

Blayney Shire Council



2 August 2011

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Council Chambers on Monday, 8 August 2011 at 6.00pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Apologies for non-attendance
- (3) Confirmation of Minutes
 - Ordinary Council Meeting held on 11.07.2011
 - Extraordinary Council Meeting held on 21.07.2011
- (4) Matters arising from Minutes
- (5) Disclosures of Interest
- (6) Mayoral Minute
- (7) Reports of Staff
 - (a) Corporate Services
 - (b) Engineering Services
 - (c) Environmental Services
- (8) Committee Reports

Yours faithfully

Alan McCormack PSM
ACTING GENERAL MANAGER

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HELD ON MONDAY 8 AUGUST 2011

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MAYORAL MINUTES
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 8 AUGUST 2011



01) **ACKNOWLEDGEMENT OF MR A JONES**
(Cr Kingham)

RECOMMENDED:

1. That a testimonial under Seal be provided for Mr A Jones.

MAYORAL MINUTE:

In this minute I wish to acknowledge the services of our former General Manager, Mr Aaron Jones.

Aaron commenced in Local Government in February 1990 and served Blayney Shire Council for almost seven years in the roles of Director of Corporate Services and General Manager.

Aaron resigned his services from Council effective on 22 July 2011.

During his employment here Aaron rendered faithful and valuable service to the Council.

On behalf of Council I wish him well in his future endeavours.

Attachments

Nil

CORPORATE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 8 AUGUST 2011



02)

REPORT OF COUNCIL INVESTMENTS AS AT 31 JULY 2011 (Manager Financial Services)

RECOMMENDED:

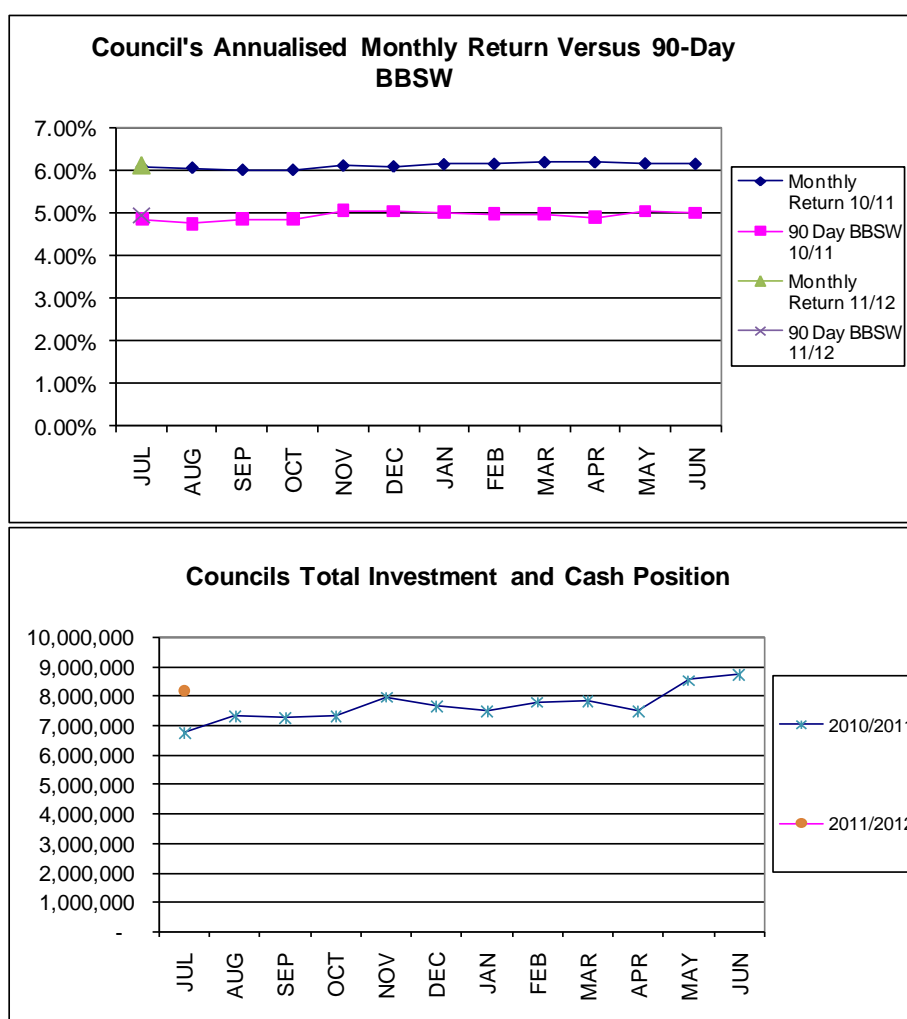
1. That the Report indicating Council's Investment position as at 31 July 2011 be received and noted.
2. That the Certification of the Responsible Accounting Officer be noted and the Report be adopted.

REPORT

This report provides details of Council's Investment Portfolio as at 31 July 2011.

Council's total investment and cash position as at 31 July 2011 is \$8,201,599.80. Investments earned interest of \$45,451.19 for the month of July 2011.

Council's monthly net return annualised for July of 6.15% outperformed the 90 day Bank Bill Swap Rate of 4.96%.



REGISTER OF INVESTMENTS AND CASH AS AT 31 JULY 2011

Institution	Amount \$	Monthly Net Return Annualised
<u>Term Deposits</u>		
Community CPS Australia	500,000.00	6.15%
Bankstown City Credit Union	500,000.00	6.05%
Bankstown City Credit Union	500,000.00	6.05%
Credit Union Australia	500,000.00	6.12%
Queensland Country Credit Union	500,000.00	6.00%
Queensland Country Credit Union	500,000.00	6.20%
Bank of Cyprus	500,000.00	6.16%
New England Credit Union	500,000.00	6.15%
Peoples Choice Credit Union	500,000.00	6.01%
Australian Central Savings and Loans	500,000.00	6.05%
Big Sky Credit Union	500,000.00	6.10%
New England Credit Union	500,000.00	6.15%
Credit Union Australia	500,000.00	6.12%
Bank of Cyprus	500,000.00	6.16%
Total	7,000,000.00	6.11%
<u>Collateralised Debt Obligation (CDO's)</u>		
ANZ Custodian (Kakadu, BBSW + 140 points)	500,000.00	6.39%
ANZ Custodian (Flinders, BBSW + 150 points)	500,000.00	6.49%
Total	1,000,000.00	6.44%
Total Investments	8,000,000.00	6.15%
Benchmark: BBSW 90 Day Index		4.96%
Commonwealth Bank - At Call Account	1,278.99	
Commonwealth Bank Balance	200,320.81	
TOTAL INVESTMENTS & CASH	8,201,599.80	

Summary of Investment movements - JULY			
Financial Institution	Fund Rating	Invst/(Recall) Amount \$	Commentary
<u>Term Deposits</u>			
Queensland Country Credit Union		500,000.00	Term Deposit Invested 05/07/2011
Queensland Country Credit Union		(510,599.32)	Term Deposit Matured 05/07/2011
Peoples Choice Credit Union		500,000.00	Term Deposit Invested 21/07/2011
Australian Central Savings & Loans		(507,604.11)	Term Deposit Matured 21/07/2011

Collateralised Debt Obligations (CDO's)

As per Council's Auditor recommendations the disclosure of the impact of market conditions on the value of the Collateralised Debt Obligations held is provided. It is estimated by ANZ Custodian Services that the market value of Flinders and Kakadu are \$436,884.49 and \$199,175.79 respectively as at 30 June 2011. It is anticipated that as the investments draw near to maturity the market values will increase. Council is also involved in ongoing legal action to minimise any losses.

Council's monthly net return annualised for June on the CDO's is 6.44% outperforming the 90 day Bank Bill Swap Rate of 4.96%.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Chris Hodge, certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council Policy.

BUDGET IMPLICATIONS

A good investment strategy optimises Council's return on investments.

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil

03) STATEMENT OF FINANCIAL REPORTS BY COUNCIL
2010/2011
(Manager Financial Services)

RECOMMENDED:

1. That the statement required by Section 413(2)(c) of the Local Government Act, 1993 in relation to Council's Financial Reports for the period ending 30 June 2011 be completed under the Seal of Council.
2. That Hill Rogers Spencer Steer be invited (in accordance with regulations) to complete the audit.

REPORT

Section 413(3) of the Local Government Act 1993, requires Council to prepare Financial Reports and to refer those reports for audit within four (4) months after the end of the financial year (s416 (1)).

As an attachment to the Financial Reports, Council is required to present a statement on its opinion on the reports (s413 (2)(c)). Copies of the Statements required are attached and must be completed under Seal.

Once the auditor has completed the audit and has submitted their report, Council must fix a date for a meeting at which the auditor's report will be presented, and give public notice of the date. This date must be at least seven (7) days after the date on which notice is given, but not more than five (5) weeks after the auditor's reports are given to Council.

It is anticipated that the auditor, Hill Rogers Spencer Steer, will present their report to the October Ordinary Meeting of Council.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

1 Financial Statements 2 Pages

04)

APPOINTMENT OF A NEW GENERAL MANAGER
(Acting General Manager)

RECOMMENDED:

1. That the Mayor, in consultation with the General Manager Recruitment Panel, be delegated the task of ensuring:
 - a. the general manager position description is current and evaluated in terms of salary to reflect the responsibilities of the position.
 - b. the proposed salary range reflects the responsibilities and duties of the position.
 - c. the position is advertised according to the requirements of the Act.
 - d. information packages are prepared.
 - e. Applicants selected for interview are notified.
2. That the Mayor be delegated the role of day-to-day oversight and liaison with the General Manager.
3. That the General Manager's Review Panel comprise the Mayor, Deputy Mayor and Cr Reeks, plus the General Manager's nominee.

REPORT

Executive Summary

This report refers to the appointment of a new General Manager, and that person's relationship with Council.

Background Information

All Councils are required to appoint a General Manager, on a fixed term contract basis, (1 to 5 years).

Associated recommendation 1 above.

The Department of Local Government has recently issued Guidelines for the Appointment and Oversight of General Managers (Circular 11-14 dated 8 July 2011). These guidelines are attached to this report.

Report

In relation to staff structure the following is extracted from the guidelines

- a. Staffing of Council
1. Organisation Structure

"A Council should have sufficient and appropriately qualified staff for the efficient and effective delivery of its functions.

The Act requires the governing body of council to determine an organisation structure, the senior staff positions within that structure and the resources to be allocated towards the employment of staff (s332)."

Note by Acting General Manager

A review of the staff structure will be undertaken.

The term 'senior staff' is confusing. Senior staff members, as seen by Councils and other staff members, as the General Manager and Directors. However in terms of the Local Government Act, staff are not to be determined senior staff unless the remuneration package is equal to or greater than the remuneration package payable to senior executive office holders whose positions are graded Level 1 (General Management) in the State Public Service. The remuneration is above the packages of Directors here.

So, in terms of the Local Government Act, Blayney has no senior staff apart from the General Manager

2. Duties Delegated to General Managers

A governing body of council may delegate certain functions to the general manager. A delegation of a council function must be made by a council resolution (Chapter 12 Part 3 ss 377-381 of the Act).

It should be noted that the general manager may sub-delegate a function delegated to him/her by the governing body of council (s378). However, the general manager still retains responsibility to ensure that any sub-delegated function is carried out appropriately.

Where authority to make a decision is delegated this does not remove a council's authority to make a decision.

Matters that fall outside the terms of a council policy delegation, or day to day management (section 335), should be referred to the governing body of council for a decision.

Note by Acting General Manager

A review of the delegations currently in place will be undertaken.

A review of the key policies, as referred to in the guidelines, will also be undertaken.

Associated recommendation 2 above.

3. Performance Management

The Council is to establish a performance review panel which reviews the General Manager's performance.

Associated recommendation 3 above.

BUDGET IMPLICATIONS

Covered by salaries vote.

POLICY IMPLICATIONS

Nil effect.

Attachments

1 Circular 47 Pages

05) **REQUEST TO WAIVE CHARGES - MILLTHORPE GARDEN
RAMBLE COMMITTEE**
(Director Corporate Services)

RECOMMENDED:

1. That Council approve the request from Millthorpe Garden Ramble to waive labour charges associated with installation of seating and tree plantings at Mill Green in the amount of \$709.02.

