

WARRUMBUNGL E SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL E SHIRE COUNCIL
HELD AT THE ACACIA MOTEL, COONABARABRAN ON THURSDAY, 17 MARCH 2011
COMMENCING AT 1.02 PM PAGE 1

PRESENT: Cr Peter Shinton (Chairman), Cr Campbell, Cr Coe, Cr Lewis, Cr Powell, Cr Schmidt, Cr Sullivan, Cr Todd, Acting General Manager (Kevin Tighe), Acting Director Technical Services (Greg Kable), Acting Director Environmental Services (Tony Meppem), Acting Director Corporate Services (John McHugh) and Director Community Services (Rebecca Ryan).

In attendance: T Draper (minutes)

The Mayor welcomed Councillors and members of the gallery to the Council meeting.

APOLOGIES: Cr Tilak Dissanyake

293 RESOLVED that the apologies of Cr Dissanayake be accepted.

Todd/Schmidt
The motion was carried

1.03 pm

Mrs Jeannie Hughes of Timberoo, Mendooran addressed the meeting regarding letters she sent to Council from May 2010 onwards, addressed to the General Manager, Director Corporate Services and the Mayor. She advised that her letters were in relation to the consequences for landowners under the Native Vegetation Act 2003. She thought that this Act was an attack on landowners' rights and farmer's ability to sustain the agricultural sufficiency of their land. She would like to see the Native Vegetation Act repealed.

1.09 pm Councillor Todd left the meeting to take a phone call.

1.10 pm

The Acting General Manager called for Declarations of Interest (to declare pecuniary or non-pecuniary interest) from Councillors and senior staff in any matter listed in the Agenda for consideration at the meeting.
There were no declarations at this time.

1.11 pm Councillor Todd returned to the meeting.

**CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF
WARRUMBUNGL E SHIRE COUNCIL HELD ON 17 FEBRUARY 2011**

294 RESOLVED that the minutes of the ordinary meeting of the Warrumbungle Shire Council held on 17 February 2011 be endorsed with an amendment to Resolution 280, Item 2.5 in the date of the sale of land for unpaid rates has been changed to: Friday 13 May 2011.

Coe/Powell
The motion was carried

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ADOPTION OF THE RECOMMENDATIONS OF THE GENERAL MANAGER SELECTION COUNCIL MEETING HELD ON 14 MARCH 2011

295 RESOLVED that the minutes of the General Manager Selection Council Meeting held on 14 March 2011 be adopted.

Todd/Campbell
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLA SHIRE TRAFFIC ADVISORY COMMITTEE MEETING HELD ON 24 FEBRUARY 2011

296 RESOLVED that the minutes of the Warrumbungle Shire Traffic Advisory Committee Meeting held on 24 February 2011 be adopted.

Lewis/Campbell
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLA SHIRE CONSULTATIVE ADVISORY COMMITTEE MEETING HELD ON 3 MARCH 2011

297 RESOLVED that the minutes of the Warrumbungle Shire Consultative Advisory Committee Meeting held on 3 March 2011 be adopted.

Schmidt/Powell
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLA SHIRE TOURISM AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON 4 MARCH 2011

298 RESOLVED that the minutes of the Warrumbungle Shire Tourism and Economic Development Advisory Committee Meeting held on 4 March 2011 be adopted, with the exclusion of Recommendation 20.

Campbell/Schmidt
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLA SHIRE PLANT ADVISORY COMMITTEE MEETING HELD ON 17 MARCH 2011

299 RESOLVED that the minutes of the Warrumbungle Shire Plant Advisory Committee Meeting held on 17 March 2011 be adopted.

Sullivan/Coe
The motion was carried

1.20 pm

ACTING GENERAL MANAGER'S REPORTS

1.1 Request for Leave of Absence – Councillor Dissanayake

300 RESOLVED that leave of absence is granted to Councillor Tilak Dissanayake for the meeting on the 17 March 2011.

Campbell/Schmidt
The motion was carried

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1.2 Appointment Of Director Corporate Services – 6 Month Period

301 RESOLVED That Council endorse the appointment of Mr John McHugh to the position of Director Corporate Services for the period 17 March 2011 to the 17 September 2011, **FURTHER** that Council authorise the Mayor and Acting General Manager to attach Council's Common Seal.

