

## **COUNCIL CHAMBERS DEVELOPMENT SUNSET COMMITTEE**

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Attached are the Minutes of the meeting of the Council Chambers Development Sunset Committee held on Monday, 20th April 2020.

**RECOMMENDATION:**

That the Minutes of the Meeting of the Council Chambers Development Sunset Committee held on Monday 20th April 2020 be received and noted and the following recommendations be adopted:

**ITEM 4.1 EXTERNAL FAÇADE OF COUNCIL'S ADMINISTRATION BUILDING (S1-1.15/1)**

The Committee met onsite and discussed changes to the ramp to comply with accessible grading and the requirement for stairs to the front entry.

That the Committee recommend to Council that:

1. The Architect be requested to amend the front façade of the existing Administration Building to extend the landing across the window and entrance doorway, install stairs from the new landing parallel to the building frontage, make adjustments to the awning to cover the extended area and provide detail as to new windows and doors to the front façade of the building; and
2. Complete drawings of the changes made to the front façade of the Council Chambers as approved by Council in March 2020.
3. That Council note the proposed addition of the stairs will cost approximately \$25,000 above the ramp and awning costs.

**ITEM 4.2 REQUEST TO CALL FOR QUOTATIONS FOR A NEW COUNCIL CHAMBERS AND  
EXTENSION OF THE ADMINISTRATION BUILDING (S1-1.15/1)**

It was noted in the report that the original budget was \$1.4 million and the present budget has approximately \$1.2 million available since the demolition of the old building, sealing of the site and development of plans, engineering and tender documents.

1. The Committee recommend to Council that it commence the construction of the extension to Council's Administration Building and Council Chambers by quotation from local and regional construction companies and trades;

(2)

2. Council appoint contractors through the Vendor Panel process as required to undertake construction and finish works;
3. Council allocate \$300,000 from the infrastructure reserve funds to cover the construction excluding the rear administration section fit out;
4. Council note that the rear administration building will be built from lightweight materials to lock up stage.

DRAFT

# WARREN SHIRE COUNCIL

Minutes of the Council Chamber Development Sunset Committee  
Meeting held on-site at the Council Administration Building, 115 Dubbo Street,  
Warren on Wednesday, 20th April 2020 commencing at 3.15 pm

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**Present:** Councillor Milton Quigley (Chair)  
Councillor Pauline Serdity  
Councillor Katrina Walker  
Councillor Brett Williamson (Observer)  
Glenn Wilcox (General Manager)  
Maryanne Stephens (Manager Health and Development Services)  
Blake Derrett (Consultant)

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## ITEM 1 APOLOGIES

Nil.

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## ITEM 2 CONFIRMATION OF MINUTES (C14-3.25)

**MOVED** Serdity/Walker that the Minutes of the Meeting held on Wednesday, 25th March 2020 be accepted as a true and correct record of that meeting and noting that in Item 4.1 the term "Community Centre" should read "Council Chambers"

**Carried**

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## ITEM 3 BUSINESS ARISING FROM MINUTES

Nil.

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## ITEM 4.1 EXTERNAL FAÇADE OF COUNCIL'S ADMINISTRATION BUILDING (S1-1.15/1)

The Committee met onsite and discussed changes to the ramp to comply with accessible grading and the requirement for stairs to the front entry.

**MOVED** Serdity/Walker that the Committee recommend to Council that:

1. The Architect be requested to amend the front façade of the existing Administration Building to extend the landing across the window and entrance doorway, install stairs from the new landing parallel to the building frontage, make adjustments to the awning to cover the extended area and provide detail as to new windows and doors to the front façade of the building; and
2. Complete drawings of the changes made to the front façade of the Council Chambers as approved by Council in March 2020.
3. That Council note the proposed addition of the stairs will cost approximately \$25,000 above the ramp and awning costs.

**Carried**

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## ITEM 4.2 REQUEST TO CALL FOR QUOTATIONS FOR A NEW COUNCIL CHAMBERS AND EXTENSION OF THE ADMINISTRATION BUILDING (S1-1.15/1)

It was noted in the report that the original budget was \$1.4 million and the present budget has approximately \$1.2 million available since the demolition of the old building, sealing of the site and development of plans, engineering and tender documents.

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**ITEM 5                      GENERAL BUSINESS ITEMS                      CONTINUED**

7. Community Participation – the Committee wish to advise that the plans have been displayed to the public in a number of forums (local newspaper, Councillor displays at events and at Council's Administration Building) and the public may access all Committee minutes and Council decisions. The Committee and Council decisions are to provide for the long term development of an Administration Office and Council Chambers within its resources.

The concept phase of the design was completed prior to Council issuing a Public Tender, through the use of consultants, Council and by public display. In the design of the Council Chambers a name change was made to seek funding for a Community Centre which was unsuccessful. The function of the Council Chambers (community meeting area) did not change.