REPORT

Council is in receipt of a request from The Millthorpe Garden Ramble Committee seeking Council to waive labour charges associated with installation of seating and tree plantings at Mill Green, Millthorpe in June 2010.

The Millthorpe Garden Ramble Committee had requested Council in early 2010 to purchase seating and appropriate trees and arrange necessary associated work at their expense. The total cost of the project amounted to \$3,830.11 including GST. The labour component and amount requested for waiver is \$709.02 including GST.

In the past Council has supported such initiatives to improve infrastructure that are of benefit to the wider community by Village Committees and Progress Associations with such "in-kind" support".

Division 3 (section 610E(2)) of the Local Government Act 1993 requires Council to adopt a resolution on its determination following public exhibition as it would a proposed fee under section 610F(2) or (3). A copy of section 610E is shown below:

610E Council may waive or reduce fees

(1) A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.

(2) However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under section 610F (2) or (3).

BUDGET IMPLICATIONS

Council will forego the income that would be generated by this activity.

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil

06) **REQUEST FOR SUPPORT OF THE BEYOND THE RANGE PROJECT**
(Director Corporate Services)

RECOMMENDED:

1. That Council join the 3 year Centroc Beyond the Range Health Workforce Attraction Project.
2. That Council agree to fund the Centroc Beyond the Range Health Workforce Attraction Project in the amount of \$11,000 over three years.
3. That Council agree to provide information to the Council page on the website and other marketing and promotional materials where Centroc will provide proformas.

REPORT

Council is in receipt of correspondence from the Centroc seeking support for its “Beyond the Range” project, a strategic initiative to identify the best way forward to attract and retain health workforce for the region.

As part of the project, participating Councils are being requested to contribute \$11,000 over a three year period as follows:

- 2011/12 \$6,000
- 2012/13 \$3,000
- 2013/14 \$2,000

The project has the unanimous support of the Centroc Board and of Regional Development Australia (RDA) Central NSW. The project is likely to gain funding where Council commitments will be used to leverage these.

The project seeks to target health workforce in four areas:

- a. School students at the “growing our own” stage to facilitate young people in the region taking up a career in the health workforce.
- b. University students considering career pathways.
- c. Young families.
- d. The sleeper workforce already trained in the region to encourage to return to work in their profession.

By joining the project Council will obtain a number of benefits such as inclusion on the website, marketing and promotional materials, being seen as an LGA that is health workforce friendly, and capitalising on a regional approach to recruit health professionals.

BUDGET IMPLICATIONS

Council will need to make provision in the 2011/12 budget and future years for this purpose. If approved, an adjustment in the next quarterly budget review will be effected.

POLICY IMPLICATIONS

Nil effect.

Attachments

1 Centroc letter requesting support of Beyond the Range project 8 Pages

07) **INTEGRATED PLANNING AND REPORTING PROGRESS
FRAMEWORK PROGRESS REPORT**
(Acting General Manager)

RECOMMENDED:

1. That the report on the Integrated Planning and Reporting Framework Progress report be received and noted.

REPORT

Council recently completed an important phase in the development of its Community Strategic Plan as part of its approach to the Planning Framework. The Blayney Shire 2025 Futures Workshop held 25 July 2011 and staff information sessions held 26 July 2011 has provided a wealth of information that will be collated and massaged to inform the process.

The Blayney Shire Futures Workshop resulted in some 76 registrations and 72 in attendance and comprised a good mix of community members from all demographics, vocations and village representation. There was a very positive feel to the workshop with invaluable feedback from the community provided that will assist with the plan development process. Attendees to the workshop will be acknowledged with a letter of gratitude and provided feedback as the process progresses.

The staff information sessions resulted in 52 employees of Council reviewing outcomes of the Futures Workshop and participating in the process undertaken. Outcomes from the process assisted to balance the demographic mix that participated in the process. Issues and priorities of the staff information sessions largely replicated those of the previous day.

The information from the Workshops will be brought back to a Reference Group of around 15 to 20 in size comprising community, Councillor and staff representation that will undertake a day workshop on 22 / 23 August 2011. The role of this process is to assist with shaping of the Community Strategic Plan.

Work will also commence on the next stage being the Resourcing Strategy encompassing the Asset Management Plan (10 years), Human Resources Strategy (4 years) and Financial Plan (10 years) with a WBC workshop proposed for 18 August 2011. The workshop will entail reporting timeframe requirements, integration with other plans and project milestone timelines.

Work from the Community Strategic Plan (10+ years) and Resourcing Strategy will assist with informing the next tier of planning, the Delivery Plan (4 years and aligned to the Council term) and the third tier of planning, Council's Operational Plan (1 year).

Council will be working towards finalisation of the Community Strategic Plan by the end of November 2011 with a view to public exhibition during December 2011 / January 2012 and adoption by Council in February 2012.

Council has a mandatory requirement to have its adopted Community Strategic Plan lodged with the Division of Local Government, Department of Premier and Cabinet by 31 March 2012.

BUDGET IMPLICATIONS

Council has provided for this project in the 2011 – 2016 Management Plan.

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil

08) AMENDMENT TO PLANNING FEES
(Director Corporate Services)

RECOMMENDED:

1. That Council adopt the proposed planning fees;
2. That the fees be exhibited for public comment for 28 days in accord with section 610F of the Local Government.

REPORT

Council recently received advice from the NSW Department of Planning & Infrastructure on its review of statutory fees for planning activities for the year commencing 1 July 2011. The NSW Department of Planning & Infrastructure are responsible for the setting of planning fees for NSW Councils.

The advice to Council was received after Council adopted the 2011 - 2016 Management Plan for public exhibition and were therefore not included into Council's Fees & Charges at that time. Approval is therefore sought for the adoption of these revised statutory fees.

The proposed fees are outlined as outlined in the attached schedule.

Part 10 (section 610F) of the Local Government Act 1993 is quite specific on public notice of fees. In brief, Council must give public notice of its fees prior to adoption. A copy of section 610F is shown below.

610F Public notice of fees

- (1) A council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.*
- (2) Public notice of the amount of a proposed fee must be given (in accordance with section 405) in the draft operational plan for the year in which the fee is to be made.*
- (3) However, if, after the date on which the operational plan commences:*
(a) a new service is provided, or the nature or extent of an existing service is changed, or
(b) the regulations in accordance with which the fee is determined are amended,
the council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.
- (4) This section does not apply to a fee determined by a council for an application made in a filming proposal, if that fee is consistent with a scale or structure of fees set out in an applicable filming protocol.*

BUDGET IMPLICATIONS

Council will benefit from the income generated from the increased fees.

POLICY IMPLICATIONS

Nil effect.

Attachments

1 Planning Fees & Charges 2011/12 3 Pages

09)

ADOPTION OF INVESTMENT POLICY

(Director Corporate Services)

RECOMMENDED:

1. That Council adopt the Investment policy and it be included in Council's policy register.

REPORT

Council at its meeting held 13 June 2011 resolved to place the Investment Policy on public exhibition for 28 days.

At the close of period for public comment no submissions on the draft policy were received.

The Investment Policy outlines appropriate controls on investment of Council funds pursuant to the Ministerial investment Order and associated legislation. The amendments to this policy were as a result of Circular 11-01 from the Division of Local Government, Department of Premier and Cabinet informing Councils of the revised Ministerial Investment Order.

A copy of the Investment Policy has been provided as an attachment to this business paper.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

As outlined above.

Attachments

1 Investment Policy 6 Pages

Blayney Shire Council

General Purpose Financial Statements

for the financial year ended 30 June 2011

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these Financial Statements:

- present fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render the Reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 08 August 2011.

B R Kingham
MAYOR

K G Radburn
COUNCILLOR

A McCormack
GENERAL MANAGER

C M Hodge
RESPONSIBLE ACCOUNTING OFFICER

Blayney Shire Council

Special Purpose Financial Statements

for the financial year ended 30 June 2011

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- The NSW Government Policy Statement "Application of National Competition Policy to Local Government"
- The Division of Local Government Guidelines "Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality"
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines - "Best Practice Management of Water and Sewerage".

To the best of our knowledge and belief, these Financial Statements:

- Present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render these Statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 08 August 2011.

B R Kingham
MAYOR

K G Radburn
COUNCILLOR

A McCormack
GENERAL MANAGER

C M Hodge
RESPONSIBLE ACCOUNTING OFFICER



Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 11-14
Date 8 July 2011
Doc ID. A246643

Contact Alice Leslie
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alice.leslie@dlg.nsw.gov.au

GUIDELINES FOR THE APPOINTMENT AND OVERSIGHT OF GENERAL MANAGERS

The Division of Local Government has issued Guidelines under section 23A of the *Local Government Act 1993* to assist councillors to be aware of their obligations under the Local Government Act, the Local Government (General) Regulation 2005 and the Standard Contract of Employment for General Managers when recruiting, appointing, reappointing and managing the performance of general managers.

The Guidelines, which are designed to provide a summary of essential matters that must be addressed by councils when engaging in these processes, were developed in consultation with the Local Government and Shires Associations, Local Government Managers Australia (NSW) and NSW councils.

As the Guidelines have been issued under section 23A of the Local Government Act, councils must take the Guidelines into consideration when exercising functions related to the recruitment, oversight and performance management of general managers.

The Guidelines for the Appointment and Oversight of General Managers are available on the 'Publications' page of the Division's website at www.dlg.nsw.gov.au.

A handwritten signature in black ink, appearing to read 'Ross Woodward'.

Ross Woodward
Chief Executive, Local Government
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Division of Local Government
Department of Premier and Cabinet

GUIDELINES FOR THE
APPOINTMENT & OVERSIGHT OF
GENERAL MANAGERS



July 2011

These are Director General's Guidelines issued pursuant to section 23A of the *Local Government Act 1993*.

ACCESS TO SERVICES

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8.30am to 5.00pm

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All offices are wheelchair accessible.

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DEFINITIONS

Code of Meeting Practice means a code of meeting procedure complying with requirements set out in the *Local Government Act 1993* and the Local Government (General) Regulation 2005

GIPA means the *Government Information (Public Access) Act 2009*

Integrated Planning and Reporting:

Integrated Planning and Reporting Guidelines means the Guidelines issued by the Division of Local Government in 2009

Community Strategic Plan as prescribed under the *Local Government Act 1993*

Delivery Program as prescribed under the *Local Government Act 1993*

Operational Plan as prescribed under the *Local Government Act 1993*

Resourcing Strategy as prescribed under the *Local Government Act 1993*

LGSA means the Local Government and Shires Associations of NSW

LGMA means Local Government Managers Australia (NSW)

Model Code of Conduct means the Model Code of Conduct for Local Councils in NSW prescribed by the *Local Government Act 1993*

Ministerial Investment Order means any investment order approved by the Minister for Local Government under the *Local Government Act 1993*

Quarterly Budget Review Statements means the draft Guidelines issued by the Division of Local Government in October 2010

Senior Staff means senior staff as defined by the *Local Government Act 1993*

Standard Contract means the standard form of contract for the employment of the general manager approved by the Director General (or delegate) pursuant to section 338(4) of the *Local Government Act 1993*

Statutory and Other Offices Remuneration Tribunal means the Statutory and Other Offices Remuneration Tribunal (SOORT) as constituted under the *Statutory and Other Offices Remuneration Act 1975*

The Act means the *Local Government Act 1993*

The Regulation means the Local Government (General) Regulation 2005

PURPOSE

The purpose of these Guidelines is to assist councillors to be aware of their obligations under the *Local Government Act 1993* (the Act) and the Local Government (General) Regulation 2005 (the Regulation) when recruiting, appointing, reappointing and overseeing general managers. It provides a summary of the essential matters that must be addressed by councils when engaging in these processes.

These Guidelines are issued under section 23A of the *Local Government Act 1993* and must be taken into consideration by council's governing body when exercising council functions related to the recruitment, oversight and performance management of general managers.

These Guidelines should be read in conjunction with the following:

- Provisions of the Act and the Regulation 2005
- Local Government General Managers Performance Management Guidelines – LGSA & LGMA
- Practice Note 5: Recruitment of General Managers and Senior Staff – DLG
- The standard form of contract for the employment of the general manager

Any references to sections are references to sections of the Act. Where there are any inconsistencies between these Guidelines and the documents above (with the exception of the Act and Regulation 2005), the Guidelines prevail.