Coe/Campbell
The motion was carried

1.3 Review Of Financial Assistance Policy

302 RESOLVED

That Council's existing donations policy is replaced with Financial Assistance Policy contained in attachment 1.0. **FURTHER**, that the following amendments are made to that draft Policy:

- i) 4. Policy Scope – *that the words "Council will" be replaced with the words, "Council may", provide financial assistance etc.*
- ii) 5.4.3 Development Applications – to be replaced by:
That Council donate the equivalent amount of the development application fee levied on works to be undertaken by community groups on Council-owned facilities, with such funds to be provided from Donation – Other budget.
- iii) The following donations are added to those already listed:

Education Support	
TAFE Dunedoo	(4) \$70.00
TAFE Coonabarabran	(4) \$70.00
Religious Properties	
Coonabarabran	(2)
- Anglican Church	
- Uniting Church	
Sporting Clubs & Events	
Coonabarabran Expo committee	(4) \$1000.00
Cultural Groups & Societies	
Coonabarabran PAI&H Association	(4) Waste collection at Show

- iv) That \$1000 be removed for Youth Club Coolah

Campbell/Schmidt
The motion was carried

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ATTACHMENT 1.0

POLICY DOCUMENT

Financial Assistance Policy

1. POLICY NAME

Warrumbungle Shire Council Financial Assistance to Others Policy

2. POLICY

Warrumbungle Shire Council may provide financial assistance or donations to community groups and individuals to encourage their development and growth within the Shire.

3. POLICY OBJECTIVES

The expected outcomes of this policy are as follows:

- Identification and support for community groups, organizations and individuals that contribute to the social, economic and / or environmental fabric of Warrumbungle Shire.
- Transparent process of application, assessment and determination of financial assistance.
- That financial assistance provided by Council complies with requirements of Section 356 of the Local Government Act 1993.

4. POLICY SCOPE

Council will provide financial assistance to those community groups, organizations and individuals that, by their activities, demonstrate a contribution to either the social, economic and / or environmental well being of the Shire. Financial assistance is provided across a broad range of activities and are grouped as follows;

- Sporting Clubs & Events
- Charity Groups
- Religious Properties
- Education Support
- Emergency Response Groups
- Community Service Organisations
- Cultural Groups and Societies
- Youth Groups and Senior Citizens
- Individuals
- Community Hall Committees

The types and structure of financial assistance depends upon the type of activity being undertaken and may be one of the following types;

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1. Donation of one half on the annual General Rate, Water Access Charge and Sewerage Access Charge
2. Donation of one half of the annual Water Access Charge and Sewerage Access Charge
3. Donation of the full annual waste collection charge.
4. Monetary grant

This policy provides overall guidance to elected representatives when faced with a diverse range of requests for financial assistance and it also provides guidance to staff that are required to implement the policy.

5. POLICY IMPLEMENTATION

In accordance with Section 356(1) of the Act, Council may, in accordance with a resolution of Council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

5.1 Specific Program

Attachment 1.0 contains a list of community groups that receive financial assistance and this list will be reviewed at the ordinary meeting of Council in February each year. The revised and updated list will then be included in Council's management plan for the next financial year.

Financial assistance requested in the form of a monetary grant must be made on Council's application form. Where the monetary grant exceeds \$200 in one year the recipient of the financial assistance is required to provide a report to Council in a format prescribed by Council.

Council will make a budget allocation in the management plan for requests for financial assistance that may be received throughout the year, but not included in attachment 1.0.

5.2 Application Process for Financial Assistance

Council will consider applications for financial assistance at the ordinary meeting in each of the following months only;

- February
- August

Prior to these meeting dates Council will make a public call for applications for financial assistance. Financial assistance applications must be made on a form prescribed by Council.

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5.3 Assessment Criteria.

Council will use the following general criteria when considering requests for financial assistance;

- Activities which address gaps in service or community development;
- Activities which promote community development in a multicultural context and seek to address issues of access and equity;
- Involvement from volunteers and self help initiatives which build upon Council's contribution;
- Consumer / user participation in management of services / activities
- Innovative and creative approaches to identified needs; and
- Activities, which use Council funding to attract further resources.

Council will give low priority to following types of requests for financial assistance;

- Activities/services which do not attempt to become self-supporting where the potential exists through fees or other feasible income – producing activities.
- Activities of a purely social nature, which do not address the needs of disadvantaged groups.
- Activities which are eligible for support from state- wide or regional parent bodies.
- Organisations, which have not observed accountability requirements for past Council assistance.

5.4 Use of Council Managed Properties, Facilities, Plant and Equipment

5.4.1 Coonabarabran Town Hall

When Council considers donations for the waiver of fees and charges at the Coonabarabran Town Hall that Council not waive the fees and charges but donate an amount as determined for the Hall fee Charge only. That is that the caretaker's costs and administration costs associated with the use of the Town Hall will not be part of the donations budget or consideration. Further that in considering the granting of a donation the fact of whether a fee is charged for entry to the Hall at the time will be a factor in determining the donation.

A fifty percent (50%) discount off Coonabarabran Town Hall charges (Hall Hire Fee Only – not caretaker, security bond or any other charges) for performance or presentations that are imported to Coonabarabran which are not readily available in Coonabarabran. The discount only being available when a local charity or organisation within the shire financially benefits from the function. Functions specifically excluded are balls, weddings, Parties, Reunions, organisation presentation nights, conference (reduced fee already exists) and auction sales. Concerts of the like where the imported orchestra, band or theatrical group does not perform for a least 50% of the function are also excluded.

