. DUE DILIGENCE

The Council may request copies of documents to ensure that RiverSmart meets appropriate standards of capacity, competence, and financial accountability.

These documents include but are not limited to the following: a list of the names of all its Board members, copies of RiverSmart's Constitution, Vision and Mission Statements.

RiverSmart agrees to notify the responsible authority under Australian and State Government law and its PARTNER immediately of any change in RiverSmart's status or operations, or if any official judicial, legislative, or administrative proceeding is instituted against RiverSmart.

VIII. PRINCIPAL CONTACTS

The Principal Contacts for each one of the organizations is:

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ITEM 3 DRAFT MEMORANDUM OF AGREEMENT – WINDOWS ON WETLANDS COMMITTEE CONTINUED

The individuals signing this MOA on behalf of their respective entities represent and warrant (without personal liability therefor) that upon the signature of each, this MOA shall have been duly executed by the entity each represents.

XI. MEETINGS

The Partners may undertake to meet biannually. The meetings of the Partners are to discuss the Work Plan, the terms of this MOA and to share advice on the development of tourism and educational outcomes.

A strategic planning meeting shall be held in the ultimate six-month period of the Work Plan to develop a new Work Plan for consideration and agreement by the Partners under Clause X. of this MOA.

XII. TRANSFER OF FUNDS.

The parties acknowledge and agree that this MOA does not create any financial or funding obligation on either party, and that such obligations shall arise only upon joint execution of a subsequent agreement or Work Plan (which shall include a budget) that specifically delineates the terms and nature of such obligations and that references this MOA. Such subsequent agreements or Work Plans, and budgets, will be subject to funding being specifically available for the purposes outlined therein. All PARTNER funds are further subject to the respective PARTNER's obligation to expend PARTNER funds solely in accordance with the agreed upon budget and the line items contained therein.

XIII. NO JOINT VENTURE

Notwithstanding the terms "Partners" and "Partnership", the Partners agree that they are not entering into a Legal Partnership, joint venture or other such business arrangement, nor is the purpose of the Partners to enter into a commercial undertaking for monetary gain. Neither Partner will refer to or treat the arrangements under this Agreement as a Legal Partnership or take any action inconsistent with such intention.

XIV. DISPUTE RESOLUTION

The Partners hereby agree that, in the event of any dispute between the Partners relating to this Agreement, the Partners shall first seek to resolve the dispute through informal discussions. In the event any dispute cannot be resolved informally within sixty (60) calendar and consecutive days, the Partners agree that the dispute will be negotiated between the Partners through mediation, if Partners can agree on a mediator. The costs of mediation shall be shared equally by the Partners. Neither Partner waives its legal rights to adjudicate this Agreement in a legal forum.

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ITEM 3 DRAFT MEMORANDUM OF AGREEMENT – WINDOWS ON WETLANDS COMMITTEE **CONTINUED**

ENTIRETY

This Agreement, including all Annexes, embodies the entire and complete understanding and agreement between the Partners and no amendment will be effective unless signed by both Partners.

FOR: WARREN SHIRE COUNCIL **FOR: RIVERSMART AUSTRALIA LTD**

[NAME] _____

[TITLE] [TITLE]

Date: _____ _____

Attorney Date

To Expire: _____ (insert date)

_____ _____

Witness Date Witness Date

_____ _____

Witness Date Witness Date

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ITEM 3 DRAFT MEMORANDUM OF AGREEMENT – WINDOWS ON WETLANDS COMMITTEE CONTINUED

SCHEDULE A: TO THE MEMORANDUM OF AGREEMENT DATED ##/08/2020

Work Plan as Reference by Clause(s) V and VII of the Memorandum of Agreement (MOA)

The following Work Plan has been agreed by the Partners to the MOA and is dated ##/08/2020.

This Work Plan shall cover the period ##/08/2020 to ##/08/2025 as per Clause X of the MOA and shall not be amended, altered or undertaken as an agreement to perform work or provide funding or services other than those stated in the work plan, with the exception, that the work plan may be amended or waived by mutual written agreement by both Parties under Clause X.

This Work Plan has been divided into two sections being, General Commitment and Financial Commitment.

Section 1: General Commitment

Agreed Action	RiverSmart Responsibility	Warren Shire Council Responsibility
1. Provide letters of support for grant applications that develop regional tourism.	✓	✓
2. Provide support for grant applications and assist each other to prepare the grants as and when required.	✓	✓
3. Widen the driveway access from the Oxley Highway into the WoW Centre		✓
4. Council will only maintain the lawn areas along the highway and levy wall		✓
5. RiverSmart will maintain the lawns within the display area and/or around the buildings	✓	
6. Oversight and management of proposed future developments of the Window on the Wetlands Centre (and Kookaburra Kiosk) as a primary meeting place, tourism, educational and cultural heritage asset for Warren Shire.	✓	
7. Council will include a new pedestrian access pathway from Gillendoon Street to the WoW Centre within its Pedestrian Access and Mobility Plan and will seek grant funding under the footpaths program when available		✓

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ITEM 3 DRAFT MEMORANDUM OF AGREEMENT – WINDOWS ON WETLANDS COMMITTEE CONTINUED

Agreed Action	RiverSmart Responsibility	Warren Shire Council Responsibility
8. Assist with seeking and developing grants for the implementing the relevant parts of this Work Plan.	✓	✓
9. Provide assistance with developing a plan of management for Tiger Bay Wetlands.	✓	
10. Provide advice with weed control and other measures to improve the ecology and amenity values of the Macquarie River from weir to weir.	✓	
11. Council make an annual contribution to the repair and maintenance of buildings, roadways and general enhancements of \$8,500 plus CPI annually		✓
12. Council will undertake maintenance of the walking trails in and around tiger Bay and on the leased lands		✓
13. Addition of solar lighting for the information shelters and pathways	✓	
14. Fit-out of the Schoolhouse building to function as a Visitor Information Centre for the Macquarie Marshes and Macquarie Valley Trails;	✓	
15. Creation of a drive-through information bay with signage at Marra Hall, subject to Marra Community approval. Grant funded only	✓	✓
16. Installation of a bird viewing platform at the Monkeygar Creek Crossing subject to 100% funding.	✓	✓
17. Investigate Regional Funding options for improving access through the Monkeygar Creek Crossing potentially leading to future works, depending on recommended options, costs etc.		✓
18. Council supports a sculpture trail subject to the trail being considered by Councils Public Arts Committee.	✓	✓
19. Explore opportunities and funding sources for creating a network of trails to link the existing cycleways, using levee banks and other roadways, to support healthy lifestyles for active locals and for travellers to explore the town and its points of interest.	✓	✓

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ITEM 3 DRAFT MEMORANDUM OF AGREEMENT – WINDOWS ON WETLANDS COMMITTEE CONTINUED

Section 2: Financial Commitment

Action	RiverSmart Responsibility and year	Budget \$	Warren Shire Council Responsibility and year	Annual Budget \$
1. Upgrade the entrance driveway to the WOW Centre land and seal entry.			2021	\$25000
2. Undertake lawn mowing of the larger lawn areas			Ongoing	\$5000
3. Council to pay for general rates and non-commercial water usage			Annual	\$2000
4. Riversmart (lease) to pay commercial water usage and sewerage charges and Payments for electricity used in the Kookaburra Kiosk (note - this is on a separate meter).	Ongoing			
5. Council will provide a payment quarterly to be used for the centres costs, development and maintenance of buildings and other structures at the WOW Centre			Annual - Subject to Asset Plan	\$6000
6. Regular grading and pothole repairs to the entrance road.			Ongoing	\$500
7. Addressing site drainage issues including on the right hand-side of the entrance road.			See Item 1 above	
8. Provision of road base/blue metal and crusher dust to weatherproof car parking areas and garden paths, respectively			Ongoing	\$500

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ITEM 3 DRAFT MEMORANDUM OF AGREEMENT – WINDOWS ON WETLANDS COMMITTEE CONTINUED

Action	RiverSmart Responsibility and year	Budget \$	Warren Shire Council Responsibility and year	Annual Budget \$
9. Regular weed spraying and pot hole repairs to the walking trails around Tiger Bay Wetlands.			Ongoing	\$500
10. Installation of traffic warning signs where pedestrians cross the Oxley Highway when on the Tiger Bay Wetlands walk.			Seek RMS Approval through Traffic Committee. Signage	\$1000
11. Measures to prevent car movements along the levee beside the Kookaburra Kiosk, which is also now a walking trail of the Tiger Bay Wetlands.			Install barriers as required each end of levee wall section.	\$1200

Note:

1. Council costs are subject to Councils approval within the budget 2020/21 and future years.
2. Grant funded projects shall be included in Councils budget if contributory funding is required. Grants requiring Council contributions can not be made unless Council has matching funding.

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**DRAFT MEMORANDUM OF AGREEMENT – WINDOWS ON WETLANDS
COMMITTEE** **CONTINUED**

- Upgrading the road into the top weir to encourage paddlers.
- Creating a network of trails for walkers, joggers, cyclists, bird watchers etc that link the existing three 'dead end' trails.
- An appropriate mural painting of the green water tower that helps position Warren as THE gateway to the Macquarie Marshes, possibly including a night time option as well.