INTRODUCTION

The position of general manager is pivotal in a council. It is the interface between the governing body comprised of elected councillors, which sets the strategy and monitors the performance of the council, and the administrative body of the council, headed by the general manager, which implements the decisions of the governing body. The relationship between the general manager and the councillors is of utmost importance for good governance and a well functioning council.

The Act requires all councils' governing bodies to appoint a person to be general manager (section 334). The Guidelines provide a guide and checklist for councillors to refer to when considering:

- the recruitment and appointment of general managers
- re-appointment of general managers or ending contracts
- conducting performance reviews of general managers, and
- engaging in the day to day oversight of general managers.

They are designed to promote a consistent approach across NSW councils to the recruitment, appointment, and oversight of general managers.

There are appendices to the Guidelines which do not form part of the Guidelines.

These Guidelines were prepared with the assistance of the Local Government and Shires Associations of NSW (LGSA) and the Local Government Managers Association (NSW) (LGMA).

A. STAFFING OF COUNCIL

1. Organisation structure

A council should have sufficient and appropriately qualified staff for the efficient and effective delivery of its functions.

The Act requires the governing body of council to determine an organisation structure, the senior staff positions within that structure and the resources to be allocated towards the employment of staff (s332).

When considering the most appropriate organisation structure for council to adopt, the governing body of council needs to consider what human resources are necessary to successfully achieve the goals articulated in the council's Community Strategic Plan, Delivery Program and Resourcing Strategy. For this reason, a Workforce Strategy is an essential component of a council's Resourcing Strategy. A council's organisation structure should align with its Workforce Strategy and be designed to support its Delivery Program and the achievement of its Community Strategic Plan.

The governing body of council must approve and adopt their organisation structure by council resolution. Councils must review and re-determine the council's organisation structure within 12 months of an ordinary election.

Councils may review and re-determine the council's organisation structure at any other time. Generally a council should consider reviewing its organisation structure in the event of a significant change to its Community Strategic Plan, Delivery Program or Resourcing Strategy.

Councillors are entitled to access the council's organisation structure when required and upon request to the general manager.

2. Appointment of Staff

The only staff position that is appointed by the governing body of council is that of the general manager. The position of general manager is a senior staff position (s334).

The general manager is responsible for the appointment of all other staff (including senior staff) in accordance with the organisation structure and resources approved by the council's governing body (s335(2)).

However, the general manager may only appoint or dismiss senior staff after consultation with the governing body of council (s337).

B. RECRUITMENT AND SELECTION

1. *Requirements of the Local Government Act 1993*

As with the appointment of all council staff, the council must ensure that the appointment of the general manager is made using merit selection principles (section 349).

Recruitment using merit selection is a competitive process where the applicant who demonstrates that they have the best qualifications and experience relevant to the position is appointed.

Equal Employment Opportunity principles also apply to the recruitment of general managers (sections 349 and 344).

The recruitment process must be open and transparent, but the confidentiality of individual applicants must be maintained. A failure to maintain appropriate confidentiality may constitute a breach of the Act and/or Privacy legislation.

2. *The pre-interview phase*

The council's governing body is responsible for recruiting the general manager.

The governing body of council should delegate the task of recruitment to a selection panel and approve the recruitment process. The panel will report back to the governing body of council on the process and recommend the most meritorious applicant for appointment by the council.

The selection panel should consist of at least the mayor, the deputy mayor, another councillor and, ideally, a suitably qualified person independent of the council. The LGSA and the LGMA can be contacted for assistance to identify suitable independent recruitment committee members and recruitment consultants. The selection panel membership should remain the same throughout the entire recruitment process.

Selection panels must have at least one male and one female member (other than in exceptional circumstances).

The council's governing body should delegate to one person (generally the mayor) the task of ensuring:

- the selection panel is established
- the general manager position description is current and evaluated in terms of salary to reflect the responsibilities of the position
- the proposed salary range reflects the responsibilities and duties of the position
- the position is advertised according to the requirements of the Act
- information packages are prepared
- applicants selected for interview are notified.

The mayor, or another person independent of council staff, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants.

3. Interview Phase

Interviews should be held as soon as possible after candidates are short listed.

Questions should be designed to reflect the selection criteria of the position and elicit the suitability of the candidate for the position.

Interviews should be kept confidential.

All written references must be checked.

A selection panel must delegate the task of contacting referees to one panel member. Other panel members should not contact referees.

If contact with someone other than a nominated referee is required, the applicant's permission is to be sought.

At least 2 referees must be contacted and asked questions about the candidate relevant to the selection criteria.

Where tertiary qualifications are relied on they should be produced for inspection and if necessary for verification.

Appropriate background checks must be undertaken, for example bankruptcy checks. For more guidance on better practice recruitment background checks, councils are referred to the Australian Standard AS 4811-2006 *Employment Screening* and ICAC publications, which can be found on the ICAC website at <http://www.icac.nsw.gov.au>.

4. Selection Panel Report

The selection panel is responsible for preparing a report to the council's governing body that:

- outlines the selection process
- recommends the most meritorious applicant with reasons
- recommends an eligibility list if appropriate
- recommends that no appointment is made if the outcome of interviews is that there are no suitable applicants.

This report should be confidential and reported to a closed meeting of council.

The council's governing body must by resolution approve the position of the general manager being offered to the successful candidate before that position is actually offered to that candidate.

5. Finalising the appointment

The mayor makes the offer of employment after the governing body of council has resolved to appoint the successful candidate. The initial offer can be made by telephone.

Conditions such as term of the contract (1-5 years) and remuneration package (within the range approved by the governing body of council) can be discussed by phone, but must be confirmed in writing.

The Standard Contract for the Employment of General Managers as approved by the Chief Executive of the Division of Local Government must be used. The Standard Contract (Annexure 3 of these Guidelines) is available in the 'Information for Councils', 'Directory of Policy Advice for Councils' section of the Division's website at <http://www.dlg.nsw.gov.au>.

The terms of the Standard Contract must not be varied. Only the term and the schedules to the Standard Contract can be individualised.

General managers must be employed for 1 – 5 years.

The contract governs:

- the duties and functions of general managers
- performance agreements
- the process for renewal of employment contracts
- termination of employment and termination payments
- salary increases
- leave entitlements.

It should be noted that the Chief Executive of the Division of Local Government cannot approve individual variations to the standard terms of the contract.

Those candidates who are placed on the eligibility list and unsuccessful applicants should be advised of the outcome of the recruitment process before the successful applicant's details are made public.

6. Record keeping

Councils should keep and store all records created as part of the recruitment process including the advertisement, position description, selection criteria, questions asked at interview, interview panel notes, selection panel reports and notes of any discussions with the selected candidate. These records are required to be stored and disposed of in accordance with the *State Records Act 1998*.

C. ROLE OF THE GENERAL MANAGER

Councillors comprise the governing body of a council and make decisions by passing resolutions. It is the general manager's role to implement council decisions and carry out functions imposed by legislation. A council's governing body monitors the implementation of its decisions via reports by the general manager to council meetings.

1. *Key duties of all general managers*

The general manager is generally responsible for the effective and efficient operation of the council's organisation and for ensuring the implementation of the council's decisions without undue delay. The general manager carries out all their functions within the guidelines and policy framework approved by the council.

The general manager also has a role to play in assisting the governing body of council develop its strategic direction. The general manager is responsible for guiding the preparation of the Community Strategic Plan and the council's response to it via the Delivery Program. The general manager is responsible for implementing the Delivery Program and will report to the governing body of council on its progress and conduct regular updates and reviews.

The general manager is responsible for recruiting and appointing staff within the organisation structure determined by the governing body of council. This must be in accordance with the budget approved by the council's governing body and be for the purpose of carrying out the council's statutory functions and implementing council's Community Strategic Plan, Delivery Program and Operational Plan.

The general manager must consult with the governing body of council before appointing or dismissing senior staff. The general manager must report to the council at least annually on the contractual conditions of senior staff (cl.217 of the Regulation).

The general manager is responsible for performance management of staff, including staff discipline and dismissal.

The general manager is also responsible for ensuring councillors are provided with information and the advice they require in order to make informed decisions and to carry out their civic duties.

The governing body of council may direct the general manager to provide councillors with advice or a recommendation, but cannot direct as to the content of that advice or recommendation.

Generally, requests by councillors for assistance or information should go through the general manager, except where he or she has authorised another council officer to undertake this role. The Guidelines for the Model Code of Conduct contemplate that a council should develop a policy to provide guidance on interactions between council officials. This policy should be agreed to by both the council's governing body and the general manager.

Councillors could reasonably expect general managers will report routinely on significant industrial issues and/or litigation affecting the council, particularly those that impact on the council's budget or organisation structure.

The general manager should ensure that the council meeting business papers are sufficient to enable the council to make informed decisions, as well as to allow councillors to properly monitor and review the operations of the council. This will assist councils in ensuring that they are complying with any relevant statutory obligations, keeping within the budget approved by the council and achieving the strategic goals set by the council in its Delivery Program and Operational Plan.

Councillors should receive a number of financial reports during the year, including the Quarterly Budget Review Statements included in the Code of Accounting Practice and Financial Reporting and which are referred to in the draft Quarterly Budget Review Statements Guidelines, reports required by the Regulation and any legislation. In addition, the council should receive at least quarterly a report about any significant litigation affecting the council.

Councillors should also receive reports, at least half yearly, on progress towards implementation of the Community Strategic Plan and Delivery Program (see clause 203 of the Regulation or page 20 of the Integrated Planning and Reporting Guidelines).

Clause 10 of the Model Code of Conduct sets out the obligations on general managers and council staff to provide councillors with information in order for councillors to carry out their civic functions.

Councillors have a right to sufficient information to make informed decisions. Applications for information under the *Government Information (Public Access) Act* 2009 (GIPAA) are available to everyone including councillors.

2. Duties delegated to general managers

A governing body of council may delegate certain functions to the general manager. A delegation of a council function must be made by a council resolution (Chapter 12 Part 3 ss 377-381 of the Act).

A governing body of council cannot delegate the functions set out in section 377(1) of the Act.

A council's governing body may not delegate the adoption of a Code of Meeting Practice, a Code of Conduct, or the endorsement of Community Strategic Plans, Resourcing Strategies, Delivery Programs and Operational Plans.

Each governing body of council must review its delegation of functions during the first 12 months of each term of office (s.380). To assist with this review, it is recommended that, within the first 6 months of the new term, the governing body of council reviews what functions have been delegated and to whom they have been delegated to determine if the delegation and the policies guiding those delegated decisions have been working effectively.

It should be noted that the general manager may sub-delegate a function delegated to him/her by the governing body of council (s378). However, the general manager still retains responsibility to ensure that any sub-delegated function is carried out appropriately.

Where functions are delegated to the general manager to perform on behalf of a governing body of council, it is important for the governing body of council to ensure there are policies in place to guide the decision making. The governing body of council should keep policies guiding the delegated decisions under regular review.

For example, where media liaison is delegated to the general manager, the governing body of council should adopt a media policy to guide statements to the media.

It is important that council's governing body ensure that proper records are kept of applications that are determined under delegation and that there is regular reporting on the implementation of delegated functions. This is essential so that council's governing body can be provided with assurance that the delegated function is being undertaken in accordance with any relevant council policies and regulatory framework, eg, development application decisions.

The council's internal audit function is another important internal control to ensure that delegated functions are complying with relevant policy and legislation. A well designed internal audit program should give council independent assurance that council's internal controls are working effectively.

Where authority to make a decision is delegated this does not remove a council's authority to make a decision.

Matters that fall outside the terms of a council policy, delegation, or day to day management (section 335), should be referred to the governing body of council for a decision.

D. DAY-TO-DAY OVERSIGHT AND LIAISON WITH THE GENERAL MANAGER

Council's governing body is required to monitor and review the performance of the general manager as discussed in Section C, above. However, a council's governing body should delegate to the mayor the role of day-to-day oversight of and liaison with the general manager.

The mayor's role in the day-to-day management of the general manager should include:

- approving leave
- approving expenses incurred
- managing complaints about the general manager.

The council's governing body should ensure there are adequate and appropriate policies in place to guide the mayor in the day-to-day oversight of and liaison with the general manager and keep those policies under regular review.

