

ORDINARY MEETING

MINUTES

THURSDAY 24TH OCTOBER 2024

WARREN SHIRE COUNCIL

Minutes of the Ordinary Meeting of Council
held in the Council Community Room, 115 Dubbo Street Warren
on Thursday 24th October 2024 commencing at 8:46 am

Present:

COUNCILLORS	GJ Whiteley	Chair and Mayor
	SJ Derrett	Deputy Mayor
	DJ McCloskey	
	RA Jackson	
	RL McKay	
	PJ Heuston	
	DDW Cleasby	
	ME Kelly	
	P Serdity	
	AE Wass	
	NRG Kinsey	
	AJ Brewer	
	STAFF MEMBERS	G Woodman
	B Pascoe	Divisional Manager Finance & Administration (DMFA)
	S Otieno	Divisional Manager Engineering Services (DMES)
	M Stephens	Manager Health and Development Services (MHD)
	J Burtenshaw	Executive Assistant (EA) (Minute Taker)

ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was made by the Mayor.

APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil.

CONFIRMATION OF MINUTES

MOVED Wass/McKay that the Minutes of the Ordinary Meeting of Council held on Thursday, 10th October 2024 be adopted as a true and correct record of that Meeting.

Carried
248.10.24

DISCLOSURES OF INTERESTS

Councillor Derrett declared a non-pecuniary and less than significant interest in the Reports of the Manager Health and Development Services, Item 1 Development Approvals Report (P16.24.11 3374 Ellengerah Road, Warren and P16-24.13 10206 Mitchell Highway, Warren). Councillor Derrett will continue to be involved with the matter.

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DISCLOSURES OF INTERESTS

CONTINUED

Councillor McCloskey declared a pecuniary interest in the Reports of the General Manager Item 5 Expressions of Interest for the Vacant Community Member Positions on the Warren Public Arts Committee. Councillor McCloskey advised that he will vacate the meeting room and take no part in the debate or voting on the matter.

MAYORAL MINUTE(S)

Nil.

REPORTS OF COMMITTEES

Manex (C14-3.4)

MOVED Kinsey/Heuston that the Minutes of the Manex Meeting held on Tuesday, 17th September 2024 be received and noted.

Carried
249.10.24

Roads Committee (C14-3.22)

MOVED Kinsey/Kelly that the Minutes of the Roads Committee Meeting held on Monday, 14th October 2024 be received and noted.

Carried
250.10.24

Plant Committee (C14-3.8)

MOVED Brewer/Kelly that the Minutes of the Plant Committee Meeting held on Monday, 14th October 2024 be received and noted and the following recommendation be adopted:

DMES – **Item 7.1 Supply and Delivery of Motor Grader (C13-99)**
A Chk Lst That Council accept the tender from WesTrac Pty Ltd of 8 Purvis Street, Dubbo for the Supply and Delivery of One Motor Grader in accordance with Tender – Supply and Delivery of One Motor Grader for \$495,255.17 plus GST.

DMES – **Item 7.2 Supply and Delivery of Two Trucks (C13-100)**
A Chk Lst That Council accept the tender from Isuzu Australia Ltd for the Supply and Delivery of Two Trucks in accordance with Tender – Supply and Delivery of Two Trucks for \$276,472.72 plus GST.

DMES – **Item 7.3 Supply and Delivery of Tender Truck (C13-102)**
A Chk Lst That Council accept the tender from Isuzu Australia Ltd for the Supply and Delivery of Tender Truck in accordance with Tender – Supply and Delivery of Tender Truck for \$120,177.25 plus GST.
Carried
251.10.24

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REPORTS OF COMMITTEES

CONTINUED

Manex

(C14-3.4)

MOVED Kinsey/Derrett that the Minutes of the Manex Meeting held on Tuesday, 15th October 2024 be received and noted.

Carried
252.10.24

DELEGATES REPORTS

Item 1 The Association of Mining & Energy Related Councils (NSW)

(C14-6.3)

MOVED Cleasby/Jackson that the Minutes of the Association of Mining & Energy Related Councils (NSW) Inc. Meeting held on Tuesday, 6th June 2024 be received and noted.