Thank you for the opportunity to provide this input to the considerations of Council.
If required, I would be happy to attend your next meeting to elaborate further.

Regards,



Dr Bill Phillips

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ITEM 4 DRAFT MEMORANDUM OF AGREEMENT – WARREN YOUTH FOUNDATION
(C3-3.4)

RECOMMENDATION:

1. That Council enter into a MOA with the Warren Youth Foundation subject to the following;
 - a. That the Warren Youth Foundation make two (2) presentations annually to Council to update Council on the development and progress of the youth centre and its activities.
 - b. That Council will support any proposed development works if legally allowed and in line with zoning requirements.
 - c. That Council will provide advice as to the Community Builders Funding Program that will assist in the hiring of community facilities.
 - d. That Council will partner in the review and submission of grant applications.
 - e. Council will make an annual donation of Rates, and Water and Sewerage Charges.

PURPOSE

This report has been prepared as Warren Youth Foundation would like to enter a Memorandum of Agreement (MOA) with Warren Shire Council to support youth services.

BACKGROUND

The Warren Youth Foundation has prepared the attached draft agreement.

REPORT

This report has been prepared to consider the Memorandum of Agreement (MOA) between Council and the Warren Youth Foundation and to work collaboratively to develop youth activities, education and to support applications for grant funding that will provide benefits to the extended community.

The MOA places obligations on both Council and the Warren Youth Foundation to agree to meet financial costs, support each other in the development of grant applications, develop youth activities and outcomes and to support education.

This would be the first MOA with Warren Youth Foundation.

FINANCIAL AND RESOURCE IMPLICATIONS

Within the MOA, Council and the Warren Youth Foundation have financial commitments and undertakings as listed in the Agreement.

Council under the Agreement will provide annual funding towards direct costs of rates, water, sewer and other works.

Council will need to include these ongoing costs within its annually adopted Financial/Operations Plan.

The Warren Youth Foundation will fund activities and improvements as contained in the Agreement.

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ITEM 4 DRAFT MEMORANDUM OF AGREEMENT – WARREN YOUTH FOUNDATION
CONTINUED

LEGAL IMPLICATIONS

This Agreement is binding on both parties to the extent stated within the MOA.

RISK IMPLICATIONS

Risk is addressed in the MOA through the agreed outcomes and structure of the MOA. A Committee of Councillors should assess the supplied MOA and review its performance.

The MOA is clear within its intent for both parties and by working collaboratively a higher level of joint satisfaction can be achieved and risks can be lowered.

STAKEHOLDER CONSULTATION

It is proposed that Council meets with the Warren Youth Foundation to discuss the MOA.

The MOA is a public document and the community can view this document on request.

Reference to this MOA should be included in Council's audit statements and advice to the Government on term agreements as applicable.

Council's approved Community Strategic Plan contains strategies to support youth.

OPTIONS

This report proposes a meeting between the groups to establish a productive MOA.

CONCLUSION

The attached draft MOA is presented to Council to allow review and discussion between the two (2) parties.

This report recommends the establishment of a Committee to discuss, review and assess the performance of the MOA.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

- 1.2.1 Investigate options available looking to develop a solution that can provide leadership and coordination of actions to assist all youth.
- 1.2.2 Promote to youth Warren facilities and activities available
- 1.2.3 Development of traineeship programs to retain youth
- 1.2.4 Investigate initiatives in creating employment for youth.

SUPPORTING INFORMATION /ATTACHMENTS

Draft Memorandum of Agreement.

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ITEM 4

DRAFT MEMORANDUM OF AGREEMENT – WARREN YOUTH FOUNDATION

CONTINUED

**MEMORANDUM OF AGREEMENT
BETWEEN
WARREN SHIRE COUNCIL
AND
WARREN YOUTH FOUNDATION**

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ITEM 4 DRAFT MEMORANDUM OF AGREEMENT – WARREN YOUTH FOUNDATION
CONTINUED

1. **PROPOSED RESPONSIBILITIES OF THE COUNCIL**

DESCRIBE PARTNER'S RESPONSIBILITIES UNDER THIS AGREEMENT

- Council will look to support any proposed development works if legally allowable and in line with zoning requirements. This may include the provision of a shade shelter.
- Council will help Warren Youth Foundation (WYF) ascertain quotes to insure the WYF building.
- Council will help WYF by providing free use of council premises for event purposes on 12 occasions per annum. Namely the Warren War Memorial Swimming Pool and Warren Sporting and Cultural Centre will be made available on mutually agreed dates and times agreed in advance.
- Council will partner in the review and submission of grant applications.

DESCRIBE WARREN YOUTH FOUNDATION RESPONSIBILITIES UNDER THIS AGREEMENT

- Provide a non-judgemental safe haven for 11-20 year old's to access.
- Within the Warren Youth Centre provide activities such as cooking, pool table, board games, music activities, arts and crafts and music nights to engage the 11-20 year old population.
- Provide free access to internet and homework assistance.
- Mentoring, guidance and advice to the adolescents who attend.
- Partnership with local clubs on sports and club events.
- Discovering barriers in youth education and helping resolve the issues before they become a lifelong problem.
- Promote to youth Warren facilities and activities available.
- Assist and support development of traineeship programs to retain youth.
- Assist and support initiatives in creating employment for youth.

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ITEM 4 DRAFT MEMORANDUM OF AGREEMENT – WARREN YOUTH FOUNDATION
CONTINUED

2. PRINCIPAL CONTACTS

The Principal Contacts for each one of the organisations are:

Partner: Warren Shire Council
 The General Manager
 115 Dubbo Street Warren
 Postal Address: PO Box 6 Warren NSW 2824
 Telephone: 02 6847 6600

PARTNER: Tony McAlary

Such Principal Contacts may be changed in writing from time to time by their respective Partners.

3. USE OF INTELLECTUAL PROPERTY

The parties agree that any intellectual property, which is jointly developed through activities covered under this MOA, can be used by either party for non-profit, non-commercial purposes without obtaining consent from the other and without any need to account to the other.

All other intellectual property used in the implementation of the MOA will remain the property of the party that provided it. This property can be used by either party for purposes covered by the MOA, but consent will be obtained from the owner of the property before using it for purposes not covered by the MOA.

4. EFFECTIVE DATES AND AMENDMENTS.

This MOA shall take effect upon signing by both Parties and shall remain in effect for a period of two (2) years from that date unless earlier terminated. Neither party may assign or transfer all or any portion of this MOA without the prior written consent of the other party.

The MOA may be renewed at the end of this period by mutual written agreement by both Parties.

The provisions of this MOA may only be amended or waived by mutual written agreement by both Parties.

Any Party may terminate this MOA and any related agreement, workplan and budget at any time and for any reason by giving thirty (30) days prior written notice to the other Party.

The individuals signing this MOA on behalf of their respective entities represent and warrant (without personal liability therefore) that upon the signature of each, this MOA shall have been duly executed by the entity each represents.

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ITEM 4 DRAFT MEMORANDUM OF AGREEMENT – WARREN YOUTH FOUNDATION
CONTINUED

5. NO JOINT VENTURE

Notwithstanding the terms “Partners” and “Partnership”, the Partners agree that they are not entering into a Legal Partnership, joint venture or other such business arrangement, nor is the purpose of the Partners to enter a commercial undertaking for monetary gain. Neither Partner will refer to or treat the arrangements under this Agreement as a Legal Partnership or take any action inconsistent with such intention.

Section 1: General Commitment

Agreed Action	Warren Youth Foundation Responsibility	Warren Shire Council Responsibility
1. Provide letters of support for grant applications that develop and support local youth.	✓	✓
2. Provide support for grant applications and assist each other to prepare the grants as and when required.	✓	✓

Agreed Action	Warren Youth Foundation Responsibility	Warren Shire Council Responsibility
3. Explore opportunities and funding sources for provision of resources to support the Warren Youth Foundation	✓	✓

Section 2: Financial Commitment

Action	Warren Shire Council Responsibility and year	Annual Budget \$	Warren Youth Foundation Responsibility per calendar year
1. Support the development of grant applications to support Warren Youth Foundation	As required	\$5000 (labour)	Submit grant applications to apply for applicable funding (Ongoing)
2. Council will provide free use of council facilities as set out below: Warren War Memorial Swimming Pool x8 times per annum Warren Sporting Complex x 4 times per annum	As required	\$1500	Host up to 12 events in 2021 that will seek to engage 11-20-year old's within the community.

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ITEM 5

WARREN AIRPORT WATER – LAND ACCESS AGREEMENT

(A2-16, W1-1)

RECOMMENDATION that:

1. The Council considers waiving the fee charged on rates notices for water access as compensation for allowing access to private property for the installation of the water main to Warren Airport.
2. Lot 258 DP755314 (Marks), Lot 202 DP755314 (Rose), Lot 217 DP755314 (Sandell) and Lot 4 DP844748 (Sandell).

PURPOSE

This report has been prepared to request that Council consider waiving the fee for water access to private property owners who have entered into an agreement with Warren Shire Council to allow access onto their properties for the installation of a water main from Warren township to the Warren Airport. By allowing Council access to these properties it has saved Council considerable time, money and difficult negotiation with John Holland, the operators of the rail corridor adjacent to the Oxley Highway.

