

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 16 MARCH 2017 COMMENCING AT
8.32AM** **PAGE 1**

PRESENT: Cr Peter Shinton (Chairman), Cr Brady, Cr Capel, Cr Clancy, Cr Doolan, Cr Hill, Cr Iannuzzi, Cr Lewis and Cr Todd, General Manager (Steve Loane), Director Corporate & Community Services (Michael Jones), Director Technical Services (Kevin Tighe) and Director Development Services (Leeanne Ryan).

In attendance: Manager Administration and Executive Assistant to the General Manager – Glennis Mangan (minutes) and Administration Officer – Erin Player (minutes)

8.32am

The Mayor called for a minute silence in honour of the late Mark Powell.

Forum

8.34am

Quinton Hutchinson spoke about the contribution and effort the Lions Club made toward the recent Sir Ivan fire.

The Mayor called for Declarations of Pecuniary Interest and Non Pecuniary Interest
Nil.

REPORTS

Item 1 Mayoral Minute – Monthly Mayoral Commitments

Received.

Item 2 Minutes of Ordinary Council Meeting – 16 February 2017

196/1617 A motion was moved by Councillor Capel and seconded by Councillor

Todd that the resolutions contained in the Minutes of the Ordinary Council meeting held on 16 February 2017 be endorsed.

The motion was put and lost on the casting vote of the Mayor and the February 2017 Council meeting minutes will be presented to the April Council meeting.

Councillor Iannuzzi objected to the minutes as presented.

Councillors Hill, Brady, Capel and Shinton voted for the motion to endorse the minutes.

Councillors Todd, Lewis, Iannuzzi and Clancy voted against the motion.

Councillor Doolan abstained due to his absence from the February Council meeting.

Item 3 Minutes of Traffic Advisory Committee Meeting held on 23 February 2017

197/1617 RESOLVED:

1. That Council accepts the Minutes of the Traffic Advisory Committee meeting held at Coonabarabran on 23 February 2017.
2. That in principle approval is provided to Coonabarabran Chamber of Commerce to close John Street on 15 April 2017 for the Annual Easter Bunny Bazaar street event subject to no changes to the previous approved Traffic Control Plan **FURTHER** the event information be forwarded to RMS Traffic Operations.
3. That approval be given to close the following roads on Tuesday, 25 April 2017 for the purpose of conducting an ANZAC Day March and Ceremony, subject to compliance with guidelines and Road Closure Policy:

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- Coolah RSL Sub Branch - Binnia Street between Booyamurra Street and Campbell Street between 10.00 am and 12.30 pm.
- Coonabarabran RSL Sub Branch – John Street between Edwards Street and Essex Street between 10.00 am and 1.00 pm.
- Dunedoo/Leadville RSL Sub Branch – Bolaro Street between Wargundy Street and Merrygoen Street between 10.00 am and 12 noon.
- Mendooran RSL Sub Branch – Bandulla Street between Pampoo Street and Napier Street between 9.00 am and 12 noon.
- Binnaway RSL Sub Branch – Renshaw Street between Bullindah Street and Yarran Street between 9.30 am and 12 noon.
- Baradine RSL Sub Branch – Wellington Street and Narran Street between 10.00 am and 12.30 pm.

- FURTHER** a copy of each Traffic Control Plan to be forwarded to Luke Hodges, Traffic Operations, Western Region (RMS).
4. To approve the proposed road closure in John Street at the intersection of Dalgarno Street and John Street on 25 April 2017 from 5.57 am to 6.20 am for the ANZAC Dawn Service, subject to compliance with RMS Guidelines and Council's Road Closure Policy **FURTHER** a copy of the Traffic Control Plan be forwarded to Luke Hodges, Traffic Operations, Western Region (RMS).
 5. That the request by the Coonabarabran Local Aboriginal Lands Council to close John Street between the Tennis Club entrance and the Town Hall on Friday, 26 May 2017 for 15 minutes between 10.30 am and 10.45 am be approved subject to preparation of a Traffic Control Management Plan that involves the NSW Police Force implementing a 'rolling road closure' on the south bound lane between the bridge and the Town Hall and also submission of public liability insurance coverage for the event **FURTHER** that RMS be advised of the proposed road closure event.
 6. That an assessment be undertaken at the intersection of Dalgarno Street and Cowper Street to determine if conditions are such that warrant installation of a 'Stop' sign or if 'Give Way' continuity road marking is required.
 7. That the space in Cassilis Street next to the kerb blister be investigated to determine if it is suitable as a space for disabled car parking and as an alternative location, a car parking space in John Street is also investigated.
 8. That the request by North West Equestrian Expo to close Reservoir Street, Coonabarabran on Saturday, 3 June 2017 and Sunday, 4 June 2017 between 9.00 am and 2.30 pm to conduct the Annual Cross Country Event be approved subject to compliance with Council's Road Closure Policy.
 9. That solid white lines on either side of the driveway are marked on the road to delineate the driveway access.
 10. That sight distances are investigated in White Street at the intersection of the Newell Highway to determine if installation of a 'Stop' sign is warranted.
 11. That a proposal to create two (2) disabled car parking spaces, parallel to the kerb, in Cassilis Street in front of the Coonabarabran Medical Centre is adopted in principle and is subject to consultation with the two medical centres.
 12. That request by the owners of 62–64 Binnia Street Coolah for parallel parking to avoid damage to verandah posts by reversing vehicles is refused on the basis that it will reduce the number of available parking in front of adjoining food shop.

