



Warrumbungle Shire Council

Council meeting

Thursday, 21 April 2011

to be held at the Council Chambers, Coolah

commencing at 11.00 am

MAYOR

Councillor Peter Shinton

DEPUTY MAYOR

Councillor Murray Coe

COUNCILLORS

Councillor Kerry Campbell

Councillor Tilak Dissanayake

Councillor Ray Lewis

Councillor Mark Powell

Councillor Victor Schmidt

Councillor Ron Sullivan

Councillor Denis Todd

MANAGEMENT TEAM

Kevin Tighe (Acting General Manager)

John McHugh (Acting Director Corporate Services)

Greg Kable (Acting Director Technical Services)

Tony Meppem (Acting Director Environmental Services)

Rebecca Ryan (Director Community Services)

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting of the Warrumbungle Shire Council to be held at the Council Chambers, Coolah on Thursday, 21 April 2011 commencing at 11.00am

Date: 14 April 2011

Cr Peter Shinton
Mayor
Warrumbungle Shire Council
John Street
COONABARABRAN 2357

Cr Shinton

AGENDA

I submit the following report for Council's consideration at its meeting to be held on 21 April 2011. I further attach relevant reports from the Directors to me for the consideration of Council.

Forum

Declaration of Pecuniary interest and conflicts of Interest

Confirmation of Minutes

CONFIRMATION OF MINUTES of the ordinary meeting of Warrumbungle Shire Council held on 17 March 2011

CONFIRMATION OF MINUTES of the special meeting of Warrumbungle Shire Council held on 31 March 2011

ADOPTION OF THE RECOMMENDATIONS of the Warrumbungle Shire Traffic Advisory Committee held on 24 March 2011

ADOPTION OF THE RECOMMENDATIONS of the Warrumbungle Shire Council Occupational Health & Safety Committee meeting held on 3 March 2011

ADOPTION OF THE RECOMMENDATIONS of the special meeting of the Warrumbungle Shire Consultative Advisory Committee held on 27 October 2010

ADOPTION OF THE RECOMMENDATIONS of the Yuluwirri Kids Advisory Committee meeting held on 24 March 2011

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Questions for Next Meeting

Matters to be dealt with "in committee"

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the Acting General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

The items relate to the sale of land for unpaid rates and personnel and are classified CONFIDENTIAL under Section 10A(2)(a) and (b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer

.....
KEVIN TIGHE
ACTING GENERAL MANAGER

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ACTING GENERAL MANAGER'S REPORT

ANNEXURE 1

1.1 Notice of Motion – Local Government support for Constitutional Change

The following Notice of Motion has been received from Councillor Campbell:

That Warrumbungle Shire Council supports the push for the recognition of Local Government in the Australian Constitution, by resolving to send letters to the Prime Minister, the Leader of the Opposition and our Federal Member, endorsing the holding of a referendum.

Rationale:

- *Letters of support from as many local government areas as possible are required to generate the impetus required by the Federal Government to proceed with a referendum*
- *ALGA would like to be in a position to demonstrate the high level of council support to politicians at the National General Assembly in June. They are seeking around 560 council resolutions.*
- *This resolution will also raise the profile of the nature and intent of the referendum in the Warrumbungle Shire.*

RECOMMENDATION

For Council's consideration.

1.2 Notice of Motion – Unmanned Tips in Warrumbungle Shire Background

The following Notice of Motion has been received from Councillor Campbell.

'That Council considers in the 2011-2012 Budget the cost implications of manning those tips in the Shire which are presently open to the public every day, but which remain unsupervised.

Rationale:

- *The unmanned tips, particularly Baradine, are susceptible to casual and illegal dumping of materials, some of which cannot be recycled and in many cases, from persons outside the Shire*
- *Dumping of materials in the tip continues to be haphazard, as people ignore placement signs and directions, which contributes to unsanitary conditions and the general untidiness of the area.*
- *Those materials which can be recycled and add to Council's income (e.g. iron and steel) are being plundered from the tips by members of the public.'*

There are currently five(5) 'unmanned' waste transfer stations within the Shire; Baradine, Binnaway, Coolah, Dunedoo and Mendooran. The Baradine and Binnaway transfer

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stations are locked overnight while at Mendooran, Dunedoo and Coolah the gate is left open. The Ulamambri village transfer station is unmanned, however opening times are managed by the local Hall Committee.

Issues

The issues identified by Councillor Campbell at the Baradine waste depot are common to varying extents at each of the other unmanned depots. Operations at the waste depot at Coolah are reasonably well controlled since the depot was upgraded with waste art sculptures. It is expected that the operation of the Dunedoo waste transfer station will be much better controlled when the recycling processing centre is completed.

The assumption being made is that if the waste depots are supervised, there will be a much better compliance with signs at each depot and there will be an increase in the volume of recyclable product. Furthermore, the illegal dumping of tyres and other waste products, and the mixing of waste streams will be eliminated if the waste depots are supervised.

Options

Council has discretion in this matter and there are many options that should be explored to determine the best way forward. Factors that will need to be considered include; opening times and frequency, cost, supervision by day labour or by contract, gate charges, cash handling methods, on site staff facilities, potential reduction in maintenance costs of the waste depot and potential increase in product volume. Clearly, the proposal needs to be analysed in terms of benefits and costs, that is, a business plan should be established.

Financial Considerations

Until a business plan is produced for the waste depots, it is not possible to accurately determine the cost of supervising the waste depots and the resultant impact on waste charges. For the purpose of consideration at this preliminary stage of the proposal, the cost of supervising each waste depot for 12 hours each week is \$28,000 per year. This estimate is based on each depot being open for four(4) hours on three days a week including one day on the weekend. The potential benefits of supervising the waste depot include a reduction in frequency of bulk bin collection, increase in recyclable product volume and reduction in illegal dumping and these benefits have not been calculated.

RECOMMENDATION

That a business plan for operating each of the waste transfer stations using an on site supervisor is prepared and presented to Council for further consideration.

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1.3 Establishment Of Internal Audit Framework

Background

Council will be aware of the recommendation from the Better Practice Review in relation to establishment of internal audit process within the Council organisation. The role of the Internal Auditor is “primarily one of providing independent assurance over the internal controls and risk management framework of the council” (page 27 Better Practice Report). Guidelines from the Division of Local Government recommend that Council establish an Audit Committee to provide independent oversight and monitoring of Council’s audit processes.

Discussions have been going on for some time between members of OROC regarding joint engagement of an internal auditor. Recently, General Manager’s from the following five(5) Councils agreed in principle to pursue an alliance in relation to engagement of an internal auditor; Warrumbungle Shire, Warren Shire, Gilgandra Shire, Coonamble Shire and Narromine Shire. Furthermore, the alliance is pursuing the concept of engaging a Chairman that would be common to audit committee’s of each Council.

Council is being asked to support the concept of entering into agreement with other Council’s for the purpose of establishing an internal audit framework within Council.

Issues

There is not expected to be a need amongst any rural based council for a full time internal auditor. However, it is not clear how ‘big’ the task is and it is not known how many hours per year are required to complete the internal audit task. At a recent meeting, the alliance of five councils received a presentation from Orange City Council on the alliance they have with Bathurst and Dubbo regarding internal audit. Under their arrangement, Orange City employs the auditor on a three(3) year contract and recover costs from Dubbo and Bathurst on a fee for service basis. Also, the chairman of the audit committee is common to each council within that alliance.

Under the DLG guidelines the audit committee consists of the following voting members;

- Councillor
- Independent external member (not a member of Council)
- Independent external member (not a member of the Council to be the Chairperson).

A perceived critical issue amongst the group of five(5) Councils is attracting somebody to the position of chair of the audit committee. Under the guidelines the “chair of the committee should be independent and should not be the mayor or a member of Council..”(p28, guidelines). The audit committee chair should have good knowledge of local government, financial reporting and auditing requirements.

The Internal Auditor reports functionally to the audit committee and administratively to the General Manager. The DLG guidelines provide a sample audit committee charter and this has been forwarded to Councillors under separate cover. Also forwarded under

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separate cover and from the guidelines is a list of common risks that might form part of an audit action plan.

Options

Council has little option but to develop some type of internal audit framework. By collaborating with other councils in the engagement of an internal auditor and possibly appointment of a common chairman, Council may make savings in the cost of administering the internal audit function. There are still many details that need to be determined if Council enters into agreement with Warren Shire, Gilgandra Shire, Narromine Shire and Coonamble Shire, such as should the Internal Auditor be engaged as an employee or should the alliance use the services of a consultant. Currently, Gilgandra Shire Council is taking the lead role and is acting as secretariat for the group of five councils.

Financial Considerations

Based on the example of the Bathurst Orange Dubbo alliance, the salary and administrative costs of the Internal Auditor is around \$130,000. The audit committee costs are around \$20,000. That is, if an alliance of five councils is formed, the annual operating costs of the internal audit function would be around \$30,000 for each council. This sharing arrangement would mean that Warrumbungle Shire Council would share the services of an Internal Auditor for nine(9) weeks each year.

There is no budget allocation for the internal audit function in the current budget. Council may wish to consider including an allocation in the upcoming 2011/12 budget for this role.

RECOMMENDATION

1. That Council pursue a memorandum of agreement with the following Councils for the purposes of engaging the services of an Internal Auditor and common audit committee chairman; Warren Shire Council, Gilgandra Shire Council, Narromine Shire Council and Coonamble Shire Council. Furthermore, should agreement be reached with these five Councils, the General Manager is authorised to execute the agreement on behalf of Warrumbungle Shire Council.
2. Should a memorandum of agreement be developed and implemented amongst other Councils for the engagement of Internal Auditor, the process of establishing an audit committee is undertaken and referred back to Council for appointment of Committee members.
3. That allocation of \$30,000 is made in the draft 2011/12 budget for purpose of establishing an internal audit function.

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1.4 Korea War Veterans Association – NSW Proposal For Commemorative Plaques On War Memorials

Background

The Korea War Veterans Association of NSW is requesting Council support for their bid to obtain funding to erect a plaque on war memorials in each country town. The assistance sought from Council is erection of the plaques, should they become available through a funding grant. The purpose of the plaques is to recognise the military service of veterans in the 1950-1956 Korea War. A copy of the letter of application has been forwarded to Councillors under separate cover.

Issues

There is at least one war memorial in each town within the Shire. Most of the memorials are on land under Council control. However, the local branch of the RSL has an interest in the management of each memorial and hence consultation should occur with them prior to any actual works being undertaken.

Options

Council has discretion in this matter.

Financial Considerations

The cost of placing a small plaque on an existing memorial is expected to be accommodated within existing budget allocations.

RECOMMENDATION

That Council provides in principle support to the proposal by the Korea War Veterans Association of NSW to erect a plaque commemorating the 1950 – 1956 Korea war on existing war memorials, subject to consultation with the local RSL sub branch prior to any plaque being erected.

1.5 Delegations To The General Manager

At the Special meeting of the Warrumbungle Shire Council on 14 January 2011 Council resolved to delegate the functions of the General Manager to Mrs Rebecca Ryan and Mr Kevin Tighe in a acting capacity until the appointment of the new General Manager.

The new General Manager has now formally been appointed and will take up the position on the 2 May 2011.

Council should now revoke the instrument of delegation, Resolution 238, and delegate under Section 377 and 381 (3) of the Local Government Act, 1993 to the General Manager the following functions:

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DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER SECTION 377, 379 & 381 LOCAL GOVERNMENT ACT 1993

FUNCTIONS OF THE GENERAL MANAGER

In pursuance of Section 335 of the Local Government Act, 1993, the General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council. The General Manager shall have the following particular functions:

- (i) the day to day management of the Council;
- (ii) to exercise such of the functions of the Council as are delegated by the Council to the General Manager;
- (iii) to appoint staff in accordance with the organisation structure and resources approved by the Council provided the General Manager may appoint or dismiss Senior Staff only after consultation with the Council;
- (iv) to direct and dismiss staff; and
- (v) to implement the Council's equal employment opportunity management plan.

DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER

In pursuance of Section 377, 379 & 381 of the Local Government, 1993, the Warrumbungle Shire Council hereby delegates to the **GENERAL MANAGER**, the exercise of the powers, functions, duties and authorities contained in the Local Government Act, 1993 and the various other Acts listed in Schedule 1.

This instrument of delegation shall commence on the 2 May 2011 and remain in force until otherwise amended or revoked in writing.

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Generally the following are delegated as well as schedules 1 and 2 hereto attached.

