



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 11 February 2015

at

2:20pm

at

Walcha Council Chambers

PRESENT: Clr JM Archdale (Chairman) Mayor together with Councillors KW Ferrier, WJ Heazlett, L Levingston, CM Lyon, RS Thomson and MJ Woods.

IN ATTENDANCE: Mr JG O'Hara (General Manager), Mr MG Fanning (Director – Engineering Services) and Mr GA Moran (Director – Environmental Services).

1. APOLOGIES:

117 **RESOLVED** on the Motion of Councillors Heazlett and Levingston that that the apology received from Clr Schmutter, due to work commitments, be **ACCEPTED**.

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.....General ManagerMayor

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON TUESDAY, 16 DECEMBER 2014:

118 **RESOLVED** on the Motion of Councillors Levingston and Lyon that the Minutes of the Ordinary Meeting held on Tuesday, 16 December 2014, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

3. BUSINESS ARISING

Walcha & District Beautification & Tidy Towns Committee

Councillor Lyon expressed an interest in joining the Walcha & District Beautification & Tidy Towns Committee. At this stage Councillor Woods declared a non-serious non-pecuniary interest in the matter. The Mayor indicated that she was happy to stand down from the Committee allowing Councillor Lyon to join it. The Mayor called for further interest in joining the Beautification Committee and there was none.

119 **RESOLVED** on the Motion of Councillors Ferrier and Heazlett that Councillor Lyon be appointed as Chairperson of the Walcha & District Beautification & Tidy Towns Committee.

4. DECLARATIONS OF INTEREST

Item 6.7 Use of John Oxley Sportsground for Walcha Polocrosse Club

WO/2015/00258

Clr Ferrier declared a pecuniary interest in this matter as he is the Secretary of the Walcha Jockey Club.

Committee of the Whole

Item 2 Sale of Land at Beaver Place

WINT/2015/00309

Clr Archdale declared a pecuniary interest in this matter as her husband has an interest in a real estate business in Walcha which that may potentially market the sale of the land in the future.

5. MAYORAL MINUTE

The Mayor acknowledged and thanked the Director – Environmental Services for his services and wished him well in his impending retirement.



6. SENIOR OFFICERS REPORT

120 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that the Senior Officers' Reports be **RECEIVED** for further consideration.

6.1 Quarterly Review Budget Statements as at December 2014 & Operational Plan **WO/2015/00212**

121 **RESOLVED** on the Motion of Councillors Levingston and Heazlett that Council adopt the December 2014 Quarterly Budget Review Statements **FURTHER THAT** Council approve the variations in Income and Expenditure votes as detailed.

6.2 Delivery Program Six Monthly Review 2013/2014 – 2016/2017 as at December 2014 **WO/2015/00263**

122 **RESOLVED** on the Motion of Councillors Lyon and Levingston that in accordance with the provisions of the Local Government Act, 1993, Council adopt the Delivery Program 2013/2014 – 2016/2017 December 2014 six monthly review.

6.3 Engage the New South Wales Electoral Commission to Conduct Council Elections **WO/2015/00060**

123 **RESOLVED** on the Motion of Councillors Levingston and Ferrier that Walcha Council ('the Council') resolves:

1. Pursuant to S.296(2) and (3) of the Local Government Act 1993 (NSW) ('the Act') that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of Council.
2. Pursuant to S.296(2) and (3) of the Act, as applied and modified by S.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to S.296(2) and (3) of the Act, as applied and modified by S18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

6.4 E-Waste Produce Stewardship Scheme Failure **WO/2015/00262**

124 **RESOLVED** on the Motion of Councillors Ferrier and Lyon that Council writes to the Minister expressing concerns regarding the failures of the Federal Government's National Television and Computer Recycling Scheme.

Change Order of Business:

125 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that the Order of Business be altered for the Drinking Water Quality Presentation to be moved to after Afternoon Tea when the actual Presentation by Viridus Consultants Pty Ltd is listed.



6.6 Request for Financial Assistance by Walcha Polocrosse Club

WO/2015/00216

126 **RESOLVED** on the Motion of Councillors Heazlett and Levingston that Council donate an amount of \$1,000 to the Walcha Polocrosse Club to assist with the cost of a First Aid Officer for their two day Carnival on 28 & 20 March 2015.