BACKGROUND

The construction of the water main from town to the airport was funded by the Federal Government under Drought Funding Round 1. The construction of this water main guaranteed a continuous and reliable bore water supply, especially as the Well at the airport was to be closed under an order from the Natural Resources Access Regulator (NRAR). The most direct route for the water main was along the rail corridor but there were difficulties getting permission from John Holland, the rail corridor operator. Negotiations went to a point that John Holland would give Council access but only if Council paid a yearly rental of \$40,000. This rental would increase year to year. With this in mind, Council engineering staff looked at adjacent private properties along and close to the proposed route. Three property owners were contacted, and all agreed to allow access to Council for the water main to be constructed inside their boundary fences, adjacent to the rail corridor. A meeting was held with all of these property owners and some compensation was offered by Council, namely that we would enter into a formal Land Access Agreement and that access to town water would be made available to them at no cost. A water meter would be installed by Council, but each would pay for any water used only.

REPORT

This report is the result of each of the property owners having received a Rates Notice in 2020, where a Water Availability charge was being included, contrary to the Land Access Agreement to be finalised. The water availability charge is \$453 per financial year.

FINANCIAL AND RESOURCE IMPLICATIONS

The financial loss to Council is minimal in comparison to the fee demanded by John Holland, \$1,359 per year versus \$40,000 per year. There are no resource implications as any water used by the property owners is metered and will be paid for by each property owner.

LEGAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil.

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ITEM 5

WARREN AIRPORT WATER – LAND ACCESS AGREEMENT

CONTINUED

STAKEHOLDER CONSULTATION

Consultation has been undertaken between Council and each property owner and also Lovett & Green Pty Ltd.

OPTIONS

Nil.

CONCLUSION

Council has a reliable water supply to the Warren Airport, that would not have been possible without the agreement of private property owners adjacent to the rail corridor. This has allowed Council to complete this significant infrastructure asset and improve the viability of businesses at the Warren Airport and vicinity.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

- 1.4.3 Provide adequate protection from fires, other natural disasters and risks to public health and safety.
- 3.1.3 Maintain and enhance the local aerodrome and promote its use.

SUPPORTING INFORMATION /ATTACHMENTS

Nil.

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
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ITEM 1 RECONCILIATION CERTIFICATE – JULY 2020

(B1-10.16)

RECOMMENDATION

That the Statements of Bank and Investments Balances as at 31ST July 2020 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 31st July 2020.

INTERNAL LEDGER ACCOUNT RECONCILIATION

	Balance 30-Jun-20	Transactions	Balance 31-Jul-20
General	10,730,473.98	(1,456,481.49)	9,273,992.49
Water Fund	480,984.26	(20,460.18)	460,524.08
Sewerage Fund	2,615,862.58	15,800.47	2,631,663.05
North Western Library	10,186.91	(5,713.09)	4,473.82
Trust Fund	134,820.32	(525.18)	134,295.14
Investment Bank Account	(10,915,836.50)	(88.29)	(10,915,924.79)
	3,056,491.55	(1,467,467.76)	1,589,023.79

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 1

RECONCILIATION CERTIFICATE – JULY 2020

CONTINUED

BANK STATEMENT RECONCILIATION

Balance as per Bank Statement =	1,590,469.79
Add: Outstanding Deposits for the Month	35.00
Less: Outstanding Cheques & Autopays	(1,481.00)
	<hr/>
Balance as per Ledger Accounts less Investments =	<u>1,589,023.79</u>

INVESTMENTS RECONCILIATION

Investments as at 31st July 2020

No.	Institution	Amount	Term & Rate	Maturity Date
	National Australia Bank	415,924.79	Variable	On Call A/c
23	National Australia Bank	1,500,000.00	90 days @ 0.95%	17-Aug-20
24	National Australia Bank	1,500,000.00	90 Days @ 0.93%	18-Aug-20
25	National Australia Bank	1,500,000.00	90 Days @ 0.93%	24-Aug-20
26	National Australia Bank	3,500,000.00	90 days @ 0.90%	7-Sep-20
27	Macquarie Credit Union	1,500,000.00	91 days @ 1.20%	2-Sep-20
1	Macquarie Credit Union	1,000,000.00	180 Days @ 1.00%	30-Jan-21

TOTAL INVESTMENTS = 10,915,924.79

BANK AND INVESTMENT ACCOUNTS BREAKDOWN

Externally Restricted Funds Invested	5,325,000.00
Internally Restricted Funds Invested	6,716,000.00
2020/21 General Fund Operating Income & Grants	463,948.58
	<hr/>
TOTAL BANK & INVESTMENTS ACCOUNTS BALANCE =	<u>12,504,948.58</u>

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 Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 1 RECONCILIATION CERTIFICATE – JULY 2020

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 Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

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 13th August 2020 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 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

Statement of Rates and Annual Charges as at 13th August 2020.

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 2

STATEMENT OF RATES & ANNUAL CHARGES

CONTINUED

13TH AUGUST 2020

Name of Rate	NETT ARREARS 1st JULY \$	NETT LEVY \$	TOTAL RECEIVABLE \$	COLLECTIONS FOR YEAR		NETT ARREARS	
				AMOUNT COLLECTED \$	COLLECT AS % AGE OF TOTAL REC'ABLE	ARREARS AMOUNT \$	ARREARS AS % AGE OF TOTAL REC'ABLE
General Fund Rates	208,310	4,977,763	5,186,073	318,435	6.14%	4,867,638	93.86%
Warren Water Fund	49,372	468,148	517,520	59,220	11.44%	458,300	88.56%
Warren Sewerage Fund	61,270	493,198	554,468	58,590	10.57%	495,878	89.43%
TOTAL 2020/2021	318,952	5,939,109	6,258,061	436,245	6.97%	5,821,816	93.03%
TOTAL 2019/2020	178,732	5,771,913	5,950,645	239,154	4.02%	5,711,491	95.98%
TOTAL 2018/2019	128,294	5,601,676	5,729,970	263,541	4.60%	5,466,429	95.40%
TOTAL 2017/2018	125,675	5,453,646	5,579,321	292,677	5.25%	5,286,644	94.75%
TOTAL 2016/2017	137,085	5,346,993	5,484,078	419,301	7.65%	5,064,777	92.35%
		12-Aug-16	11-Aug-17	9-Aug-18	09-Aug-19	13-Aug-20	
COLLECTION FIGURES AS \$		419,301	292,677	263,541	239,154	436,245	
COLLECTION FIGURE AS %		7.65%	5.25%	4.60%	4.02%	6.97%	

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 3 INTERNAL RESTRICTED FUNDS AS AT 30TH JUNE 2020

(A1-5.38)

RECOMMENDATIONS:

That the transfer to/from internal restricted funds as at 30th June 2020 be noted and approved.

PURPOSE

To inform Council of the list of internal restricted funds as at 30th June 2020.

BACKGROUND

At the end of each accounting year funds voted for specific purposes or those to be carried forward are set aside or internally restricted. Council has full discretion on the allocation of any internal restrictions that must be fully cash funded.

REPORT

I have listed below a summary on each the internal restrictions as at 30th June 2020 which totals \$6,279,971.00 these funds are fully cash funded.

If any Councillor requires further explanation on any item regarding the internal restrictions prior to the council meeting, please contact either the Divisional Manager of Finance & Administration or the Treasurer.

Financial Assistance Grant - \$1,525,848 – Council received an advance payment of the 2020/21 grant from the NSW Grants Commission 27th May 2020.

Employees Leave Entitlements - \$400,000 - These funds have been restricted to cover a proportion of Council's discounted leave liability, which equates to 23.12% coverage.

Election Expenses - \$18,005 – These funds have been set aside each year to help cover the cost of the now 2021 Local Government Elections held.

Integrated Planning & Reporting – Asset Management Planning - \$69,532 - These funds have been restricted for costs associated in the development of plans and asset management system implementation required under the Integrated Planning & Reporting framework.

Public Liability & Professional Indemnity Insurance Claims Excess - \$25,000 - These funds have been restricted in the event of any major claims being lodged against Council, each insurance claim carries an excess of \$12,500.

Risk & WHS Management - \$75,825 – These funds are rebates received from our insurers for meeting their set targets over the years, they have been restricted to undertake various compulsory audits, reviews and implementation of Council's Risk Management & WHS responsibilities.

Emergency Management Planning - \$14,363 - These funds have been carried forward for the preparation/revision of the Warren Shire Emergency Plans.

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 3 INTERNAL RESTRICTED FUNDS AS AT 30TH JUNE 2020

CONTINUED

Ewenmar Waste Depot – Management Costs- \$23,500 - These funds have been carried forward for the initial set up of the possible manning of the Ewenmar Waste Depot.

Levee M&R – \$45,000 – Carryover funds for major levee maintenance works.

Natural Resource Management (NRM) - \$30,218 – Funds restricted for ongoing works on NRM projects.

Rural Addressing - \$5,516 – Funds carried forward to review rural addressing system.

CBD – Supply of Paint - \$3,237 – Funds carried forward for the supply of paint to CBD businesses.