Iannuzzi / Capel

The motion was put and carried by majority

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Item 4 Minutes of Plant Advisory Committee Meeting held on 7 March 2017

A motion was moved by Councillor Capel and seconded by Councillor Todd that:

1. That Council accepts the Minutes of the Plant Advisory Committee meeting held in Coonabarabran on 7 March 2017.
2. That Council purchase one (1) Tipping Truck from JT Fossey Sales Pty Ltd that complies with the tender specifications at a price of \$79,517.00 (ex GST) **FURTHER** that Council trade in Plant Item No 122 to JT Fossey Sales Pty Ltd for \$23,636.00 (ex GST) resulting in a changeover price of \$55,881.00 being \$9,119.00 under budget.
3. That Council purchase one (1) Fuso FEB71GRW/815 Crew Cab Truck from JT Fossey Sales Pty Ltd that complies with the tender specifications at a price of \$69,100.64 (ex GST) **FURTHER** that Council trade in Plant Item No 136 to JT Fossey Sales Pty Ltd for \$16,363.64 (ex GST) resulting in a changeover price of \$52,737.00 being \$7,737.00 over budget.
4. That replacement of Plant Item No 142, Urban Services Truck Binnaway be deferred for 12 months.
5. That Council purchase one (1) FWA Tractor with Loader from Peel Valley Machinery that complies with the tender specifications at a price of \$118,836.00 (ex GST) **FURTHER** that Council trade in Plant Item No 195 to Peel Valley Machinery for \$55,000.00 (ex GST) resulting in a changeover price of \$63,836.00 being \$3,836.00 over budget.
6. That due to the potential unreliability of the existing truck and the lead time for replacement, Plant Item No 1180, Garbage Truck be replaced through the normal tender process.

198/1617 An amendment was moved by Councillor Clancy and seconded by Councillor Todd that the minutes be accepted with removal of item 6.

The amendment was put and carried by majority

The amendment became the substantive motion and was put and carried

Councillors Todd, Lewis, Iannuzzi, Clancy, Hill and Doolan voted for the motion.
Councillors Shinton, Capel and Brady voted against the motion.

199/1617 A motion was moved by Councillor Clancy and seconded by Councillor Todd that the purchase of the compactor truck be withheld and a report be sent to the Office of Local Government setting out the actions taken to engage a contractor.

FURTHER that a report be brought back to Council as a matter of urgency to the April 2017 ordinary Council meeting on the waste contract.

The motion was put and carried by majority

10.03am

Cr Iannuzzi left the meeting.

10.06am

Cr Iannuzzi re-joined the meeting.

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**Item 5 Minutes of Coonabarabran Sporting Complex Advisory Committee Meeting
held on 22 February 2017**

200/1617 RESOLVED that:

1. That Council accepts the Minutes of the Coonabarabran Sporting Complex Advisory Committee meeting held at Coonabarabran on 22 February 2017.
2. That further investigation be undertaken by the Netball Association of the claim of \$20,000 being provided to Council from the Association.
3. That the Master Plan for the netball and car park complex be modified to include five (5) outdoor netball hard courts with each orientated in a north south direction and the car park to be located on the western side of the Youth Club building and provision is made for a small car park to enable RSL members easiest access to their rooms.
4. That funding submission under the Australian Government's Building Better Regions Fund be made for four (4) hard courts on the basis of a \$400,000 contribution from Council and a matching contribution from the Australian Government.

Clancy / Brady

The motion was put and carried by majority

Item 6 Binnaway and Mendooran Sewerage Scheme

201/1617 A motion was moved by Councillor Todd seconded by Councillor Lewis that the Warrumbungle Shire Council be proactive in ensuring that the towns of Binnaway and Mendooran be immediately put on the government list for consideration for construction of a sewerage scheme.

The motion was put and carried by majority

10.16am

Cr Brady left the meeting.

10.18am

Cr Brady re-joined the meeting.

Item 7 Coonabarabran Netball Courts

202/1617 A motion was moved by Councillor Todd seconded by Councillor Clancy that Warrumbungle Shire Council call for a wider expression of interest to be sought for the provision of consultancy services for the construction of the proposed new Netball courts. **FURTHER** that the firms of Dynamic Sports and Court Craft be invited into the process.

The motion was put and carried by majority

10.35am

203/1617 RESOLVED that standing orders be suspended to break for morning tea.

Todd / Capel

The motion was put and carried by majority

10.49am

204/1617 RESOLVED that standing orders be resumed.

Todd / Capel

The motion was put and carried by majority

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Item 8 Mendooran Water Rates

205/1617 A motion was moved by Councillor Todd seconded by Councillor Clancy that the fixed Mendooran water charges be brought in line with other villages and towns within the Warrumbungle Shire.

The motion was put and lost by majority

Councillor Todd moved a spill on the motion.

The motion was put and lost with Councillors Shinton, Hill, Capel, Brady and Doolan each recording their vote against the motion and Councillors Todd, Lewis and Clancy each recording their vote for the motion.

Councillor Iannuzzi abstained.

206/1617 A motion was moved by Councillor Doolan and seconded by Councillor Capel that a report be bought back to Council on reducing the costs of the Mendooran water charges.

The motion was put and carried by majority

10.57am

Cr Doolan left the meeting.