Some of the key policies the governing body of council should have in place relate to:

- leave
- travel
- credit cards
- purchasing and procurement
- expenses and facilities
- petty cash
- financial and non-financial delegations of authority.

The governing body of council should also ensure there are adequate policies in place with respect to expenditure of council funds, as well as adequate reporting requirements in relation to that expenditure.

The council's governing body should satisfy itself that any policy governing the conferral of a benefit on the general manager, such as use of a motor vehicle, allows the actual dollar value of that benefit to be quantified so it can be accurately reflected in the general manager's salary package in Schedule C to the Standard Contract.

Within 6 months of the date of these Guidelines, council's governing body should check to ensure these key policies are in place. They should then be kept under regular review.

E. PERFORMANCE MANAGEMENT

1. General manager performance management framework

The general manager is made accountable to their council principally through their contract of employment.

The role of the governing body is to oversee the general manager's performance in accordance with the Standard Contract.

The performance of the general manager must be reviewed at least annually against the agreed performance criteria for the position. Council may also choose to undertake more frequent interim reviews of the general manager's performance.

The agreed performance criteria are set out in an agreement that is signed within three months of the commencement of the contract. Development of the performance agreement is discussed below.

2. Establishing the framework for performance management

The council's governing body is to establish a performance review panel and delegate the task of performance reviews of the general manager to this panel. The extent of the delegation should be clear.

It is recommended that the whole process of performance management be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.

Performance review panels should comprise the mayor, the deputy mayor, another councillor nominated by council and a councillor nominated by the general manager. The council's governing body may also consider including an independent observer on the panel. Panel members should be trained in the performance management of general managers.

The role of the review panel includes:

- conducting performance reviews
- reporting the findings and recommendations of those reviews to council
- development of the performance agreement.

The governing body of council and the general manager may agree on the involvement of an external facilitator to assist with the process of performance appraisal and the development of new performance plans. This person should be selected by the governing body of council or the performance review panel. The LGSA and the LGMA can be contacted for assistance to identify suitable independent facilitators to assist in the performance management process.

All councillors not on the panel can contribute to the process by providing feedback to the mayor on the general manager's performance.

All councillors should be notified of relevant dates in the performance review cycle and be kept advised of the panel's findings and recommendations.

The panel should report back to the governing body of council in a closed session the findings and recommendations of its performance review as soon as practicable following any performance review. This should not be an opportunity to debate the results or re-enact the performance review of the general manager. The general manager should not be present when the matter is considered.

The performance management report of any council staff member, including the general manager, should not be released to the public and should be retained on the appropriate confidential council employment file. Release of such personal information to other than the Performance Review Panel, the general manager and the councillors in confidence may be a breach of privacy legislation.

3. *Establishing the performance agreement*

The performance agreement is the most important component of successful performance management. The performance agreement should include clearly defined and measurable performance indicators against which the general manager's performance can be measured.

As one of the general manager's key responsibilities is to oversee the implementation of council's strategic direction, it is important to align the general manager's performance criteria to the goals contained in the council's Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan.

The performance agreement should also include the general manager's personal contribution to the council's key achievements and the general manager's core capabilities, including leadership qualities.

The performance agreement should contain but not be limited to key indicators that measure how well the general manager has met the council's expectations with respect to:

- service delivery targets from the council's Delivery Program and Operational Plan;
- budget compliance;
- organisational capability;
- timeliness and accuracy of information and advice to councillors;
- timely implementation of council resolutions;
- management of organisational risks;
- leadership etc.

4. *Performance Review Process*

The Standard Contract requires that the performance of the general manager must be formally reviewed at least annually. The governing body of council may also undertake interim performance reviews as appropriate.

The assessment should include:

- self assessment by the general manager
- assessment by the review panel of the general manager's performance against the performance agreement.

The performance review meeting should be scheduled with sufficient notice to all parties and in accordance with clauses 7.6 and 7.7 of the Standard Contract.

The meeting should concentrate on constructive dialogue about the general manager's performance against all sections of the agreed performance plan.

The meeting should identify any areas of concern and agree actions to address those concerns.

In undertaking any performance review, care must be taken to ensure that the review is conducted fairly and in accordance with the principles of natural justice and that the laws and principles of anti-discrimination are complied with. The

appointment by a council, in agreement with the general manager, of an external facilitator (see above) to advise on the process should assist council in complying with these laws and principles.

The council's governing body must advise the general manager, in writing, in clear terms, the outcome of any performance review.

The new performance agreement for the next period should be prepared as soon as possible after the completion of the previous period. The agreement should be presented to the governing body of council for discussion in a closed meeting together with the outcomes of the previous review period.

5. *Contract Renewal or Separation*

It is important that any decision by the governing body of council to renew a contract for the general manager and the term of that contract be reported back to an open meeting of council, together with the total amount of any salary package agreed to.

Termination of a contract on the basis of poor performance can only occur where there has been a formal review undertaken against the signed performance agreement where performance difficulties were identified and have not subsequently been remedied. For further discussion on separation or renewal of general managers' contracts, see section F, below.

6. *Reward and Remuneration*

An annual increase in the salary package, equivalent to the latest percentage increase in remuneration for senior executive office holders as determined by the Statutory and Other Offices Remuneration Tribunal, is available to the general manager under the Standard Contract on each anniversary of the contract.

Discretionary increases to the general manager's total remuneration package under the provisions of the Standard Contract may only occur after a formal review of the general manager's performance has been undertaken by the governing body of council and the governing body of council resolves to grant such a discretionary increase because of better than satisfactory performance.

Discretionary increases are intended to be an incentive for general managers to perform at their maximum throughout the life of the contract. Discretionary increases are also intended to encourage contracts of the maximum duration.

Any discretionary increases should be modest and in line with community expectations.

All discretionary increases in remuneration, together with the reasons for the increase, must be reported to an open meeting of council.

F. SEPARATION OR RENEWAL

1. *Termination of a general manager's employment*

The Standard Contract for general managers sets out how a general manager's contract can be terminated before its expiry date by either the governing body of council or the general manager (clause 10 of the Standard Contract).

Termination can be by agreement of both parties. The general manager may terminate the contract by giving 4 weeks written notice to the governing body of council.

A governing body of council may terminate the contract by giving 4 weeks written notice where the general manager has become incapacitated for 12 weeks or more, has exhausted their sick leave and the duration of the incapacity is either indefinite or for a period that would make it unreasonable for the contract to be continued.

Termination of a contract on the basis of poor performance may only occur where there has been a formal review undertaken against the signed performance agreement, where performance difficulties have been identified and have not been remedied as agreed. In these instances, the council must give the general manager either 13 weeks written notice of termination or termination payment in lieu of notice calculated in accordance with Schedule C of the Standard Contract.

A governing body of council may terminate the general manager's contract at any time by giving the general manager 38 weeks written notice or pay the general manager a lump sum of 38 weeks remuneration in accordance with Schedule C of the Standard Contract. If there are less than 38 weeks left to run in the term of the general manager's contract, a council can pay out the balance of the contract in lieu of notice.

In the circumstances set out at 10.4 of the Standard Contract, a council may summarily dismiss a general manager. The remuneration arrangements under these circumstances are set out in clause 11.4 of the Standard Contract.

Section 336 (2) of the Act sets out other circumstances where a general manager's appointment is automatically terminated.

2. *Suspension of General Manager*

The governing body of council may suspend the general manager. However, great caution should be exercised when considering such a course of action and it would be appropriate for a governing body of council to seek and be guided by expert advice from a person or organisation that is suitably qualified and experienced in such matters. The governing body may authorise the Mayor to obtain such expert advice.

Suspension should be on full pay for a clearly defined period.

Any decision to suspend a general manager should be taken by a governing body of council at a closed council meeting, having first carefully considered any independent expert advice obtained on the specific matter.

It would not be appropriate to seek advice from council human resources staff on the issue of suspending the general manager.

The principals of natural justice and procedural fairness apply to any decision to suspend a general manager, ie, the general manager must be advised of the circumstances leading to the suspension, the reasons for the suspension, the period of the suspension and be given a right to respond to the decision to suspend.

3. *Dispute resolution*

The Standard Contract contains a dispute resolution clause at clause 17.

These provisions are designed to encourage councils and general managers to attempt to negotiate agreement on disputes where they arise.

The governing body of council should ideally resolve to delegate this function to the mayor or a panel of 3 councillors including the mayor.

If the dispute involves the mayor then the deputy mayor should take the mayor's place. If there is no deputy mayor then the governing body should resolve to appoint another councillor to take the mayor's place.

The governing body of council and general manager should agree on an independent mediator to mediate the dispute. The LGSA and LGMA can provide assistance to their members to identify a suitable mediator.

The Standard Contract allows the Chief Executive of the Division of Local Government to appoint a mediator where the parties cannot agree on one.

4. *Renewing a general manager's contract*

Clause 5 of the Standard Contract describes how a general manager's appointment may be renewed.

The terms of the new contract, and in particular the schedules to the new contract, should be set out in the letter of offer. Before offering a new contract, the council should carefully review the terms of the schedules to the new contract.

The governing body of council should ensure that the performance management terms of the new contract adequately reflect its expectations as to the general manager's performance.

The governing body of council should also have regard to the previous performance reviews conducted under previous contracts.

The process of deciding whether or not to offer a general manager a new contract should be that:

- a performance review is conducted
- findings and recommendations are reported to a closed council meeting in the absence of the general manager
- the closed meeting considers and decides whether or not to offer a new contract and on what terms as set out in the schedules to the contract
- the general manager is then advised of the governing body of council's decision in confidence by the mayor.

Details of the decision to offer a new contract and a salary package should be reported to an open council meeting.

Appendix 1 - Performance Management Timelines

Timeline	Activity	Responsibility
At commencement of each new council	Provide induction training on performance management of the general manager	Council
Within 3 months of the commencement date of the contract	A performance agreement setting out agreed performance criteria must be signed between the general manager and the council	Council or council panel General Manager
Within 2 months of the signing of the performance agreement	The general manager must prepare and submit to council an action plan which sets out how the performance criteria are to be met	General Manager
21 days notice (before annual review)	The general manager gives the council written notice that an annual performance review is due	General Manager
At least 10 days notice	The council must give the general manager written notice that any performance review is to be conducted	Council or council panel
After 6 months	The council may also decide, with the agreement of the general manager, to provide interim feedback to the general manager midway through the annual review period	Council or council panel General Manager
Prior to the annual review	Ensure all councillors on the Review Panel have been trained in performance management of general managers	Council
Prior to the annual performance review	The general manager may submit to council a self assessment of his/her performance	General Manager
Annually	The general manager's performance must be reviewed having regard to the performance criteria in the agreement	Council or council panel General Manager
Annually	The performance agreement must be reviewed and varied by agreement	Council or council panel General Manager
Within 6 weeks of the conclusion of the performance review	Council will prepare and send to the general manager a written statement with council's conclusions on the general manager's performance during the performance review period	Council or council panel
As soon as possible after receipt of the statement	The general manager and the council will agree on any variation to the performance agreement for the next period of review	Council or council panel General Manager

Appendix 2 - Stages of performance management

STAGE	ACTION	PROCESS
1. Developing performance agreement	<ul style="list-style-type: none"> Examine the position description and contract List all position responsibilities from the position description Identify stakeholder expectations List the key strategic objectives from the Service Delivery and Operational Plans Develop performance measures (identify indicators - set standards) 	<ul style="list-style-type: none"> Good planning Direct and effective communication Open negotiation Joint goal setting
2. Action planning	<ul style="list-style-type: none"> Develop specific strategies to meet strategic objectives Identify resources Delegate tasks (eg, put these delegated tasks into the performance agreements for other senior staff) 	<ul style="list-style-type: none"> Detailed analysis Two way communication Detailed documentation
3. Monitoring progress (feedback half way through the review period)	<ul style="list-style-type: none"> Assess performance Give constructive feedback Adjust priorities and reset performance measures if appropriate 	<ul style="list-style-type: none"> Communication Avoid bias Counselling Coaching Joint problem solving
4. Annual	<ul style="list-style-type: none"> Assess performance against measures Give constructive feedback Identify poor performance and necessary corrective action Identify outstanding performance and show appreciation 	<ul style="list-style-type: none"> Evaluation of the reasons behind performance being as assessed Open, straightforward communication (as bias free as possible) negotiation Counselling, support, training Documenting Decision making
5. Developing revised agreement	See stage 1	See Stage 1

Appendix 3 – Standard Contract of Employment

**STANDARD CONTRACT OF
EMPLOYMENT**

for

**GENERAL MANAGERS OF LOCAL
COUNCILS IN NEW SOUTH WALES**

Acknowledgements

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Contract of Employment

This Contract of Employment is made on

Date

between

Name of Council

[Referred to in this contract as "Council"]

Address

and

Name of Employee

[Referred to in this contract as "the employee"]

Address

1 Position

The position to which this contract applies is that of General Manager.