GENERALLY

Administration

- To carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of the Council.
- To authorise the payment of the salaries and wages of the employees of Council within the sums voted by Council for expenditure thereon.
- To exercise and implement the powers, authorities, duties and functions of the Council under the Local Government Act and any other Act of Parliament or any rule, regulation, ordinance or bylaw under or pursuant to any such Act, subject to compliance with Section 377 and Council's adopted policies.
- To exercise and implement any resolution or policy of the Council subject to Section 377.
- To control all correspondence of Council with all official mail to be addressed to the General Manager and for all outgoing mail, Section 603 Certificates of Local Government Act and Section 149 Certificates of Environment and Planning Act to be signed by himself or other persons authorised by him in any emergent circumstances.
- To determine the matters which are to be included in the business papers of Council in line with Council's policies and general practice and, in particular, matters to be referred to Closed Meeting in line with Council's policy in relation to confidentiality and the provisions of the Local Government Act, 1993, (Section 10). These would generally include:
 - i reports on matters which cannot be determined under delegated authority;
 - ii reports required to be submitted under any Act or Regulation.
 - iii matters requiring a determination of Policy;
 - iv reports directed by the Council to be submitted;
 - v matters essential for the Council's information;
 - vi matters requested by the Mayor;
- To authorise the purpose and travel arrangements of Council's representatives and staff outside Council's area on Council business and the reimbursement of the associated expenses including the attendance of the General Manager and Directors to attend one only annual conference or their professional organisation each year ie the Local Government Managers Association, the Institute of Professional Engineers Association, the Health and Building Surveyors Association.
- To authorise the purchase of stationery, seek quotes for office equipment, and acceptance of quotes for amounts covered within the budget.
- To authorise the issue of letters of reference by the General Manager.

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Accounts - Payment

- Authority to pay all accounts as they fall due.

Cheques/Orders for Goods - Signing

- To sign and or to specify the servants authorised to sign cheques and orders for goods of Council.

Complaints and Requests

- Instruct staff to take any necessary action in connection with any complaints or requests received, subject to all major matters being reported to Council.

Correspondence

- To reply to routine correspondence not involving a monetary vote by Council, not effecting Council policy and not requiring the consideration of Council. Further a reply is not necessary where the item is actioned and completed within 21 days of receipt.

Staff Matters

- Exercise the powers of the Council in relation to:
 - a The day to day management of Council employees.
 - b The conduct of staff education and staff attendance at training courses and computer user group.
 - c Engage and dismiss casual staff as and when required within the provisions made in the approved estimates.
 - d Deal with all industrial disputes involving the Council and its staff, subject to any formal dispute being referred to Council.
 - e Within the funds voted by Council to approve overtime being worked by staff in all departments or divisions of Council when considered necessary subject to any directions or policy of Council from time to time.
 - f Authority to approve staff leave.

Responsible Accounting Officer

- To be or designate an appropriate employee of Council as the responsible accounting officer in accordance with Part 4 of the Local Government (Financial Management) Regulation 1993.

Advances - Cash

- To fix and vary the level of cash advances.

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SCHEDULE 1

LOCAL GOVERNMENT ACT, 1993

(a) Chapter 6 - Services Function

(i) PART 2 - PUBLIC LAND

Section 54 - Issue of Land Classification Certificates.

(b) Chapter 7 - Regulatory Function

(i) PART 1 - APPROVALS

Section 68 - Approval of activities specified in the table (Section 68 Local Government Act), except in so far as the Local Government Act, 1993, the regulations or a local policy adopted by the Council allows the activity to be carried out without approval.

Section 82 - To modify provisions of Clauses 54 and 55 of the (Approvals) Regulations.

Section 94 - Determination of Applications by granting approval, either conditionally or subject to conditions, or by refusing approval.

Section 95 - Exercising Council's power for deferred commencement of approvals.

Section 96 - Exercising Council's power to grant Staged Approval.

Section 97 - Exercising Council's power to apply Conditions concerning security.

Section 98 - Exercising Council's power to impose Other Conditions.

Section 99 - Giving of notice to applicants of determination of Applications.

Section 100 - Review of Determination where made by a delegation of Council.

Section 106 - Exercising Council's power to amend an approval, in accordance with the procedures outlined in Section 106.

Section 107 - Exercise Council's power to extend or review an approval.

Section 108/ Exercise Council's power to revoke or modify an approval in any
109 - of the following circumstances:-

(a) if the approval was obtained by fraud, misrepresentation or concealment of facts;

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(b) for any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the Council not to have granted the approval (or not have granted it in the same terms);

(c) for any future failure to comply with a requirement made by or under the Local Government Act, 1993 relating to the subject of the approval; and

(d) for any failure to comply with a condition of the approval.

(c) Chapter 7 - Regulatory Function

(i) PART 2 - ORDERS

Section 124 - Order a person to do or refrain from doing a thing specified in Column 1 Table No.2 (Chapter 7 - Orders) if the circumstances specified opposite in Column 2 of the Table exists and the person comes within the description opposite it in Column 3 of the Table.

Section 125 - Order a person responsible for a public nuisance to abate such nuisance.

Section 132 - Give notices of an Order under Section 121.

(d) Chapter 8 - Ancillary Functions

(i) PART 1 - ACQUISITION OF LAND

Section 186/187 - Negotiate on Council's behalf for the acquisition of land for the purpose of exercising any of the functions, up to the stage of presenting offers to Council for determination.

(ii) PART 2 - ENTRY ON TO LAND AND OTHER POWERS

Section 191/ 192 - Authorise Council employees (or other persons) to enter any premises for the purpose of enabling the Council to exercise its functions.

Section 194 - Authorise the use of force for the purposes of entering premises.

Section 201 - Make application to an authorised Justice for the issue of a Search Warrant.

(e) Chapter 11 – How Are Councils Staffed

(i) PART 3 – PUBLIC OFFICER

Section 342 - Designate a member of staff as a Public Officer.

Section 353 - Prohibit staff from engaging in private employment or contract work outside Council.

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(f) Chapter 12 - Operation of Councils

(i) PART 3 - SALE OF COUNCIL PROPERTY - PLANT AND EQUIPMENT

To dispose of Council plant and equipment by way of sale at the best offer received when:

(1) the sale of such item of plant and equipment is approved in the current year's annual operating plan and budget or approved by the Asset Management Committee; or

(2) the item of plant, equipment or material is obsolete, unserviceable and/or surplus to Council's requirements and the sale of such item of plant or equipment represents the most cost effective option.

(ii) PART 4 - INSURANCE

Section 382 - Make arrangements for adequate insurance against public liability and professional liability.

(g) Chapter 15 - Council Finances

(i) PART 3 - ORDINARY RATES

Section 548A - Determine applications for aggregation of land values by Council and to adjust and re-levy accordingly.

(ii) PART 5 - LEVYING OF RATES AND CHARGES

Section 552 - Determination of what land may be subject to a water supply special rate or charge.

Section 553 - Determination of time at which land becomes subject to special rate or charge.

(iii) PART 6 - RATEABLE LAND

Section 555 - Determination of what land is exempt from all rates.

Section 556 - Determination of what land is exempt from all rates, other than water supply special rates and sewerage special rates.

(iv) PART 7 - PAYMENT OF RATES AND CHARGES

Section 564 - Approval of agreements as to periodical payment of rates and charges.

Section 569 - Issue and serve notices on occupiers for liability for payment of unpaid rates and charges.

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(v) LOCAL GOVERNMENT GENERAL REGULATION (2005)

Clause 131 - To write off Rates and Charges in accordance with the regulation under this clause.

- To write off Rates and Charges up to \$10,000 in accordance with this clause (errors, at law or cost effectiveness).

- To write off debts to Council up to \$500.00 in accordance with this clause.

(vi) PART 13 - INVESTMENTS

Section 625 - Arrange the investment of money that is not, for the time being, required by the Council for any other purpose.

Money may only be invested in the following:-

(a) in any security authorised by the Trustee Act; or

(b) in a form of investment notified by order of the Minister published in the Government Gazette.

(vii) LOCAL GOVERNMENT GENERAL REGULATION, 2000

Clause 144 - To apply water restrictions under the terms of this clause.

OTHER ACTS

The General Manager is further delegated to act specifically in terms of the following Acts and Regulations:

RURAL FIRES ACT 1997

Section 66 Issue Notices requiring owners or occupiers (not being a public authority) of land to carry out bush fire hazard reduction work.

Section 67 Resolve objections to Section 66 Notices.

Section 70 Enter on land and carry out bush fire hazard reduction work.

Division 2A Investigate bush fire hazard complaints.

Sections 100D,

100E, 100F, 100G Issue bush fire hazard Certificates.

Section 100H Remedy and restraint for breaches under Sections 100F and 100G by bringing proceedings in the Land & Environment Court.

Section 131 To serve penalty notices on a person.

COMPANION ANIMALS ACT, 1998

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To authorise staff to carry out and undertake all Council's functions and take legal actions under the Companion Animals Act, 1998 and Regulations.

FOOD ACT, 2003 AND FOOD REGULATIONS 2004

Powers and authorities as the appropriate enforcement agency under the Food Act 2003 and Food Regulations 2004.

IMPOUNDING ACT 1993

To appoint designated Impounding Officers and carry out all Council's functions and take legal actions under the Impounding Act 1993.

PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Section 91 Issue Clean Up Notices.

Section 92 Undertake clean up and recover costs in relation to reasonable costs and expenses.

Section 94 Recover costs.

Section 96 Issue Prevention Notices.

Section 98 Take action where a person does not comply with Prevention Notice.

Section 187 Appoint authorised officers

Section 224 Serve a Penalty Notice

Section 264 Issue Noise Control Notices

PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2002

Issue and revoke approvals for the Control of Burning under part 2A, subject to:

- Such conditions as may be specified
- Consideration of the matters as listed under Section 6G
- No approvals for burning vegetative matter being issued in village zones, industrial or rural residential zones except in exceptional circumstances as determined in consultation with the Department of Environment & Conservation, NSW Rural Fire Service or NSW Fire Brigade
- No approvals for burning of vegetative matter being issued during periods in which a permit is required to be issued by the NSW Rural Fire Service or other authority unless a permit is issued
- No approvals being issued for burning during periods of Total Fire Bans.

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PUBLIC HEALTH ACT 1991

Section 10 Exercise Functions

Section 10F Power to Enter and Inspect Premises of a Supplier of Water

Section 10I Closure of Water Supply

Section 47 Power of Authorised Officer under Part 4 – Microbial Control

Section 51 Power of Authorised Officer under Part 5 – Skin Penetration

Section 70 Inspection of Records

Section 72 Power of Entry

PUBLIC HEALTH (DISPOSAL OF BODIES) REGULATIONS 2002

Section 28 Supervision of Exhumations

Section 49 Power to Enter and Inspections

PUBLIC HEALTH (SKIN PENETRATION) REGULATIONS 2000

Section 4 Powers to Enter and Inspection

PUBLIC HEALTH (SWIMMING POOLS & SPAS) REGULATIONS 2000

Section 6 Powers of Entry and Inspection

Section 7 Powers to Close Swimming Pool or Spa

PUBLIC HEALTH REGULATIONS

Section 39 Supervision of Exhumations

Section 57 Power of Entry and Inspection

SWIMMING POOL ACT 1992

Section 27 Power to Appoint Inspector

Section 28 Power of Entry and Inspection

Section 24 Issue Compliance Certificates

Section 34 Serve Notices

Section 35 Issue Penalty Notices

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

i) The authority to determine development applications lodged for consent under Part 4 of the Environmental Planning & Assessment Act, 1979 which:

(a) comply with the provisions of any Environmental Planning Instrument;

(b) are consistent with relevant Development Control Plans, Codes or Policies adopted by the Council;

(c) may be considered under Part 4 Division 2 (Existing Use) of the Environmental Planning & Assessment Act, 1979;

(d) are the subject of public submissions to which the objection relates; [Section 90]

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- (i) solely to the type of development proposed;
 - (ii) to a design standard contained within an adopted Development Control Plan, Code or Policy;
 - (iii) to an issue that may be reasonably alleviated by the imposition of a condition of development consent.
- ii) The authority to, on behalf of the Director-General, prepare Section 65 Certificates and Section 69 Reports to the Minister to approve such amendments.

(N.B. Council must still apply to the Director to complete the relevant documents under Sections 65 and 69 of the Act).