Carried
253.10.24

Item 2 The Association of Mining & Energy Related Councils (NSW)

(C14-6.3)

MOVED McKay/Brewer that the Minutes of the Association of Mining & Energy Related Councils (NSW) Inc. Meeting held on Tuesday, 6th August 2024 be received and noted.

Carried
254.10.24

Item 3 Alliance of Western Councils

(C14-6.5)

MOVED Brewer/Derrett that the Draft Minutes of the Alliance of Western Councils Meeting held on Friday, 16th August 2024 be received and noted.

Carried
255.10.24

Item 4 Castlereagh Macquarie County Council

(C15-1)

MOVED Kinsey/Heuston that the Draft Minutes of the Castlereagh Macquarie County Council Meeting held on Monday, 26th August 2024 be received and noted.

Carried
256.10.24

Item 5 Central West Zone Library Meeting

(L2-7)

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

Carried
257.10.24

WARREN SHIRE COUNCIL

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PRESENTATION TO COUNCIL

Melissa Ward from Ward Consulting provided Council with a presentation on the Planning Proposal and Local Environmental Plan 2012 Review.

The Mayor thanked Ms Ward for attending the Council Meeting today and giving a very informative presentation and invited her to join Council for morning tea.

MORNING TEA

At this point in the meeting, the time being 10.39 am, Council adjourned for Morning Tea.

RESUMPTION

The meeting resumed at 11.05 am.

The Mayor proposed that while Ms Ward was present that the Manager Health and Development Services Report on the Planning Proposal – LEP Review be brought forward for consideration.

MOVED Serdity/Brewer that Item 4 of the Manager Health and Development Services Report be brought forward for consideration.

**Carried
258.10.24**

MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

Item 4 Planning Proposal – LEP Review (P15-31.6)

MHD – A **MOVED** Brewer/Serdity that:
Chk Lst

1. The information be received and noted; and
2. Council endorses the planning proposal to be submitted to the Department for Gateway determination with an amendment to LEP 1 to include small and large scale projects and the required temporary and transient worker accommodation in the RU1 agricultural areas, R5 residential areas and RU5 village zones.

At this point in the meeting the time being 11.43 am, Councillor Wass left the meeting room.

At this point in the meeting the time being 11.46 am, Council Wass returned to the meeting room.

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MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

CONTINUED

Item 4 Planning Proposal – LEP Review

Continued

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

FOR	AGAINST
Councillor Whiteley	
Councillor Derrett	
Councillor Brewer	
Councillor Jackson	
Councillor Kinsey	
Councillor McCloskey	
Councillor Kelly	
Councillor Wass	
Councillor Heuston	
Councillor McKay	
Councillor Cleasby	
Councillor Serdity	

Carried
259.10.24

POLICY

Item 1 Review of Equal Employment Policy

(P13-1, S12-2.4)

GM - - A
Chk Lst

MOVED Serdity/McCloskey that Council adopt the amended Equal Employment Policy.

Carried
260.10.24

GENERAL MANAGER'S REPORTS

Item 1 Outstanding Reports Checklist

(C14-7.4)

EA - N

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

Carried
261.10.24

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GENERAL MANAGER'S REPORTS

CONTINUED

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

Item 2 Committee/Delegates Meetings (C14-2)

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

Carried
262.10.24

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

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

Carried
263.10.24

Item 4 Disclosures of Interest – Councillors and Designated Persons (A7-9)

MOVED Serdity/Kinsey that the tabled Disclosures of Interest Return for Councillors and Designated Persons be received and noted.

Carried
264.10.24

Item 5 Expressions of Interest for the Vacant Community Member Positions on the Warren Public Arts Committee (C14-3.29)

At this point in the meeting, the time being 12.11 pm, Councillor McCloskey left the meeting room due to his Pecuniary Interest Declaration and was not in sight of the meeting room.

GM - - A **MOVED** Heuston/Jackson that Council accept the Expression of Interest nominations of Rachel
Chk Lst Cant and Michele Hamblin as Community Members on the Warren Public Arts Committee.

Carried
265.10.24

At this point in the meeting the time being 12.12 pm, Council McCloskey rejoined the meeting.

Item 6 Christmas Closure (C14-1)

GM - - A **MOVED** McCloskey/Kelly that Council close the Office, Service NSW Agency, Library and Works
Chk Lst Depot at the close of business on Tuesday, 24th December 2024 and reopen on Thursday, 2nd January 2025.