11.00am

Cr Doolan re-joined the meeting.

Item 9 Local Business Stimulation

207/1617 A motion was moved by Councillor Doolan seconded by Councillor Clancy that Council stimulate local business by holding a short, advertised meeting in the towns of Coonabarabran, Coolah and Dunedoo to inform local business owners how they can benefit by becoming both suppliers to and possibly customers of Warrumbungle Council. Specifically the meetings would outline what applicable goods and services that Council purchases and provides, and how to become involved in any tender and quoting process associated with those supplies.

The motion was put and carried by majority

Item 10 Orana Arts Inc

Received

Item 11 Request for Financial Assistance for Dunedoo Family Medical Service

208/1617 RESOLVED that Council decline the request for matching funding for Dr Alseneid.

Iannuzzi / Hill

The motion was put and carried by majority

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Item 12 Delegations of Authority to the General Manager

209/1617 A motion was moved by Councillor Shinton and seconded by Councillors Capel and Hill that Council rescind its decision, Resolution 166/1617, *that the General Manager's delegations regarding legal documents be altered in such a way that the Mayor must co-sign contract, deeds, licences, leases and other legal documents.*

FURTHERMORE that Council review the General Manager's delegations at a future council meeting.

The motion was put and lost by majority.

Councillors Shinton, Capel and Hill voted for the motion.

Councillors Brady, Todd, Lewis, Iannuzzi, Clancy and Doolan voted against the motion.

Explanatory note:

Following discussion regarding the impact of the changes to the General Manager's delegations the following rescission motion was moved.

210/1617 A rescission motion was moved by Councillor Doolan and seconded by Councillor Lewis that the General Manager's original delegations remain in place until a workshop be conducted with Local Government to enable a comprehensive report be brought back to the May 2017 ordinary Council meeting.

The motion was put and carried by majority

Councillor Iannuzzi abstained.

Councillor Clancy voted against the motion.

Item 13 Social Media Investigation

Received.

Item 14 Progress Report Delivery Program 2016/17 – 2019/20

211/1617 RESOLVED that Council accepts the 2016/17-2019/20 Delivery Program six (6) month Progress Report to 31 December 2016.

Brady / Hill

The motion was put and carried by majority

Item 15 Section 44 Provision of Council Heavy Plant

212/1617 RESOLVED that Council provide a subsidy capped at \$1,000 per property to pay for plant hire to clear road reserves where trees are deemed a threat to new property infrastructure or road users. Conditions to include:

Full road frontage to be treated

Timber stacked on property

Prior assessment by Council

Fences deemed destroyed or damaged beyond repair

Only roads maintained by Council ie: not paper roads

Warrumbungle Shire Council ratepayers

Claimable if work undertaken by private contractor

Increase the Donations Budget by \$70,000

Works to be completed by 30 June 2017

Refer QBRS

Capel / Brady

The motion was put and carried by majority

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11.57am

Cr Brady left the meeting

11.59am

Cr Brady re-joined the meeting

Item 16 Council Owned Land – Fences Damaged by Sir Ivan Fire

213/1617 RESOLVED that Council contribute to half of the cost of the component for the fencing of Council owned land.

Iannuzzi / Lewis

The motion was put and carried by majority

Item 17 Sir Ivan Fire

Received.

Item 18 Council Resolutions Report March 2017

Received.

Item 19 Monthly Report from Human Resources – March 2017

Received.

Item 20 Minutes from the Macquarie Regional Library Committee

Received.

Item 21 Building Better Regions Fund

Received.

Item 22 Queen's Baton Relay

Received.

Item 23 Queen's Baton Relay – Council Selected Batonbearer Nomination Program

214/1617 RESOLVED that Council supports the nomination process for the Council Selected Batonbearer Nomination Program.

Brady / Capel

The motion was put and carried by majority

12.18pm

DTS left the meeting

Item 24 Related Party Disclosures Strategic Policy

215/1617 RESOLVED that Council endorses the following policy, Related Parties Disclosures Policy, to be included in the Strategic Policy Register.

**Related Party Disclosure Policy
Strategic**

Policy Background

Under the Local Government Act 2009 and Local Government Regulation 2012, all local governments must produce annual financial statements that comply with Australian Accounting Standards.

From 1 July 2016, the Australian Accounting Standards Board amended the AASB 124-Related Party Disclosures to set out that Council's Financial Statement must also contain the necessary disclosures for Related Parties and transactions.

Objectives

This policy is to provide guidance on identifying Council's related parties, related party transactions and how to record them in Council's systems and disclose in Council's General Purpose Financial Statements in accordance with AASB 124.

Scope

This policy applies to Key management personnel (KMP) and related parties of Warrumbungle Shire Council.

Policy

1. Identifying Related Parties

Key Management Personnel

Key management personnel (KMP) have been defined for this policy as those who have authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly. These include but are not limited to:

- (a) Mayor;
- (b) Councillors;
- (c) General Manager;
- (d) Directors;

All key management personnel are responsible for self-assessing theirs, their close family members' and their related entities' relationship with Council. All related parties must be included in the self assessment.

Self assessment will be recorded on the Related Party Disclosure form.

Transactions with related parties will also be identified through Council's accounts payable, accounts receivable, applications, payroll and document management systems.