Street Lighting – \$11,662 – Funds carried forward for a full review of street lighting with the possibility to converting to LED's.

Advertising & Booklet Printing - \$22,430 – Funds carried forward for the continued promotion of the shire through advertising and printing of booklets etc.

Economic Development Officer & Programs - \$20,000 – Funds carried forward for the Economic Development Officers & Programs.

Computer Hardware/Software Upgrades - \$61,840 – Funds carried forward for the replacement of computer and printer and hardware.

Council Chambers Improvements - \$1,266,360 – Balance of funds for the Council Chambers construction and offices renovation as adopted in the 2018/19 Operational Plan.

Dwellings – Specific M & R - \$31,741 - These funds have been restricted to undertake renewal works required on Councils dwellings.

Parks Improvement Program - \$66,480 – These funds have been carried forward for improvements to the playground areas in Councils' parks as per the report to the March 2017 Council Meeting.

CBD Improvements - \$93,690 – Funds carried forward for the CBD improvements in accordance with the Town Improvement/Promotions Committees recommendation to Council.

Urban Street Heavy Patching - \$192,383 – Funds carried forward for heavy patching of Cobb Lane as adopted in the 2018/19 Operational Plan.

Footpaths – XC Rated - \$7,800 – Funds carried forward for the renewal of XC Rated footpaths in the town and villages.

Kerb & Guttering – XC Rated - \$92,767 – Funds carried forward for the renewal of kerb & guttering in the town and villages.

Nevertire Streets Upgrade - \$50,000 – Funds carried forward for sealing of Gunningba, Cremorne & Narromine Streets in Nevertire.

Bridge Replacement - \$300,000 – Council's contribution for the Wonbobbie Bridge Replacement.

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 3 INTERNAL RESTRICTED FUNDS AS AT 30TH JUNE 2020

CONTINUED

Overflow Bridge – Major Repairs - \$85,000 – Funds carried forward from the 2019/20 Operational Plan to undertake major repairs on the bridge.

Operational Land Reserve - \$151,473 – Reserves set aside for the future development of Council operational land.

Infrastructure Improvement/Replacement - \$1,028,623 – These funds have been restricted for future improvements or replacement of Council's infrastructure assets, to be determined by Council.

Grant Application Co-contribution - \$14,250 – These funds have been included to offset any co-contributions required in grant applications submitted by Council, this will alleviate the need to juggle operational budgets to fund any successful application.

Plant Replacement – Heavy Plant - \$547,428 – Funds carried forward for Council's heavy plant replacement program.

FINANCIAL AND RESOURCE IMPLICATIONS

As these internally restricted funds are fully cash backed and are at the discretion of Council there are no financial implications, there may be resource implications if new projects are added to the annual operational plan requiring external parties to undertake projects.

LEGAL IMPLICATIONS

N/A

RISK IMPLICATIONS

N/A

CONCLUSION

This report is to provide a comprehensive listing of Council's internally restricted funds as at 30th June 2020.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

5.2.2 Timely and accurate reporting for efficient management and accountability.

SUPPORTING INFORMATION / ATTACHMENTS

Following is a full breakdown of transfers to and from the Internal Restricted Funds as at 30th June 2020.

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 3 INTERNAL RESTRICTED FUNDS AS AT 30TH JUNE 2020

CONTINUED

**WARREN SHIRE COUNCIL
INTERNALLY RESTRICTED FUNDS AS AT 30TH JUNE 2020**

DESCRIPTION	BALANCE	TRANSFERS		BALANCE
	30-Jun-19	TO	FROM	30-Jun-20
FAG Advance Payment	1,522,268	1,525,848	1,522,268	1,525,848
Employee's Leave Entitlements	400,000			400,000
Election Expenses	11,478	6,527		18,005
IP&R - Asset Management Planning	61,205	8,327		69,532
HR Policy & Procedures System	2,500		2,500	0
P.L.& P.I. Claims Excess	25,000			25,000
Risk & WHS Management Costs	38,751	37,074		75,825
Employees Overheads	72,700		72,700	0
Council Chambers - Specific M & R	10,214		10,214	0
Emergency Management Planning	14,363			14,363
Ewenmar Waste Depot - Management Plan	23,500			23,500
Levee M&R	13,000	32,000		45,000
Natural Resource Management Works	30,218			30,218
Rural Addressing	7,941		2,425	5,516
CBD - Supply of Paint	3,237			3,237
Street Lighting	11,662			11,662
Advertising the Area & Booklet Printing	22,430			22,430
Economic Development Programs	20,000			20,000
Computer Software/Hardware Upgrades	61,840			61,840
Council Chambers Construction	1,281,250	300,000	314,890	1,266,360
Depot Yard Upgrade	43,300		43,300	0
Dwellings - Specific M & R	31,741			31,741
Sporting Complex - External Storage	35,750		35,750	0
Victoria Park - Netball Courts	60,377		60,377	0
Parks Improvement Program	66,480			66,480
CBD Improvements	100,000		6,310	93,690
Urban Streets - Heavy Patching	196,000		3,617	192,383
Footpath Replacement - XC Rated	0	7,800		7,800
K&G Replacement - XC Rated	92,767			92,767
Nevertire Streets Upgrade	0	50,000		50,000
Wonbobbie Bridge Replacement	310,000		10,000	300,000
Overflow Bridge Major Repairs	0	85,000		85,000
Operational Land Reserve	96,900	54,573		151,473
Infrastructure Improvement/Replacement	767,623	261,000	0	1,028,623
Dwelling Replacement Reserve	478,163		478,163	0
Grant Fund Application Co-contributions	14,250			14,250
Plant Replacement - Light Vehicles	35,210		35,210	0
Plant Replacement - Heavy Plant	1,068,200		520,772	547,428
TOTAL RESTRICTED FUNDS =	7,030,318	2,368,149	3,118,496	6,279,971

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration to the Ordinary Meeting of Council to be held in the Warren Sporting and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 4 FINANCIAL REPORTS FOR THE YEAR ENDED 30TH JUNE 2020

(A1-5.38)

RECOMMENDATIONS:

1. That the necessary elected members and staff be authorised to sign the Statement by Councillors and Managements on the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ending 30th June 2020, and
2. Council delegate to the General Manager the authority to "authorise the Year End Accounts for issue" subject to there being no material audit changes or audit issues, in accordance with AASB 110, and
3. Council delegate to the General Manager the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public as required under Section 418 (1) of the Local Government Act, 1993.

PURPOSE

To endorse Warren Shire Council's 2019/2020 General Purpose Financial Statements and 2019/2020 Special Purpose Financial Statements by signing the Statement by Councillors and Management.

BACKGROUND

Section 413 – "*Preparation of financial reports*" – of the Local Government Act, 1993 requires Council to prepare financial reports for each year, and must refer them for audit as soon as practicable (having regard to the requirements of section 416 (1)) after the end of that year. Section 413 (2c) requires Council to include a statement in the approved form by the Council as to its opinion on the General Purpose Financial Report and the Special Purpose Financial Report.

REPORT

Attached are the approved statements that are required to be signed by the Mayor, one Councillor, General Manager and Responsible Accounting Officer before the Auditors can issue their Auditors Report of Councils accounts.

For Councillors information, Councils sub contracted auditors Nexia Australia conducted the audit of Councils accounts in the week commencing 24th August 2020, the audit was undertaken remotely due to COVID-19.

Section 418 – "*Public notice to be given of presentation of financial reports*"- of the Local Government Act, 1993 states:

(1) *As soon as practicable after a council receives a copy of the auditor's reports:*

(a) *it must fix a date for the meeting at which it proposes to present its audited financial reports, together with the auditor's reports, to the public, and*

(b) *it must give public notice of the date so fixed.*

(2) *The date fixed for the meeting must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor's reports are given to the council.*

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 4 FINANCIAL REPORTS FOR THE YEAR ENDED 30TH JUNE 2020

CONTINUED

With the strict timeframe from the date of receipt of the Auditors Report to when the public meeting must be held it is recommended that Council delegate to the General Manager the authority to "authorise the Year End Accounts for issue" subject to there being no material audit changes or audit issues, in accordance with AASB 110.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

STAKEHOLDER CONSULTATION

Nil

OPTIONS

Nil

CONCLUSION

For Council to receive the Auditors Reports on the 2019/2020 Financial Statements the Statement by Councillors and Management must be signed by resolution of Council.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

5.2.2 Timely and Accurate reporting for efficient management and accountability.

SUPPORTING INFORMATION /ATTACHMENTS

Copies of the Statements by Councillors and Management.

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 4 FINANCIAL REPORTS FOR THE YEAR ENDED 30TH JUNE 2020

CONTINUED

Warren Shire Council

General Purpose Financial Statements

for the year ended 30 June 2020

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 27 August 2020.

Dr Milton Quigley
Mayor
27 August 2020

Mr Brett Williamson
Councillor
27 August 2020

Mr Glenn Wilcox
General Manager
27 August 2020

Mr Darren Arthur
Responsible Accounting Officer
27 August 2020

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 4 FINANCIAL REPORTS FOR THE YEAR ENDED 30TH JUNE 2020

CONTINUED

Warren Shire Council

Special Purpose Financial Statements

for the year ended 30 June 2020

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement *'Application of National Competition Policy to Local Government'*,
- the Division of Local Government Guidelines *'Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality'*,
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 27 August 2020.