Carried
266.10.24

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DIVISIONAL MANAGER FINANCE AND ADMINISTRATION'S REPORTS

Item 1 Warren Shire Librarian's Operations Report (L2-2)

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

**Carried
267.10.24**

Item 2 Reconciliation Certificate – August and September 2024 (B1-10.16)

MOVED Brewer/Derrett that the Statements of Bank and Investments Balances as at 31st August and 30th September 2024 be received and noted.

**Carried
268.10.24**

Item 3 Statement of Rates and Annual Charges (R1-4)

MOVED Derrett/Serdity that the Statement of Rates and Annual Charges information as at 21st October 2024 be received and noted.

**Carried
269.10.24**

Item 4 Works Progress Reports – Finance & Administration Projects (C14-7.1, C9-1)

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

**Carried
270.10.24**

Item 5 Change of Bank Signatories (B1-5)

DMFA – A
Chk Lst

MOVED Brewer/Jackson that Council review and approve the changes to bank signatories, where Mr Gregory Whiteley becomes a signatory in his capacity as Mayor, removing Dr Milton Quigley as a bank signatory, with no other changes required to be made.

**Carried
271.10.24**

Item 6 Review of Council's 2023/2024 Operations Report (A1-4.42)

MOVED Brewer/Heuston that the information on Council's Draft General Purpose Financial Statements for the period ended 30th June 2024 be received and noted, specifically the Income Statement, Statement of Financial Position, Statement of Cashflows and note C1-3 Restricted and allocated cash, cash equivalents and investments be received and noted.

**Carried
272.10.24**

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DIVISIONAL MANAGER FINANCE AND ADMINISTRATION'S REPORTS

CONTINUED

Item 7 **September 2024 Quarterly Report** **(A1-4.43)**

DMFA – N

MOVED Derrett/Serdity that amendments to the annual budget forming the September 2024 Quarterly Budget Review Statement be authorised.

Carried
273.10.24

DIVISIONAL MANAGER ENGINEERING SERVICES REPORTS

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

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

At this point in the meeting the time being 12.48 pm, Councillor McKay left the meeting room.

At this point in the meeting the time being 12.50 pm, Council McKay returned to the meeting room.

Carried
274.10.24

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

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

At this point in the meeting the time being 12.53 pm, Councillor Brewer left the meeting room.

At this point in the meeting the time being 12.54 pm, Council Brewer returned to the meeting room.

Carried
275.10.24

Item 3 **Works Progress Reports – Plant** **(P2-3)**

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

Carried
276.10.24

MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

Item 1 **Development Application Approvals** **(B4-9)**

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

Carried
277.10.24

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MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

CONTINUED

Item 2 Works Progress Reports – Health and Development Services (C14-7.3)

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

Carried
278.10.24

Item 3 Development Application – Continuation of Use, Lot 2 Dp118666, 8161 Oxley Highway Warren, Ewenmar Waste Facility (P16-24.10)

MHD – A **MOVED** Jackson/Serdity that:

Chk Lst

1. The information be received and noted, and
2. Development application P16-24.10 for the continuation of use – embankment (flood protection levee) and internal access road at the Ewenmar Waste Facility located at 8161 Oxley Highway WARREN NSW 2824, is approved subject to the following conditions:
 1. Development of the Continuation of use – embankment (flood protection levee) and internal access road at Waste Depot must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Ref No.	Plan Title.	Drawn By.	Dated.
-	-	Lot 2 DP1186656- Embankment and Road Prepared by Natural Resources Access Regulator for Warren Shire Council		20 Jun 2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

NOTE: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. For clarity no building or earthworks are approved. This approval relates to the continuation of use of a flood levee and access road pursuant to Section 4.69 Environmental Planning and Assessment Act 1979.

Reason: To ensure the limits to the approval are clear.

3. The earth embankment surrounding the development site is to be built a minimum of 450mm above the 1 in 200-year flood ARI (the level of the 1955 flood).

Reason: To ensure no contaminants pollute waterways and to ensure the development is consistent with flood planning objectives of the Warren Local Environmental Plan 2012.