Close family members of KMP

Close family members of a KMP are those who may be expected to influence, or be influenced by, the KMP in their dealings with Council. This includes but is not limited to:

- (a) The KMP's children and spouse or domestic partner;
- (b) Children of the KMP's spouse or domestic partner; and
- (c) Dependants of the KMP or the KMP's spouse or domestic partner.

Key management personnel are responsible for identifying their close family members through the self assessment process.

Related Entities to KMP

Related Entities to Key management personnel are identified in this policy as:

- (a) Entities controlled or jointly controlled by a KMP of Council;
- (b) Entities, apart from Council, which a KMP has significant influence over or is a member of the key management personnel of the entities (or of a parent of the entities);
- (c) Entities controlled or jointly controlled by a close family member of a KMP of Council;

Key management personnel are responsible for identifying their related entities through the self assessment process.

Related Entities to Council

An entity is related to Council if any of the following conditions applies:

- (a) The entity and Council are members of the same group;
- (b) The entity is an associate or joint venture of the Council (or an associate or joint venture of a member of a group of which Council is a member);
- (c) The entity is a joint venture of a third entity and Council is an associate of the third entity;
- (d) The entity is a post-employment benefit plan for the benefit of employees of Council or a Council's related entity;
- (e) The entity, or any member of a group of which it is a part, provides key management personnel services to Council.

2. Assessment of Related Party Transactions

2.1. Ordinary Citizen Transaction

Ordinary Citizen Transaction for the purpose of this policy is a transaction that happens between the Council and key management personnel and/or their related parties which satisfy the following criteria:

- (a) Occurs during the course of Council delivering its public service objectives
- (b) Contains no different term to one that are of the general public
- (c) Belongs to a class of transactions that an ordinary citizen of the community would transact with the Council.
- (d) This includes but is not limited to payment of rates for properties owned by the key management personnel and dog registration

Any transaction that are deemed to be ordinary citizen transactions (see above definition) will not be required to be disclosed in the Related Party Disclosure.

Transactions between Council and related parties that would normally be considered ordinary citizen transactions but where the terms and conditions differ from normal practice will not be considered to be an ordinary citizen transaction for the purposes of this policy. These are required to be disclosed as Non-ordinary Citizen Transactions.

2.2. Non-Ordinary Citizen Transactions

A related party transaction for the purpose of this policy is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged. All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (see definition in 2.1) are then classified as Non-ordinary Citizen Transactions and must be disclosed as part of the Related Party Disclosure in accordance with AASB 124.

The following are examples of transactions that must be disclosed if they are with a related party and are not an Ordinary Citizen Transaction:

- (a) Purchases or sales of goods (finished or unfinished);
- (b) Purchases or sales of property and other assets;
- (c) Rendering or receiving of services;
- (d) Leases;
- (e) Transfers of research and development;

- (f) Transfers under licence agreements;
- (g) Transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- (h) Provision of guarantees or collateral;
- (i) Commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised); and
- (j) Settlement of liabilities on behalf of Council or by Council on behalf of the related party.

All key management personnel are responsible for self-assessing and disclosing theirs, their close family members' and their related entities' related party transactions with Council.

Self assessment will be recorded on the Related Party Disclosure form.

3. Disclosed Information

For each category of related party transactions specified in Section 2.2., Council will disclose the following information in Council's General Purpose Financial Statements:

- (a) The nature of the related party relationship;
- (b) The amount of the transactions;
- (c) The amount of outstanding balances, including commitments, and:
 - (i) Their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and
 - (ii) Details of any guarantees given or received;
- (d) Provisions for doubtful debts related to the amount of outstanding balances; and
- (e) The expense recognised during the period in respect of bad or doubtful debts due from related parties.

4. Disclosure

For each related party category specified in Section 1, Council will disclose information specified in Section 3 for related party transactions of a similar nature in aggregate except when separate disclosure is necessary for an understanding of the effects of the transactions on the Financial Statements of Council, having regard to the following criteria:

- (a) the nature of the related party relationship;
- (b) the significance of the transaction (individually or collectively) in terms of size or value on Council's Financial Statement.

5. Information Privacy

5.1 Who can access the information

The following persons are permitted to access, use and disclose the information provided in a related party disclosure or contained in a register of related party transactions for the purposes specified in Section 5.2:

- (a) the General Manager;
 - (b) the Responsible Accounting Officer, the Chief Financial Officer, Director of Corporate and Community Services;
 - (c) an Auditor of Council (including an Auditor from the NSW Auditor General's Office);
 - (d) Other Officers as delegated by the General Manager.
-

5.2. Permitted Purposes

Persons specified in Section 5.1 may access, use and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:

- (a) to assess and verify the disclosed related party transaction;
- (b) to reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions;
- (c) to comply with the disclosure requirements of AASB 124;
- (d) to verify compliance with the disclosure requirements of AASB 124.

5.3. Confidential

The following information is classified as confidential and is not available for inspection by or disclosure to the public:

- (a) information (including personal information) provided by a KMP in a related party disclosure; and
- (b) personal information contained in a register of related party transactions.

5.4. Exemption

Council and all persons specified in 5.1 must not use or disclose personal information provided in a related party disclosure or contained in a register of related party transactions for any other purpose or to any other person except those which are specified in this Policy unless a written consent has been obtained from the subject KMP.

1. Related Party Disclosures

In accordance with the policy, KMP must provide a related party disclosure in the form set out in Attachment A by no later than the following periods during a financial year:

- (a) 30 December each year;
- (b) 30 June each year.