- iii) The authority to impose conditions on a development consent granted under Part 4 of the Environmental Planning & Assessment Act, 1979, which are:
 - (a) for a purpose identified in Section 80 and 80A of the Environmental Planning and Assessment Act 1979;
 - (b) in accordance with the terms of any environmental planning instrument;
 - (c) in accordance with any development control plan, code or policy adopted by the Council;
 - (d) requirements specified by any public authority or public undertaking.
- iv) The authority to refuse a development application which:
 - (a) is prohibited under the provisions of any environmental planning instrument;
 - (b) does not comply with the statutory provisions of the Environmental Planning & Assessment Act, 1979;
 - (c) does not contain adequate information to enable assessment under the relevant heads of consideration listed in Section 76(C) of the Environmental Planning & Assessment Act, 1979.
- v) The authority to determine any request for reconsideration or variation of a condition of development consent under Section 96 of the Environmental Planning & Assessment Act, 1979.
- vi) The authority to approve an extension of any development consent in accordance with the provisions of Section 95 of the Environmental Planning & Assessment Act, 1979.
- vii) The function of the Council in relation to Part 5 of the Environmental Planning & Assessment Act, 1979 for an activity which is not of a prescribed kind or an activity that is not likely to significantly affect the environment.
- viii) The authority to reject a development application within 7 days after its receipt if it is not clear as to the development consent sought or it is not easily legible.
- ix) The function of the Council under Section 118B of the Environmental Planning and Assessment Act 1979 to authorise a person to carry out inspections for the purposes of that Act, the regulations under that Act and any environmental planning instrument under that Act.
- x) The function of the Council under Section 123 of the Environmental Planning and Assessment Act 1979 to bring proceedings to remedy or restrain a breach of that Act.
- xi) Authority to forward a Draft Local Environmental Plan under Section 68 of the Environmental Planning & Assessment Act, 1979 to the Department of Planning where no public

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- submissions are received as a result of the public exhibition required under Section 66 of the Act.
- xii) Authority to vary any numeric standard contained within any Council code, policy or development control plan by up to 10% provided the development still meets the objectives of the particular code, policy or development control plan.
 - xiii) The authority to require the lodgement of a cash bond or bank guarantee for work outstanding in any partly completed development with the amount of the bond being sufficient to complete the approved work allowing for inflation and administration costs or as provided for in Council's policy.
 - xiv) The authority to act on Council's behalf in relation to legal proceedings lodged with the Land & Environment Court as follows:
 - (a) To determine the nature of action to be taken to defend the appeal and thereafter institute any action deemed necessary in the circumstances.
 - (b) To negotiate on matters in issue during conferences between parties when presided over by an assessor appointed by the Land & Environment Court and to delegate such authority to the Director - Works and/or the Director – Environmental & Community Services, where appropriate.
 - xv) The function of the Council under Section 149, 149A, 149C and 149D.
 - xvi) The authority to issue Certificates under Part 4A including Construction, Occupation, Compliance and Subdivision Certificates.
 - xvii) Part 6 - Division 1A Power of Entry onto Land and Other Powers.
 - xviii) Issue Notice of Intent under Section 21H for an Order under Section 121B.
 - ixx) Issue Orders under Section 121B.

ENVIRONMENTAL PLANNING & ASSESSMENT REGULATIONS 2000

Issue Fire Safety Orders, Notices, Schedules, Certificates and Offences under Part 9 – Fire Safety and Matters Concerning the Building Code of Australia.

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, 1988

To exercise the statutory role of the Principal Officer in accordance with Section 11 of the Independent Commission against Corruption Act, 1988, as and when considered appropriate.

PRIVACY AND PERSONAL INFORMATION PROTECTION ACT, 1998

To implement Council's functions under the Act.

ROADS ACT, 1993

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To authorise the North West Weight of Loads Group to proceed or not proceed with prosecution for breaches of regulations made under Section 108(2) of the Roads Act, 1993.

The function under section 71 of the Roads Act to decide to carry out work on any public road in respect of which the Council is the roads authority under the Act and on any other land under its control.

The function under section 78 of the Roads Act to decide to construct bridges and tunnels across navigable waters.

The function under section 86 of the Roads Act to direct the owner of a private road to carry out work on the road or to decide that the Council is to carry out the work.

The function under section 87(2) of the Roads Act to decide to carry out traffic control work on a classified road with the consent of the Roads and Traffic Authority (RTA).

The function under section 87(3) of the Roads Act to decide to carry out traffic control work on any unclassified road, and on any public street that is not a public road, except where otherwise notified by the RTA.

The function under section 92(1) of the Roads Act to decide to alter the landform of land adjoining a public road to ensure the stability of the road.

The function under section 93 of the Roads Act to direct the owner of any land adjoining a public road to fill in any excavation that, in the Council's opinion, threatens the stability of the road.

The function under section 94 of the Roads Act to carry out drainage work in or on any land in the vicinity of a public road.

The function under section 95 of the Roads Act to direct the occupier of land from which matter has been washed or blown onto a public road to take action to remove the obstruction and prevent its recurrence.

The function under section 96 of the Roads Act to direct the occupier of any land in the vicinity of a public road to alter a fence, provide floodgates in any such fence or repair any such fence or floodgates.

The function under section 97 of the Roads Act to direct any person who is entitled to place utility services in on or over a public road to locate new or replacement services in a conduit and to make payments in respect of the costs incurred by the Council in constructing the conduit.

The function under section 98 of the Roads Act to direct the person having control over any work or structure that is situated in on or over a public road to alter the work or structure or its location.

The function under section 99 of the Roads Act to direct a private body established under the legislation referred to in the section to repair or maintain any water supply or drainage work situated in on or over a public road and that is controlled by that body.

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The function under section 100(1)(b) of the Roads Act to direct the owner of a private railway which is passed over under or across by a public road to repair or replace the bridge or level crossing or the road under an overbridge.

The function under section 101(1) of the Roads Act to direct any person by whom a public road is dug up to restore the road to its previous condition.

The function under section 101(4) of the Roads Act to decide to take such action as is necessary to restore a road that has been dug up to its previous condition instead of giving a direction under section 101(1).

The function under section 103(1) of the Roads Act to direct the owner or occupier of land to erect or install fences lights or other equipment on or around any premises in the circumstances set out in the section.

The function under section 107 of the Roads Act to direct any person who causes an obstruction or encroachment on a public road, or the owner of any land that is used or is able to be used in connection with an obstruction or encroachment on a public road, to remove the obstruction or encroachment.

The function under section 115 of the Roads Act to decide to regulate traffic on a public road by means of barriers or notices conspicuously displayed on or adjacent to the road.

The function under section 122 of the Roads Act to decide to regulate traffic on specified or all public roads for which the Council is the Roads Authority under the Act in the manner set out in the section.

The function under section 125 of the Roads Act to grant an approval that allows a person who conducts a restaurant adjacent to a footway to a public road that is vested in fee simple in the Council to use part of the footway for the purposes of the restaurant.

The function under section 126(1) of the Roads Act to authorise the holder of an approval under section 125 to erect and maintain structures in on or over any part of the footway the subject of the approval or, if requested by the holder of the approval, erect and maintain any such structure.

The function under section 126(2) of the Roads Act to decide to erect and maintain structures in on over any part of the footway the subject of an approval for the protection of public health and safety.

The function under section 128 of the Roads Act to permit the occupier of any land through which an unfenced public road passes to erect a gate across the road at any place at which the road intersects a boundary fence.

The function under section 130 of the Roads Act to revoke a permit granted under section 128.

The function under section 133(1) of the Roads Act to permit the construction of a by-pass for vehicles as provided for in the section.

The function under section 136 of the Roads Act to revoke a permit granted under section 133(1).

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The function under section 138 of the Roads Act to grant consent for works and other structures in respect of public roads.

The function under section 140 of the Roads Act to decide to revoke a consent granted under section 138.

The function under section 144 of the Roads Act to grant a permit to conduct a road event (as defined in the Act) on a public road.

The function under section 174 of the Roads Act to decide to apply to an authorised Justice to enter and inspect land for the purposes of the Act and in the circumstances set out in the section.

The function under section 242 of the Roads Act to decide to take proceedings in a Local Court for an offence against the Act or any Regulations made under the Act.

The function of deciding to bring, defend, appear in or settle such proceedings, as may be competently brought defended, appeared in or settled by Council.

Conditions and Limitations

This function may only be exercised with the concurrence of the General Manager.

The function of deciding to bring, defend, appear in or settle such proceedings, as may be competently brought defended, appeared in or settled by Council.

The function under section 246 of the Roads Act to decide to take such action as is necessary to rectify a contravention of the Act.

Conditions and Limitations

The function under section 246 of the Roads Act may only be exercised with the concurrence of the General Manager.

The function under section 247 of the Roads Act to decide to recover money owed to the Council under the Act as a debt in a court of competent jurisdiction.

The exercise of all the functions of the Authority under:

1 Division 2 of Part 8 (Regulation of Traffic by Roads Authorities) of the Roads Act 1993

Conditions and Limitations

1 A council and its sub-delegate must not exercise a function:

(1) Outside the area constituted under the Local Government Act 1993 for which council is the council, or

(2) On a classified road under the Roads Act 1993 (except where exercising a function in respect of portable traffic control light signals).

2 A Council and its sub-delegate may only exercise a function in respect of any prescribed traffic control device (defined in clause 131 of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999 for the purposes of section 50 of the Road Transport (Safety and Traffic Management) Act 1999 being:

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(1) any prescribed traffic control device contained in the document, "Regulatory Signs" Version 1.0 dated May, 2001 (Reference No RTA/Pub 01.038 issued by the Authority, but excluding those which are indicated as 'Not delegated to Council' as listed in that document, and

(2) any portable traffic control lights,

and under no circumstances, that is, despite (1) above, will a council or its sub-delegate be permitted to exercise a function in respect of any internally illuminated traffic control device.

3 (1) A Council and its sub-delegate must not exercise a function in respect of the following activities including the referral of the matter to the Local Traffic Committee until a Traffic management Plan, which must include an assessment of the impact of the exercise of the function and proposed measures to ameliorate such impact, has been approved by the Authority:

(a) The prohibition of the passage of traffic on a public road or road or road related area to any one or more of the following classes of traffic:

- pedestrians*
- vehicles*
- motor vehicles*

by physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both;

(b) the installation or display of the following traffic control signs on roads or road related areas:

- No Right Turn*
- No Left Turn*
- No Entry*
- No Turns*
- Left Turn Only*
- Right Turn Only*
- No Trucks*
- No Buses*
- No Pedestrians*

or the installation or display of any other sign or road marking prohibiting or compelling a turning movement;

(c) changing a two-way street into a one-way street or reversing the direction of a one-way street;

(d) the construction of a median strip including a painted island which prevents a turn by a vehicle at the intersection of public roads or roads or road related areas;

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- (e) *reduction in the number of traffic lanes on a public road or road or road related area by physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both.*
- (2) *A Traffic management Plan is not required if council certifies to the Authority in writing that a No Trucks or No buses traffic control sign is to be erected solely for the purpose of protecting a road from damage by the passage of motor vehicles.*
- 4 *A council and its sub-delegate must not exercise a function in respect of portable traffic control light signals unless:*
- (1) *the signals are used in connection with the carrying out of road work on public roads as authorised by the roads Act 1993; and*
- (2) *no fixed equipment or fixed cables are used.*
- 5 *A sub-delegate must not exercise a function in respect of Division 2 or Part 8 (Regulation of Traffic by Roads Authorities) of the Roads Act 1993.*
- 6 *A council or its sub-delegate must not exercise a function until they have notified the Commissioner of Police and the Authority of any decision taken to exercise a function except where:*
- (1) *the advice of the Local Traffic Committee is unanimous; and*
- (2) *the council or its sub-delegate propose to follow such advice.*
- 7 *Where a council or its sub-delegate has notified or should have notified the commissioner of Police and the Authority of a decision to exercise a function, the council or its sub-delegate must not exercise a function for a period of fourteen (14) days from the date of notification.*
- 8 *Where an appeal has been made to the Chairperson of a Regional Traffic Committee in respect of a decision taken by a council or its sub-delegate to exercise a function, a council or its sub-delegate must not exercise the function until the Chairperson of the Regional Traffic Committee determines the appeal.*
- 9 *Where the chairperson of the Regional Traffic Committee has determined an appeal, the council and its sub-delegate must not exercise the function in respect of which an appeal has been made, otherwise than in accordance with the determination of the Chairperson.*
- 10 *Before installing or displaying a prescribed traffic control device, a council and its sub-delegate must authorise installation or display (or interference with, alteration or removal) of the device in writing in accordance with section 51 of the Road Transport (Safety and traffic Management) Act 1999.*
- 11 *A council or its sub-delegate shall keep a record of installation, display, alteration or removal of a traffic control device. Such a record must include the following:*
- *Type and location of the traffic control device;*

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- *Time and date of completion of installation, display, alteration or removal of the traffic control device.*

12 *Where a council or its sub-delegate wishes to exercise a function in respect to a "Roadwork Speed Limit" traffic sign (Speed Series (R4) Sign No R4-212 in the document, "regulatory Signs" Version 1.0 dated may, 2001 reference No RTA/Pub 01.038, issued by the Authority), the following conditions apply:*

(1) *When the installation period of a 'Roadwork Speed Limit' sign is to be for 6 working days or less:*

- a) authorisation of the use of the 'Roadwork Speed Limit' sign must be carried out by council or a sub-delegate who holds a current Traffic Control at worksites certificate issued by the Authority; and*
- b) the nearest office of the Authority is to be notified in writing of Council's intention to implement a roadwork speed limit prior to works commencing; and*
- c) the nearest Police Station is to be notified in writing of Council's intention to implement a roadwork speed limit prior to works commencing.*

(2) *When the installation period of a 'Roadwork Speed Limit' sign is to be for more than 6 working days:*

- a) authorisation of the use of the 'Roadwork Speed Limit' sign must be carried out by council or a sub-delegate who holds a current Traffic Control at Worksites Certificate issued by the Authority, and*
- b) the nearest office of the Authority is to be notified in writing of Council's intention to implement a roadwork speed limit 7 days prior to works commencing; and*
- c) the nearest Police Station is to be notified in writing of Council's intention to implement a roadwork speed limit 7 days prior to works commencing.*

(3) *The need for a 'roadwork Speed Limit' sign shall be determined in accordance with the document, "traffic Control at worksites" Version 2.0 dated October 1998 (Reference No TTT-003) issued by the Authority;*

(4) *'Roadwork Speed Limit' signs shall be installed in accordance with the "Traffic Control at Worksites" document (as already referred to);*

(5) *Records maintained by a council and its sub-delegate in respect to a 'Roadwork Speed Limit' sign must include:*

- a) council's or its sub-delegate's written authorisation of the installation [The sub-delegate's Traffic Control at Worksites Certificate number must be shown],*
- b) the location,*
- c) the installation time and date, and*

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d) the removal time and date.