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**ITEM 6                      DATE OF NEXT MEETINGS**

- 2nd June 2020
- 8th September 2020

**There being no further business the meeting closed at 5.50 pm.**

# WARREN SHIRE COUNCIL

Report of the Divisional Manager of Finance and Administration  
to the Ordinary Meeting of Council to be held in the  
Council Chambers, Warren, on Thursday 23<sup>rd</sup> April 2020

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## ITEM 5 RATES WAIVER REQUEST – LAGER AND BREW PTY LTD

(H2-8.1 & R1-1.39)

### RECOMMENDATION

1. Council advise Lager and Brew Pty Ltd (trading as Club House Hotel Warren) that due to the COVID-19 pandemic, forced closure and the impact it is having on their business, Council will defer the payment of rates and annual charges outstanding, interest free until 31<sup>st</sup> December 2020 in line with Council's Financial Hardship Policy offered to ratepayers,
2. any future applications received from Warren Shire business owners who have a reduced turnover of more than 60% as a result of COVID-19 restrictions be given the same relief subject to substantiation of their application on a case by case basis, and
3. Council lobby both Federal & State Government to give more assistance to local businesses affected by COVID-19 through revised grant funding arrangements.

### PURPOSE

To advise Council of a letter received from Lager and Brew Pty Ltd (trading as Club House Hotel Warren) requesting a waiver of rates and annual charges through the period of forced closure on their premises at 138-142 Dubbo Street Warren.

### BACKGROUND

Lager and Brew Pty Ltd (trading as Club House Hotel Warren) were forced to close their business at 12 noon Monday 23<sup>rd</sup> March 2020 due to the COVID-19 restrictions.

### REPORT

Council has received a letter from Lager and Brew Pty Ltd (trading as Club House Hotel Warren) (copy attached) requesting a waiver of rates and annual charges through the period of "forced closure" on their premises at 138-142 Dubbo Street Warren.

The Australian Hotels Association of NSW (AHA) have also written to Council (copy attached) seeking assistance for hotels impacted by COVID-19 through Council waiving or deferring various fees, charges and taxes including rates and annual charges.

There is no doubt the registered clubs and hotels have been massively impacted as a result of the COVID-19 restrictions and closures, although, there are assistance packages available from both the Federal & State Governments by way of Job Keeper Assistance, tax write-offs etc.

In the letter received from Lager and Brew Pty Ltd there is a paragraph quoting Section 610E of the Local Government Act 1993 – Council may waive or reduce fees, this section of the Act only applies to Council's Fees and Charges not Council Rates and Annual Charges.

The waiving or writing off rates and charges falls under the Local Government (General) Regulation 2005, Part 5 Division 3 Clause 131 as follows:

#### ***"131 Procedures for writing off rates and charges***

- (1) The council must, from time to time, by resolution, fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of the council.*
- (2) An amount of rates or charges of or below that amount can be written off either by resolution of the council or by order in writing of the council's general manager. In the absence of a resolution under subclause (1), rates and charges can be written off only by resolution of the council.*

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## ITEM 5 RATES WAIVER REQUEST – LAGER AND BREW PTY LTD

CONTINUED

- (3) A resolution or order writing off an amount of rates or charges must—
- (a) specify the name of the person whose debt is being written off, and
  - (b) identify the account concerned, and
  - (c) specify the amount written off, or must refer to a record kept by the council in which those particulars are recorded.
- (4) **An amount of rates or charges can be written off under this clause only—**
- (a) if there is an error in the assessment, or
  - (b) if the amount is not lawfully recoverable, or
  - (c) as a result of a decision of a court, or
  - (d) if the council or the general manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective.
- (5) The fact that an amount of rates or charges is written off under this clause does not prevent the council concerned from taking legal proceedings to recover the amount.
- (6) The general manager must advise the council of rates and charges written off by written order of the general manager.”

Hardship does not qualify for the writing off of rates and annual charges, Council may resolve to defer the collection of rates and charges due to financial hardship and agree to not charge interest on the overdue amounts for a specified time as per Council’s Financial Hardship Policy.

### FINANCIAL AND RESOURCE IMPLICATIONS

As interest rates are currently at an all time low the deferred payment of rates and annual charges in this instance would have no major impact on Council’s finances.

### LEGAL IMPLICATIONS

Nil

### RISK IMPLICATIONS

N/A

### STAKEHOLDER CONSULTATION

Nil

### OPTIONS

N/A

### CONCLUSION

Council advise Lager and Brew Pty Ltd (trading as Club House Hotel Warren) that due to the COVID-19 pandemic, forced closure and the impact it is having on their business, Council is unable to waive or write off rates will defer the payment of rates and annual charges outstanding, interest free until 31<sup>st</sup> December 2020 in line with Council’s Financial Hardship Policy offered to ratepayers

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

5.2.2 Timely and accurate reporting for efficient management and accountability.

### SUPPORTING INFORMATION / ATTACHMENTS

Letter received from Lager and Brew Pty Ltd, and  
Letter received from Australian Hotels Association of NSW.