Attachment A: Related Party Disclosure Form

Name of Key Management Personnel:

Position of Key Management Personnel:

Please read Council's **Related Party Disclosure Policy** prior to completing this form, which explains what is a related party transaction and the purposes for which Council is collecting and will use and disclose, the related party information provided by you in this form.

Please complete the table below for each related party transaction with Council that you, or a close family member or any entity related to you:

- (a) has previously entered into and which will continue in the 2016/2017 financial year
- (b) has entered into in the 2016/2017 financial year.

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Related Party's name (Your name or your related party's name)	Related Party's relationship to you	Description of transactions with Council	Date of transaction	Amount (Leave blank if non-monetary)

Declaration

I _____,
_____, declare that to the best of my knowledge, _____
(Full name) (Position)

information and belief, as at the date of this declaration, the above list includes all existing related party transactions with Warrumbungle Shire Council involving myself, my close family members, or other related entities to me, that are relevant to the 2016/2017 financial year.

I make this declaration; after reading the Related Party Disclosure Policy of Warrumbungle Shire Council, which details the meaning of the words "related party", "related party transaction", "close family members", "related entities" and the "key management personnel" which I am a part of as well as the purposes for which this information will be used and disclosed.

I permit the Responsible Accounting Officer and the other permitted persons specified in Council's Related Party Disclosure Policy to access and use this information for the purposes specified in that policy.

Hill / Clancy
The motion was put and carried by majority

12.20pm
DTS re-joined the meeting.

WARRUMBUNGLA SHIRE COUNCIL

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Item 25 Rating Strategic Policy

216/1617 RESOLVED That Council endorses the following Rating Policy to be included in the Strategic Policy Register.

Rating Policy Strategic

Purpose

The purpose of this policy is to ensure effective controls, policies and procedures are in place with respect to Council's rating function, collection of overdue rates, and the granting of pensioner concessions.

Objectives of the Policy

The objectives of this policy are:

- To ensure all statutory requirements of the Local Government Act 1993 (hereafter the Act) are adhered to;
- To ensure collection of rates, charges and sundry debtors is carried out in a transparent manner and complies with the Act and other relevant state and federal acts;
- To ensure that all applications for the statutory pensioner concession are:
 - managed equitably and in compliance with current legislation;
 - To ensure that ratepayers experiencing genuine financial difficulties are treated sensitively on a case by case basis and
 - ratepayers are assisted in meeting their rate commitments by providing mutually agreeable alternative repayment plans;
- To ensure that Council minimizes the amount of money owed in respect of overdue rates and charges.

Policy Scope

This policy applies to Council's processing of rates and annual charges, debt collection for rates and annual charges, approval of pensioner rebates, and all other rates and annual charges related issues. This policy does not seek to incorporate the Emergency Services Levy or other fees and charges that may be included in but not part of the Council's revenue.

Background

Roughly 30% of Council's funding is derived from rates and annual charges, and this revenue is used in the provision of a variety of services to the residents of the shire. It is important that Council ensures that all statutory requirements of the Local Government Act are adhered to in Council's making and levying of rates, and that the collection of rates and annual charges is transparent, fair, effective and protected. As an important source of income to fund council's objectives the income from rates and annual charges should fairly imposed and be protected through a process of making payment processing accessible, deterring non payment and debt recovery without causing undue stress or hardship.

Definitions

N/A

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Policy Statement

6.1 Making and Levying of Rates and Charges

Council levies Rates and Charges in accordance with the provisions of the Act and the Local Government (General) Regulations 2005 (hereafter the Regulations), including but not limited to:

- Council must make and levy an ordinary rate for each year on all rateable land in its area (s.494),
- may make and levy a special rate in accordance with Act (s.495);
- make and levy an annual charge for domestic Waste Management (s.496);
- make an annual Stormwater Levy (s.496A);
- make and levy an annual charge for sewerage & drainage services (s.501);
- make and levy an annual charge for non domestic waste services (s.501);
- make and levy an annual charge for any service prescribed by the Regulations (s.501)

Council's current rating structure is determined in accordance with of the Act (s.497) being a rate based on land value, together with a Base Amount.

Council issues its annual rates notice to all rateable properties in the Council's area in July of each year for the financial year. Supplementary rate levies may also be issued during the year.

The General Rates notice currently includes but is not limited, to

- all ordinary rates,
- special rates (including the Stormwater levy) and
- annual charges
- State levied annual charges such as the Fire and Emergency Service Levy (and potentially others as yet unknown) as applicable.

Rates and annual charges may be paid by a single instalment or by quarterly instalments. If the payment is made by quarterly instalments, the instalments are payable as follows:

Instalment	Due Date
1	31 August
2	30 November
3	28 February
4	31 May

If the payment is made by a single instalment, the instalment is payable by the 31 August of each year. Council issues instalment notices to those ratepayers who elect to pay by instalments and such notices are issued at least one month prior to the due date for the instalment. Where the Council levies rates and annual charges after an instalment was due, the amount payable is apportioned equally across the remaining instalments.

Council also issues a separate water notice which currently includes but is not limited to:

- access charges – water and sewer
- consumption charges - water, sewer and trade waste

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Water notices are payable as follows:

Water Notice	Due Date
1	31 October
2	31 January
3	30 April
4	31 July

6.2 Payment of Rates

The collection of rates and charges is to be carried out in a transparent manner, and in compliance with the Act and Regulations.