Note: A person who has held civic office in relation to Council must not be appointed to any paid position on the staff of Council within 6 months after ceasing to hold the office: section 354 of the Act.

2 Term

Subject to the terms and conditions in this contract, Council will employ the employee for a term of:

[Length of term] _____

Note: The term of this contract must not be less than 12 months or more than 5 years (including any option for renewal): section 338 of the Act.

commencing on [date] _____

and terminating on [date] _____

3 Definitions

3.1 In this contract, unless otherwise stated or indicated:

the Act means the *Local Government Act 1993*.

Code of conduct means the document within the meaning of section 440 of the Act adopted by Council and which incorporates the provisions of the model code.

Commencement date means the date that this contract commences as specified in clause 2.

Confidential information means any and all confidential information, data, reports, operations, dealings, records, materials, plans, statistics, finances or other agreements and things (other than that which is already in the public domain), whether written or oral and of whatever type or nature relating to property, assets, liabilities, finances, dealings or functions of Council or any undertaking from time to time carried out by Council.

Director-General means the Director-General of the New South Wales Department of Local Government.

Equal employment opportunity management plan means the document a council must prepare under Part 4 of Chapter 11 of the Act.

Minister means the New South Wales Minister for Local Government.

Model code means the Model Code of Conduct for Local Councils in NSW prescribed by the Regulation.

Month means a calendar month.

Performance agreement means the agreement referred to in clause 7.

Performance criteria means the criteria to which a performance review is to have regard.

Performance review means a review of the employee's performance conducted in accordance with the procedures under clause 7.

the position means the position referred to in clause 1.

the Regulation means the *Local Government (General) Regulation 2005*.

Senior executive office holder (New South Wales Public Service) means the holder of a senior executive position within the meaning of the *Public Sector Employment and Management Act 2002*.

Statutory and Other Officers Remuneration Tribunal means the Statutory and Other Officers Tribunal constituted under the *Statutory and Other Officers Remuneration Act 1975*.

Termination date means the date that this contract terminates as specified in clause 2.

3.2 Expressions in this contract corresponding with expressions that are defined in the Act have those meanings.

4 Contract operation and application

- 4.1 This contract constitutes a contract of employment for the purposes of section 338 of the Act, and governs the employment of the employee while in the position.
- 4.2 A reference in this contract to any Act or regulation, or any provision of any Act or regulation, includes a reference to subsequent amendments of that Act, regulation or provision.
- 4.3 A reference to a Schedule to this contract refers to a Schedule as may be varied in accordance with this contract, and applies whether or not the Schedule has been physically attached to this contract.
- 4.4 Where the mayor or any other person is lawfully authorised to act as Council or Council's delegate for the purpose of this contract, this contract will be construed as if:
- (a) any reference to Council includes a reference to that authorised person, and
 - (b) any reference to a requirement for Council's approval includes a reference to a requirement for that authorised person's written approval,
- 4.5 Any staff entitlement under a lawful policy of Council as adopted by Council from time to time and that is set out in Schedule A will apply to the employee unless this contract makes express provision to the contrary. Schedule A may be varied from time to time by agreement between the employee and Council, such agreement not to be unreasonably withheld.

Note: Only those policies that create entitlements are to be set out in Schedule A. Schedule A policies are distinct from those which create a *duty or function* as referred to in subclause 6.1.4 and which are *not* required to be set out in Schedule A.

- 4.6 Subject to clauses 7 and 13, the terms of this contract, as varied from time to time in accordance with this contract, represent the entire terms of all agreements between the employee and Council and replace all other representations, understandings or arrangements made between the employee and Council that relate to the employment of the employee in the position.

Note: The contract authorises the making of agreements that are linked to the contract. Clause 7 requires the parties to sign a performance agreement. Clause 13 allows either party to require the other to sign a confidentiality agreement for the purpose of protecting intellectual property.

5. Renewal of appointment

- 5.1 At least 9 months before the termination date (or 6 months if the term of employment is for less than 3 years) the employee will apply to Council in writing if seeking re-appointment to the position.
- 5.2 At least 6 months before the termination date (or 3 months if the term of employment is for less than 3 years) Council will respond to the employee's application referred to in subclause 5.1 by notifying the employee in writing of its decision to either offer the employee a new contract of employment (and on what terms) or decline the employee's application for re-appointment.
- 5.3 At least 3 months before the termination date (or 1 month if the term of employment is for less than 3 years) the employee will notify Council in writing of the employee's decision to either accept or decline any offer made by Council under subclause 5.2.
- 5.4 In the event the employee accepts an offer by Council to enter into a new contract of employment, a new contract of employment will be signed.

6. Duties and functions

- 6.1 The employee will:
 - 6.1.1 to the best of their ability, meet the performance criteria set out in the performance agreement as varied from time to time,
 - 6.1.2 carry out the duties and functions imposed by the Act and Regulation, or any other Act and associated regulations, which include but are not limited to:
 - (a) the efficient and effective operation of Council's organisation,
 - (b) implementing, without undue delay, the decisions of Council,
 - (c) exercising such of the functions of Council as are delegated by Council to the employee,
 - (d) appointing staff in accordance with an organisation structure and resources approved by Council,
 - (e) directing and dismissing staff,
 - (f) implementing Council's equal employment opportunity management plan,

-
- (g) consulting with Council prior to the appointment or dismissal of senior staff,
 - (h) reporting to Council, at least once annually, on the contractual conditions of senior staff,
 - (i) giving immediate notice to Council on becoming bankrupt or making a composition, arrangement or assignment for the benefit of the employee's creditors and providing Council, within the time specified by Council with any further information concerning the cause of the bankruptcy or of the making of the composition, arrangement or assignment,
 - (j) subject to subclause 6.2.3, providing advice and recommendations to Council or the mayor if directed to do so,
 - (k) not engaging, for remuneration, in private employment or contract work outside the service of Council without the approval of Council,
 - (l) not approving, where appropriate, any member of Council staff from engaging, for remuneration, in private employment or contract work outside the service of Council that relates to the business of Council or that might conflict with the staff member's Council duties,
 - (m) acting honestly and exercising a reasonable degree of care and diligence in carrying out the employee's duties and functions,
 - (n) complying with the provisions of the code of conduct,
 - (o) preparing and submitting written returns of interest and disclosing pecuniary interests in accordance with the Act and the Regulation,

Note: Sections 335, 337, 339, 341, 352, 353, 439, 440 and 445 of the Act.

- 6.1.3 carry out the duties and functions set out in Schedule B as varied from time to time by agreement between the employee and Council, such agreement not to be unreasonably withheld,

Note: Schedule B may include additional duties and functions, for example, those related to special projects.

- 6.1.4 carry out the duties and functions set out in the policies of Council as adopted by Council from time to time during the term of this contract,

-
- 6.1.5 observe and carry out all lawful directions given by Council, in relation to the performance of the employee's duties and functions under this contract,
 - 6.1.6 work such reasonable hours as are necessary to carry out the duties and functions of the position and the employee's obligations under this contract,
 - 6.1.7 obtain the approval of the Council for any absences from the business of Council,
 - 6.1.8 promote ethical work practices and maintain a culture of integrity and professionalism where Council staff members treat each other, members of the public, customers and service providers with respect and fairness,
 - 6.1.9 facilitate Council staff awareness of the procedures for making protected disclosures and of the protection provided by the *Protected Disclosures Act 1994*,
 - 6.1.10 take all reasonable steps to ensure that actions and policies of Council accord with the strategic intent of Council,
 - 6.1.11 take all reasonable steps to maximise compliance with relevant legislative requirements,
 - 6.1.12 maintain effective corporate and human resource planning,
 - 6.1.13 maintain the Council staff performance management system,
 - 6.1.14 maintain satisfactory operation of Council's internal controls, reporting systems (including protected disclosures), grievance procedures, the documentation of decision-making and sound financial management,
 - 6.1.15 develop procedures to ensure the code of conduct is periodically reviewed so that it is in accordance with the Act and Regulation and adequately reflects specific organisational values and requirements,
 - 6.1.16 promote and facilitate compliance with the code of conduct ensuring that each councillor and Council staff member is familiar with its provisions, and
 - 6.1.17 report to Council on any overseas travel taken by the employee or any Council staff member where that travel is funded in whole or in part by Council.
- 6.2 Council:

-
- 6.2.1 will provide adequate resources to enable the employee to carry out the duties and functions specified in subclause 6.1 and Schedule B,
 - 6.2.2 will provide the employee with reasonable opportunities to participate in professional development initiatives relevant to the duties and functions under this contract subject to the operational needs of Council, and
 - 6.2.3 will not direct the employee as to the content of any advice or recommendation made by the employee.

Note: section 352 of the Act.

7. Performance agreement and review

- 7.1 Within 3 months after the commencement date, the employee and Council will sign a performance agreement setting out agreed performance criteria.
- 7.2 In the event that the employee and Council are unable to agree on the performance criteria, Council will determine such performance criteria that are reasonable and consistent with the employee's duties and functions under clause 6 and in Schedule B.
- 7.3 The performance agreement may be varied from time to time during the term of this contract by agreement between the employee and Council, such agreement not to be unreasonably withheld.
- 7.4 Within 2 months after signing or varying the performance agreement, the employee will prepare and submit to Council an action plan which sets out how the performance criteria are to be met.
- 7.5 Council will ensure that the employee's performance is reviewed (and, where appropriate, the performance agreement varied) at least annually. Any such review is to have regard to the performance criteria.

Note: Council may review the employee's performance every 6 months or more frequently if necessary.

- 7.6 The employee will give Council 21 days' written notice that an annual performance review in accordance with subclause 7.5 is due.
- 7.7 Council will give the employee at least 10 days notice in writing that any performance review is to be conducted.

-
- 7.8 The structure and process of the performance review is at the discretion of Council following consultation with the employee.
- 7.9 The employee may prepare and submit to Council an assessment of the employee's own performance prior to a performance review.
- 7.10 Within 6 weeks from the conclusion of a performance review, Council will prepare and send to the employee a written statement that sets out:
- (a) Council's conclusions about the employee's performance during the performance review period,
 - (b) any proposal by Council to vary the performance criteria as a consequence of a performance review, and
 - (c) any directions or recommendations made by Council to the employee in relation to the employee's future performance of the duties of the position.
- 7.11 The employee and Council will, as soon as possible after the employee receives the written statement referred to in subclause 7.10, attempt to come to agreement on any proposal by Council to vary the performance criteria and on any recommendations by Council as to the future performance of the duties of the position by the employee.
- 7.11 Subject to the employee being available and willing to attend a performance review, Council undertakes that if a performance review is not held in accordance with this clause, this will not operate to the prejudice of the employee unless the employee is responsible for the failure to hold the performance review.

8. Remuneration

- 8.1 Council will provide the employee with the total remuneration package set out in Schedule C.
- 8.2 The total remuneration package includes salary, compulsory employer superannuation contributions and other benefits including any fringe benefits tax payable on such benefits.

Note: Compulsory employer superannuation contributions are those contributions required under the *Superannuation Guarantee Charge Act 1992* of the Commonwealth and any contributions required to be paid for an employee under a superannuation arrangement entered into by Council for that employee. See Schedule C.

-
- 8.3 Council may, on only one occasion during each year of this contract, approve an increase in the total remuneration package where the employee's performance has been assessed in accordance with a performance review as being of a better than satisfactory standard.
- 8.4 Any increase in remuneration approved under subclause 8.3 will not be paid as a lump sum.
- 8.5 On each anniversary of the commencement date, the total remuneration package will be increased by a percentage amount that is equivalent to the latest percentage amount increase in remuneration for senior executive office holders as determined by the Statutory and Other Officers Remuneration Tribunal.