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MANAGER HEALTH AND DEVELOPMENT SERVICES REPORTS

CONTINUED

Item 3 **Development Application – Continuation of Use, Lot 2 Dp118666, 8161 Oxley Highway Warren, Ewenmar Waste Facility** **Continued**

4. The entry road is to be built a minimum of 450mm above the 1 in 200-year flood ARI (the level of the 1955 flood).

Reason: To ensure the development is consistent with flood planning objectives of the Warren Local Environmental Plan 2012.

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

FOR	AGAINST
Councillor Whiteley	
Councillor Derrett	
Councillor Brewer	
Councillor Jackson	
Councillor Kinsey	
Councillor McCloskey	
Councillor Kelly	
Councillor Wass	
Councillor Heuston	
Councillor McKay	
Councillor Cleasby	
Councillor Serdity	

Carried
279.10.24

NOTICES OF MOTIONS/QUESTIONS WITH NOTICE

Nil.

MATTERS OF URGENCY

Nil.

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CONFIDENTIAL MATTERS

MOVED Brewer/Kinsey that the Council proceed into the Committee of the Whole Closed Council, the time being 1.07 pm to consider matters in accordance with Sections 10A(2)(c), (d)(i) and (g) of the Local Government Act.

Carried
280.10.24

MOVED Kelly/Kinsey that the press and the public be excluded from the Committee of the Whole Closed Council in accordance with Sections 10A(2)(c), (d)(i) and (g) of the Local Government Act.

Carried
281.10.24

Council resumed in Open Council at 2.17 pm.

REPORT OF THE DIVISIONAL MANAGER ENGINEERING SERVICES

**Item 1 Construction of a Clay Lined Evaporation Lagoon and Associated Structure
 Tiger Bay Sewerage Treatment Works – Warren NSW (C13-96)**

DMES – A
Chk Lst

MOVED Wass/McKay that:

1. Council receives and notes the information in this report for the Construction of a Clay Lined Evaporation lagoon and Associated Structure – Tiger Bay Sewerage Treatment Works – Warren NSW.
2. In accordance with the provisions of Clause 178 (1) (a) of Local Government (General) Regulation 2021 under the Local Government Act 1993, approve the tender submitted by Conseth Solutions Pty Ltd, in the Recommended Tender Amount for the works of **\$446,520.87** (excluding GST), be accepted for Contract No. C13-96 for the *Construction of a Clay Lined Evaporation Lagoon and Associated Structure – Tiger Bay Sewerage Treatment Works – Warren NSW*.
3. Council amend the 2024/2025 Vote for the project, from \$740,000 to \$540,000. Any unused funds to be returned to the Sewer Fund at the completion of the project.

Carried
282.10.24

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REPORT OF THE DIVISIONAL MANAGER ENGINEERING SERVICES

CONTINUED

**Item 2 Sewer Main Condition Assessment (CCTV) and Smoke/Dye Testing
(C13-87, S5-5.1)**

DMES – A
Chk Lst

MOVED Brewer/Jackson that:

1. Council receives and notes the information in this report for the Sewer Main Condition Assessment (CCTV) and Smoke/Dye Testing – Warren and Nevertire NSW.
2. In accordance with the provisions of Clause 178 (1) (a) of Local Government (General) Regulation 2021 under the Local Government Act 1993, approve the tender submitted by Plumbtrax Pty Ltd, in the Recommended Tender Amount for the works of \$316,443.44 (excluding GST), be accepted for Contract No. C13-87 for the Sewer Main Condition Assessment (CCTV) and Smoke/Dye Testing – Warren and Nevertire NSW.
3. Council amend the 2024/2025 Vote, from \$200,000 to \$400,000, any unused funds to be returned to the Sewer Fund at the completion of the project.

**Carried
283.10.24**

**Item 3 Deacon Drive Dwellings – District Court Matter
(S1-8.2/52, S1-8.2/58, P16-18.25, P16-18.26)**

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

**Carried
284.10.24**

There being no further business the meeting closed at 2.21 pm.

THESE MINUTES WILL BE CONFIRMED AT THE ORDINARY MEETING OF COUNCIL
HELD ON THURSDAY, 5TH DECEMBER 2024 AS BEING
A TRUE AND CORRECT RECORD.

MINUTE NO. .12.24

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GENERAL MANAGER

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MAYOR