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5.4.2 Council Owned Plant

When Council plant is used to carry out private work at the request of a local non-profit organisation, a donation equal to the plant hire be made to the applicant subject to:

- a) the work being carried out at a time which does not adversely affect Council's work program
- b) the plant being operated by an approved Council operator
- c) the operator volunteering his/her services
- d) an appropriate hire agreement being executed by the applicant
- e) appropriate insurance cover being arranged
- f) that any requests be referred to Council for approval.

5.4.3 Development Applications

That Council donate the equivalent amount of the development application fee only levied on works to be undertaken on Council-owned facilities with such funds to be provided from Donation – Other budget. Statutory fees and Council Administration fees remain payable.

6. RELEVANT LEGISLATION AND GUIDELINES

- a) Local Government Act 1993

7. POLICY REVIEW

This Policy has a life of one (1) year. It will be reviewed in February 2012.

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Annexure 1.0 - Warrumbungle Shire Council Annual Financial Assistance Program*

Program Category	Assistance Type
Name of Organisation or Group	(see note 1)
Sporting Clubs & Events	
Northern Inland Academy of Sport	(4) \$360.00
Binnaway Jockey Club	(4) \$1,000.00
Baradine Tennis Club (Catholic Church)	(2)
Neilrex Tennis Club	(4)\$700
Mendooran Turf Club	(4) \$1,000
Coonabarabran Jockey Club	(4) \$1,000
Coonabarabran Expo Committee	(4) \$1,000
Charity Groups	
St Vincent de Paul – Dalgarno Street	(2)
Religious Properties	
Baradine	(2)
<ul style="list-style-type: none"> - Anglican Church - Uniting Church - Catholic Church 	
Binnaway	(2)
<ul style="list-style-type: none"> - Anglican Church - Catholic Church 	
Coonabarabran	(2)
<ul style="list-style-type: none"> - Jehovah’s Witnesses - New Life Centre (Assemblies of God) - Catholic Church - Anglican Church - Uniting Church 	
Coolah	(2)
<ul style="list-style-type: none"> - St Andrew’s Anglican Church - St James Presbyterian Church - Sacred Heart Catholic Church 	
Dunedoo	(2)
<ul style="list-style-type: none"> - All Saints Anglican Church - St David’s Presbyterian Church - St Michael’s Catholic Church - Uniting Church 	

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Mendooran - St Chad's Anglican Church - St Mary's Catholic Church	(2)
Note: (i) None of the above organisations will be required to pay more than \$589.88 on the above charges raised for the year 2010/2011. Thereafter this amount will be increased by general fund rate pegging each year. (ii) In all cases actual consumption costs for water usage will not be included in the donation policy and thus must be paid in full by the property owners.	
Education Support	
St Lawrence's, Coonabarabran	(4) \$70.00
St Johns Baradine	(4) \$70.00
Baradine Central School	(4) \$70.00
Binnaway Central School	(4) \$70.00
Coonabarabran Primary School	(4) \$70.00
Coonabarabran High School	(4) \$70.00
Coonabarabran TAFE	(4) \$70.00
Coolah Central School	(4) \$70.00
Coolah Sacred Heart Primary School	(4) \$70.00
Dunedoo Central School	(4) \$70.00
Dunedoo TAFE	(4) \$70.00
St Michael's School – Dunedoo	(4) \$70.00
Mendooran Central School	(4) \$70.00
Emergency Response Groups	
Leadville Fire Shed (ass. 12519.5)	(3)
Community Service Organisations	
Coonabarabran CWA	(1)
Baradine CWA	(1)
Mendooran CWA	(1)
Baradine Masonic Lodge	(1)
Lodge Timor No 274	(1)
Coolah Community Radio	(4) \$520
Dunedoo Three Rivers Community Radio	(4) \$520
Coonabarabran 2WCR FM Community Radio	(4) \$520
Cultural Groups & Societies	
Baradine School Band	(4) \$250.00
Coonabarabran Orbital Swing Band	(4) \$1,000

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Binnaway Showground	(2)
Baradine Agricultural Show – Art Prize	(4) \$50
Binnaway Agricultural Show – Art Prize	(4) \$50
Coonabarabran Warrumbungle Arts	(4) \$1,000
Warrumbungle Arts & Crafts – Coonabarabran	(4) \$800
Dunedoo Lions Club – Art Unlimited	(4) \$500
Coonabarabran PAI&H Association (waste collection at Show)	(4)
Youth and Senior Groups	
Coolah Youth & Community Centre (assess 11212)	(3)
Coonabarabran Boy Scouts	(2)
Coonabarabran Girl Guides	(2)
Individuals	
Kidney Dialysis Patients (excess water charge donated – limit equal to 350 kilolitres)	(4)
Keep Australia Beautiful	(4) \$470
Coolah Rock'n At the Racecourse	(4) \$1,000
Dunedoo Bush Poetry	(4) \$500
Coonabarabran DPS Local & Family History Group	(4) \$500
Community Halls	
Neilrex Hall Committee	(4) \$500