Dr Milton Quigley
Mayor
27 August 2020

Mr Brett Williamson
Councillor
27 August 2020

Mr Glenn Wilcox
General Manager
27 August 2020

Mr Darren Arthur
Responsible Accounting Officer
27 August 2020

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 5 LIBRARIAN'S REPORT ON THE WARREN SHIRE LIBRARY OPERATIONS

(L2-2)

RECOMMENDATION

That the information be received and noted.

PURPOSE

To inform Council of the services the Warren Shire Library has been undertaking.

BACKGROUND

The Warren Library continues to supply a customer focused service which constantly meets the needs of the Warren community, we are currently showing new direction and rebuilding after our closure with a new Outreach program and a revamp of our e-resources.

REPORT

Outreach

With the new restrictions caused by COVID 19 we have developed a new Outreach Program to address community needs. At this point of time our pre-school, day care centres and schools are not able to attend the library. The Outreach Program includes library staff visiting the following centres to provide story time, craft and in some cases loans of resources.

- Warren Pre – School
- Little Possums
- St Mary's
- Vacation Care

These services are provided during our Monday down time along with other online services. In the coming months we are hoping to provide additional services to this new program. The library has been successful with a Community Builders Grant to assist in providing this service.

E-Resources

The library has been focusing on acquiring additional e-resources, we have recently gone live with Indy Reads which is available via the North Western App and website.

We continue to be a part of the Central West Zone Borrow Box Consortia; the consortia has had some changes this year with Dubbo – Macquarie Library coming on board.

North Western Library member councils are continuing to support e-resources with all councils allocating an additional \$3000 per annum from State Library Priority Grant funding for the next 3 years.

Stig

The library will be hosting a visit from noted author and narrator Stig Wemyss on 23rd October 2020 provided it meets COVID 19 restrictions at the time. We will be visiting both schools and hosting workshops for all students in years 2-6. One of the main goals of this visit is to promote the Borrow Box e-book and e-audio solution along with membership of public libraries to all students.

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration to the Ordinary Meeting of Council to be held in the Warren Sporting and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 5 LIBRARIAN'S REPORT ON THE WARREN SHIRE LIBRARY OPERATIONS

CONTINUED

Tech Savvy Seniors Workshops

North Western Library was successful in obtaining funding of \$5819.00 from Telstra in conjunction with the State Library of NSW to enable the four libraries in our co-operative region to provide Tech Savvy for senior's workshops for our clientele.

The Tech Savvy sessions will be held at all North Western Library branches during the 2020 – 2021 financial year. Sessions will be held covering subjects such as the use of Ipads, smart phones and Cyber safety.

Meetings

North Western Librarians Meeting was held 29th July.

Central West Zone online meeting to be held 2nd September.

North Western AGM to be held in November at Warren.

Statistics for April 2020 – July 2020

Month	Issues	Clients	Internet	Wireless Internet	NW E-Books	NW E-Audio
April	390	68	CLOSED		697	540
May	357	76	CLOSED		661	537
June	647	365	1	5	565	420
July	931	628	24	42	699	426

Events

Event	Junior	Adults	Total Participants
Stem	10		10
Target Shooting Art	14		14
Library Outreach Program	266	13	279
Outreach Craft Bags	220		220
Senior Movies		10	10
Online Events			
Event	Engagement		
Online Storytime	978		
Online Makerspace	491		

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 5 LIBRARIAN'S REPORT ON THE WARREN SHIRE LIBRARY OPERATIONS

CONTINUED

LEGAL IMPLICATIONS

N/A

RISK IMPLICATIONS

N/A

STAKEHOLDER CONSULTATION

N/A

OPTIONS

N/A

CONCLUSION

This report is to provide Council with an update of Council Library Services.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

3.2.3 Provide a high-quality library service that meets the needs of the community.

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 Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 6 SALE OF LAND – NEVERTIRE – PART SEWERAGE TREATMENT WORKS

(S1-1.31/1)

RECOMMENDATION

1. That Council to sell approximately 30m X 30m of Lot 165 DP704130 in the amount of \$2,140.00 (Inc. GST) to Field Solutions Group for the construction of a telecommunications tower,
2. That Field Solutions Group be advised they are responsible for all subdivision and legal costs associated with the sale,
3. That Field Solutions Group be advised that should their development interfere with other existing communication modes such as television reception or telemetry systems currently in place it will be their responsibility to rectify any problems at their cost, and
4. Authority be given to the Mayor and/or General Manager to sign all documents in relation to the sale of the land.

PURPOSE

To inform Council of an email received from Field Solutions Group exploring the possibility of purchasing approximately 30m X 30m of land in Lot 165 DP704130 (Nevertire Sewerage Treatment Works) to erect a telecommunications tower.

BACKGROUND

Field Solutions Group has been in contact with the General Manager regarding the possibility of purchasing or leasing Council land to construct a telecommunications tower in Nevertire.

REPORT

Field Solutions Group are requesting to purchase/lease approximately 30m X 30m of land in Lot 165 DP704130 Nevertire. The land is situated off the intersection of Clyde & Belerenga Streets in Nevertire on the road toward the Nevertire Sewerage Treatment works, they intend to install a telecommunications tower for mobile phone coverage.

This will benefit the residents of Nevertire and surrounds by giving reliable mobile phone coverage around the town and surrounding farms.

To avoid any unnecessary and ongoing lease agreements it would be more beneficial to Council to sell the land, and recoup lost lease rental income through rate income each year.

I have attached a map to indicate an approximate site area of the land, but the final position will be negotiated with Field Solutions Group should Council resolve to sell them the land.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 6 SALE OF LAND – NEVERTIRE – PART SEWERAGE TREATMENT WORKS

CONTINUED

STAKEHOLDER CONSULTATION

Nil

OPTIONS

N/A

CONCLUSION

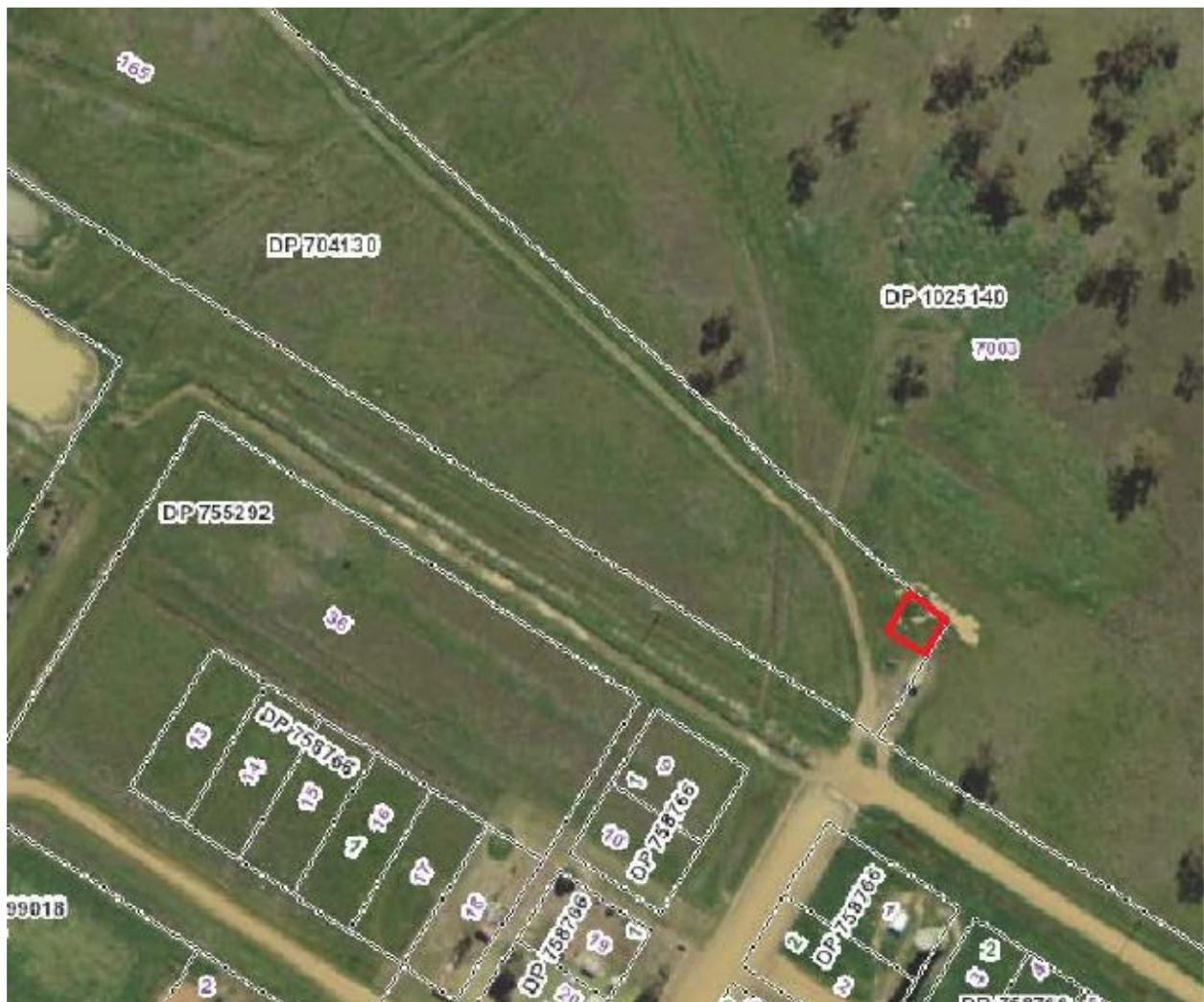
It is recommended that Council advise Field Solutions Group it will sell 30m X 30m of Lot 165 DP704130 in the amount of \$2,140.00 (Inc GST) on the condition Field Solutions Group are responsible for all subdivision and legal costs associated with the sale.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

1.1.7 Investigate initiative in attracting and retaining working families.

SUPPORTING INFORMATION / ATTACHMENTS

Map of Lot 165 DP704130 and surrounds, (red area is only indicative of where the tower may be constructed, it is not to scale or the exact location).