(6) The 'Roadwork Speed Limit' sign is to be removed as soon as practicable after the road works have been completed.

13 Council and its sub-delegate must not exercise a function in respect to any of the roads within Sydney Olympic Park including the roads that are coloured mauve on the drawing marked "Sydney Olympic park Authority, Sydney Olympic Park, Drawing Number HS-J-L-006" dated 29 May 2001 and deposited in the office of the Sydney Olympic Park Authority (being all the roads referred to in section 41 of the Sydney Olympic Park Authority Act 2001).

To exercise Council's functions and responsibilities under the Roads Act, 1993.

Section 15 - Grant Approval for Structures on Footpaths.

WATER MANAGEMENT ACT 2000

The function under Section 306 of the Act, as a Water Supply Authority, to require an applicant for a certificate of compliance under Section 305 of the Act to do either or both of the following:

- (a) To pay a specified amount to the Water supply Authority by way of a contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both;
- (b) To construct water management works to serve the development.

The function under Section 307 of the Act to grant a certificate of compliance for development:

- (a) Within 60 days after an application under Section 305 of the Act for the Granting of such a certificate is made; or
- (b) If, within the period, the Water Supply Authority imposes a requirement on the applicant, as soon as it is satisfied that the requirement has been complied with.

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FREEDOM OF INFORMATION ACT 1989

To authorise the conduct of an internal review.

Authorisation to carry out the duties and functions of the Information Officer.

LEGAL AND OTHER DOCUMENTS

To sign and execute documents under the Common Seal of the Council in conjunction with the Mayor.

OCCUPATIONAL HEALTH & SAFETY ACT, 2002

To implement Council's responsibilities under the Act.

MEDIA STATEMENTS AND PRESS RELEASES

To make Media Statements and issue Press Releases in respect of Council resolutions and decisions.

MINES INSPECTION ACT, 1901

Authorisation to nominate the General Manager and Production Manager.

HERITAGE ACT, 1977

Section 25 - Make Interim Orders for items of local significance.

(i) To make Interim Heritage Orders for items in the Liverpool Plains Shire Local Government Area in accordance with Section 25 of the Heritage Act, 1977, and subject to the following conditions:

1. A Council must not make an Interim Heritage Order (IHO) unless:

(a) an environmental planning instrument containing a schedule of heritage items derived from a heritage study and provisions for the management plan of those items is in force in the Local Government area;

(b) it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the Council and considers that:

- i) the items is or is likely to be found, on further enquiry and investigation, to be of local heritage significance;
- ii) the items is being or is likely to be harmed;
- iii) the IHO is confined to the item determined as being under threat; and

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(c) where the IHO is made over land which includes an item which is likely to be found, on further enquiry and investigation, to be of significance to Aboriginal people, a Council must refer the proposal to make an IHO to the Heritage Office for assessment regarding significance and community consultation, before the IHO is made. Council must comply with the recommendations of the Heritage Office made in its assessment prepared pursuant to the referral.

2. A Council must not make an IHO where:

(a) the item is listed on:

- i) an environmental planning instrument as an item of environmental heritage;
- ii) the item is within a conservation area identified in an environmental planning instrument;

(b) the item is covered by an order under Section 130 or Section 136 of the Heritage Act 1977;

(c) the Council has previously placed an IHO on the item;

(d) the Court has granted development consent in relation to the item that permits the item to be harmed and the development consent is still in force.

3. A Council must not make an IHO in relation to item (s) that are located on land:

- (a) that is Crown Land;
- (b) which is being developed by or on behalf of the Crown;
- (c) which is subject to a development declared to be State Significant Development under the Environmental Planning & Assessment Act, 1979.

For the purposes of this clause, “the Crown” includes State Government Agencies, State Owned Corporations, Statutory Corporations, Statutory Authorities and Ministerial Corporations. “Crown” is also taken to have the same meaning as specified in Section 57 (1A) (b) of the Heritage Act, 1977.

4. A Council must not make an IHO in respect of an item (which includes a building, work, relic or place) that is subject to an approval, consent, licence, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the Crown, an office or employee of the Crown or a Minister.

For the purposes of this clause, the “Crown” includes State Government Agencies, State Owned Corporations, Statutory Corporations, Statutory Authorities and Ministerial Corporations. “Crown” is also taken to have the same meaning as specified in Section 57 (1A) (b) of the Heritage Act, 1977. This clause does not apply to an approval, consent, licence, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the Council.

5. An IHO made by a Council must contain the following condition:

- (a) “This Interim Heritage Order will lapse after six months from the date it is made unless the local Council has passed a resolution before that date;

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- (b) in the case of an item which, in the Council's opinion is of local significance, to place the item on the heritage schedule of a local environmental plan (LEP) with appropriate provisions for protecting and managing the item; and
 - (c) in the case of an item which in the Council's opinion is of State heritage significance, to nominate the item for inclusion on the State Heritage Register."

- 6. A Council must ensure that the authorisation is carried out in accordance with guidelines issued from time to time by the Heritage Council and/or Heritage Office.
 - 7. A Council must publish annually in its State of Environment Report or Annual Report a summary of all decisions regarding IHOs for that year and provide a copy to the NSW Heritage Office.
 - 8. A Council will be responsible for defending proceedings in any Court relating to its decisions made under this authorisation (including the bearing of all costs).
- (ii) That where it is considered that if upon further investigation of any item that Council may determine the item to be of local heritage significance and that it considers is being or is likely to be harmed.

Section 61 - To determine if public notice is to be given.

Section 62 - To determine applications for approval by granting approval either unconditionally or subject to conditions, or by refusing approval.

Section 63 - Determine deferred commencement approvals.

Section 63B - Grant particular conditional approvals.

Section 64 - Issue Notice of Determination

Section 65A - Determine applications for modification of approvals.

STATE EMERGENCY & RESCUE MANAGEMENT ACT, 1989

Carry out Council's functions under the State Emergency and Rescue Management Act, 1989 and authorised to appoint Local Emergency Management Officer.

CRIMES ACT 1996

Issue penalty infringement notices under the Fines Act 1996 in relation to all offences under any Act or Regulation which enables such notices to be issued by Council.

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SCHEDULE 2

- (1) The function of delegation and sub-delegation by the General Manager pursuant to Section 378 of the Local Government Act, 1993 shall be exercised in writing signed by the General Manager.
- (2) The Council may by resolution, direct the General Manager in the exercise of any of the functions herein delegated.
- (3) The General Manager shall exercise the functions herein delegated in accordance with and subject to:-
 - (i) the provisions of the Local Government Act, 1993 and other relevant legislation;
 - (ii) Council Management Practices Manuals, Codes and Practices and Guidelines; and
 - (iii) each and every policy of the Council adopted by resolution and current at the time of the exercise of the function herein delegated.

RECOMMENDATION

That Council delegate the functions of the General Manager as listed to Mr Steve Loane from 2 May 2011 and **FURTHER** that the prior delegations for the acting position of General Manager be revoked as at the 2 May 2011.

1.6 Proposal To Obtain Funding To Manage A Project To Upgrade Visitor Centre At Siding Spring

Background

Council has been approached by the Australian National University to become a partner with them in a project to upgrade the visitor centre at Siding Springs. The scope of work under the proposed partnership only extends to Council submitting the funding application and reporting against the application. Council is not being asked to make a cash contribution towards the project. A background report has been prepared by the Team Leader Economic Development and Tourism is provided in attachment 1.0.

RECOMMENDATIONS

1. That Warrumbungle Shire Council formalise a consortium with ANU and Siding Spring Observatory for the purposes of submitting for funding from the Regional Development Australia Fund for the upgrade of Siding Spring Exploratory and The Lodge.
2. That Warrumbungle Shire Council submit an application to RDA on behalf of ANU.

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Attachment 1.0

Report: *The Acting General Manager and Council*
From: *Team Leader Economic Development and Tourism*
Re: *Funding Opportunity for SSO through Regional Development Australia Funding Program (RDAF)*
Date: *13 April 2011*

Today the mayor and team leader, along with staff from Mt Stromlo and Siding Spring Observatories met with Gabrielle Cusack, the CEO of Regional Development Australia – Orana, to discuss several issues related to Siding Spring Observatory and proposed upgrades.

The upgrades being considered include the refit of the Exploratory Centre and a major renovation of the accommodation complex, The Lodge. The budget for these two upgrades is large and so there is consideration being given to ways in which this can be funded or staged to be funded from ANU resources. They are submitting to the Education Infrastructure Fund to re-develop the Exploratory Centre .. this funding is for education related product but will not become available for another 9 months and there is consideration that they may stage the improvements and attempt to part fund it from their own budget. I think this project is in the vicinity of \$38million with partnerships from universities across Australia and a wish for some state government assistance (SA, QLD, NSW), but ANU's co-investment would be \$7.4million with the request of EIF being about \$28m.

Gabrielle Cusack explained the RDAFunding available. As part of the Government's commitment to Regional Australia, the Government has allocated \$1.4 billion in funding support to local communities. Of this, \$1 billion has been provided to the Regional Development Australia Fund (with \$573 million of this being subject to the passage of the Minerals Rent Resource Tax). The Regional Development Australia Fund will fund projects that support "localism" through infrastructure needs and enhance the economic and community development of regions. Program funds are to maximise outcomes through effective partnerships across all levels of government, and the business and not-for-profit sectors.

Regional Development Australia–Orana has played a key role in identifying projects to be supported. This was done when RDA-Orana was developing and reviewing the Regional Plan. RDA-Orana will have a role in confirming that proposed projects align with the Regional Plan. The upgrade of Siding Spring Observatory facilities that will support the growth of regional tourism was incorporated into the Regional Plan..

While the funds allocated at the Commonwealth level sound a lot .. and they are .. The first round of funding of \$100million has been rolled out to be allocated for projects by 1 July 2011; the funding is available for projects between \$500,000 and

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\$25million; applications are required by 13 May with a second round of funding expected to take place from 23 June. The applications are completed on line and must be endorsed by the RDA-Orana as projects that provide job creation, economic growth for the region and fit within the Regional Plan .. non-endorsement means the project will not be considered at the funding level. Projects must be sustainable into the future once the funding program is complete.

The project must support at least one of the following national priorities:

- *Skilling Australia*
- *Lifting productivity*
- *Maximising the opportunity of the National Broadband*
- *Sustaining our Environment*
- *Social Inclusion*
- *Water & Energy Efficiency*

Partner funding will be expected from sources other than the Australian government but there is no prescribed ratio for matching funding for projects under \$5million; after that it is expected to have \$ for \$ matching. Priority will be given to projects which maximise leverage from external sources.

Only Local Government and incorporated not-for-profit organisations are eligible for funding – hence this report. Funding is available for projects which are predominantly capital in nature (new infrastructure and upgrades to existing infrastructure). Organisations can submit multiple applications but would need to prioritise the projects. Projects must be “investment ready”, to proceed within 6 months of signing the Funding Agreement. The organisations can apply as a member of a consortium and submit the application as the Lead Organisation.

Where to from here?

ANU have approached Council through a meeting with the Team Leader Economic Development and Tourism and the Mayor and requested that Council submit an application for RDAF funding to undertake the upgrades required at Siding Spring Observatory. They are prepared to do the “leg work” themselves .. preparing budgets obtaining letters of support and Steven Watt, the Manager of Communications and Marketing is prepared to work closely with the TED Unit. ANU will also provide funding towards this project – there is no request of Council to partner with a cash injection to the project. The success of the application would mean that Warrumbungle Shire would receive the funds and manage the finances – the cost for this would be built into the project application.

My suggestion is that we formalise a consortium for the purpose of this project and that within the agreement we ensure that Project Management is the responsibility of ANU.

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I am also suggesting that Warrumbungle Shire be the applicant authority for the project based on the economic value of the project to our shire and region – increased visitor numbers, increased employment in the re-building stage and in the future operations, the viable sustainability of the project. This project has the capacity to assist with the re-building of the coach tour and school excursion markets as well as provide new experiences for the FIT market.