* This program will be reviewed in February each year and included in Council's Management Plan

Note 1: Types of Financial Assistance

1. Donation of one half on the annual General Rate, Water Access Charge and Sewerage Access Charge
2. Donation of one half of the annual Water Access Charge and Sewerage Access Charge
3. Donation of the full annual waste collection charge.
4. Monetary grant

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1.4 Town Committee Meetings

303 RESOLVED That Council facilitate Community Town Committee meetings to be held in April and November 2011, commencing at 6.00pm , as per the following schedule;

Mendooran	Monday 11 April	Mechanics Institute Hall
Coonabarabran	Tuesday 12 April	Coonabarabran Town Hall
Dunedoo	Wednesday 13 April	Multipurpose Building
Binnaway	Monday 18 April	Binnaway Hall
Baradine	Tuesday 19 April	Baradine RTC
Coolah	Wednesday 20 April	Council Chambers

Mendooran	Monday 7 November	Mechanics Institute Hall
Coonabarabran	Tuesday 8 November	Coonabarabran Town Hall
Dunedoo	Wednesday 9 November	Multipurpose Building
Binnaway	Monday 14 November	Binnaway Hall
Baradine	Tuesday 15 November	Baradine RTC
Coolah	Wednesday 16 November	Council Chambers

Lewis/Coe
The motion was carried

1.5 Requests For Financial Assistance

304 RESOLVED

1. The application by the Coolah & District Historical Society for financial assistance to electronically archive information in Roy Cameron's collection is referred to the 2011/12 budget consideration
2. That the application by the Rotary Club of Coonabarabran for financial assistance of \$500 towards the cost of conducting a Youth Driver Awareness program in 2011 is approved.
3. That the application by the Baradine Campdraft Association for financial assistance of \$200 towards the cost of conducting the 2011 Baradine Campdraft is approved.

Sullivan/Todd
The motion was carried

1.6 Vision, Mission And Values

305 RESOLVED that the Vision, Mission and Values report be held over until the new General Manager commences duties.

Sullivan/Campbell
The motion was carried

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1.7 National Roads Congress

306 RESOLVED that the Mayor and General Manager will represent Council at the 2011 ALGA National Local Roads and Transport Congress in November. **FURTHER**, Councillor Todd is authorised to attend subject to him meeting all expenses associated with transport and accommodation.

Schmidt/Campbell
The motion was carried

1.8 Shires Conference

307 RESOLVED that the Mayor, General Manager and Councillor Campbell attend the Annual Shires Conference in Sydney for the 3 days of 30 May, 31 May and the 1 June 2011.

2.05 pm

DIRECTOR OF CORPORATE SERVICES REPORTS

308 RESOLVED that the following reports be received as information:

- 2.1 Bank Accounts and Investments as at 28 February 2011
- 2.2 Investments held as at 28 February 2011
- 2.3 Reconciliation of General Fund Bank Account – as at 28 February 2011
- 2.4 Rates and Charges Collection – up to and including end February 2011.

Schmidt/Campbell
The motion was carried

2.5 Investments Options

309 RESOLVED that Council notes the Investment Options report and that no action is taken at this time to cash in those investments not paying coupons.

Schmidt/Coe
The motion was carried

2.6 Rating Category – Farmland To Rural Residential

310 RESOLVED that a review is undertaken of the properties rated as Farmland in Warrumbungle Shire and a report be brought back to Council to determine those that should be recategorised as Rural Residential effective 1 July 2011.

Schmidt/Sullivan
The motion was carried

2.16 pm

DIRECTOR OF TECHNICAL SERVICES REPORTS

3.1 Request For Sewer Extension – Dows Lane

311 RESOLVED that a report be prepared before the 2011/12 Budget deliberations meeting, listing the number of properties paying sewage access fees but unable to connect without mains extensions being done, and **FURTHER** that the property owner be approached and asked how much she would be prepared to contribute towards the amount of \$30,000 to extend the sewer to Lot 68 DP753378.

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Schmidt/Powell
The motion was carried

3.2 Deed Of Release For Damage To Hobbins Bridge On MR55

312 RESOLVED that Council enters into a Deed of Release agreement with the driver responsible for damage to Hobbins Bridge and that Council's Common Seal be attached to the instrument of agreement.

Sullivan/Coe
The motion was carried

3.3 Regional Tender For Supply And Delivery Of Various Items

313 RESOLVED that Council accepts the following recommendations by the tender evaluation panel;

Supply & Delivery of Concrete Pipes and Ancillary Items

1. That Humes / Holcim be awarded Category One and Two for this tender as the single source supplier to participating OROC member councils for the period 1 February 2011 to 31 January 2013, and
2. That James Hardie be awarded Category Three for this tender as the single source supplier to participating OROC member councils for the period 1 February 2011 to 31 January 2013, and
3. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 2014.