WARREN SHIRE COUNCIL
Report of the Manager Health & Development Services
to the Ordinary Meeting of Council to be held in the
Sporting and Cultural Centre, Warren on Thursday 27th August 2020

ITEM 1 REQUEST TO REVOKE A MENACING DOG DECLARATION

(D5-10)

RECOMMENDATION: That

1. The information be received and noted.
2. The menacing dog declaration continue to remain in place.

PURPOSE

The purpose of this report is to request the Councillors to consider the application to revoke a Menacing Dog Declaration, as per the Companion Animals Act (1998).

Note: This application only applies to one of the subject dogs declared.

BACKGROUND

On Wednesday the 5th 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 he 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.

REPORT

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

It is recommended that the menacing dog declaration remain in place, even though in the past 12 months, the dog owners have complied with all Menacing Dog Declaration requirements, and the Ranger has not received any reports or observed the animal roaming.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

WARREN SHIRE COUNCIL
Report of the Manager Health & Development Services
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ITEM 1 REQUEST TO REVOKE A MENACING DOG DECLARATION CONTINUED

LEGAL IMPLICATIONS

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.”

RISK IMPLICATIONS

Council should consider the safety of the community when making the decision to revoke the Menacing Dog Declaration.

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.

OPTIONS

Council has the following options available:

1. Up hold the menacing declaration, or
2. Revoke the menacing declaration, or
3. 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 continue to remain in place.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

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

WARREN SHIRE COUNCIL

Report of the Manager Health & Development Services
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ITEM 1 REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED

SUPPORTING INFORMATION / ATTACHMENTS:

1. Letter from applicant
2. Menacing Dog - Control requirements and responsibilities of owners

12th August 2020

Mr Glen Wilcox
General Manager
Warren Shire Council
115 Dubbo Street
WARREN NSW 2824

Dear Mr Wilcox,

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

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

Since the event last year, my wife and I have complied with all Menacing Dog Control requirements sent to us by the Council in a timely manner.

There has been no issues with this dog since the original incident and we would appreciate your consideration for the Menacing Dog order to be lifted on our family pet now that the initial 12 months has surpassed.

Please do not hesitate to contact me on the above phone number to discuss further.

Regards

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ITEM 1

REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED



MENACING DOG

CONTROL REQUIREMENTS

AND

RESPONSIBILITIES OF OWNERS

COMPANION ANIMALS ACT 1998
SECTION 51, 52, 52A, 52B, 53, 54, 58G, 58H & 58I

COMPANION ANIMALS REGULATION 2018
CLAUSES 32, 33, & 34

WARREN SHIRE COUNCIL
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REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED

The same control requirements apply to a declared menacing dog as those which apply to a declared dangerous dog, with the exception of the enclosure requirement, which is as follows for a declared menacing dog:

During any period that the menacing dog is on property on which the dog is ordinarily kept, and is not under the effective control of a person of or above the age of 18 years, the dog must be enclosed in a manner that is sufficient to restrain the dog and prevent a child from having access to the dog

Companion Animals Act 1998

Division 4 Responsibilities of owners of dangerous dogs

51 Owner of dangerous dog must comply with control requirements

1. The owner of a dog that is declared to be dangerous under this Act must ensure that each of the following requirements is complied with while the declaration is in force:

a) The dog must be desexed (if it is not already desexed) within 28 days after it is declared a dangerous dog. If the owner appeals against the declaration, the operation of this paragraph is stayed until the appeal is either withdrawn or determined.

b) The dog must not at any time be in the sole charge of a person under the age of 18 years.

c) **Enclosure requirements**

While the dog is on property on which the dog is ordinarily kept, the dog must be kept in an enclosure that complies with the requirements prescribed by the regulations. The owner has 3 months from the date on which the dog is declared dangerous to comply. In the case of an existing dangerous dog, the owner has 6 months from the relevant date to comply.

Note. A certificate of compliance in relation to the prescribed enclosure must be obtained by the owner of the dog—see section 58H.

c1) Until such time as the requirement under paragraph (c) is complied with, the dog must, while on property on which it is ordinarily kept, be kept in an enclosure that is sufficient to restrain the dog and prevent a child from having access to the dog.

d) One or more signs must be displayed on that property showing the words “Warning Dangerous Dog” in letters clearly visible from the boundaries of the property on which the dog is ordinarily kept or, if the regulations provide for the signs required by this paragraph, complying with the regulations.

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REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED

d1) **Distinctive collar must be worn**

The dog must at all times wear a collar of the kind prescribed by the regulations.

e) **Dog must be kept on lead and be muzzled**

Whenever the dog is outside its enclosure, the dog:

(i) must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person, and

(ii) must be muzzled in a manner that is sufficient to prevent it from biting any person or animal.

Note: For the purposes of this paragraph, a dog is not considered to be under the effective control of a person if the person has more than 2 dogs (one of which is the dangerous dog) under his or her control at the one time.

f)-h) (Repealed)

i) The owner must notify the council of the area in which the dog is ordinarily kept of the following matters within the time specified in relation to each of those matters:

(i) that the dog (with or without provocation) has attacked or injured a person or an animal (other than vermin)—notice to be given within 24 hours after the attack or injury,

(ii) that the dog cannot be found—notice to be given within 24 hours after the dog's absence is first noticed,

(iii) that the dog has died—notice to be given as soon as practicable after the death,

(iv) (Repealed)

(v) that the dog is no longer being ordinarily kept in the area of the council—notice to be given as soon as practicable after the change of location,

(vi) that the dog is being ordinarily kept at a different location in the area of the council—notice to be given as soon as practicable after the change of location.

j) If the owner intends to keep the dog in the area of a council that is not the area in which the dog was ordinarily kept when the declaration was made, the owner must notify the council of the area in which the dog is intended to be ordinarily kept of his or her intention to do so.

k) The dog must, regardless of its age, be registered under this Act (if not already so registered) within 7 days after it is declared a dangerous dog.

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REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED

Note. Section 11 also requires the owner of a dog to notify the Chief Executive, Local Government within 7 days after a Court declares the dog a dangerous dog or revokes the declaration. If the order is made or revoked by a council, the council is required to notify the Chief Executive, Local Government (see section 40).

2. An owner of a dog who does not comply with any of the requirements of this section is guilty of an offence.

Maximum penalty: 150 penalty units (\$16,500).

3. **Exemption from being on lead and muzzled while hunting**

In the case of a dog that has been declared dangerous on the ground that it is kept or used for the purposes of hunting, the requirements imposed under subsection (1) (e) do not apply while the dog is actually engaged in lawful hunting.

4. The requirements imposed under this section on the owner of a dangerous dog are additional to the other requirements of this Act imposed on the owner of a dog.

5. In subsection (1) (c):

“existing dangerous dog” means a dog that is the subject of a declaration by a council or court under this Part and in force immediately before the relevant date.

“relevant date” means the date on which this subsection (as inserted by the *Companion Animals Amendment Act 2005*) commences.

52 Dangerous dog may be seized if control requirements not complied with

1. An authorised officer may seize a dangerous dog if the officer is satisfied that any of the requirements of section 51 have not been complied with in relation to the dog.
2. If a dog is seized under subsection (1), Part 7 applies in relation to the dog.
3. However, a claim for the dog may be made under section 64 only if an authorised officer of the council of the area in which the dog is ordinarily kept is satisfied that each of the requirements of section 51 is capable of being complied with in relation to the dog.

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REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED

52A Prohibition on selling dangerous dog or proposed dangerous dog

1. A person who sells, or advertises the sale of, a dangerous dog or proposed dangerous dog is guilty of an offence.

Maximum penalty: 150 penalty units (\$16,500).

Note. The term “sell” extends to the transfer of owner by any means, including by gift.

Abandoning an animal is also an offence—see section 11 of the *Prevention of Cruelty to Animals Act 1979*.

2. A person does not commit an offence under this section by reason only of surrendering a dangerous dog or proposed dangerous dog to a council pound or an approved animal welfare organisation.