6.2.1 Recovery Action

Recovery action will commence when rates and/or charges are not paid by the due date for each quarterly instalment unless arrangements have been entered into (in writing) to make periodical payments under of the Act (s.564).

Recovery action will commence if other debts (*other than amounts due from Government Departments*) are not paid within thirty (30) days unless arrangements have been entered into.

6.2.2 Agreements for Periodical Payments

Ratepayers who are unable to pay rates and charges and/or water usage charges by the due date, either because of reasons beyond their control or because payment would cause hardship, may apply to enter into an agreement with Council to make periodical payments [henceforth called the 'Agreement']. The payments made under this said agreement should adequately repay the rates and charges levy.

In order for such an agreement to be considered a 'Payment Arrangement' form is to be completed subject to mutual agreement of payment amounts. The ratepayer is to specify the dates and the amounts that are to be paid and an appropriate contact number and address must be supplied to Council. Verbal agreements shall not provide a reprieve from the debt recovery process.

If a ratepayer fails to meet the terms of an agreement, the agreement shall be terminated and the full amount of the outstanding rates and charges and/or water usage and accrued interest shall be due and payable immediately. Recovery action shall be taken immediately for recovery of the amount due and payable.

If a sundry debtor fails to meet the terms of an agreement, the agreement shall be terminated and the full amount of the outstanding sundry debt shall be due and payable immediately. Recovery action shall be taken immediately for recovery of the amount due and payable.

6.2.3 Use of Water Restrictors

In the case of unpaid water and sewer rates and charges, council may install a water flow restrictor. The use of a water flow restrictor shall be determined on the merits of each individual case. The lodgement and removal of a water restrictor will incur a fee as per the Revenue Policy.

6.2.4 Requests for Write off must be in writing

All applications requesting the writing off of rates, charges, interest and legal fees must be made in writing and may be in either hard or soft copy.

6.2.5 Writing off of Rates, Charges, Interest and Legal Fees

Applications for writing off or rates, charges, interest or Legal fees under the hardship provisions of the Act shall be determined on the merits of each individual case, on the basis of whether or not the hardship criteria have been satisfied by the applicant and a proper opinion can be formed.

6.2.6 Writing Off by Resolution

Rates and/or Charges (including accrued interest) or other debts can be written off by resolution of Council or by delegated authority.

6.2.7 Sale of Land for Overdue Rates

Should all avenues of recovery action be unsuccessful, Council is able, under of the Act (Section 713), to sell land for overdue rates and charges where the rates and charges remain unpaid for a period of more than five years.

6.2.8 Change of Rating Categorization – date of

Should the Rating categorization be changed (for example from Business to Residential) then the effective date of the change will be the beginning of the next Rating Quarter.

The Act and the associated Regulations detail the procedures to be followed should Council choose to follow this course of action.

6.3 Pensioner Concessions

Eligible pensioners are entitled to a statutory pensioner concession provided for under the Act, (s. 575).

6.3.1 Eligibility for Pensioner Concessions

6.3.1.1 Eligible Person

An eligible person must be an eligible pensioner. Eligible pensioners are those who receive any of the following:

- A pension, benefit, or allowance under Chapter 2 of the Social Security Act 1991 (Cth), and hold a pensioner concession card issued by or on behalf of the Commonwealth Government;
- A service pension under part III of the Veterans' Entitlements Act 1986 (Cth) and hold a pensioner concession card issued by or on behalf of the Commonwealth Government;
- A pension from the Commonwealth Department of Veterans' Affairs, who are also eligible for a pensioner concession card from Centrelink;
- A general rate pension adjusted for extreme disablement under section 22(4) of the Veterans' Entitlements Act 1986 (Cth), or a special rate of pension under section 24 of that Act.

6.3.1.2 Other Conditions of Eligibility for Concession include

The pensioner concessions are granted where a pensioner/owner or joint pensioner/owners:

- Occupy a dwelling on the property, for which a concession is sought, as their sole or principal place of abode.
- Rebates are not granted for vacant or unoccupied land;
- Do not reside on the land subject to the rates in respect of which a rebate is claimed during periods of hospitalisation or convalescence (subject to eligibility reviews);
- Where an application is received for a rebate of rates payable on land held in joint ownership, the applicant pensioners are granted a rebate in accordance with the above and in accordance with the proportion of their interest in the premises;
- A rebate is granted to an eligible pensioner where the land is owned by the Estate of a deceased person and is occupied by the eligible pensioner, who is liable for the payment of rates. This is subject to the granting of probate and the production of documentary evidence of a life tenancy agreement by the eligible pensioner.

6.3.1.3 Liable for the Payment of the Rates

The eligible person must be solely liable, or a person jointly liable with one or more other persons for the rates and/or charges levied on that property.

6.3.2 Application for Concession

6.3.2.1 Application Form

The eligible person must fully complete the Pensioner Concession Application Form. Applicants must sign the customer consent, which allows Council to confirm with the appropriate Government agencies, the accuracy of the details provided by the applicant. Applicants who fail to sign this section will not be granted the rebate.

6.3.2.2 Evidence

Evidence in the form of the Pensioner Concession Card provided by Centrelink must be produced as evidence when applying for the concession. A concession can only be provided for the "place of Residence" as listed on the Pensioner Concession Card. If a Pensioner Concession Card is not available then a letter from Centrelink supporting the applicant's eligibility is sufficient. A rebate can not be granted without providing sufficient evidence.