Supply & Delivery of MGB & Replacement Parts

1. That this tender T61011OROC be awarded to Mastec for participating OROC member councils for the period 1 February 2011 to 31 January 2013, and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 2014.

Supply & Delivery of PVC & PE Pipes and Fittings

1. That Vinindex Pty Ltd be awarded this tender as the single source supplier to participating OROC member councils for the period 1 February 2011 to 31 January 2013, and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 2014.

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Supply & Delivery of General Hardware

1. That the following Categories be awarded as below:

Category 1 = J Blackwood
Category 2 = Corporate Express
Category 3 = J Blackwood
Category 4 = J Blackwood
Category 5 = J Blackwood
Category 6 = J Blackwood
Category 7 = Protector Pty Ltd

for this tender as a single source per Category to participating OROC member councils for the period 1 February 2011 to 31 January 2013, and

2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 2014.

Schmidt/Sullivan
The motion was carried

3.4 Proposal By Garden Group To Make Changes In Milling Park

314 RESOLVED:

1. That Council staff remove the 'bushy' tree located immediately adjacent the kerb on the western end of Milling Park.
2. That the proposal by the Dunedoo Garden Group to install a teak bench seat around the large Chinese Elm tree is approved.
3. That the proposal by the Dunedoo Garden Group to remove a shelter near a large elm tree is approved, subject to the shelter not being erected elsewhere in the Park.

Coe/Powell
The motion was carried

3.5 Common Seal Required For The North West Weight Of Loads Group Memorandum Of Agreement

315 RESOLVED that Council authorise the Acting General Manager and the Mayor to attach Council's Common Seal to formalise a five year memorandum of agreement with other Councils in the North West Weight of Loads Group for the period 1 July 2011 to 30 June 2016.

Lewis/Todd
The motion was carried

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3.6 Flood Damage

316 RESOLVED that the report on the list of roads damaged by December 2010 floods, which includes the cost of repairs and order of priority is noted.

FURTHER, the list of roads is published in a media release when the claim is approved.

Campbell/Lewis
The motion was carried

3.7 Flood Damage on Crown Roads

317 RESOLVED that Council undertakes works on Crown Roads covered by flood damage funding and listed in attachment 1.0.

Attachment 1.0

Crown Roads Proposed Flood Damage

Road	Description of Damage	Estimate
Crown Road off Dalmallee	Unformed crown road with no drainage and severe washouts	35000
Crown access off Tonnigies	Severe erosion of surface with large gullies across much of the road	20000
Stannix Park	Gullies washed across road very little formation height for drainage	20000
Crown Road Access off Boomley	Several sections of road washed out Requires gravel to allow access	10000
Crown Road access at Neringah	Severely damaged creek crossing and damage to pavement material along full length	45000
	Total for Crown Roads	130000

Lewis/Powell
The motion was carried

3.8 Proposed Modification to Layout of Coolah Office Carpark

318 RESOLVED that Council proceed with installing concrete deflection barriers at the Martin Street entrance and bollards adjacent to the office wall and erect signage for Entry Only in Martin Street and Exit Only in Central Lane.

Powell/Coe
The motion was carried

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3.9 Procurement Policy (Including Local Preference Policy)

319 RESOLVED that Council adopts the policy contained in attachment 1.0 called 'Procurement Policy (Including Local Preference)' with amendments as follows:

- i) increase the purchase value from 'less than \$5,000' to 'less than \$10,000' and
- ii) increase the purchase value 'between \$5,001 and \$70,000' to 'between \$10,001 and \$70,000'.

Schmidt/Sullivan
The motion was carried

Attachment 1.0

POLICY DOCUMENT

Procurement Policy (Including Local Preference Policy)

1. POLICY NAME

Warrumbungle Shire Council Procurement Policy (*including Local Preference Policy*).

2. POLICY

Warrumbungle Shire Council is committed to providing goods and services that meet the expectations of the community and stakeholders in the Shire at an affordable cost.

3. POLICY OBJECTIVES

The policy aims to ensure Council's procurement of goods and services is legal, ethical and to Council's best advantage. The expected outcomes of this policy are:

- Open and fair competition
- Value for money
- Encouragement of local business
- Enhancement of the local economy
- Ethical behaviour and fair dealing
- Compliance with relevant legislation.

4. POLICY SCOPE

Council procurement covers a wide range of goods and services necessary to discharge its functions and to meet the aspirations of the community it serves. Procurement procedures are undertaken on a daily basis by a wide range of staff employed by Warrumbungle Shire Council. This policy provides overall guidance to those staff members required to acquire goods and services. This policy also provides guidance to elected representatives when they are required to make procurement decisions.