Note. A dangerous dog that is surrendered to a council pound or an approved animal welfare organisation cannot be sold.

3. In this section and in section 52B, **proposed dangerous dog** means a dog that is the subject of a proposed declaration under Division 1.

52B Prohibition on accepting ownership of dangerous dog or proposed dangerous dog

1. A person who accepts ownership of a dangerous dog or proposed dangerous dog is guilty of an offence.

Maximum penalty: 150 penalty units (\$16,500).

2. A person does not commit an offence under this section:

- a) by reason only of taking delivery of, or detaining, a dog under Part 7 or as the consequence of a dog being surrendered to a council pound or an approved animal welfare organisation, or

- b) if the person does not know, or could not reasonably be expected to know, that the dog was a dangerous dog or proposed dangerous dog.

53 Inconsistency with agreements

In the event of an inconsistency between this Division and the provisions of any agreement, covenant or instrument, this Division is to prevail, but to the extent only of the inconsistency.

Note. For example, the requirement under this Division that the owner of a dangerous dog display a warning sign on premises would override a provision in a lease prohibiting the fixing of any sign to a building.

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REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED

54 Civil liability of owner of dangerous dog

The mere fact that a dog has at any time been declared to be dangerous under this Act does not affect the civil liability of the owner of the dog in any proceedings (other than proceedings under this Act).

58G Power to seize and destroy dangerous or restricted dog in certain circumstances

1. Seizing dangerous or restricted dog that attacks

An authorised officer may seize a dangerous or restricted dog if the dog attacks or bites a person or animal (other than vermin) without provocation.

1a) Seizing dangerous dog if certain control requirements not complied with

An authorised officer may seize a dangerous dog if the requirements referred to in section 51 (1) (c), (c1) or (e) are not complied with in relation to the dog on at least 2 separate occasions over any period of 12 months (whether or not each occasion relates to the same requirement).

Note. See section 57 (4) for the power to seize a restricted dog for non-compliance with any of the control requirements under section 56.

2. If a dog is seized under this section:

- a) the dog is to be delivered as soon as possible to a council pound, and
- b) an authorised officer of a council may authorise the destruction of the dog.

3. However, if the dog has been seized under subsection (1A), the authorised officer may authorise the destruction of the dog only if the officer is satisfied that it is reasonable to do so after appropriate enquiries have been made into the circumstances that resulted in the dog being seized.

4. Part 7 (other than sections 68 and 69) does not apply in relation to a dog that is seized under this section.

5. This section does not limit the power of an authorised officer to seize a dangerous or restricted dog under any other provision of this Act.

58H Certificate of compliance required for dangerous and restricted dog enclosures

- 1. A person must not own a dangerous dog or restricted dog unless a certificate of compliance under this section is in force in relation to the enclosure in which the dog is required to be kept under sections 51 (1) (c) or 56 (1) (a1) (as the case requires).

Maximum penalty: 100 penalty units.

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REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED

2. An authorised officer of a council may issue a certificate of compliance in relation to the enclosure in which a dangerous or restricted dog is required to be kept if:
 - a) the officer is satisfied that the enclosure complies with the relevant requirements imposed under sections 51 (1) (c) or 56 (1) (a1), and
 - b) the fee prescribed by the regulations (or such fee as does not exceed the prescribed fee) in connection with issuing the certificate is paid to the council.
3. A certificate of compliance in relation to a dog enclosure may be revoked at any time by an authorised officer of a council if the officer is satisfied that the enclosure does not comply with the relevant requirements.
4. A person does not commit an offence under this section:
 - a) in the case of a dog that is a dangerous dog or restricted dog as at the date on which this section commences — until after the period of 28 days following that commencement, or
 - b) in any other case — until after sections 51 (1) (c) or 56 (1) (a1) is required to be complied with.

58I Miscellaneous provisions relating to declarations

- (1) A declaration that a dog is a dangerous dog is taken to revoke any declaration that the dog is a menacing dog.
- (2) A declaration that a dog is a menacing dog is taken to revoke any declaration that the dog is a dangerous dog.
- (3) A declaration that a dog is a dangerous or menacing dog does not prevent the issuing of an order under section 32A (Nuisance dogs) in relation to the dog.

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REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED

Companion Animals Regulation 2018

Part 4 Dangerous or restricted dogs

32. Enclosure requirements for dangerous or restricted dogs

1. Enclosure requirements for dangerous dogs or restricted dogs

- (1) For the purposes of sections 51 (1) (c) and 56 (1) (a1) of the Act, the requirements set out in this clause must be complied with in relation to an enclosure for a dangerous dog or a restricted dog.
- (2) The enclosure must—
 - (a) be fully enclosed, constructed and maintained in such a way that the dog is not able to dig or otherwise escape under, over or through the enclosure, and
 - (b) be constructed in such a way that a person cannot have access to it without the assistance of an occupier of the property who is above the age of 18 years, and
 - (c) be designed to prevent children from having access to the enclosure, and
 - (d) not be located on the property in such a way that people are required to pass through the enclosure to gain access to other parts of the property, and
 - (e) have a minimum height of 1.8 metres and a minimum width of 1.8 metres, and
 - (f) have an area of not less than 10 square metres for each dangerous or restricted dog kept on the property, and
 - (g) have walls that are fixed to the floor and constructed to be no more than 50 millimetres from the floor, and
 - (h) have walls, a fixed covering and a gate that are constructed of—
 - (i) brick, timber, iron or similar solid materials, or
 - (ii) mesh that complies with subclause (4), or
 - (iii) a combination of the materials referred to in subparagraphs (i) and (ii), and
 - (i) have a floor that is constructed of sealed concrete and graded to fall to a drain for the removal of effluent, and
 - (j) provide a weatherproof sleeping area of sufficient dimensions to enable each dangerous dog or a restricted dog kept on the property to shelter from the weather.
- (3) Any gate to the enclosure must—
 - (a) contain a self-closing and self-latching mechanism that enables the enclosure to be securely locked when the dog is in the enclosure, and
 - (b) be kept locked when the dog is in the enclosure, and
 - (c) display the warning sign referred to in clause 33.
- (4) Mesh used in the construction of an enclosure must be either—
 - (a) chain mesh manufactured from at least 3.15 millimetres wire to form a maximum mesh spacing of 50 millimetres, or
 - (b) weldmesh manufactured from at least 4 millimetres wire with a maximum mesh spacing of 50 millimetres.

25 Maximum fee for issuing certificate of compliance in relation to prescribed enclosure

For the purposes of section 58H (2) (b) of the Act, the maximum fee of \$100 is prescribed.

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WARREN SHIRE COUNCIL

Report of the Manager Health & Development Services
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ITEM 1

REQUEST TO REVOKE A MENACING DOG DECLARATION

CONTINUED

33. Warning signs for dangerous, menacing or restricted dogs

For the purposes of sections 51 (1) (d) and 56 (1) (c) of the Act, a sign must—

- (a) be no smaller than 40 centimetres × 40 centimetres, and
- (b) be made of durable materials, and
- (c) show the words “Warning Dangerous Dog” in either lower case or upper case letters that are each at least 50 millimetres high and 10 millimetres wide, and
- (d) be situated so that the words “Warning Dangerous Dog” are legible to any person immediately before entering the property by way of any gate, door or other entry point.

34. Distinctive collars for dangerous, menacing or restricted dogs

(1) For the purposes of sections 51 (1) (d1) and 56 (1) (c1) of the Act, a collar must—

- (a) consist of red stripes alternatively spaced with yellow stripes, each stripe being 25 millimetres wide and set diagonal to the rim of the collar at an angle of 45 degrees, and all of the stripes of at least 1 of the 2 colours are sufficiently reflective so as to be visible in low light, and
- (b) be made of durable materials, and
- (c) be able to be securely fastened, and
- (d) have a device or other facility that enables it to be attached to a leash, and
- (e) have a minimum width of—
 - (i) 25 millimetres for a dog weighing less than 20 kilograms, or
 - (ii) 40 millimetres for a dog weighing between 20 kilograms and 40 kilograms, or
 - (iii) 50 millimetres for a dog weighing more than 40 kilograms.

(2) A dog must not wear any such collar unless the dog is a dangerous dog, a menacing dog or a restricted dog.

(3) If subclause (2) is contravened—

- (a) the owner of the dog, or
 - (b) if the owner is not present at the time of the offence and another person who is of or above the age of 16 years is in charge of the dog at that time—that other person,
- is guilty of an offence.

Maximum penalty—8 penalty units.

(4) A person does not commit an offence under this clause if the person does not know, or could not reasonably be expected to know, that the collar is of the kind prescribed for the purposes of section 51 (1) (d1) or 56 (1) (c1) of the Act.

WARREN SHIRE COUNCIL

Notice of Motion

to the Ordinary Meeting of Council to be held in the Warren Sporting and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 1 MODEL CODE OF CONDUCT AND PROCEDURES

(A7-6)

RECOMMENDATION that:

1. Council hold a workshop as soon as practicable to review the *Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW 2018* to inform its adoption at an Ordinary Meeting of Council as soon as possible.
2. Council readopt the *Model Code of Conduct* as per Item 3 on p.5 of the *Policy Report of the General Manager, "Model Code of Conduct (A7-6)"*, in the Business Paper of the Ordinary Meeting of Council on 27th June, 2019.