RECOMMENDATIONS:

1. *That Warrumbungle Shire Council formalise a consortium with ANU and Siding Spring Observatory for the purposes of submitting for funding from the Regional Development Australia Fund for the upgrade of Siding Spring Exploratory and The Lodge.*
2. *That Warrumbungle Shire Council submit an application to RDA on behalf of ANU.*

.....
KEVIN TIGHE
ACTING GENERAL MANAGER

WARRUMBUNGLE SHIRE COUNCIL

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Mr Kevin Tighe
Acting General Manager
Warrumbungle Shire Council
John Street
COONABARABRAN 2357

Dear Sir

DIRECTOR OF CORPORATE SERVICES

ANNEXURE 2

2.1 Bank Accounts and Investments as at 31 March 2011

GENERAL FUND	BANK	RESTRICTED	BALANCE
General Fund Bank Balance	\$ 7,596,403.06		\$ 5,727,887.06
Future Capital Upgrading		\$ 371,270.13	
Employees Leave Liability		\$ 767,414.00	
External Grants for Specific Projects		\$ 418,832.87	
Development Sec 94/64 Contributions		\$ 310,999.00	
TOTALS	\$ 7,596,403.06	\$ 1,868,516.00	\$ 5,727,887.06
WATER FUNDS	BANK	RESTRICTED	BALANCE
Baradine Water Bank	\$ 514,269.26		\$ 514,269.26
Binnaway Water Bank	\$ 503,071.23	\$ -	\$ 503,071.23
Coonabarabran Water Bank	\$ 1,093,704.97	\$ 914,150.00	\$ 179,554.97
Coolah Water	\$ 770,439.18		\$ 770,439.18
TOTALS	\$ 2,881,484.64	\$ 914,150.00	\$ 1,967,334.64
SEWERAGE FUNDS	BANK	RESTRICTED	BALANCE
Coonabarabran Sewerage	\$ 2,632,125.31	\$ 1,558,000.00	\$ 1,074,125.31
Baradine Sewerage	\$ 252,546.01	\$ 160,020.00	\$ 92,526.01
Coolah Sewerage	\$ 1,356,999.86	\$ 828,800.00	\$ 528,199.86
TOTALS	\$ 4,241,671.18	\$ 2,546,820.00	\$ 1,694,851.18
TRUST FUND			
	\$ 147,009.13	\$ 147,009.13	\$ -
	\$ 147,009.13	\$ 147,009.13	\$ -
SUMMARY	BANK	RESTRICTED	BALANCE
General Fund	\$ 7,596,403.06	\$ 1,868,516.00	\$ 5,727,887.06
Water Fund	\$ 2,881,484.64	\$ 914,150.00	\$ 1,967,334.64
Sewerage Fund	\$ 4,241,671.18	\$ 2,546,820.00	\$ 1,694,851.18
Trust Fund	\$ 147,009.13	\$ 147,009.13	\$ -
TOTALS	\$ 14,866,568.01	\$ 5,476,495.13	\$ 9,390,072.88

RECOMMENDATION

For Council's information.

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2.2 Investments held as at 31st March 2011

ON CALL										
	Investment	S & P Fitch Rating	Final Maturity Date	Current Interest Rate	Interest Frequency	Next Interest Date/Reset	Amount Invested Face Value (\$)	Market Value at End Of Month (\$)	% of Total Funds (Face Value)	Accrued Interest to End of Month \$
	ANZ Bank	A1+	On Call	6.10%	Monthly	End of Month	2,850,000.00	2,850,000.00	0.210	15,338.63
	Suncorp	A1	On Call	5.00%	Monthly	End of Month	500,000.00	500,000.00	0.037	
TERM DEPOSITS										
1	Suncorp-Term Deposit	A1	16.03.2011	6.20%	Quarterly	16.03.2011	1,000,000.00	1,000,000.00	0.074	
2	Suncorp-Term Deposit	A1	16.03.2011	6.20%	Quarterly	16.03.2011	750,000.00	750,000.00	0.055	
OTHER INVESTMENTS										
3	ANZ CREDIT SAIL-ANZ INVESTMENT BANK CDO- A	B	30/12/2011	0.00% Note 1	No Coupon	30/03/2010	500,000.00	424,900.00	0.037	No Coupon
4	BENDIGO BANK FRN	BBB	21/09/2012	5.22%	Quarterly	21/03/2010	500,000.00	480,865.00	0.037	6,095.00

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5	ANZ ASPIRT 1-CPPI/FRN- Aap	AA	11/08/2012	0.00% Note 1	No Coupon	11/02/2010	500,000.00	466,615.00	0.037	No Coupon
6	WBC DANDELION-FRN-	AA	21/12/2012	0.00% Note 1	No Coupon	21/03/2010	1,000,000.00	872,900.00	0.0735	No Coupon
7	ANZ ASPRIT 11-CPPI/FRN- Aap	AA	30/03/2013	0.00% Note 1	No Coupon	30/03/2010	800,000.00	731,240.00	0.06	No Coupon
8	DEUTSCHE BANK AG LONDON DAISY	AA-	31/05/2011	0.00% Note 1	No Coupon	28/02/2010	1,500,000.00	1,481,250.00	0.11	No Coupon
9	ANZ ALL SEASONS-KEOLIS AAA	AA+	16/06/2013	0.00% Note 1	No Coupon	16/03/2010	1,500,000.00	1,241,100.00	0.11	No Coupon
10	ANZ AVERON BOND- SEALINK P/L-CPPI/FRN- AAA	AA+	20/06/2013	0.00% Note 1	No Coupon	30/03/2010	700,000.00	604,100.00	0.051	No Coupon

Matures In
May

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11	DRESDNER BANK OCTAGON PLC-EMU NOTE	AA+	30/10/2015	0.00% Note 1	No Coupon	30/01/2010	1,500,000.00	1,151,250.00	0.11	No Coupon
							13,600,000.00	12,554,220.00	Interest Received	331,527.61

Monthly Investment Certification

In accordance with Regulation No.264, Clause 19(3)(b) I certify that the investments have been made in accordance with the Act, the Regulations and the Council's Investment policies at the time the investment was made.

Responsible Accounting Officer

Notes to Investment Report

1 With the other investments where no coupon is indicated - they are in principal protection mode. When the basket of securities reaches \$ for \$ again they will start paying coupons again based on the quarterly BBSW plus margin

General Note Valuations based on data received at end and are for the capital value only.(do not include accrued interest)

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2.3 Reconciliation of General Fund Bank Account – 31 March 2011

	General Managed Fund	Trust Fund	Investment Fund
Cashbook as at 31 March, 2011			
Opening Balance	1,119,558.88	145,012.93	14,100,000.00
Plus Deposits	2,453,539.66	2,997.80	0.00
Less Payments	-3,189,063.13	-1,001.60	-500,000.00
Adjusted Cashbook Balance	384,035.41	147,009.13	13,600,000.00
Bank Statement as at			
31 March 2011	949,396.87	147,042.10	
Plus Outstanding Deposits	181,648.86	732.43	
Less Outstanding Payments	-11,486.85	-765.40	
Adjusted Statement Balance	1,119,558.88	147,009.13	0.00
Ledger Cash Book			
Closing Balance	1,119,558.88	147,009.13	13,600,000.00
Total Ledger	1,119,558.88	147,009.13	13,600,000.00

RECOMMENDATION

For Council's information.

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2.4 Rates and Charges Collection Report up to and Including March 2011

RATES AND CHARGES COLLECTION REPORT UP TO AND INCLUDING MARCH 2011 - SUMMARY PAGE

		RATE ARREARS	2010/2011 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTAN- DING 2010/2011	COLLECT- ION % 2010/2011	TOTAL OUTSTAND- ING 2009/2010	COLLECTION % 2009/2010
GENERAL	COONABARABRAN	74,798	979,349	53,555	4,799	995,793	725,477	270,316	72.85%	264,556	73.62%
	BARADINE	37,096	139,286	16,404	1,198	158,781	102,357	56,424	64.46%	55,329	65.53%
	BINNAWAY	12,952	68,198	11,617	1,758	67,775	45,631	22,144	67.33%	24,109	65.96%
	VILLAGE 1	7,754	31,710	2,857	1,239	35,369	21,198	14,171	59.93%	12,651	63.83%
	FARMLAND	229,370	4,181,063	20,577	859	4,388,997	3,181,260	1,207,737	72.48%	1,085,130	72.63%
	COOLAH	20,066	200,137	15,626	603	203,974	143,763	60,211	70.48%	56,213	71.39%
	DUNEDOO	19,548	218,545	16,262	466	221,366	162,351	59,015	73.34%	56,869	72.72%
	MENDOORAN	14,714	67,957	7,375	6	75,290	48,459	26,831	64.36%	24,611	63.87%
	VILLAGE 2	3,351	18,471	2,323	3	19,496	14,657	4,838	75.18%	4,103	78.87%
	COOLABAH ESTATE	2,589	15,443	1,693	1	16,338	10,819	5,519	66.22%	5004	68.57%
	RUR/RES COBBORA	132	3,118	237	0	3,013	2,702	311	89.68%	744	78.01%
	RURAL RESD/BUS	78,833	574,217	25,038	1,202	626,810	438,072	188,737	69.89%	121,656	78.46%

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		RATE ARREARS	2010/2011 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTAN- D-ING 2010/2011	COLLECT- ION % 2010/2011	TOTAL OUTSTAND- ING 2009/2010	COLLECTION % 2009/2010
WATER	COONABARABRAN	29,981	370,163	27,233	2,497	370,415	271,958	98,457	73.42%	85,328	76.08%
	BARADINE	28,450	111,515	9,720	1,269	128,976	79,212	49,763	61.42%	41,110	69.07%
	BINNAWAY	22,147	118,130	9,013	3,008	128,256	88,960	39,296	69.36%	41,455	68.20%
	VILLAGE 1	11,497	13,396	1,050	4,561	19,282	8,634	10,648	44.78%	13,528	44.10%
	FARMLAND	5.41	2,229.60	0.00	0.00	2,235	1,438	797	64.34%	623	44.53%
	COOLAH	19,444	158,465	9,629	525	167,754	117,841	49,913	70.25%	69,042	68.57%
	DUNEDOO	14,473	151,693	9,281	352	156,533	115,125	41,408	73.55%	40,779	72.00%
	MENDOORAN	33,196	147,618	4,819	12	175,984	113,840	62,144	64.69%	56,272	62.72%
	RURAL	12,837	83,121	3,287	9	92,662	60,887	31,775	65.71%	-	0.00%
	VILLAGE 2	3,238.26	10,856.00	812.00	0.28	13,282	7,940.75	5,341	59.79%	4,672.00	59.44
SEWERAGE	COONABARABRAN	53,591	371,803	26,377	3,405	395,612	240,669	154,943	60.83%	156,703	73.98%
	BARADINE	33,837	97,765	8,044	2,092	121,467	65,933	55,534	54.28%	55,829	71.05%
	COOLAH	21,752	115,184	9,344	580	127,012	76,393	50,619	60.15%	61,398	70.47%
	DUNEDOO	15,752	103,093	8,878	140	109,827	65,940	43,887	60.04%	46,428	73.53%

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		RATE ARREARS	2010/2011 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTAN- D-ING 2010/2011	COLLECT- ION % 2010/2011	TOTAL OUTSTAND- ING 2009/2010	COLLECTION % 2009/2010
GARBAGE	NORTH	69,768	688,415	56,578	6,612	694,993	507,002	187,991	72.95%	185,906	73.88%
	SOUTH	50,763	396,558	34,914	601	411,805	292,509	119,297	71.03%	128,998	70.08%
	FARMLAND/RURAL	11,116	123,312	5,351	334	128,743	89,758	38,985	69.72%	9,811	73.23%
LEGAL FEES		185,780	50,249	0	9,144	226,885	65,906	160,979	29.05%	209,644	30.42%
DISHONOURS		200	231	0	0	431	79	352	18.34%		
INTEREST		165,952	78,275	0	0	244,227	0	244,227	0.00%	255,987	0.00%
	TOTALS	1,284,983	9,689,567	397,893	47,274	10,529,383	7,166,771	3,362,611	68.06%	3,174,488	69.47%

Note: These do not include Legal / Interest / Waste Outstanding Amounts as they are not broken up into these localities

RECOMMENDATION
For Council's information

WARRUMBUNGLE SHIRE COUNCIL

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2.5 Appointment of Debt Collection Agency

Council staff called for expressions of interest for Debt Collection of Rates, Water and Debtors for a period of two (2) years, these closed on the 31st March, 2011.

Council received 15 expressions of interest and each one was checked against a selection criteria by a selection committee which comprised of John McHugh, Acting Director of Corporate Services, Lisa Grammer, Senior Finance Officer and Paul Baker, Finance Manager.

RECOMMENDATION

That Council appoint S R Law to provide Debt Collection services for Rates, Water and Debtors for a period of two (2) years.