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5. DEFINITIONS AND ABBREVIATIONS

Procurement

‘All activities involved in acquiring goods or services either outright or by lease (including disposal and lease termination). Includes acquiring consumables, capital equipment, real property, infrastructure, and services under consultancies, professional services, facilities management and construction’ (*source DLG Tendering Guidelines for NSW Local Government, October 2009*).

Local Supplier

1. An organisation that operates from permanently staffed premises within the boundaries of the Warrumbungle Local Government Area and has operated from those premises for a minimum period of three (3) months before submitting a quotation or tender.
2. An organisation that is more than 49.9% owned by an individual (or individuals) that live within the boundaries of the Warrumbungle Local Government Area and has done so for a minimum period of three (3) months before the organisation submits the quotation or tender.

6. POLICY IMPLEMENTATION

- The cost of obtaining and providing goods and services, including disposal of assets, will be determined by either a quotation process or a tender process. Staff and elected representatives will use the process that best meets the objectives of this policy.
- In accordance with Section 355 of the Act, Council may choose to engage in joint purchasing arrangements with other councils or groups of councils such as voluntary regional organisations of councils.
- Council will give preference to local suppliers where evaluation criteria outlined in Section 6.4 are utilised. Furthermore, all suppliers whether by tender or quotation will be advised of the evaluation criteria and Council’s preference to use local suppliers.

6.1 Tenders

Council will seek tenders where required by the Act and when deemed appropriate by the General Manager. The tendering process will follow the guideline document produced by the DLG called ‘Tendering Guidelines for NSW Local Government, October 2009’. Particular attention will be paid to the process checklist included in the guidelines.

Clause 166 of the Regulation identifies the types of tendering methods available to Council. Council must decide by resolution whether it is going to use an open or selective tendering process.

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6.1.1 Tender Documentation

Whether open tenders are invited or tenders are invited from a selected list from a call for expression of interest, the following sections will appear in the overall tender document.

- Advertisement
- Information for Tenderers
- Conditions of Tender
- General Conditions of Contract
- Job Specific Requirements (or Services to be Provided)
- Specifications
- Tender Schedules
 - Pricing Schedule
 - Schedule of Insurances
 - Project Schedules
 - Consultants / Contractors Resources.

The following templates have been developed to assist staff in the tendering process and preparation of tender documentation. The templates are available on Council's intranet.

- Example Advertisement,
- Information for Tenderers
- Include Selection Criteria.
- Condition of Tendering
- Relevant Conditions of Contract.

6.1.2 Non Refundable Fee for Tender Documents

The cost of producing a set of tender documentation and advertising a tender will be recovered by the imposition of a nominal fee. The fee will be set by the relevant Officer to recover the expected costs. The fee will be included in the advertisement and will be non refundable.

6.1.3 Consideration of Tender Information in Closed Council

In accordance with Section 10A, if tender information being considered by Council will either prejudice the commercial position of a tender or confer a commercial advantage on a competitor or reveal a trade secret, Council is obligated to consider the matter in closed Council.

6.1.4 Invitation to Tender to Recognised Contractors on Council's List

From the Guidelines, 'Clause 169 of the Regulation allows Council to establish a list of contractors who are interested in tendering for proposed contracts of a special kind'.

'Selective tender lists of recognised contractors are established where there is a continuing workload in a particular category of work and this workload justifies the cost of setting up and maintaining the list.' (*p36 DLG Tendering Guidelines*).

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Currently, Warrumbungle Shire Council prepares a list of earthmoving contractors and truck contractors for provision of services to Council. It is expected that in due course other kinds of lists such as trade services will be developed.

‘Overall management of the selective tender list system should be designed to give a fair distribution of opportunities to all recognised contractors over time. However, the contractor’s past performance is a prime consideration. Other factors that may be taken into account include the location of the work, special requirements of the work, skill level of the contractor and commitments of the contractor.’ (p36 *DLG Tendering Guidelines*).

6.1.5 Tender by a Regional Procurement Company

Council may from time to time become a member of one or more procurement companies. The purpose of membership is to join with other councils for procurement to attract price savings for a particular product or service.

The procurement company undertakes the administrative process associated with tendering and Council has the opportunity to procure products and services at the tendered price. However, being a member does not allow Council to delegate its responsibility for determining the outcome of a tender process. That is, Council by resolution is required to formally accept or reject a particular tender proposal by the procurement company.

6.1.6 State Government Procurement Contract

Council is able to access products and services through providers that are recognised by the State Contracts Control Board and the Commonwealth Department of Administrative Services.

“State Contracts are the principal method of purchasing for Government agencies across New South Wales. Over 100 State Contracts have been approved under the authority of the State Contracts Control Board (SCCB). A complete list and information about all NSW Government State Contracts can be found on the NSW Procurement sister website www.nswbuy.com.au.” (website – www.nswprocurement.com.au).