6.7 Request for use of John Oxley Sportsground – Walcha Polocrosse Club

WO/2015/00258

Clr Ferrier declared a pecuniary interest in this matter and left the Meeting.

127 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that Council approve the use of the John Oxley facility for the Walcha Polocrosse Club between 15 February 2015 and 31 July 2015 subject to the following conditions:

- ❖ The land in question not being sold.
- ❖ That the use of the John Oxley facility no vehicles or horses travel beyond the northern tree line which separates this area from the remaining playing fields.
- ❖ Access for the use of the land will need to be via the western gate located in Lot 543 and that approval for the use of this access will be required by the Walcha Jockey Club.
- ❖ That the Council receive all necessary insurances from the Club prior to the first use of the land.
- ❖ That Council will determine during wet weather if the grounds are to be used or not.

Councillor Ferrier returned to the Meeting and was advised of the resolution.

6.8 Review of Purchasing Policy

WO/2015/00256

128 **RESOLVED** on the Motion of Councillors Lyon and Thomson that Council adopt the Walcha Council Purchasing Policy as amended.

ADMINISTRATION POLICIES
PURCHASING POLICY



INTRODUCTION:

Walcha Council regularly contracts for the purchase or supply of a wide range of goods and services, to pursue its commitment to efficiently deliver services to meet the needs of the community. Purchases can vary from year to year, but generally cover road making materials, trade supplies and services, parks requirements, plant and machinery, office supplies and professional services.

POLICY

Council is committed to purchasing processes which ensure compliance with legal obligations provided for in the Local Government Act 1993 and Local Government (General) Regulation 2005. Such processes will consider the Tendering Guidelines for NSW Local Government issued by the Department of Local Government and comparable State and Federal Government policy frameworks and guideline documents.

Council decisions will be based on value for money in considering the life cycle of a product rather than lowest initial cost. Decisions will be made having regard to the need:



- ❖ To conduct all tendering, procurement and business relationships with honesty, fairness and probity at all levels.
- ❖ To ensure that the process for awarding contracts is open, clear, fully documented and defensible.
- ❖ To ensure consistency not only in the conditions of tendering but in the evaluation and selection of tenderers.
- ❖ For Councillors or staff with an actual or perceived conflict of interest, to address that interest without delay in accordance with Council's code of Conduct and the Model Code of Conduct for NSW Councils.
- ❖ To ensure that no potential tenderer is given advantage over others, nor is there any form of collusive practice.
- ❖ To ensure the identification and management of risks is built into Council's procurement processes.

When purchasing goods and services Council will consider the impact on human health, wellbeing and the environment. Council have integrated sustainable procurement principles into Councils purchasing procedures. All employees must adhere to Councils Policies and Procedures.

Local Preference Premium

Council is committed to supporting the local economy and enhancing the capability of local business and industry. Where possible Council will source goods, works and services locally, whilst maintaining a value for money approach at all times.

For the purchase of goods and services a price advantage will be given to Local Suppliers. Local Suppliers will be deemed to be those based in or operating predominately within the boundaries of Walcha Council Local Government Area. The price advantage will be nominally deducted from the local supplier price when evaluating the quotes. The price advantage will be calculated on the following sliding scale:

0-\$5,000	5%
\$5001-\$50,000	2%
>\$50,000	no price advantage

Freight and establishment costs will be included in the comparison of quotes from suppliers.

Statutory Exemptions for contracts

The guidelines contained in this Purchasing procedure do not apply where the purchase is made for a contract that is listed under the following exemptions for tendering contained in Section 55 (3) of the NSW Local Government Act 1993 apply.