.....
JOHN McHUGH
ACTING DIRECTOR OF CORPORATE SERVICES

WARRUMBUNGLE SHIRE COUNCIL

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Mr Kevin Tighe
Acting General Manager
Warrumbungle Shire Council
John Street
COONABARABRAN 2357

Dear Sir

Attached is my report for consideration by Council

ACTING DIRECTOR OF TECHNICAL SERVICES

ANNEXURE 3

3.1 Request for Water Connection, Aerodrome Road Baradine Background

Council is in receipt of a request to connect water to "Lot A", Aerodrome Road, Baradine. Water connections and a proposal to extend water reticulation along Aerodrome Road, Baradine has been the subject of several reports to Council over previous years, and the most recent of these (February 2010) has been forwarded to Councillors under separate cover.

Issues

Currently there are five (5) properties along the road connected to town water. However, the meters for all of these properties are located on the southern end of Aerodrome Road and hence, there are long lengths of private service line along the road. Some of the service lines are located in private property. It seems that all of the private service lines are constructed in small diameter low grade polyethylene pipe which is prone to rupture.

It is accepted that Council's responsibility for supply of town water finishes at the water meter and that the property owner is responsible for the water service downstream from the meter. If the water service runs through other property, access by the owner of the service is more difficult and hence leaks are difficult to rectify. Further, water quality may decrease if regular use of the service line does not occur.

Options

Council may wish to allow a water connection from the existing main, subject to conditions currently imposed upon the existing connections along Aerodrome Road. Alternatively Council could refuse the application and extend the water main along Aerodrome Road subject to an approved contributions plan. Council may also refuse the application and take no further action.

Financial Considerations

If Council approve the connection, works would be completed utilising a water connection fee. Extension of the water main and associated costings are included in the report submitted in February 2010.

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RECOMMENDATION

That no further water connections be permitted on Aerodrome Road, Baradine.

3.2 Proposed Tree Project In Wellington Street Baradine

Background

At the meeting on the 16 September 2010, Council resolved to provide in principle support for establishing trees within the existing garden beds in Wellington Street Baradine and that a plan of the concept is prepared and advertised for public comment. Council also resolved to consider the project during preparation of the 2011/12 budget.

As a result of investigations into the project the concept of locating the trees in the road shoulder emerged as a viable option. Council is now being asked to consider the merits of each option and formulate a strategy for implementing the project.

Issues

The report on the 16 September 2010 raised a number of practical issues that should be addressed if the trees are planted within the existing garden bed, these included;

- Suitability of existing ground conditions for growing of trees
- Subsoil drainage to protect adjoining road pavement
- Protection of adjoining road pavement from tree roots. That is, installation of root protection.
- Location of underground services such as power, water and Telstra.
- Watering method for the trees.
- Tree species proposed.
- Disruption caused to existing garden bed during planting of the trees.

The Baradine & District Progress Association made a response to the above issues and a copy of their letter has been forwarded to Councillors under separate cover. The response from the Association appears to dismiss several concerns in relation to planting trees within the existing garden beds. In particular, the need for root directors and the consequent level of disturbance to the existing garden bed. Also, the existing irrigation system is only suitable for watering the garden bed and not suitable to supply the extra volume required for new trees. That is, if trees are planted in the centre gardens a new water line would need to be installed to irrigate the trees.

In relation to the proposed tree species, Council has received advice that 'Tropical Birch' is not a suitable species for a road environment.

Options

Council is committed to a project that will see trees planted in Wellington Street Baradine. However, there are two options now available for the location of the trees within the street. The first option is to plant the trees in the existing garden beds as requested by the Baradine & District Progress Association. Consideration must be given though to the water system, the tree species and the consequences of tree damage should root directors not be installed.

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The second option is to plant the trees within the road shoulder on both sides of the street. Under this option a new water line is required on both sides of the street and the trees are enclosed in a tree guard and protected by bollards. The number of available car parking spaces in Wellington Street would be reduced under this option, however, the exact number has not yet been determined.

The two options have been drawn on scale plan of the street and shown in attachment 1.0. It should be noted that final tree locations will be dependent upon a number of factors including impact on traffic safety, overhead powerlines and in the case of option 2, the location of driveways.

Consideration should be given to other tree species and listed in the following table is a selection of species that would be suitable in the Wellington Street environment.

Species	Mature Height (m)	Calliper (cm)	Height (m)	Container size
Fraxinus excelsior 'Aurea' Golden Ash	10 – 12	25	2.2 – 2.5	45 litre
Fraxinus 'Raywood' Claret Ash	12 – 15	50 25 – 30	3.0 – 3.5 2.5 – 3.0	100 litre RCB 45 litre
Fraxinus pennsylvanica 'Cimmzan' – Cimmaron	12 – 14	25	2.2	45 litre
Gleditsia triacanthos 'shademaster' Green Honey Locust	10 – 15	55 25 – 30	3.5 – 4.0 2.5 – 2.8	100 litre RCB 45 litre
Pistacia chinensis Chinese Pistachio	8 – 12	50 15	3.0+ 1.5	100 litre RCB 30cm
Pyrus calleryana 'Chanticleer' Chanticleer Pear	10 – 12	25 – 30	2.4 – 2.8	45 litre

Financial Considerations

Option 1

There is very little cost associated with the proposal by the Baradine & District Progress Association as there is no alteration proposed to existing water system and the trees are planted in hole dug with a shovel. Furthermore, the cost of the trees will be met by the Association. If however, this proposal is modified to include a new water line, with

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modifications to the existing line, and use of a root director, the costs are estimated as follows;

• Water line	\$5,000
• Root director 7@\$210	\$1,470
• Excavate/planting 7 @ \$1,500	<u>\$10,500</u>
Total	\$16,970

Option 2

The estimated cost of planting trees in the road shoulder as shown in option 2 in attachment 1.0 is as follows;

• Water line(both sides)	\$4,100
• Tree Guard and grate, 12 @ \$1,100	\$13,200
• Protective bollards, 12 @ \$210	\$2,520
• Root director, 12 @ \$210	\$2,520
• Excavate/planting, 12 @ \$1,250	<u>\$15,000</u>
Total	\$37,340

The cost of the trees has not been included in either of the above estimates as it is understood that the Association is supplying the trees.

There is no allocation within the current budget for the proposed street tree project in Baradine. However, an allocation of \$20,000 has been made in the draft budget for 2011/12.

RECOMMENDATION

That the proposed Wellington Street Tree Project is placed on exhibition and submissions invited on the two options as shown in attachment 1.0.

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ATTACHMENT 1.0

Option 1.0 - Centre of street trees

NO.	DATE	DESCRIPTION	BY

PROJECT NO.	DATE

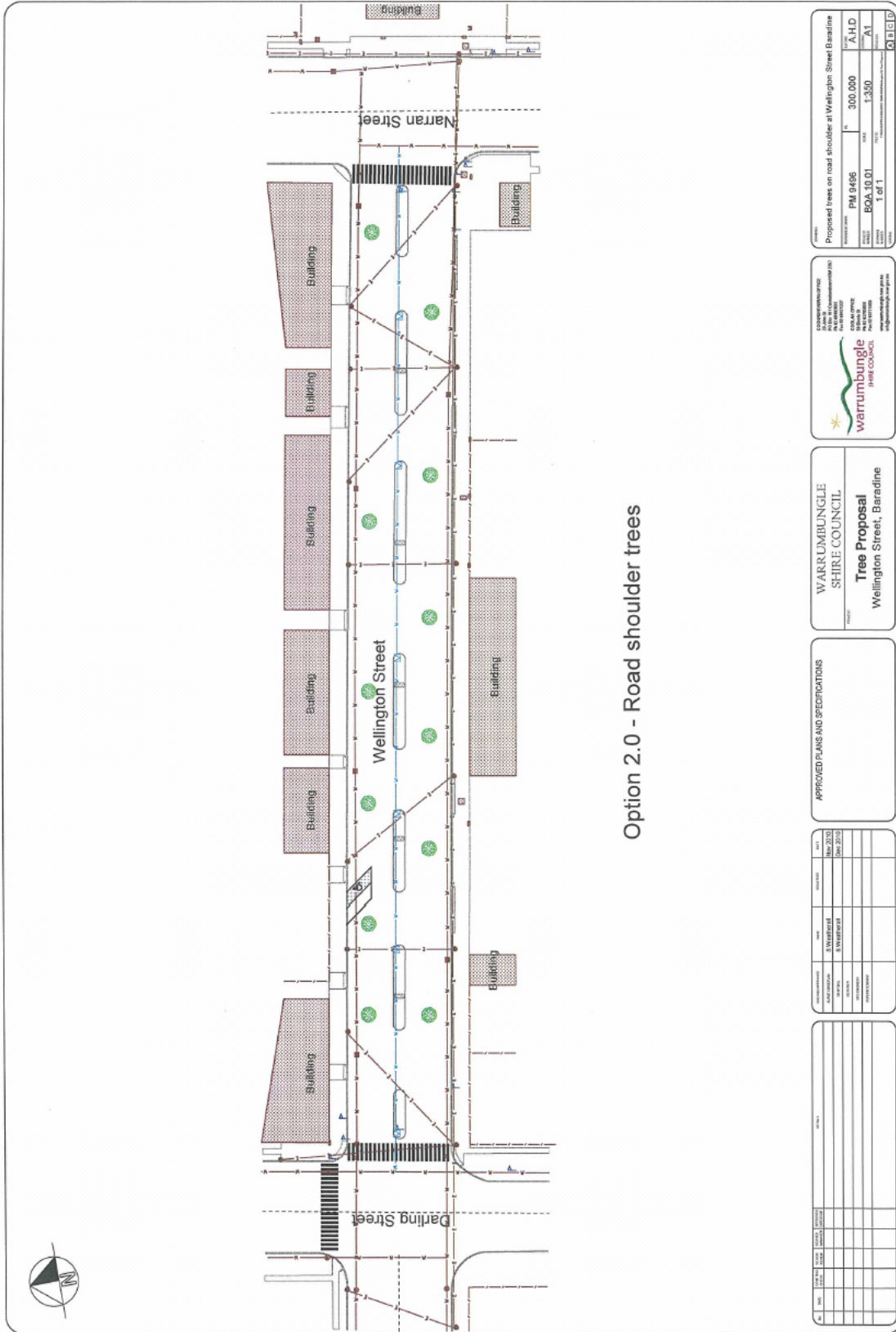
APPROVED PLANS AND SPECIFICATIONS

WARWUMBUNGLE SHIRE COUNCIL
Tree Proposal
Wellington Street, Baradine

PROPOSED TREES IN EXISTING MEDIAN AT WELLINGTON STREET BARADINE					
PROJ. NO.	PM 9486	NO.	300.000	SCALE	A.H.D
DATE	BOA 10.01	ISSUE	1.350	NO. OF SHEETS	1 of 1

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3.3 Monthly Fuel Stock Take

Background

As part of monitoring the fuel issues Council has requested a monthly stock take of fuel.

FUEL STOCKTAKE			Month of Count : 14 April 2011			
Stock code	Description	Location	Stores Balance	Count Balance	Issues to be processed	DISCREPANCY
273	Tanker	Coonabarabran	800	940		+140
274	Tanker	Coonabarabran	31	250		+219
275	Tanker	Coonabarabran	556	650		+94
276	Tanker	Coonabarabran	623	700		+77
277	Tanker	Coonabarabran	436	350		-86
278	Tanker	Coonabarabran	1824	1750		-74
281	Tanker	Coolah	535	525		-10
282	Tanker	Coolah	334	350		+16
283	Tanker	Dunedoo	125	125		0
284	Tanker	Coolah	69	100		+31
285	Tanker	Dunedoo	800	800		0
286	Tanker	Coolah	418	450		+32
287	Tanker	Mendooran	NOT IN USE			
330	Tanker	Coonabarabran	408	150	240	-18
5190	Tanker	Coonabarabran	201	0	200	0
4060	Bulk Diesel	Coolah	5441	5365		-76
54060	Bulk Diesel	Dunedoo	2034	2150		+66
19080	Bulk Diesel	Coonabarabran	6968	7050		+82
Unl 16033	Unleaded-Depot	Coolah	1879	1840		-39
Unl 6603	Unleaded-Depot	Dunedoo	2583	2600		+17
Unl 19070	Unleaded-Depot	Coonabarabran	1154	1100		-54

RECOMMENDATION

For Council's information.

.....
GREG KABLE
ACTING DIRECTOR TECHNICAL SERVICES

WARRUMBUNGLE SHIRE COUNCIL

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Mr Kevin Tighe
Acting General Manager
Warrumbungle Shire Council
John Street
COONABARABRAN 2357

Dear Sir

Attached is my report for consideration by Council

ACTING DIRECTOR OF ENVIRONMENTAL SERVICES ANNEXURE 4

4.1 Re-Establishment Of Alcohol Free Zones

Background

Council has historically established alcohol free zones as a framework for the implementation of designated areas where the consumption of alcohol is prohibited.