6.1.7 Prescribed Organisations

Local Government Procurement Partnership is a prescribed provider pursuant to Clause 163 of the Regulation.

6.2 Quotations

The cost of obtaining and providing goods and services must be determined by quotation where a tender process is not used. The quotation process must keep in mind the objectives of this policy.

The ordering of any goods or services as a result of quotation must be authorised by a staff member with the appropriate level of delegation.

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The scale, complexity and political sensitivity of the procurement will usually determine if formal or informal quotations are sought and the number of quotations. Table 1.0 outlines minimum procedural requirements in relation to procurement by quotation.

Table 1.0 – Monetary Thresholds for Quotation Procedures

Purchase Value	Procedure
Purchase value less than \$10,000	Verbal request for quotation permitted however, quotation must be in a documented form. At least one quotation must be received.
Purchase value between \$10,001 and \$70,000	The quotation must be sought by formal request. Documentation associated with the request must include a brief outline of the services to be provided. At least three quotations must be sought and at least one formal quotation must be received.
Purchase value between \$70,001 and \$149,999	The quotation must be sought by formal request. Documentation associated with the request must include a specification or brief for the services, assessment criteria, pricing schedule and closing date. At least three quotations must be sought and at least two quotations must be received in the prescribed format.

6.3 Order Splitting

Purchase Orders must not be split to avoid the monetary thresholds outlined in Table 1.0.

6.4 Evaluation Criteria

Value for money assessment of tenders and relevant quotations will be based on set performance criteria as well as price. The criteria must be included with documentation made available to potential service providers. The relevant Council officer will establish the criteria and weight them accordingly, however the list of criteria included in Table 2.0 must be included as a minimum. The weighting attached to each criterion will not be made known to potential service providers. A score will be given by the assessment panel against each criterion and when the score and weighting are multiplied out an overall assessment score will be determined.

The evaluation criteria used to assess tenders and relevant quotations must include 'local benefit' criteria as indicated in Table 2.0. Local benefit criteria will have a maximum weighting of 10% of the total evaluation criteria.

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Table 2.0 - Minimum List of Performance Criteria for Assessment of Tenders and Relevant Quotations

Assessment Criteria	Weighting	Score	Assessment Score
Track record in completion of similar projects.			
Suitability of proposed personnel, plant, equipment and subcontractors.			
Suitability of proposed works methodology.			
Details and logic of the proposed method of works.			
Local Benefit (<i>maximum weighting 10 points out of 100</i>).			
Locally sourced materials (grown, manufactured, assembled, made within the Warrumbungle Shire Local Government Area) specific to the contract.			
Locally sourced labour (actual / potential as result of the contract).			
Locally sourced services (eg. fuel, accommodation) as a result of the contract.			
Supplier is a business operating within the Warrumbungle Shire Local Government Area			

6.5 Local Preference

For all quotations and tenders for the supply of goods, material and / or services for Warrumbungle Shire Council above \$500 a price advantage of 5% is given to local suppliers. That is, in the process of determining the successful supplier, an amount of 5% will be nominally deducted from the local supplier price for the purpose of price comparison only. For goods and services up to the value of \$500 a 10% price advantage will be applied.

7. RELEVANT LEGISLATION AND GUIDELINES

- b) Local Government Act 1993
- c) Local Government (General) Regulation 2005 (*as amended*)
- d) Occupational Health and Safety Act 2000
- e) Government Information (Public Access) Act 2009
- f) Trade Practices Act 1974 (Cth)
- g) Tendering Guidelines for NSW Local Government, NSW Division of Local Government, October 2009.
- h) NSW Government Code of Practice for Procurement, January 2005.

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8. POLICY REVIEW

This Policy has a life of two (2) years. It will be reviewed in February 2013.

3.10 Proposed Regional And Strategic Roads Project

320 RESOLVED that Council become a member of the newly formed Strategic Roads Committee in the western area of the State and that a contribution of \$5,000 is made for membership.

Schmidt/Campbell
The motion was carried

2.56 pm

ACTING DIRECTOR OF ENVIRONMENTAL SERVICES REPORTS

4.1 Extension Of Pool Season - Coonabarabran Pool

321 RESOLVED:

1. That Council agrees to extend the swimming season for the Coonabarabran pool until 5.00pm on the 8th April 2011 and that the pool be available between 11.00am and 5.00pm Monday to Saturday with a 30 minute lunch break from 1.00pm each day.
2. Given the chances of cold weather or a lack of patronage the pool superintendent in consultation with the Acting Director of Environmental Services be authorized to close the pool earlier than the designated closing time or date subject to erecting a suitable sign to advise the public.

Schmidt/Todd
The motion was carried

4.2 Rural Addressing Status Report

322 RESOLVED:

1. That Council note the progress of the rural addressing project.
2. That Council commence the process of selecting names for existing un-named roads identified in the report.