6.3.2.3 Confirmation

Council will from time to time seek to confirm eligibility. Eligibility will be sought at least annually through use of the electronic Pensioner Confirmation Service provided by Centrelink.

6.3.3 Applying the Concession

6.3.3.1 Date of Grant

After first day of current financial year

If a person becomes an eligible pensioner after the first day of the current financial year, the amounts of the rebate will be proportioned to the number of full quarters remaining after the day on which the person becomes an eligible pensioner.

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Before the first day of current year.

If a person had become an eligible pensioner prior to the start of the financial year they will be eligible only for the full annual rebate for the current financial year. A pensioner concession rebate can not be back dated beyond the start of the current financial year.

6.3.3.2 Value of Rebate

The amounts of the concession available on an annual basis (current as the 1 July 2016) are:

- 1 Up to \$250.00 on all ordinary rates and domestic waste management service charges, and
- 2 Up to \$87.50 on the water supply service charge: and
- 3 Up to \$87.50 on the Sewer Access Charges.

6.3.3.3 Payment Options

Under Council's policy, eligible pensioners have three payment options:

- Pay the full amount of rates as set out on the Rates Notice by the due date; Pay the full amount of the rates as set out on the Rates Notice by four instalments. Details of this option and amounts payable each quarter and the due dates are included on the Rates Notice.
- Special payment arrangements can be made with Council whereby rates are paid over an extended period at an agreed amount. For example, a pensioner may request to pay their rates at \$50.00 per month, ensuring that the agreed amount paid will satisfy the total amount owing for rates.

Responsibilities

Council's Financial Services Branch is responsible for the day to day application of the policy

Associated Documents

N/A

Getting Help

The staff member who can assist with enquiries about the policy

Position: Supervisor of Finance Coolah

Department: Financial Services

Version Control

Review Date: 15/11/2016

Staff Member Responsible for Review: Chief Financial Officer

Policy Name	Version	Resolution	Date
Rating Policy	1	43	18 June 2009
Rating Policy	2	108/1314	19 September 2013
Rating Policy	3	216/1617	16 March 2017

Clancy / Capel
The motion was put and carried by majority

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Item 26 Bank Reconciliation for the month ending 28 February 2017

217/1617 RESOLVED That Council accept the Bank Reconciliation Report for the month ending 28 February 2017.

Iannuzzi / Capel

The motion was put and carried by majority

Item 27 Investments and Term Deposits for Month ending 28 February 2017

218/1617 RESOLVED that Council accept the Investments Report for the month ending 28 February 2017.

Capel / Hill

The motion was put and carried by majority

Item 28 Rates Report for Month Ending 28 February 2017

Received.

Item 29 Naming of Laneways; Coonabarabran, Binnaway & Coolah

219/1617 RESOLVED That Council call for submissions for naming of the following laneways:

- Laneways either side of Brains Ford in Coonabarabran.
- Laneway off Bullinda Street and between David Street and Renshaw Street in Binnaway.
- Laneway off Central Lane and between Goddard Street and Martin Street in Coolah.

Lewis / Clancy

The motion was put and carried by majority

Item 30 Connection of Sewer to Camp Cypress

220/1617 RESOLVED that Council undertake further investigations on the feasibility of installing a sewer line along road corridors between Camp Cypress and the sewage treatment plant. **FURTHERMORE** a budget allocation of \$20,000 is made for the environmental investigation in 2016/17, which is funded from within the existing allocation for Capital works in 2016/17.

Todd / Clancy

The motion was put and carried by majority

Item 31 Nominations for Warrumbungle Aerodromes Advisory Committee

221/1617 RESOLVED that the following nominations are accepted for membership of the Warrumbungle Aerodromes Committee;

- Mr Ian Munns – as an alternate delegate for Coonabarabran
- Mr Grant Piper.

Clancy / Todd

The motion was put and carried by majority

Item 32 2016/17 Technical Services Works Program – Road Operations, Urban Services & Water Services

Received.

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Item 33 Planning Legislation Update

222/1617 RESOLVED that a submission to be made on behalf of Council to the NSW Department of Planning and Environment in relation to the following issues that will affect Council:

- The 'online portal' that will allow Development Applications, Construction Certificates and Complying Development Applications to be lodged online by the public will increase the work load for Council assessing officers;
- A 'statement of reasons' to be provided with all development applications may have legal implications on Council;
- The renewal of Council's *Local Environmental Plan (LEP)* every 5 years will result in financial and work load implications;
- The removal of interim occupation certificates will mean that it will be unclear to the owners and Council as to when the development has been finalised with a final occupation certificate.

Brady / Hill

The motion was put and carried by majority

Item 34 Coonabarabran Administration Building & Swimming Pool – Storm Damage
Received.

Item 35 Baradine Hall Outstanding Resolution 223/1516

223/1617 RESOLVED that Council resolve to continue with the goal to remove and replace the trees at the front of the building with like and that an appropriate irrigation system is installed to stop the new trees from suffering from lack of water **FURTHERMORE**, that Warrumbungle Shire Council to supply the Baradine & District Progress Association a draft MOU/Licence for management of the hall when acquisition of Lot 2, Section 23, Deposit Plan 758051 is completed as resolved in 65/1617.