The establishment of these zones requires compliance with s644 to s644C and s646 of the Local Government Act 1993 *and* the Ministerial Guidelines created under s646(1) of the Act. It is proposed, by this report, to review all existing zones which were previously established and which expire on the 17th April 2011.

Commentary

The procedure for re-establishing the zones is essentially the same as the original establishment which is a reaction to a request from a community group, police officer or a person who lives or works in the area. In the case of this Council the previous zones were established at the request of the NSW Police.

At the time of writing there has been no written proposal to re-establish the existing alcohol free zones despite there intending expiry. Council does have the ability under the Act to prepare a proposal for the re-establishment of the zones without receiving a request and this may be appropriate considering the zones have been previously established at the request of the NSW Police.

Alcohol Free Zones (AFZs) are to be established only if the areas proposed are experiencing alcohol related vandalism, irresponsible behaviour, littering or the commission of more serious offences such as assault. In establishing the AFZs Council must consult with the local police area commander about the number and location of AFZs.

The purpose of this report is to determine, in the absence of a written request, whether Council wishes to proceed with the re-establishment of the AFZ's and if it does whether it wishes to promote the current zones to the police and the community through the consultation process. The consultation process should draw out any new community

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problems associated with irresponsible alcohol consumption and the range of strategies that may be implemented to address these problems.

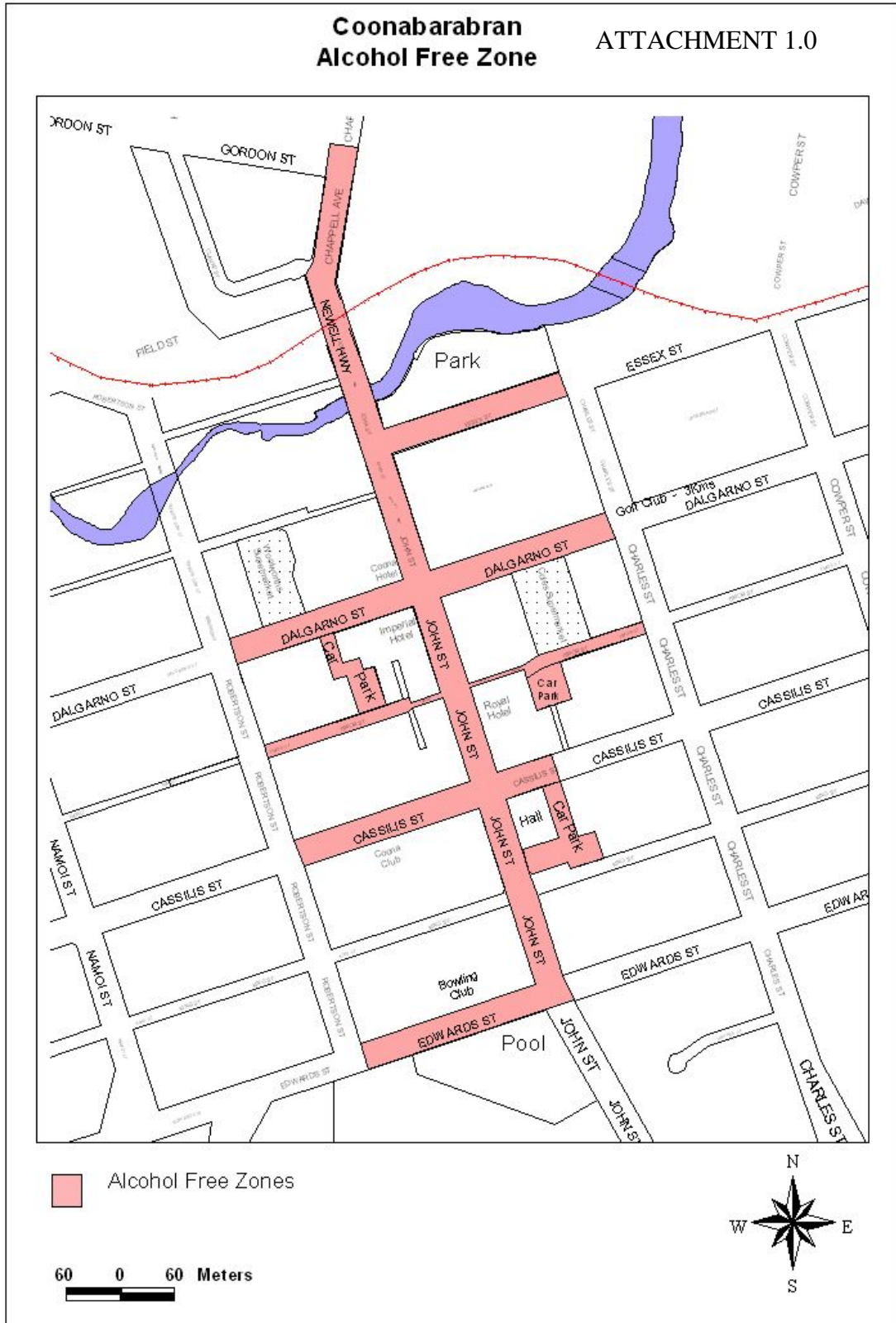
To assist Council in determining the locations of the existing AFZs maps of each zone in the towns and villages are attached to the report.

RECOMMENDATION

That Council seeks input from the local police area commander to define the adequacy of the current alcohol free zones within Coonabarabran, Dunedoo, Coolah, Baradine, Binnaway and Mendooran and should the commander deem the current zones to be adequate Council begin the consultation process with a view to the re-establishment of those zones for a further four (4) year period.

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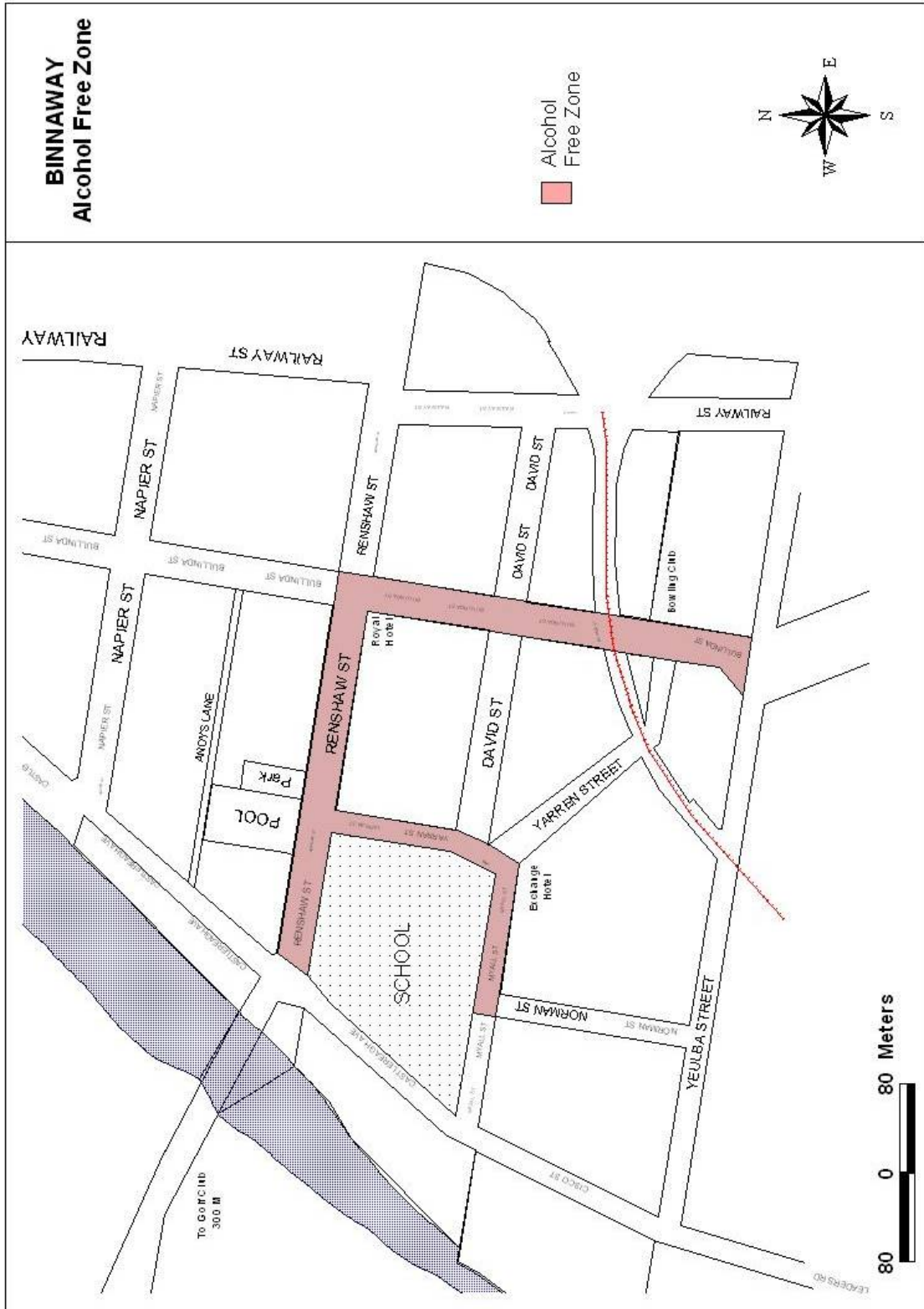
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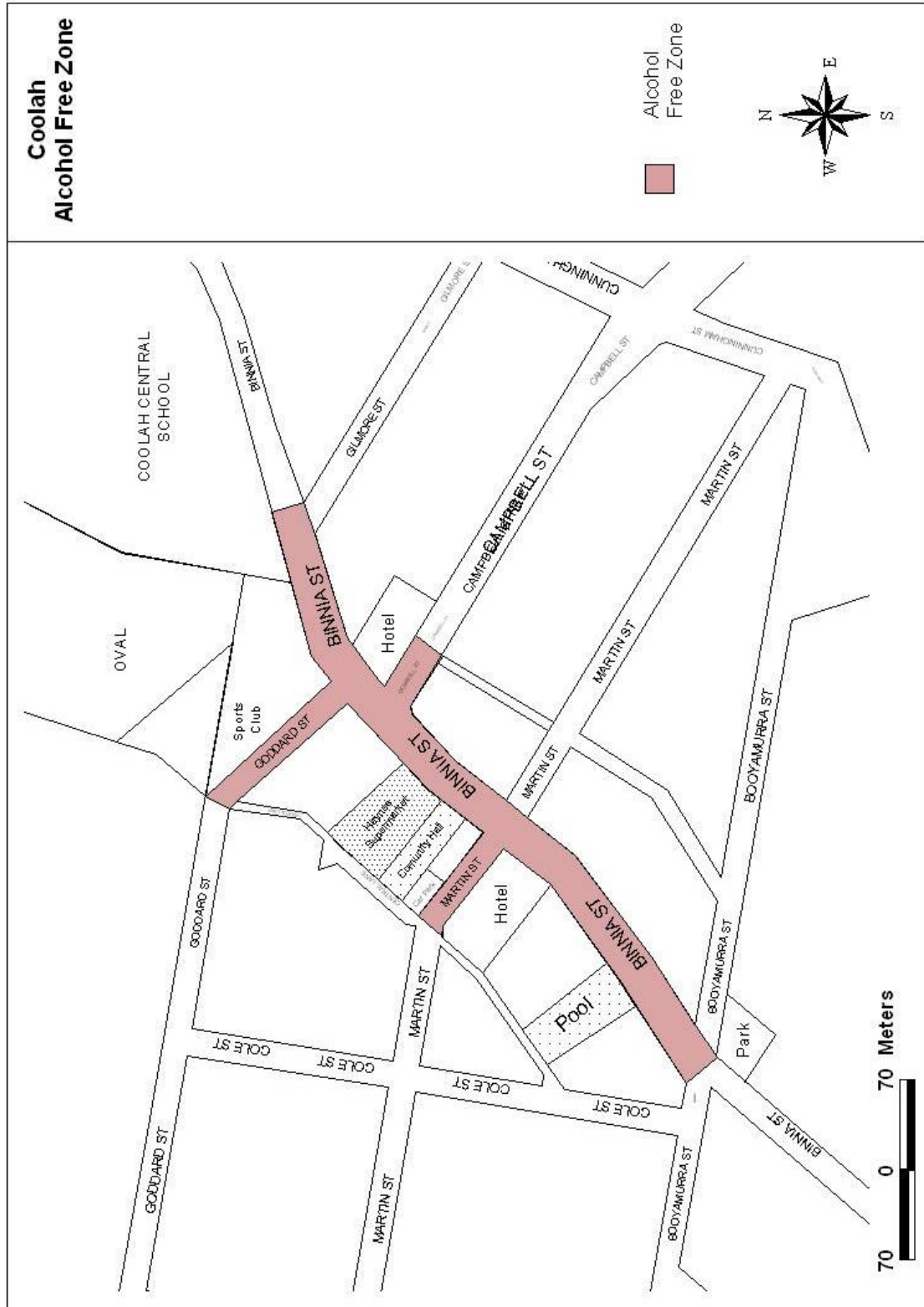
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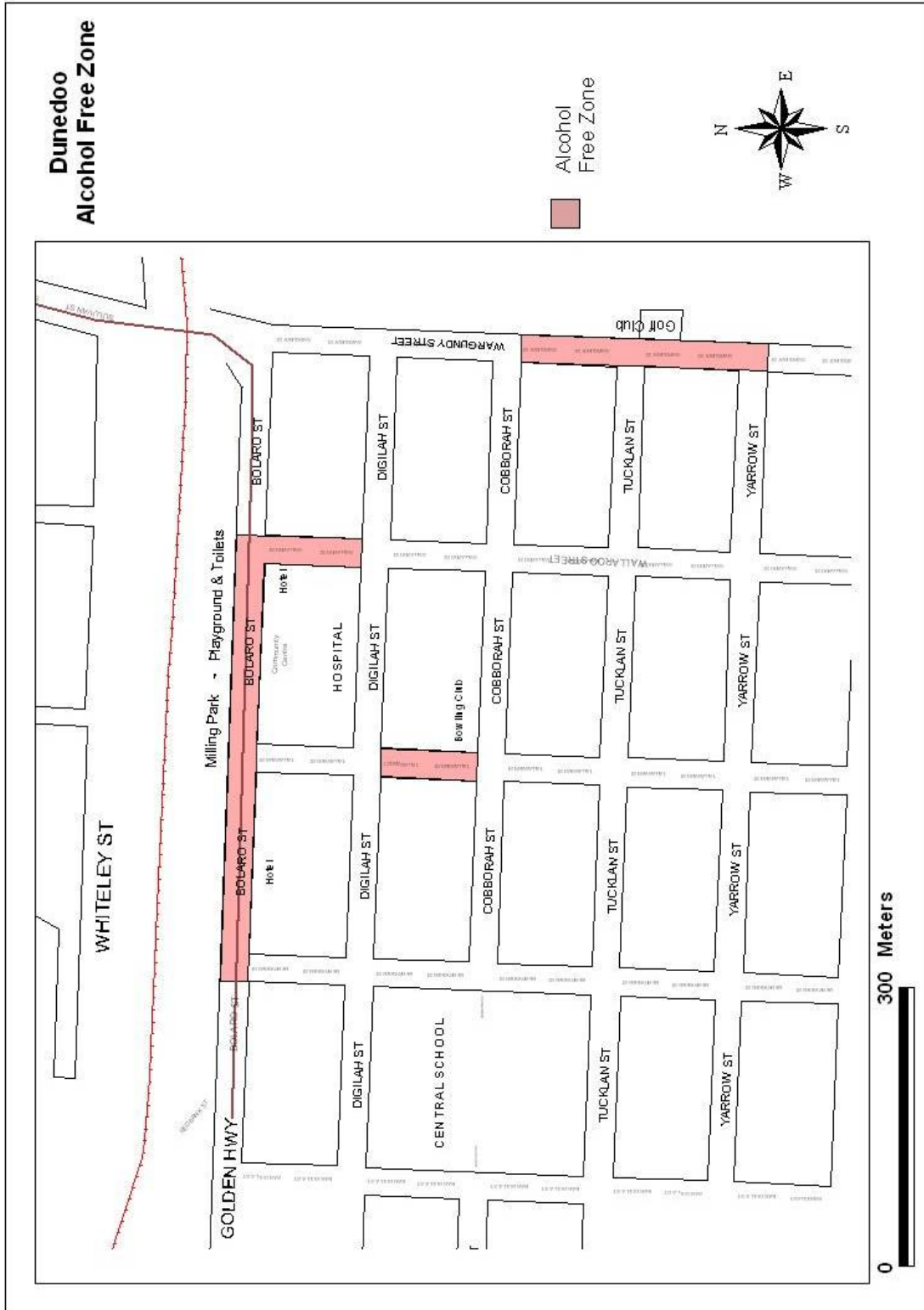
WARRUMBUNGLA SHIRE COUNCIL