Note: When making determinations referred to in subclause 8.5, the Tribunal takes into account key national economic indicators and movements in public sector remuneration across Australia, market conditions, the Consumer Price Index and wages growth as measured by the Wage Cost Index. Tribunal determinations are published in the Government Gazette and are available at www.remtribunals.nsw.gov.au. The Premier's Department issues periodic Memoranda summarising the Tribunal's determinations. These Memoranda are available at www.premiers.nsw.gov.au.

- 8.6 The structure of the total remuneration package may be varied from time to time during the term of this contract by agreement between the employee and Council, such agreement not to be unreasonably withheld.
- 8.7 The total remuneration package, as varied from time to time, remunerates the employee for all work undertaken by the employee while in the position. No other remuneration, benefit, overtime or allowances other than those to which the employee may be entitled under this contract will be paid to the employee during the term of this contract.

9. Leave

9.1 General

- 9.1.1 Council will pay remuneration calculated in accordance with Schedule C to the employee proceeding on paid leave under this clause.
- 9.1.2 On the termination of this contract, and if the employee is not re-appointed to the position under clause 5 or appointed to any other position in Council's organisation structure, the Council will pay:
- (a) to the employee in the case of annual leave, or

- (b) to the employee or new employer council in the case of long service leave,

accrued but unused leave entitlements calculated at the monetary value of the total remuneration package as specified in Schedule C.

- 9.1.3 If the employee is re-appointed to the position under clause 5 or appointed to any other position in Council's organisation structure within 3 months after the termination of this contract, the employee will be taken to have continuing service with Council for the purpose of determining the employee's entitlement to annual leave, long service leave and sick leave.

- 9.1.4 Any leave accrued with Council standing to the credit of the employee immediately prior to entering into this contract will be taken to be leave for the purposes of this contract.

9.2 Annual leave

The employee is entitled to four weeks paid annual leave during each year of employment under this contract to be taken as agreed between the employee and Council.

9.3 Long service leave

- 9.3.1 The employee's entitlement to long service leave is to be calculated by the same method that applies to a non-senior member of Council staff.

- 9.3.2 Long service leave is transferable between councils in New South Wales in the same manner that applies to a non-senior member of Council staff.

9.4 Sick leave

- 9.4.1 The employee is entitled to 15 days paid sick leave during each year of employment under this contract provided that:

- (a) Council is satisfied that the sickness is such that it justifies time off, and
- (b) satisfactory proof of illness to justify payment is provided to Council for absences in excess of two days.

- 9.4.2 Sick leave will accumulate from year to year of employment under this contract so that any balance of leave not taken in any one year may be taken in a subsequent year.

9.4.3 Council may require the employee to attend a doctor nominated by Council at Council's cost.

9.4.4 Accrued but unused sick leave will not be paid out on the termination of this contract.

9.5 Parental leave

9.5.1 Parental leave includes supporting parent's leave, maternity leave, paternity leave and adoption leave.

9.5.2 The employee is entitled to the same parental leave that a non-senior member of Council staff would be entitled.

9.6 Carer's leave

The employee is entitled to the same carer's leave that a non-senior member of Council staff would be entitled.

9.7 Concessional leave

The employee is entitled to the same concessional leave that a non-senior member of Council staff would be entitled.

9.8 Special leave

Council may grant special leave, with or without pay, to the employee for a period as determined by Council to cover any specific matter approved by Council.

10 Termination

10.1 General

On termination of this contract for any reason the employee will immediately return to Council all property of Council in the employee's possession including intellectual property and confidential information and will not keep or make any copies of such property and information.

10.2 Termination date

The employment of the employee under this contract terminates on the termination date.

10.3 Termination by either the employee or Council

This contract may be terminated before the termination date by way of any of the following:

10.3.1 written agreement between the employee and Council,

10.3.2 the employee giving 4 weeks' written notice to Council,

10.3.3 Council giving 4 weeks' written notice to the employee, or alternatively by termination payment under subclause 11.1, where:

- (a) the employee has been incapacitated for a period of not less than 12 weeks and the employee's entitlement to sick leave has been exhausted, and
- (b) the duration of the employee's incapacity remains indefinite or is likely to be for a period that would make it unreasonable for the contract to be continued,

10.3.4 Council giving 13 weeks' written notice to the employee, or alternatively, by termination payment under subclause 11.2 where Council:

- (a) has conducted a performance review, and
- (b) concluded that the employee has not substantially met the performance criteria or the terms of the performance agreement,

10.3.5 Council giving 38 weeks' written notice to the employee, or alternatively, by termination payment under subclause 11.3.

10.4 Summary dismissal

10.4.1 Council may terminate this contract at any time and without notice if the employee commits any act that would entitle an employer to summarily dismiss the employee. Such acts include but are not limited to:

- (a) serious or persistent breach of any of the terms of this contract,

-
- (b) serious and willful disobedience of any reasonable and lawful instruction or direction given by Council,
 - (c) serious and willful misconduct, dishonesty, insubordination or neglect in the discharge of the employee's duties and functions under this contract,
 - (d) failure to comply with any law or Council policy concerning sexual harassment or racial or religious vilification,
 - (e) commission of a crime, resulting in conviction and sentencing (whether or not by way of periodic detention), which affects the employee's ability to perform the employee's duties and functions satisfactorily, or in the opinion of Council brings Council into disrepute,
 - (f) absence from the business of Council without Council approval for a period of 3 or more consecutive business days.

10.4.2 This contract is terminated immediately without notice if the employee becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit.

11 Termination payments

- 11.1 On termination of this contract under subclause 10.3.3, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 4 weeks' remuneration calculated in accordance with Schedule C.
- 11.2 On termination of this contract under subclause 10.3.4, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 13 weeks' remuneration calculated in accordance with Schedule C.
- 11.3 On termination of this contract under subclause 10.3.5, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 38 weeks' remuneration calculated in accordance with Schedule C, or the remuneration which the employee would have received if the employee had been employed by Council to the termination date, whichever is the lesser.
- 11.4 On termination of this contract under subclause 10.3.1, 10.3.2, 10.4.1 or 10.4.2, Council will pay the employee remuneration up to and including the

date of termination calculated in accordance with Schedule C and any other payment to which the employee is entitled under this contract.

12 Expenses and credit cards

In addition to any duties or entitlements that may be set out in any relevant policies of Council as adopted by Council from time to time, the employee will:

- 12.1 keep such records of expenses, travel and motor vehicle use as required by Council from time to time,
- 12.2 be reimbursed by Council for expenses properly incurred on Council business, subject to Council's prior approval to this expense being incurred,
- 12.3 only use any credit card provided by Council for expenses incurred on Council business, and
- 12.4 return any credit card provided by Council on request from Council.

13 Intellectual property

- 13.1 Any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract is the sole property of Council and Council will unless otherwise agreed have the exclusive right to use, adapt, patent and otherwise register it.
- 13.2 The employee will immediately disclose to Council any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee after the commencement date to enable Council to ascertain whether it was discovered, developed or produced wholly outside and wholly unconnected with the course of employment under this contract.
- 13.3 To protect disclosures made in accordance with subclause 13.2, Council or the employee may require a confidentiality agreement to be signed prior to, during or immediately after discussion of the intellectual property being considered.

Note: IP Australia, the Commonwealth Government intellectual property agency, has developed a Confidentiality Agreement Generator for the purpose of preparing intellectual property confidentiality agreements. It is available at <http://www.ipaustralia.gov.au/smartstart/cag.htm>.

-
- 13.4 The employee assigns to Council by way of future assignment all copyright, design, design right and other property rights (if any) in respect to any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract.
- 13.5 At the request and expense of Council the employee will complete all necessary deeds and documents and take all action necessary to vest in Council any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract and obtain for Council the full benefit of all patent, trademark, copyright and other forms of protection throughout the world.

14 Confidential Information

The employee will not divulge any confidential information about Council either during or after the term of their employment under this contract.

15 Waiver

The failure of either the employee or Council to enforce at any time any provision of this contract or any right under this contract or to exercise any election in this contract will in no way be considered to be a waiver of such provision, right or election and will not affect the validity of this contract.

16 Inconsistency and severance

- 16.1 Each provision of this contract will be read and construed independently of the other provisions so that if one or more are held to be invalid for any reason, then the remaining provisions will be held to be valid.
- 16.2 If a provision of this document is found to be void or unenforceable but would be valid if some part were deleted, the provision will apply with such modification as may be necessary to make it valid and effective.

17 Dispute resolution

- 17.1 In relation to any matter under this contract that may be in dispute, either the employee or Council may:

-
- (a) give written notice to each other of the particulars of any matter in dispute, and
- (b) within 14 days of receiving a notice specified in subclause 17.1(a), a meeting will be convened between Council (along with any nominated representative of Council) and the employee (along with any nominated representative of the employee) in an attempt to resolve the dispute.
- 17.2 The employee and Council will attempt to resolve the dispute at the workplace level.
- 17.3 Upon failure to resolve the dispute at the workplace level, the employee and Council will:
- (a) refer the dispute to an independent mediator as agreed by the employee and Council, or otherwise as appointed by the Director-General,
- (b) agree to participate in any mediation process in good faith, with such mediation to operate in a manner as agreed by the employee and Council, and
- (c) acknowledge the right of either the employee or Council to appoint, in writing, another person to act on their behalf in relation to any mediation process.
- 17.4 The cost of the mediation service will be met by Council.
- 17.5 The employee and Council will each be responsible for meeting the cost of any advisor or nominated representative used by them.

18 Service of notices and communications

- 18.1 Any communication, including notices, relating to this contract will be in writing and served on the employee or Council at their last known residential or business address in accordance with subclause 18.2.
- 18.2 Any written communication including notices relating to this contract is taken to be served:
- (a) when delivered or served in person, immediately,
- (b) where served by express post at an address within New South Wales in the Express Post Network, on the next business day after it is posted,

-
- (c) where served by post otherwise in the ordinary course of postage, as set down in Australia Post's delivery standards, and
 - (d) where sent by facsimile, within standard business hours otherwise on the next business day after it is sent.

19 Variations

- 19.1 Where this contract provides that its terms may be varied, that variation will be by agreement in writing signed by the employee and Council.

Note: See clauses 4.5, 6.1.3, 7.3, 8.6 and 19.2.

- 19.2 Where the Director-General approves an amended or substitution standard form of contract for the employment of the general manager of a council, the provisions of this contract may be varied by agreement between the employee and Council to the extent that they are consistent with the provisions of that amended or substitution standard form of contract.

Note: See section 338 of the Act.

20 Other terms and conditions

- 20.1 The employee and Council acknowledge that they have sought or had the opportunity to seek their own legal and financial advice prior to entering this contract.
- 20.2 In accordance with section 731 of the Act, nothing in this contract gives rise to any action, liability, claim or demand against the Minister, the Director-General or any person acting under their direction.

21 Signed by the employee and Council

COUNCIL:

The Seal of

[Council name]

[Seal]

affixed by authority of a resolution of Council.

Signed
by Council

Date

Name of signatory
in full *[printed]*

Office held *[printed]*

Signed by Witness

Name of Witness
in full *[printed]*

THE EMPLOYEE:Signed
by the employee

Date

Name of employee
in full *[printed]*

Signed by Witness

Name of Witness
in full *[printed]*

Schedule A – Council policies

Note: This Schedule may be varied during the term of this contract in accordance with subclauses 4.5 and 19.1 of this contract.

This Schedule operates on and from

Date _____

For the purposes of subclause 4.5 of this contract, the following policies apply to the employee:

Signed by Council _____

Signed by the employee _____

Schedule B - Duties and functions

Note: This Schedule may be varied during the term of this contract in accordance with subclauses 6.1.3 and 19.1 of this contract.

This Schedule operates on and from

Date

In addition to the duties and functions specified in clause 6 of this contract, the employee will carry out the following duties and functions:

Signed by Council

Signed by the employee

Schedule C - Remuneration

Note: This Schedule may be varied during the term of this contract in accordance with subclauses 8.7 and 19.1 of this contract.

This Schedule operates on and from

Date _____

The Annual Total Remuneration Package is as follows:

\$ _____

The Total Remuneration Package is comprised of:

ANNUAL REMUNERATION	\$

The employee agrees and acknowledges that deductions under subclause 8.2 of this contract are made principally for the benefit of the employee and that the Council relies on that statement in providing the non-cash benefits requested by the employee.