- a. subject to the regulations, a contract for the purchase of goods, materials or services specified by a person prescribed by the regulations made with another person so specified, during a period so specified and at a rate not exceeding the rate so specified
- b. a contract entered into by a council with the Crown (whether in right of the Commonwealth, New South Wales or any other State or a Territory), a Minister of the Crown or a statutory body representing the Crown
- c. a contract entered into by a council with another council
- d. a contract for the purchase or sale by a council of land
- e. a contract for the leasing or licensing of land by the council, other than the leasing or licensing of community land for a term exceeding 5 years to a body that is not a non-profit organisation (see section 46A)
- f. a contract for purchase or sale by a council at public auction
- g. a contract for the purchase of goods, materials or services specified by the NSW Procurement Board or the Department of Administrative Services of the Commonwealth, made with a person so specified, during a period so specified and at a rate not exceeding the rate so specified
- h. a contract for the employment of a person as an employee of the council
- i. a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders
- j. contract for which, because of provisions made by or under another Act, a council is exempt from the requirement to invite a tender
- k. a contract made in a case of emergency
- l. a contract to enter into a public-private partnership
- m. if a council has entered into a public-private partnership—a contract entered into by the council for the purposes of carrying out a project under the public-private partnership (but only to the extent that the contract is part of the project that has been assessed or reviewed under Part 6 of Chapter 12)
- n. a contract that is an environmental upgrade agreement (within the meaning of Part 2A)
- o. a contract or arrangement between a council and the Electoral Commissioner for the Electoral Commissioner to administer the council's elections, council polls and constitutional referendums



PURCHASING PROCEDURE

The following procedure shall be followed when purchasing goods and services:

- ❖ *Where the value of the goods or service is below \$1,000, or in case of emergency, the Purchase Officer may purchase goods from a supplier without the need for a quote;*
- ❖ *Where the value of the goods or service is greater than \$1,000 and less than \$5,000, a minimum of one (1) written quote must be obtained for the supply of goods or services,*
- ❖ *Where the value of goods or services is greater than \$5,000 and less than \$50,000, a minimum of three (3) written quotes must be obtained for the supply of goods or services,*
- ❖ *Where the value of the goods or services is greater than \$50,000 and less than \$150,000 a formal Request for Quotation (RFQ) or three documented written quotations are required. This formal expression of interest is to be provided to a select number of suppliers or be publicly advertised. ; and*
- ❖ *Where the value of the goods or services is greater than \$150,000, all purchases must be made in accordance with the Local Government (General) Regulation (2005).*

It is important to note that the purchasing amount is the amount for the full engagement. For example if the engagement is for a resealing of 5 roads over two years then the purchasing amount is the total of the resealing works for the two years or period of engagement.

In the case of local plant hire engagements that require quotes (i.e. greater than \$1,000) it will be the responsibility of the Works Supervisors engaging the contractor to obtain quote/s and keep a record of these so that there is a documented record to prove the purchasing policy guidelines have been followed.

The General Manager, in special circumstances, may permit the purchasing officer to purchase goods and services outside this policy and the Council are to be informed of these instances. In this case the General Manager must provide the purchasing officer authority to depart from this policy in writing, stating the reasons for departing from the policy.

DELEGATIONS FOR PAYMENT

Decision making on purchasing is delegated to the natural levels of job ownership in the organisation.

Delegation to this level recognises that people at a hands-on level are in the best position to determine operating needs. It also leads to increased awareness of the timing, delivery and pricing of goods and services received.

Purchasing delegations will be issued which support the responsibilities of the Delegate at the Business Program, Project, Portfolio of Job levels of the corporate scheme of program budgeting.

PRINCIPLES

A delegate shall not authorise purchases if the matter involves expenditure of funds outside Council's adopted budget, where payment is for reimbursement of the delegate's own expenses, where authorisation might involve, or be seen to involve, a "conflict of interest", or in any way breaches the requirements of Council's Code of Conduct. The officer will use an official Council order for all purchases.

Before committing any expenditure, documentation must be reviewed to ensure that clerical detail is accurate; authorisation is in accordance with the delegated authority. Necessary supporting documentation is to be attached, ie. purchase order, work instruction containing estimates/quotes, invoice.

The General Manager shall be authorised to determine which staff members have authority to purchase goods and services and their dollar ceiling on purchase. These purchasing delegations are listed within the delegations register.

All delegations from the General Manager are to be in writing, and no Officer, can make a purchase without this written authority.

The placing of a \$ value ceiling on a delegation only applies to the situation where the delegate is making a decision to commit expenditure. It does not limit staff who administratively process a transaction, eg. the Council resolves to donate



\$5,000 as a Community Grant. The Administrative Officer asking for the cheque to be issued does not need \$5,000 delegation as the Officer is not committing the expenditure. A copy of the Council resolution is required to be attached to the cheque requisition is required.