PURPOSE

1. Prior to 14th June, 2019, Council was required to adopt "a code of conduct and procedures" based on the prescribed *Model Code of Conduct and Procedures*, as directed by the NSW Government through the Office of Local Government (OLG), as per Circular No. 18-44 (18th December, 2018).
2. On review of the minutes of Council's Ordinary Meeting on June 27th, 2019, there is a need to readopt the *Model Code of Conduct*. The minutes appear to reflect a double adoption of the *Model Code of Meeting Practice* rather than reflecting an adoption of the *Model Code of Conduct*.

BACKGROUND

1. The 2018 *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Procedures) were prescribed under the Local Government (General) Regulation 2005. All local councils had six months from the date of prescription to adopt a code of conduct and procedures based on the prescribed *Model Code of Conduct and Procedures*.
2. The minutes of Warren Shire Council's Ordinary Meeting on June 27th, 2019, under Item 3 of the *Policy Report of the General Manager, "Model Code of Conduct (A7-6)"*, states "Council formally adopt the Model Code of Meeting Practice. Carried 117.6.19". This is noted as incorrect wording in the minutes.

REPORT

1. The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* is on the OLG's website. The OLG issued the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* to be adopted at the same time, and to be used with the *Model Code of Conduct*. Warren Shire Council has yet to adopt the procedures. In this situation, the OLG Circular No 18-44 states that "the provision of the new Model Code of Conduct and Procedures automatically override any provisions of a council's adopted code of conduct and procedures that are inconsistent with those contained in the Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the *Local Government Act 1993* (unless the inconsistent provisions are more onerous than those contained in the Model Code of Conduct)."

The OLG specifies that "in adopting the new code and procedures, councils may include provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However,

WARREN SHIRE COUNCIL

Notice of Motion

to the Ordinary Meeting of Council to be held in the Warren Sporting and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 1 MODEL CODE OF CONDUCT AND PROCEDURES CONTINUED

councils must not dilute the standards prescribed under the Model Code of Conduct in their adopted codes of conduct.”

The OLG stated in Circular 18-44 that “Councils should review their existing panels of conduct reviewers and determine to appoint a new panel using the expression of interest process prescribed under the Procedures if they have not done so in the last four years. Councils may appoint shared panels with other councils including through a joint organisation or another regional body associated with the councils.”

To allow Council time to understand the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*, and review any supplementary provisions, it is recommended that a workshop be held as soon as practicable.

2. After a review of the minutes of the Ordinary Meeting of Council on June 27th an error in the wording was noted in the recording of the motion under Item 3 of the *Policy Report of the General Manager*, “Model Code of Conduct (A7-6)”.

The minutes are recorded as:

*“MOVED Williamson/Taylor that.....Item 3 Model Code of Conduct (A7-6)
Council formally adopt the Model Code of Meeting Practice. Carried 117.6.19”*

Due to the significant time lapse since the confirmation of the minutes at Council’s July 25th, 2019 meeting, Council should readopt the *Model Code of Conduct*, as per the recommendation in Item 3 on p.5 of the *Policy Report of the General Manager* in the June 27th, 2019 (A7-6) Business Paper.

FINANCIAL AND RESOURCE IMPLICATIONS

Council will incur costs to print and provide copies to councillors, committee members and staff as required.

LEGAL IMPLICATIONS

The *Model Code of Conduct and Procedures* are mandatory and were required to be implemented by Council prior to 14th June 2019.

RISK IMPLICATIONS

Council must adopt the code and procedures. By adopting the code and procedures the risks are considered low.

STAKEHOLDER CONSULTATION

The Model Code as amended was placed on public display for a period of 28 days and on Council’s website. No public comments were received.

OPTIONS

Given that the adoption of the *Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* was advised as mandatory, the following options should be exercised to rectify the issue with the minutes of June 27th, 2019 and ensure compliance by Council is adequately and accurately documented:

1. Council hold a workshop as soon as practicable to review the *Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW 2018* to inform its adoption at an Ordinary Meeting of Council as soon as possible.

WARREN SHIRE COUNCIL

Notice of Motion

to the Ordinary Meeting of Council to be held in the Warren Sporting and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 1 MODEL CODE OF CONDUCT AND PROCEDURES CONTINUED

2. Council readopt the *Model Code of Conduct* as per the recommendation on p.5 of the *Policy Report of the General Manager* in the June 27th, 2019 (A7-6) Business Paper.

CONCLUSION

The OLG issued the *Model Code of Conduct and Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW, 2018*.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

5.2.2 Timely and accurate reporting for the efficient management and accountability

SUPPORTING INFORMATION /ATTACHMENTS

1. *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
2. Policy Report Item 3 Model Code of Conduct, June 27th, 2019
3. Extract from the Minutes of the Ordinary Meeting of Council, June 27th, 2019.

Proposed: Councillor K Irving

Date: 6th August 2020

WARREN SHIRE COUNCIL
Notice of Motion
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 1 MODEL CODE OF CONDUCT AND PROCEDURES

CONTINUED

Supporting Information 2

WARREN SHIRE COUNCIL
Policy Report of the General Manager
to the Ordinary Meeting of Council to be held in the
Council Chambers, Warren on Thursday 27th June 2019

ITEM 3 MODEL CODE OF CONDUCT

(A7-6)

RECOMMENDATION:

That Council adopt the Model Code of Conduct.

PURPOSE

The NSW Government through the Office of Local Government has undertaken amendments to the Model Code of Conduct.

BACKGROUND

All Local Councils are required to have an approved Code of Conduct. The Office of Local Government has been rewriting this Code and in December 2018 presented a final Code of Conduct to Councils for adoption.

Council workshopped the Code and has placed the Code on public display without receiving comment.

Council has been working under the new Code since its workshop in January and February 2019.

REPORT

The Office of Local Government has issued the Model Code of Conduct to Councils to be adopted. The Model Code contains mandatory and non-mandatory provisions. To allow Council time to understand the Code a workshop was held to discuss the changes to non-mandatory requirements.

FINANCIAL AND RESOURCE IMPLICATIONS

Council will incur costs to print and provide copies to Councillors, committee members and staff as required. These costs will be allowed for in the 2018/19 budget year. Additional costs will be charged to the 2019/2020 financial year budget.

LEGAL IMPLICATIONS

This Model Code of Conduct is mandatory and must be implemented by Council prior to 14th June 2019. Council has been operating under the Code since February 2019. The legislation automatically adopts the Code as at 14th June 2019.

RISK IMPLICATIONS

Council must adopt the Code, or it is applied by legislation. If adopted, then risks are considered to be low.

STAKEHOLDER CONSULTATION

This Model Code as amended was placed on public display for a period of 28 days and on Councils website. No public comments have been received.

WARREN SHIRE COUNCIL
Notice of Motion
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ITEM 1 MODEL CODE OF CONDUCT AND PROCEDURES CONTINUED

WARREN SHIRE COUNCIL
Policy Report of the General Manager
to the Ordinary Meeting of Council to be held in the
Council Chambers, Warren on Thursday 27th June 2019

ITEM 3 MODEL CODE OF CONDUCT CONTINUED

OPTIONS

There are no options but to adopt the Model code with the non-mandatory amendments as agreed.

CONCLUSION

The Office of Local Government has issued the Model Code of Conduct for Council to review and adopt.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

5.2.2 Timely and accurate reporting for efficient management and accountability.

SUPPORTING INFORMATION /ATTACHMENTS

Model Code of Conduct.

WARREN SHIRE COUNCIL
Notice of Motion
to the Ordinary Meeting of Council to be held in the Warren Sporting
and Cultural Centre, Udora Road, Warren on Thursday 27th August 2020

ITEM 1 MODEL CODE OF CONDUCT AND PROCEDURES

CONTINUED

Supporting Information 3

WARREN SHIRE COUNCIL
Minutes of the Ordinary Meeting of Council
held in Council Chambers, 115 Dubbo Street Warren
on Thursday 27th June 2019 commencing at 8:30 am

REPORTS OF DELEGATES

CONTINUED

Item 3 Warren Interagency Support Services (C3-9)
MOVED Derrett/Irving that the information be received and noted.
Carried
115.6.19

POLICY

Item 1 Legislative Compliance Policy and Procedure (P13-1, A6-1)
MOVED Irving/Derrett that Council adopt the Legislative Compliance Policy.
Carried
116.6.19

MOVED Williamson/Taylor that:

Item 2 Model Code of Meeting Practice (C14-2)
That Council formally adopt the Model Code of Meeting Practice.
Councillor Irving requested that her vote against this item be formally recorded.

Item 3 Model Code of Conduct (A7-6)
Council formally adopt the Model Code of Meeting Practice.
Carried
117.6.19

GENERAL MANAGER'S REPORTS

Item 1 Outstanding Reports Checklist (C14-7.4)
MOVED Walker/Higgins that the information be received and noted.
Carried
118.6.19

Item 2 Committee/Delegates Meetings (C14-2)
MOVED Irving/Walker that the information be received and noted.
Carried
119.6.19