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ITEM 5 RATES WAIVER REQUEST – LAGER AND BREW PTY LTD

CONTINUED

*Lager and Brew Pty Ltd*  
*Trading as Club House Hotel Warren*

138-142 Dubbo Street  
WARREN 2824 NSW

Email: [clubhousehotelwarren@gmail.com](mailto:clubhousehotelwarren@gmail.com)

ABN: 93 612 215 102



Warren Shire Council  
115 Dubbo Street  
WARREN NSW 2824

20 April 2020

Dear Councillors,

We are writing to you to ask that this letter please be tabled at the next council meeting -requesting consideration of a rates waiver.

As you would be aware our business was subject to a forced Government closure due to COVID19 at 12pm on 23<sup>rd</sup> March 2020.

We now face the prospect of ongoing costs associated with being closed and no income.

We are requesting Warren Shire Council review our specific circumstances under 610E of the Local Government Act.

(Section 610E of the Local Government Act 1993 allows Council to waive payment of, or reduce a fee in a particular case if it is satisfied that the case falls within a category of hardship or any other category that Council has determined payment should be so waived or reduced).

We have reviewed the 2018 Warren Council policy but it makes no mention of financial hardship for Business rates.

We have spoken to the General Manager Glen Wilcox in relation to our situation and he has offered to defer rates payments. Whilst we appreciate this, it will not assist our situation as we will have additional loans and restocking costs to reopen and therefore will just delay and add to the financial burden.

As this is an unprecedented crisis and we have been forced to close through a Government mandate we are hopeful that council will move to approve to waiver our rates for the period of the "forced closure".

Our rates are \$4,000.75 per year excluding water.

Although we have taken every precaution including insurance to cover loss of stock and loss of income it appears the insurance companies will not cover any of these costs due to a pandemic clause.

We have also sought support from various agencies including State and Federal Government to try to minimise the losses so we can re-open when allowed to do so.

Unfortunately the additional hard times of the recent drought has left our own reserves quite depleted and without assistance it will make it very difficult for us to be in a position to re-open.

Whilst the state and federal government assistance (that we qualify for) will assist in a small way toward expenses whilst closed we find ourselves now seeking assistance from you our Local Government in our community.

If you have any additional questions or queries in relation to this matter, please feel free to contact us.

Kind regards  
Kerrie and Larry  
0473 420 690



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ITEM 5 RATES WAIVER REQUEST – LAGER AND BREW PTY LTD

CONTINUED



16 April 2020

Mr Glenn Wilcox  
The Chief Executive Officer  
Warren Shire Council

By email: [Council@warren.nsw.gov.au](mailto:Council@warren.nsw.gov.au)

Dear Mr Wilcox,

**RE: LOCAL GOVERNMENT ASSISTANCE FOR HOTELS IMPACTED BY COVID-19**

The Australian Hotels Association (AHA) NSW represents approximately 2,000 hotels in NSW, from 'mum and dad' pubs in regional NSW, to major corporations employing thousands in the Sydney CBD, to five star hotel chains represented by our accommodation division, Tourism Accommodation Australia. Our member hotels are key for cities and towns in Local Government Areas across our State – providing employment, meeting places and community hubs.

Since the imposition of Public Health Orders closing all licensed premises for all but takeaway sales, State and Federal Governments have announced financial relief packages waiving or deferring various fees, charges and taxes for the hotel industry. These packages will prove vital in reducing overheads for businesses to try and assist in their rebuilding after this crisis.

A number of Local Councils across NSW, including City of Sydney, Randwick City, Northern Beaches, and North Sydney announce business assistance for licensed venues to assist their businesses to survive through and beyond the Covid-19 crisis, such as:

- Rent on all Council owned properties being waived or deferred
- All annual and rollover Council fees (rates, outdoor dining, airspace, etc.) waived or deferred.

I would appreciate if you could outline what concessions you have provided for hotels in your council area to assist the AHA NSW in ensuring our members are aware of what support is available from all levels of Government.

The AHA NSW ask that in developing or reviewing any assistance package, Council consider the following;

- Should council choose to defer (rather than waive) fees or charges, the period of deferral needs to provide sufficient time for trade to resume to normal levels after the shut-down.

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ITEM 5 RATES WAIVER REQUEST – LAGER AND BREW PTY LTD

CONTINUED



- Applications and forms for Covid-19 package relief need to be simplified in order to minimise red tape where possible
- Any DA condition requiring reapplication should be frozen and/or rolled over for a year – just as council elections have been
- Any process that requires consultants or external advisors need to be removed or modified, minimising external costs for operators

Thank you for your assistance at this critical time. Should you wish to discuss further please contact AHA NSW Director Liquor and Policing John Green on telephone 0409 247 468, or email [john.green@ahansw.com.au](mailto:john.green@ahansw.com.au)

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'John Whelan', written over a horizontal line.

**JOHN WHELAN**  
Chief Executive Officer