The Accounts Payable Officer is to maintain a current list of all Purchase/Payment Delegations to ensure that all creditor payments have been made in accordance with delegations.

The aggregate total of the purchase order may exceed the Officer's purchase delegation so long as each line item is a separate purchase and each line item does not exceed the Officer's purchase delegation limit.

Afternoon Tea:

Afternoon tea commenced and 3:00pm. During the afternoon tea break Council had a presentation by Viridus Consultants Pty Ltd. Council resumed at 4:07pm.

6.5 Drinking Water Quality Policy Presentation

WO/2015/00159

129 **RESOLVED** on the Motion of Councillors Ferrier and Lyon that Walcha Council ('the Council') resolves to endorse the Drinking Water Quality Policy thereby demonstrating a high-level commitment for drinking water quality management and fulfilling Element 1 of the Drinking Water Management System risk framework.

WATER SUPPLY POLICIES
DRINKING WATER QUALITY POLICY



POLICY

Walcha Council is committed to managing its water supply effectively to provide a safe, quality product that consistently meets appropriate drinking water standards developed in accordance with the Australian Drinking Water Guidelines and other regulatory requirements.

To achieve this, in partnership with relevant stakeholders, Walcha Council will:

- ❖ *Manage water quality at all points, from the inner drinking water catchment through to treatment, storage and distribution;*
- ❖ *Use a risk-based approach in which potential threats to water quality are identified and balanced;*
- ❖ *Develop contingency and incident response processes to deal with any water quality issues identified;*
- ❖ *Ensure that employees and any contractors involved in the supply of drinking water understand their responsibility to implement the Drinking Water Management System;*
- ❖ *Routinely monitor the quality of drinking water; use effective reporting mechanisms to provide relevant and timely information; and promote confidence in the water supply and its management.*
- ❖ *Comply with the regulatory requirements of the Public Health Act 2010 (NSW) and associated Public Health Regulation 2012; and*
- ❖ *Continually improve our practices by assessing performance against criteria stated in the Drinking Water Management System.*

Walcha Council will implement and maintain a drinking water quality management system to effectively manage the risks to drinking water quality.

All managers and employees involved in the supply of drinking water are responsible for understanding, implementing, maintaining and continuously improving the drinking water quality management system.



6.9 Walcha Flood Warning System – Investigation & Design

WO/2015/00268

130 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that Council accept the grant offer for the investigation and design of a flood warning system under the Floodplain Risk Management Grant Scheme.

6.10 Proposed Crown Road Closures – Walcha, Niangala & Nowendoc

WO/2015/00266

131 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that Council provide advice that it has no objection to the closure of crown roads in application:

- ❖ CL538296 File Ref: 14/07139;
- ❖ CL536779 File Ref: 14/05895
- ❖ CL537446 File Ref: 14/06201
- ❖ CL538157 File Ref: 14/06579
- ❖ CL540341 File Ref: 14/08035

Under the condition that surrounding or adjoining lands which involve two or more individual allotments with the same ownership are consolidated removing the need for any future access resulting from the possible individual sale of a single allotment; this process preventing the establishment of land locked allotments.

6.11 Town Water Supply

WO/2015/00270

The Report was **NOTED** by Council.

6.12 Referral to Committee of the Whole – Northern Lights Project, Street Light Update AND Sale of Land at Beaver Place

WO/2015/00271

132 **RESOLVED** on the Motion of Councillors Ferrier and Lyon that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matters of “Northern Lights Project, Street Light Upgrade” be referred to be discussed in Committee of the Whole for the reason that this report relates to commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it AND the second matter of “Sale of Land at Beaver Place” be referred to be discussed in Committee of the Whole for the reason that the report relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

COMMITTEE OF THE WHOLE

133 **RESOLVED** on the Motion of Councillors Ferrier and Lyon that Council resolve into Committee of the Whole and that the press and public be excluded from the entire proceedings of the Meeting of the Committee of the Whole for the reason



that this report relates to commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it AND that the report relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

134 The Meeting resumed in **OPEN** Council on the Motion of Councillors Lyon and Thomson.

The Mayor reported whilst in Committee of the Whole the following matters were discussed.