Lewis/Schmidt
The motion was carried

4.3 Land Reclassification Local Environmental Plan

323 RESOLVED:

That:

- (a) Council resolve to seek the reclassification of twenty three (23) allotments of public land as identified in Table 1 of this Report from 'Community' land to 'Operational' land;
- (b) Council prepare a Planning Proposal pursuant to requirements of the Environmental Planning and Assessment Act, 1979 to amend the provisions of Coonabarabran Local Environmental Plan, 1990 and Coolah Local Environmental Plan, 2000;

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- (c) The Planning Proposal be forwarded to the NSW Department of Planning for Gateway determination.

Coe/Schmidt
The motion was carried

4.4 Applications Received for Month of January 2011

Received.

3.07 pm

MAYORAL MINUTE – ACCEPTANCE OF FUNDING OFFER BY DEPARTMENT OF PLANNING TO COMPLETE LEP

Councillor Shinton presented the following item for consideration:

Background

Council is currently progressing the draft land use strategy for our local environmental plan through our new consultants GHD P/L and the strategy is to be considered as part of Council's March meeting. Council's current contract with GHD P/L is for the supply of services to deliver up to and including the strategy document. The works remaining after the strategy is approved by the department will include developing the actual LEP document and associated mapping to the requirements of the Department.

Council has received written advice from the department that an application by the Acting Director of Environmental Services for further funding to complete the LEP has been approved and that Council has been awarded a 50/50 share of a maximum of \$148400 from the Local Environmental Plan Acceleration Fund. Council will be required to share the funds with Oberon Shire Council and the Department will administer appointment and payment of the contractors.

The terms of the agreement Council must sign to access the funding do enable it to make a recommendation as to which consultant is to be appointed and it makes sense for the GHD P/L to be Council's preferred contractor given the knowledge gained from preparing the strategy document.

Commentary

This is an excellent opportunity for Council to obtain enough funding without any need for dollar for dollar contributions to finish this long winded project. Council should also note that it will still be eligible to receive the remaining \$60000 funding previously allocated by the department when the LEP is completed which will offset council funds already expended.

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324 RESOLVED that Council accept the offer of funding of \$74,200 from the Department of Planning's Local Environmental Plan Acceleration Fund to complete the comprehensive Local Environmental Plan project and that the authorization be given for the attaching of Council's seal to the funding agreement.

Shinton/Schmidt
The motion was carried

3.09 pm

DIRECTOR OF COMMUNITY SERVICES REPORTS

3.10 pm Councillor Lewis declared a pecuniary interest (possible contractor work) in the next matter before Council and left the room.

5.1 NSW Heritage Grant – Mendooran Mechanics Institute

325 RESOLVED that Council approve the General Manager to sign the NSW Heritage Funding Agreement for \$20,000 for the Mendooran Mechanics Institute Hall roof replacement project and, **FURTHER** provide a capital allocation of \$30,000 towards the total cost of the project in the 2011-2012 budget.

Schmidt/Coe
The motion was carried

3.12 pm Councillor Lewis returned to the meeting

5.2 2010 NSW Community Building Partnership Grant – Purlewaugh Hall

326 RESOLVED that Council provides an allocation of \$7,500 towards the total cost of the Purlewaugh Hall restoration project in the 2011-2012 budget.

Sullivan/Campbell
The motion was carried

5.3 Community Strategic Plan 2012-2022

327 RESOLVED that Council engage Centre for Local Government to become partner in the implementation of Integrated Planning and Reporting framework to develop and complete the Community Engagement Strategy, Community Strategic Plan, Delivery Program and Operational Plan.

Sullivan/Powell
The motion was carried

QUESTIONS FOR NEXT MEETING

Councillor Powell raised the following:

- Letter and phone calls received regarding issues between Coonabarabran Youth Club Inc. and Coonabarabran Boxing Gym

Councillor Campbell raised the following:

- Would like an index of items as part of the business paper.

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3.30 pm

328 RESOLVED

- (a) that Council go into closed committee to consider business relating to the Land Use Strategy
- (b) that pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(d)(iii) as outlined above
- (c) that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

Schmidt/Lewis
The motion was carried

1C Adoption Of Draft Land Use Strategy

The draft document was discussed and some amendments recommended. The Acting Director Environmental Services will convey these amendments to GHD, the authors of the document.

4.24 pm

The Director Community Services and Councillor Sullivan left the meeting.

4.25 pm

329 RESOLVED Council move out of closed Council and into open council.

Schmidt/Lewis
The motion was carried

The Acting General Manager announced the following resolution to the general meeting:

330 RESOLVED that Council adopts the Draft Warrumbungle Shire Council Land Use Strategy dated February 2011 (including amendments made at this meeting) and seeks the Department of Planning's concurrence to allow the document to be placed upon public exhibition to seek submissions.

There being no further business the meeting closed at 4.26 pm.

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CHAIRMAN