In the case of an employee who is a member of a defined benefit division of the Local Government Superannuation Scheme (or equivalent) compulsory employer superannuation contributions are the long term or "notional" employer contribution, as advised by the Actuary for the Local Government Superannuation Scheme from time to time.

The employee's superable salary will be the amount of the total remuneration package less the amount of compulsory superannuation contributions.

Signed by Council _____

Signed by the employee _____

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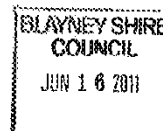


Centroc
Forbes Shire Council
PO Box 333
Forbes NSW 2871
Phone: 0428 690 935
Email: jennifer.bennett@centroc.com.au

7 June 2011

Blayney Shire Council
Mr Aaron Jones
PO BOX 62
BLAYNEY NSW 2799

Dear Mr Jones,



Re Seeking Council support for Beyond the Range

As you would be aware, Centroc has undertaken strategic work to identify the best way forward to attract and retain health workforce for the region. This has culminated in the "Beyond the Range" project.

Please find attached a proforma report for all Centroc members to put to their respective Councils. The report is regarding Council engagement including funding of the Centroc Beyond the Range Project. Electronic copies have been sent to you Wednesday 8 June 2011 and can be resent at your request.

This is in accordance with the resolution of the Board 26 May interalia:

8d Health

Resolved	Cr J Farr/Cr J Davis
That the Centroc Board commands to members they adopt the report regarding contribution to the Beyond the Range Project	

The good news is that the meeting between myself as Chair and representatives of NSW Government 31 May was very positive regarding 50% funding. Follow-up is being undertaken and advice will be provided to the next Centroc meeting. In any event, the project can still proceed with funding from members of \$11,000 spread over three years.

I commend the project to you having worked closely on it development where Forbes is the sponsoring Council for Health for Centroc. I also commit to you that I will continue to lobby both for funding for this project and for better health outcomes for the region.

Please contact our Executive Officer on 0428 690 935 for any more advice or clarification.

Yours sincerely

Cr Phyllis Miller OAM
Chair
Central NSW Councils (Centroc)
enc proforma report regarding council engagement including funding of the Centroc Beyond the Range Project

This Regional Organisation of Councils speaks for over 238,000 people covering an area of more than 76,000sq kms comprising Bathurst Regional, Blayney, Cabonne, Cowra, Forbes, Harden, Lachlan, Lithgow City, Oberon, Orange City, Parkes, Upper Lachlan, Waddi, Wollongong and Young Councils and Central Tablelands County Council.

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Joining the Centroc Beyond the Range Project

Recommendation/s

That Council

1. advise Centroc of its intention to join the 3 year Centroc Beyond the Range Health Workforce Attraction Project
 2. agrees to fund the Centroc Beyond the Range Health Workforce Attraction and Retention Project as follows:
 - a. \$6000 funding for 2011/2012
 - b. \$3000 funding for 2012/2013
 - c. \$2000 funding for 2013/2014
 3. agrees to provide information to the Council Page on the website and other marketing and promotional materials where Centroc will provide proformas
 4. nominates <insert name of staff member – suggest EDOs> as the contact person responsible for Council's contribution to this project
-

Precis

This report seeks financial support from Council over a three year period to progress the Centroc Health Workforce attraction project called "Beyond the Range." This was recommended to Council at the Centroc Board meeting 26 May 2011.

Council may recall Ms J Bennett coming to present on the project.

Funding is sought of \$11K total over the three year period.

This will procure a website with Search Engine Optimisation, substantial marketing and promotional support. Included in the program is working with "growing our own" medical workforce and working with peak health workforce agencies.

Funding for the project is being sought at the State and Federal levels. At a meeting with State representatives 31 May Melinda Pavey, Parliamentary Secretary for Regional Health provided strong support for 50% State funding. The program also has the support of Regional Development Australia and lends itself to funding programs announced in the recent Federal budget. Sponsorship is being sought from the private sector. The website also lends itself to advertising.

If the funding advised above is not successful the project can still proceed but at a lower level.

Please find a comprehensive report on look and feel of the website and associated promotional, marketing advice and sponsorship packages. This includes budgeting advice and staging of the project over three years.

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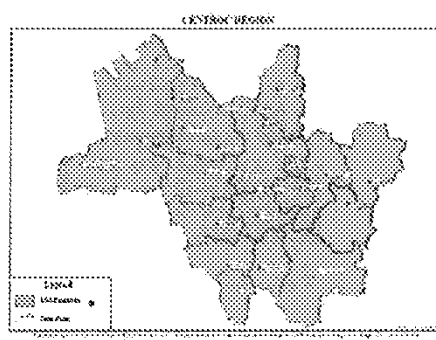
Background

About Centroc

Council is a member of Centroc. The 34 delegate Centroc Board is made up of Mayors, elected representatives and General Managers of its 16 member Councils and one water authority in the Central NSW.

Centroc has two objectives, to advocate on behalf of the region and deliver cost savings and other efficiencies for member by working collaboratively. Council may recall annual presentations by Centroc on the success of various programs. Of note is the over \$1.2m of savings reported since the inception of the Centroc Compliance and Cost Savings program in December 2009.

Also of note is the work being undertaken by the Centroc Water Utilities' Alliance in which Council actively participates. The Productivity Commission has recognised this Alliance as being a good model for regional water utilities. Under this model efficiencies can be gained while water utilities are owned and managed by Councils.



Centroc runs a number of programs in both the advocacy and operational sector. Copies of the Centroc Annual Report are available on request and on the Centroc website at <http://centroc.com.au/>

About the Beyond the Range Project

Health Workforce has appeared as a priority for Centroc members where health outcomes for the region are worse than our city cousins. Many Centroc members are spending significant sums of monies building medical centres and other health related infrastructure and or offering incentives to health workforce including doctors.

Under the auspices of Centroc Health Workforce Group, Centroc adopted a strategic approach and called together the key peak health workforce organisations and educators of the region to develop a Health Workforce Matrix identifying the priority programming for the region to attract and retain health workforce. The



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Matrix provided advice that a one stop shop web based portal with associated marketing and promotion was the best first step for the region.

The development of the marketing and website advice for this project was the next step. This project was funded 50% by Centroc and 50% by the NSW Department of Industry and Investment. This stage of the project was signed off by the State August 2010.

The advice, in the attached report pulled together the Beyond the Range project. This was reported to the Centroc Board in May 2010 who subsequently unanimously commended to members for their engagement. All members of Centroc were visited and presentations provided regarding the project.

Further refinement of the budget, sponsorship and advertising potential was undertaken as well as meetings with key funding agencies.

Budget

Please find below the budget estimates for this project. An analysis of costings has been undertaken with industry and the full advice on all components is in the attached report.

Please note that a surplus is anticipated for the project should the funding levels from other organisations as noted below be achieved. The surplus is deliberately designed to ensure adequate funding of the project should no funds from external sources be available.

Any surplus funds will be reinvested in the project.

BUDGET

	Year 1	Year 2	Year 3
Income			
Gold Partnership Contribution (ie Minas...)	20,000	20,000	10,000
Funding Agencies (ie DITRIC, WAHM)	40,000	40,000	40,000
Advertising Revenue	20,000	40,000	40,000
Centroc contribution (includes \$20K cash the rest is in kind)	100,000	50,000	50,000
LGA Contribution (\$6K Per LGA yr1 then \$3K yr 2 and \$2k yr 3)	96,000	48,000	32,000
Total Income	\$276,000	\$198,000	\$172,000
Expenditure			
SUB TOTAL 1 - Website Development	35,850	5,650	5,650
SUB TOTAL 2 - Content Populating	40,000	15,000	15,000
SUB TOTAL 3 - SEO Marketing	31,000	16,000	16,000
SUB TOTAL 4 - Design/Planning/Supervision	14,500	5,000	5,000
SUB TOTAL 5 - Relationship Management/PR	52,000	44,000	44,000
SUB TOTAL 6 - Promotion at trade shows/conferences	36,000	36,000	36,000
SUB TOTAL 7 - Printing/Production/Media	65,000	27,000	27,000
Total Expenditure	\$274,150	\$148,650	\$148,650
Net Profit/Loss	\$1,850	\$49,350	\$23,350

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1. Inclusion in the project entitles Council to

- a dedicated web page to promote to health workforce, including doctors, the benefits of working and living in this iqa
- inclusion in the significant marketing, public relations and promotional campaign including an average of three promotional events per year
- opportunity to value add to their contribution by for example by providing specific promotional material and staff as appropriate

3. Being seen by health workforce as an *iga* part of a region that is health workforce friendly.

[illegible]

a. school students at the "growing our own" stage to facilitate young people living in the region taking up a career in health workforce

- b. university students
considering career pathways

c. young families

d. the sleeper workforce already trained in the region to encourage them to return to work in their health profession

6. Being seen as a co-operative lga with a regional outlook, capitalising on the current ascendancy of regionalism

What is being asked of Council

1. Contributions of \$6000 for 2011/2012, \$3000 for 2012/2013 and \$2000 for \$2013/2014

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2. A contact person responsible for providing information to the website. This person would preferably be the staff member responsible for economic development. This will assist with the reporting and progression of the project.

What can Council expect and by when?

Activity	Responsibility	Timing
Councils confirm engagement	Councils	By August 30 2011
Project tender awarded	Centroc	By October 31 2011
Advice and images for Council web page and marketing materials	Councils	By November 30 2011
Web launched	Centroc	February Board meeting 2012 – all welcome
Marketing materials and dissemination plan complete for year 1	Centroc	February Board meeting 2012 – copies will be sent to member Councils
Councils provide advice on wish to attend promotional events	Council - if interested	By 30 April 2012
Promotional events	Centroc And Council - if interested	Schedule to be provided through EDO forum first quarter 2012

Reporting

It is anticipated that reports against the project will be provided through the Centroc Economic Development Officers (EDO) forum. The EDO forum will also be able to provide feedback to the project from Council including taking up further opportunities offered by the program.

Council will receive an annual update on the project as part of the annual presentations by Centroc. Centroc Board reports and other reporting will be available on request or please download them from the Centroc website at <http://centroc.com.au>

Options

All projects recommended to Centroc members by the Centroc Board are optional for members to engage in. Council can either choose to engage in the project or not as it sees fit.

Conclusion

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This project has the unanimous support of the Centroc Board and of RDA Central NSW. All costs to date have been met by the Centroc Board. The project is likely to gain funding where commitments from Council will be used to leverage these.

The project itself is based on a sound strategic approach engaging with stakeholders from peak health groups in the region.

The benefits to Council are inclusion in the website, marketing and promotional materials as advised above. The contribution is a maximum \$10K over a three year period.

The project is now in the implementation phase and seeking support from Councils for progression.

The project is commended to Council.

Attachment: Report on recruiting health workforce marketing advice.

Principal Activity	Housing & Community Amenities	New Fee 2011/2012			Comments
		Adopted Fee 2010 / 2011	Fee	GST	
Title of Fee or Charge		Job No.	Pricing Principle	Total Fee	
Section 149 Certificates					
- Standard Certificate		Code 287	Statutory	40.00	53.00
- Certificate requiring additional information		13503-000	Statutory	60.00	80.00
- Additional Urgent Fee (within 48hrs)			User Pay	120.00	109.09
				10.91	120.00
Council pricing reflects nature of service and costs.					