PRESENT: Present and IN Attendance were the same as listed in the Minutes of the Ordinary Meeting with the exception of the press and the public.

1. Northern Lights Project Street Light Upgrades WO/2015/00267

The Committee **RECOMMENDED** on the Motion of Lyon and Ferrier that Council delegate the General Manager the authority to complete the offer documents for the installation of LED Street Lighting under the CEEP project councils estimated contribution of \$45,394.

2. Sale of land at Beaver Place WINT/2015/00309

Councillor Archdale declared a pecuniary interest and left the Meeting. As the Deputy Mayor is absent, the Mayor called for nominations for Chairperson from the Councillors present. Clr Heazlett was elected Acting Chairperson and took the Chair.

The Committee **RECOMMENDED** on the Motion of Lyon and Ferrier that Council offer proposed Lot A Beaver Place as indicated on the attached Plan containing approximately 1,200 square metres to Matthew O'Meara of 15 Park Street, Sawtell 2452 for \$36,928 together with the cost of Development Application fees and legal fees, FURTHER THAT Council not permit the development of the land until the transfer has been completed.

Clr Archdale returned to the Meeting, was informed of the recommendation by the Chair. Clr Heazlett then vacated the Chair and Clr Archdale resumed the Chair.

ADOPTION OF COMMITTEE OF THE WHOLE

1. Northern Lights Project Street Light Upgrades WO/2015/00267



135 **RESOLVED** on the Motion of Councillors Levingston and Heazlett that Council delegate the General Manager the authority to complete the offer documents for the installation of LED Street Lighting under the CEEP project; council's estimated contribution of \$45,394.

2. Sale of land at Beaver Place

WINT/2015/00309

Clr Archdale, declaring a pecuniary interest in this matter, vacated the Chair and left the Chambers. Clr Heazlett, previously elected as Acting Chair, took the Chair.

136 **RESOLVED** on the Motion of Councillors Lyon and Ferrier Council offer proposed Lot A Beaver Place as indicated on the attached Plan containing approximately 1,200 square metres to Matthew O'Meara of 15 Park Street, Sawtell 2452 for \$36,928 together with the cost of Development Application fees and legal fees, **FURTHER THAT** Council not permit the development of the land until the transfer has been completed.

The Chairman publicly declared the recommendations passed by the Committee whilst in Committee of the Whole.

Clr Archdale returned to the Chambers, was informed of the resolution by the Chair. Clr Heazlett then vacated the Chair and Clr Archdale resumed the Chair.

7. MATTERS OF URGENCY

Nil.

8. MANAGEMENT REVIEW REPORTS

WO/2015/00041

137 **RESOLVED** on the Motion of Councillors Levingston and Heazlett that items included in the Management Review Report, numbered 1 to 9 inclusive, be **NOTED** by Council.

9. COMMITTEE REPORTS

9.1 Minutes of the Walcha Council Community Care Advisory Committee Meeting held on Monday, 2 February 2015.

WO/2015/00228

WCCC & Early Intervention Policies:

138 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that Council adopt the Walcha Council Community Care and Early Intervention Service Policy Manual.

Recruitment of Committee Members:



139 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that Council place an advertisement in both local publications recruiting Advisory Committee members.

9.2 Minutes of the Walcha Council Arts Advisory Committee Meeting held on Tuesday, 20 January 2015. WO/2015/00123

Suggested locations of acquisitions from Sculpture by the Sea

Goulburn River Landscape by Paul Bacon

140 **RESOLVED** on the Motion of Councillors Lyon and Thomson that Council place the Goulburn River Landscape by Paul Bacon outside the Council Chambers.

Figure in the Landscape by John Petrie

141 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that a report be presented to the next Council meeting with photographs of the proposed locations for the *Figure in the Landscape* by John Petrie.

10. DELEGATE REPORTS

10.1 Minutes of the Namoi Councils Annual General Meeting held at Tamworth Regional Council on Thursday, 11 December 2014. WI/2014/07374

10.2 Minutes of the Namoi Councils Ordinary Meeting held at Tamworth Regional Council on Thursday, 11 December 2014. WI/2014/07375

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 5:10PM.