Todd / Iannuzzi

The motion was put and carried by majority

Item 36 Contaminated Land Policy Review

224/1617 RESOLVED that Council endorses the following Contaminated Lands Policy and it be included in Council's Strategic Policy Register.

**Contaminated Land Policy
Strategic**

Purpose

The purpose of this Policy is to provide a framework to assist Council, residents and proponents of current and proposed development to respond positively and proactively to contaminated land based hazards and risks, both past and present. The objectives of this Policy will aim to ensure compliance with the requirements of the *Contaminated Land Management Act 1997*, *State Environmental Planning Policy (SEPP) 55 – Remediation of Land 2005*, *Managing Land Contamination: Planning Guidelines 1998* and the *Central NSW Regional Contaminated Land Policy*.

Objectives of the Policy

The objectives of this Policy are:

- To maintain a database of contaminated or potentially contaminated land and any information on remediation, abatement, or site audits of work on contaminated land undertaken in the Warrumbungle Shire Council area.
- Provide information to support decision making and to inform and liaise with the community
- Ensure that appropriate consideration of contamination issues is made during the rezoning and development assessment process.
- Ensure that changes to land use will not increase the risk to health or the environment.

Policy Scope

This policy applies to Councils Development Services Department and will be referenced in planning decisions for all contaminated or potentially contaminated land parcels within the shire area.

Background

This Policy forms the basis for the management of land, which is either contaminated or potentially contaminated, within the Warrumbungle Local Government Area.

The management of contaminated land is a shared responsibility between Office of Environment & Heritage (OEH) (which includes the Environment Protection Authority (EPA), the Department of Planning and Infrastructure (DP&I) and Council. The EPA is the regulatory arm of OEH.

Under the Contaminated Land Management Act, the EPA regulates contaminated sites that pose a significant risk of harm to human health or the environment.

The EPA:

- Regulates the appropriate investigation and clean-up of significantly contaminated land;
- Administers the NSW site auditor scheme under Part 4 of the Contaminated Land Management Act;
- Makes or approves guidelines for use in the assessment and remediation of contaminated sites;
- Administers the public record of regulated sites under the Contaminated Land Management Act.

Contaminated or potentially contaminated sites that are not regulated by the EPA will be managed by Warrumbungle Shire Council through land use planning processes, ie., SEPP 55, Warrumbungle LEP 2013.

Under the provisions of this policy, Warrumbungle Shire Council has adopted a framework to manage those sites which are contaminated or potentially contaminated, that do not pose an unacceptable risk to human health or the environment under its current or approved use. The planning and development process will determine what remediation or abatement is required to ensure the land is suitable for a different use. It is important to note that this policy is a land-based policy only.

Part 7A of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that planning authorities who act substantially in accordance with the SEPP 55 Guidelines are taken to have acted in good faith when carrying out planning functions.

Definitions

Refer to definitions as provided in the attached *Central West Regional Contaminated Land Policy*.

Policy Statement

6.1 Database of Contaminated or Potentially Contaminated Land

Council will develop and maintain a database of contaminated or potentially contaminated land within the local government area. Development of this database will be assisted by a community engagement program to identify contaminated or potentially contaminated land not known to Council. This database may not be a complete list, and will only identify properties known to Council which have a history of contamination, or that have been associated with uses that may have resulted in contamination. Persons should also make their own enquiries or investigations into whether land is contaminated, or potentially contaminated. The Database will also record details of any site remediation or abatement that has been undertaken, validation records, and audits of remediation work. Information regarding individual properties will be located in Council's Database. Any enquiries associated with a property should be checked against information contained within the Council Database.

6.2 Council's Decision Making Process

In determining all rezoning and development applications, Council must consider the possibility of land contamination and the implications it has for any proposed or permissible futures uses of the land. A precautionary approach will be adopted as outlined in the attached *Central NSW Regional Contaminated Land Policy* to ensure that any land contamination issues are identified and dealt with early in the planning process.

6.3 Section 149 Planning Certificates

Section 59(2) of the Contaminated Land Management Act prescribes certain matters to be specified in a section 149(2) planning certificate as noted in the attached Central NSW Regional Contaminated Land Policy.

Responsibilities

Development Services

Associated Documents

This policy should be read in conjunction with the following:

- *Contaminated Land Management Act 1997*
- *Contaminated Land Management Regulation 2013*
- *Environment Planning and Assessment Act 1979*
- *Environment Planning and Assessment Regulation 2000*
- Central NSW Regional Contaminated Land Policy

Getting Help

Position: Manager Regulatory Services

Department: Development Services

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Position: Town Planner
Department: Development Services

Position: Environment and Health Officer
Department: Development Services

Version Control

Review Date:

Staff Member Responsible for Review:

Policy Name	Action	Resolution No.	Date
Contaminated Land Policy	<i>Adopted</i>	278/1415	19 March 2015
Contaminated Land Policy	<i>Review</i>		1 April 2016
Contaminated Land Policy	<i>Review</i>	224/1617	16 March 2017

Lewis / Iannuzzi

The motion was put and carried by majority

Item 37 Development Applications

225/1617 RESOLVED That Council note the Applications and Certificates Approved, during February 2017, under Delegated Authority.

Todd / Hill

The motion was put and carried by majority

There being no further business the meeting closed at 12.43 pm.

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CHAIRMAN