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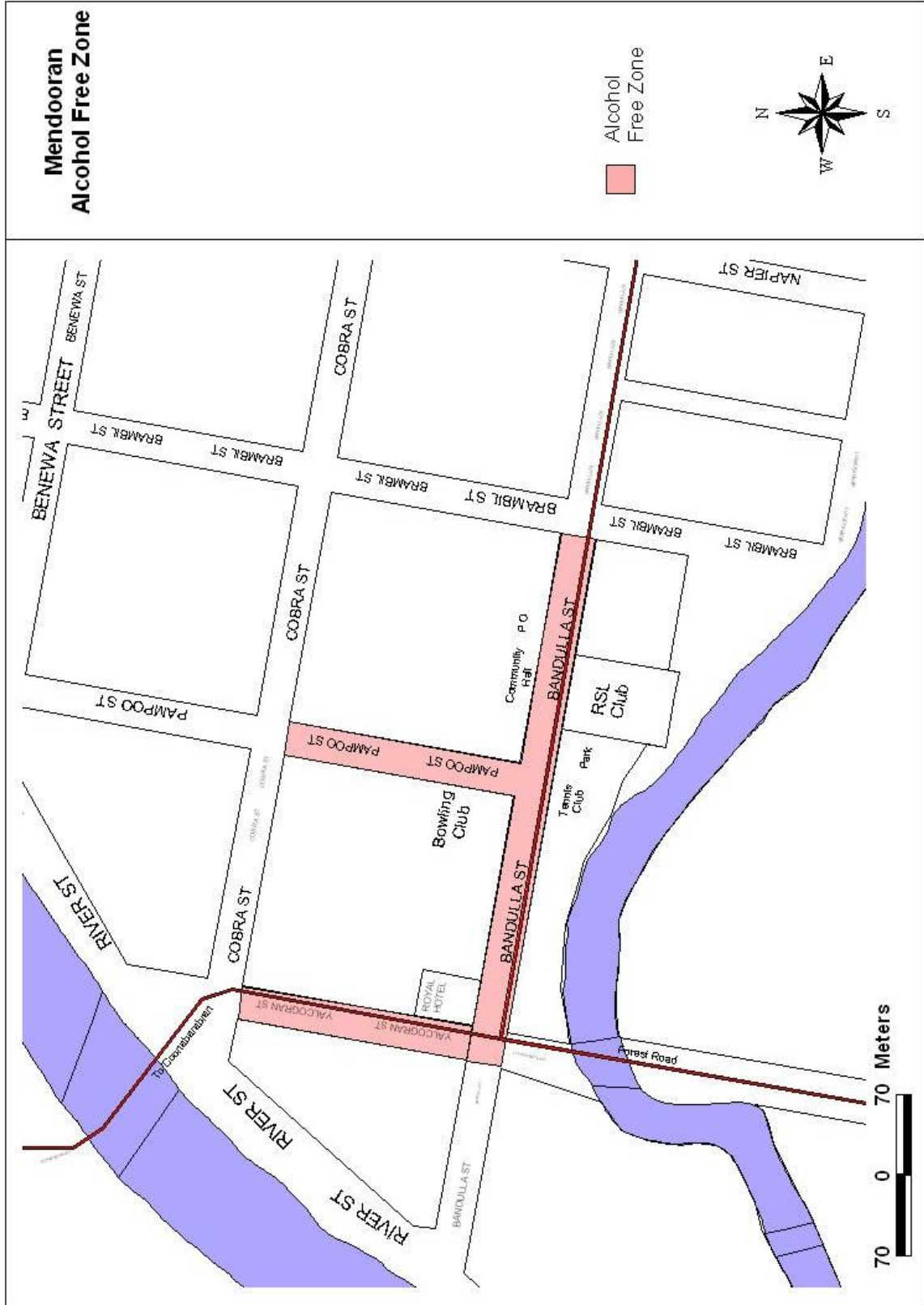
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4.2 Applications Received For Month Of March 2011

Complying Development (set criteria) Development Application (Specialised Conditions)	Date Received	APPLICANT'S NAME	LOCATION (of development)	(Town)	Development Type	Status (Approved or Pending)
CDC 64/1011	09/03/2010	Loretta Auld	Binnia Street	Coolah	New Storage Shed	Approved
DA 65/1011	09/03/2011	David Ellith	Cobborah Street	Dunedoo	Shed / Garage	Pending
DA 66/1011	15/03/2011	Taylor Made Buildings Pty Ltd	Coonabarabran Road	Mendooran	New Transportable Home	Pending
CDC 67/1011	17/03/2011	Matthew Ticehurst	Cameron Place	Coolah	Retaining Wall	Approved
DA 68/1011	21/03/2011	Richard Chapman	Horsely Street	Coonabarabran	Change of use	Pending
DA 69/1011	24/03/2011	Randall & Prue Thompson	Black Stump Way	Coolah	New Farm Machinery Shed	Pending
DA 70/1011	25/03/2011	Danny Hart & Kathryn Miller	Cobborah Street	Dunedoo	Convert & Add to Church as Dwelling	Pending
DA 71/1011	25/03/2011	Warrumbungle Shire Council	Chappell Avenue	Coonabarabran	Renew Tennis Court's Lighting	Pending
DA 72/1011	26/03/2011	Russell Duncan	Railway Street	Binnaway	New 2 Bedroom Cottage	Pending

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WARRUMBUNGLE SHIRE COUNCIL APPLICATIONS HELD PENDING

CD or DA	Date Received	APPLICANT'S NAME	LOCATION	Town	Type of Development	Status
CDC 58/1011	1/02/2011	L & S Graham	Wargundy Street	Dunedoo	New Carport	Stop the clock

.....
TONY MEPPM
ACTING DIRECTOR ENVIRONMENTAL SERVICES

WARRUMBUNGLE SHIRE COUNCIL

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Mr Kevin Tighe
Acting General Manager
Warrumbungle Shire Council
John Street
COONABARABRAN 2357

Dear Sir

Attached is my report for consideration by Council

DIRECTOR OF COMMUNITY SERVICES ANNEXURE 5

5.1 Community Builders Program

Council has been previously advised through quarterly reviews in 2009 and 2010 of the review undertaken of the Community Services Grants Program (CSGP) service. This program has funded the Coonabarabran Community Access Project and the position of Community Liaison Officer/Community Development Officer. This NSW Government funded program ceased as at 30 June 2010 and realigned into the Community Strengthening stream, which has now transitioned in the Community Builders (CB) Program.

The CB program aims to strengthen communities across NSW and particularly disadvantaged groups within them.

For the last 12 months the current CSGP contract and funding was rolled over to June 2011 whilst new CB Guidelines and Service Agreement developed. This next 12 months to June 2012, is a transition period to enable the new Service Specification and Funding Agreement from the Department of Human Services, Community Services NSW to be implemented by Council.

Council has been asked to review and sign this new Service Specification.

In summary project funding provided is as follows:

1. Fixed Term Funding is \$83,698 per annum for 3 years, ending June 2014.
2. Community of Location - Warrumbungle LGA.
3. Community of Identity - Organisations of community assisting Children, Families and Youth
4. Priority Groups –
 - (a) Social and financially disadvantaged members of the community
 - (b) Aboriginal and Torres Strait Islander members of the community and,
 - (c) People aged 12-18 years.

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There are two focus areas for this new Service Specification; Community Skills Development and Community Sector Development. Each have activities and tasks to be undertaken and must report to Community Services Project Results and Performance Measures each year.

This Service Level Agreement Results and Performance Measures have been provided in draft following consultation with Director Community Services and Community Development Officer. A Transition Plan has been designed and includes; operational, human resources and service delivery strategies to be implemented by June 2012.

The main implication of this new Service Specification and Funding Agreement is relating to the grant funded position of Community Development Officer. A review of the position description and grade assessment under Council's salary system will be undertaken followed by negotiation and consultation with the incumbent and Consultative Committee. The time frame for the job redesign component to be completed is 31 December 2011 and must comply with NSW Local Government Act (1993) and NSW Local Government Award (2010).

Council does have the option of not signing this new Funding Agreement. In which case, an alternative provider in Warrumbungle Shire would be offered the funding to deliver the program. However this is not a recommended course of action, Council is well placed delivering capacity building objectives projects and is an important stakeholder in the community services sector in the shire.

The issue of a Youth worker role has been raised by the Coonabarabran Interagency, Coolah Youth and Community Centre and Coonabarabran Youth Club. The Service Results may be modified to reflect these community needs of mentoring, capacity building, planning and brokering of partnerships to deliver Youth Activities Programs. A round table planned for early May, would provide an opportunity for this input to be included into the Service Results and outcomes of this new CB program.

RECOMMENDATION

That Council authorise the Acting General Manager to sign the Department of Human Services, Community Services (NSW) Service Specification Agreement for July 2011- June 2014; and further a report be bought back following the commencement of the Transition Plan and completion of the Service Results Review.

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REBECCA RYAN
DIRECTOR COMMUNITY SERVICES