Description of Activity	Adopted Initial Fee 2010 / 2011	New Initial Fee 2011/2012	Adopted Additional Fee 2010 / 2011	New Additional Fee 2011/2012	GST Appl.
4 Development not involving building work or subdivision	\$220.00	\$285.00	nil	nil	No
7 Subdivision of Land					
(a) New Road	\$500.00	\$665.00	\$65.00 per additional lot	\$50.00 per additional lot	No
(b) No New Road	\$250.00	\$330.00	\$53.00 per additional lot	\$40.00 per additional lot	No
(c) Strata	\$250.00	\$330.00	\$53.00 per additional lot	\$50.00 per additional lot	No
(d) Registration & Release fee	\$110.00	\$110.00	nil	nil	No
(e) Notification of Adjoining Owners Fee	\$130.00	\$135.00	nil	nil	No
(f) Leased Land (combined with (a) & (e))	\$210.00	\$210.00	nil	nil	No
(g) Subdivision Certificate	\$110.00	\$110.00	nil	nil	No
(h) Survey Plans submitted to Council for certification that consent is not required	\$110.00	\$110.00	nil	nil	No
8 Designated Development	\$715.00	\$920.00	nil	nil	No
9 Integrated Development Referral fee (Per Agency)	\$250.00	\$320.00	nil	nil	No

Description of Activity		Adopted Initial Fee 2010 / 2011	New Initial Fee 2011/2012	Adopted Additional Fee 2010 / 2011	New Additional Fee 2011/2012	GST Appl.
10 Development requiring advertising	(a) Designated Development	\$1700.00	\$2200.00	nil	nil	No
	(b) Advertised Development	\$500.00	\$1105.00	nil	nil	No
	(c) Prohibited & Other Advertised Development	\$830.00	\$1105.00	nil	nil	No
	(d) Development Requiring Notice	\$830.00	\$1105.00	nil	nil	No
	(e) Adjoining Owner Notification	\$135.00	\$135.00	nil	nil	No
12 Section 96 Modification						
(a) Application Fee	(i) s96(1)	\$55.00	\$71.00	nil	nil	No
	(ii) s96(1A)	\$500 or 50 per cent of the fee for the original development application, whichever is the lesser	\$645 or 50 per cent of the fee for the original development application, whichever is the lesser	nil	nil	
	(iii) s96(2)	\$500 or 50 per cent of the fee for the original development application, whichever is the lesser	\$500 or 50 per cent of the fee for the original development application, whichever is the lesser	nil	nil	
(b) (iv) s96(1AA) Section 102(2) - in addition to fee 10(a) Note: surplus monies to be refunded		\$500.00	\$500.00	nil	nil	No
		\$500.00	\$500.00	nil	nil	No
	(c) Review of DA conditions	\$110.00	\$110.00	nil	nil	No
22 Building Certificate (149D)						
(a) Floor area of building or part not exceeding 200m ²		\$210.00	\$250.00	nil	nil	No
	(b) Floor area exceeding 200m ² but less than 2,000m ²	\$210.00	\$250.00	\$0.10/m ² over 200m ²	\$0.50/m ² over 200m ²	No
	(c) Floor area exceeding 2,000m ²	\$230.00	\$1165.00	\$0.015/m ² over 2,000m ²	\$0.075/m ² over 2,000m ²	No

<i>Description of Activity</i>	<i>Adopted Initial Fee 2010 / 2011</i>	<i>New Initial Fee 2011/2012</i>	<i>Adopted Additional Fee 2010 / 2011</i>	<i>New Additional Fee 2011/2012</i>	<i>GST Appl.</i>
29 Advertising Structures	<i>New Fee</i>	\$285.00	<i>New Fee</i>	\$93.00 per additional sign on some applications or the fee calculated in accordance in DA Fee table, whichever is greater.	No
30 Dwellings having an estimated construction cost of \$100,000 or less	<i>New Fee</i>	\$455.00	<i>New Fee</i>	nil	No
31 Private Certifier Fee	<i>New Fee</i>	\$36.00	<i>New Fee</i>	nil	No
32 Integrated Development Fee / Concurrence Fee	<i>New Fee</i>	\$140.00	<i>New Fee</i>	nil	No
33 Assessment of a variation to the provisions of a DCP or Council Policy relating to Clause 1 or 10 building (in addition to DA Fee)	<i>New Fee</i>	\$200.00	<i>New Fee</i>	nil	No

Blayney Shire Council**Policy Register****Policy No 4B**

Policy Title	Investment Policy
Document/File No	A8-1
Officer Responsible	Manager Financial Services
Last Review Date	08/08/2011

Objectives

To outline Council's investment Strategy

Policy Statement**Blayney Shire Council****Investment Policy**

Policy

1.1 Objectives

- (a) To undertake investment of surplus funds, maximising earnings from authorised investments, whilst ensuring the security of Council Funds.
- (b) To ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

1.2 Legislative Requirements

All investments are to be made in accordance with:

- (a) Local Government Act 1993;
- (b) ~~Local Government Act 1993 – Order (of the Minister) dated 31 July 2008 ;~~
Local Government Act 1993 – Order (of the Minister) dated 12 January 2011
- (c) Trustee Act 1925;
- (d) Local Government (General) Regulation 2005;
- (e) Local Government Code of Accounting Practice and Financial Reporting;
- (f) Australian Accounting Standards; and
- (g) Division of Local Government Circulars.

1.3 Delegation of Authority

Authorised Officer	Roles & Responsibilities
General Manager	Authority to invest surplus funds and authority to delegate this function <u>in accordance with the council's adopted investment policy.</u>
Director Corporate Services	Per Delegation
Manager Financial Services	Per Delegation
Finance Officer	Per Delegation

1.4 Authorised Investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

Council shall only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW));
- ~~(c) mortgage of land in any State or Territory of the Commonwealth:
.....(restricted to first mortgages over land with a Loan to Value ratio of
.....no greater than 60%);~~
- (d) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;
- (e) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- ~~(f) a deposit with the Local Government Financial Services Pty Ltd;~~
- (g) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include principal and investment income (interest).

Transitional Arrangements

(i) Subject to paragraph (ii) nothing in this Order affects any investment made before the Ministerial Order dated 31 July 2008 which was made in compliance with the previous Ministerial Order dated 15 July 2005, and such investments are taken to be in compliance with this Order.

(ii) Paragraph (i) only applies to those investments made before the Ministerial Order dated 31 July 2008 and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

1.5 Prudent Person Standard

The investments shall be managed with care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

1.6 Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

If engaged, independent advisors shall also be required to declare that they have no actual or perceived conflicts of interest.

1.7 Prohibited Investments

This Investment Policy prohibits any investment carried out for speculative purposes including:

- (a) Derivative based instruments;
- (b) Principal only investments or securities that provide potentially nil or negative cash flow;
- (c) Stand alone securities issued that have underlying futures, options, forward contracts and swaps of any kind; and
- (d) The use of leveraging (borrowing to invest) of any investment.

1.8 Risk Management Guidelines

Investments are to comply with the following criteria:

- (a) Preservation of Capital - all reasonable measures are to be taken to prevent losses in portfolio value (considering the time value of money);
- (b) Institutional Diversification:
 - a. Not less than three (3) quotations shall be obtained from authorised institutions when an investment is proposed.
 - b. Direct investments shall not exceed \$1,000,000 with any one institution, at any one time.
 - c. All term deposit investments are to be made with authorised deposit taking institutions covered under the Australian Government Guarantee;

- (c) Maturity Risk - the investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Return to Maturity		
Portfolio % < 1 year	Min 40%	Max 100%
Portfolio % > 1 year	Min 0%	Max 60%
Portfolio % > 3 year	Min 0%	Max 30%
Portfolio % > 5 year	Min 0%	Max 20%

- (d) Market/Credit Risk - consideration shall be given to the risk that the fair value or the future cash flows of an investment will fluctuate due to changes in market prices, or the risk of failure to repay principal or pay interest on an investment;

- (e) Liquidity Risk -

- a. Matching investments with cash flow requirements.
- b. Ensure access is available within seven (7) days to at least \$1,000,000 or 10% of value of total investments, whichever is greater.

1.9 Performance Benchmarks

The performance of the investment portfolio shall be against the industry standard 11am Cash Rate for cash investments and BBSW 90 Day Swap Rate for direct investments.

1.10 Measurement

As Council continues to hold grandfathered investments such as Collateralised Debt Obligations (CDOs), the investment returns of the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio.

1.11 Reporting and Responsibilities of Council Officers

- (e) The Responsible Accounting Officer shall be responsible for reconciling the investment register on a monthly basis and ensuring sufficient records are maintained, including:
- a. the source and amount of money invested;
 - b. particulars of the security or form of investment in which the money was invested;
 - c. the term of the investment, and
 - d. if appropriate, the rate of interest to be paid, and the amount of money earned, in respect of money invested.

- (f) A monthly report shall be provided to Council, detailing the investment portfolio in terms of performance, investment institution and amount of each investment.
- (g) The report should also detail each average return percentage against the performance benchmark rates.
- (h) For audit purposes, certificates must be obtained from financial institution confirming the amounts of investment held on the council's behalf at 30th June each year.
- (i) The documentary evidence must provide Council legal title to the investment.

1.12 Investment Advisor

Should council engage an investment advisor, the advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

1.13 Review of Investment Policy

This policy shall be reviewed annually and any amendments, if necessary shall be approved by resolution of council.

End of Policy

Adopted:	Date: 14/10/2003	Minute: 123
Last Reviewed:	Date: 11/10/2005	Minute: 280
	Date: 14/05/2007	Minute: 07/094
	Date: 09/08/2010	Minute: 1008/04
	Date: 14/03/2011	Minute: 1103/010
	Date: 08/08/2011	Minute:
Next Reviewed:	Date: 18/06/2012	

ENGINEERING SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 8 AUGUST 2011



10) **LOCAL INFRASTRUCTURE SUPPORT FUND**
(Director Engineering)

RECOMMENDED:

1. That Council approve:
 - a. the endorsement of the Local Infrastructure Support Fund (LISF) agreement, between the NSW Government, Metziya Pty and Blayney Shire Council, and,
 - b. the placement of Council's seal on documentation associated with the LISF.

REPORT

Councillors may recall from the Planning Proposal Workshop of 21 July 2011, in relation to the Sealink development on Newbridge Road, that it was reported that Metziya Pty Ltd (Sealink) and Council had been successful in attracting funding through the NSW State Government, Local Infrastructure Support fund (LISF).

The funding application, jointly prepared by Metziya Pty Ltd and Council was based upon improving infrastructure levels supporting the Sealink warehouse development and the proposed Cadia concentrate facility into the future. This will provide adequate levels of service, as the facility expands to cater for increased demand for those services provided by the facility, and provide Council infrastructure that can adequately cater for the increased traffic.

It is also recognised that the funding promotes the NSW Governments objective of promoting economic development within NSW.

The works proposed to be part funded by the LISF, are in two parts:-

- a. The replacement of a wooden bridge at Newbridge Road in Blayney with a concrete bridge and associated road works.
- b. The construction of 2,000 kVa electricity supply line from the Blayney distribution sub-station to the Blayney Sealink site, with separate connections to Metziya's warehouse development and the Cadia concentrate facility, and,

The construction of a rail siding at the Blayney Sealink site.

Part a. is to be undertaken by Blayney Shire Council, and Part b. by Metziya Pty Ltd.

Project cost estimates as identified in the LISF Deed of Agreement are:-

Bridge Infrastructure:	\$550,000
Power Infrastructure:	\$685,000
Rail Siding Infrastructure:	<u>\$3,890,000</u>
Total:	\$5,125,000

Funding provided under the agreement is:-

Part a.:	\$350,000
Part b.:	<u>\$385,000</u>
Total:	\$735,000

With the balance of funds coming from Blayney Shire Council (Part a.) and Metziya (Part b.).

The term of the deed is for a period of three (3) years commencing from 1 June 2011 until 31 December 2013.

Council proposes, and has in principle agreement from all parties that the bridge and associated road works will be undertaken and completed in the final year of the overall project to ensure works at the Sealink site associated with the rail siding and power upgrade do not put unnecessary pressure on Council infrastructure.

In order for funding to be made available by the NSW Government, all parties are required to endorse and place their Common Seal upon the Deed of Agreement (agreement).

The agreement defines the term and condition associated with provision of the funding, the term of funding allocation, works to be undertaken, and milestones associated with the works, and is considered acceptable to Council for the purpose of delivering funding to the projects to which it relates.

It is therefore recommended that Council approve the endorsement of the agreement and the placement of Council's seal on documentation associated with the Local Infrastructure Support Fund.

BUDGET IMPLICATIONS

Council has made provision of \$500,500 within the 2011 – 2016 Management Plan for the 2012/2013 year to carry out the works. It is noted this should read \$550,000 and shall be corrected.

POLICY IMPLICATIONS

Nil effect

Attachments

Nil

11) **CROWN ROADS TRANSFER - MARSHALLS LANE**
(Assets Officer)

RECOMMENDED:

1. That Council approve
 - a. The transfer of the Crown Public Road, identified on the attached map, known as Marshalls Lane to local public road, and,
 - b. The placement of Council's Seal on all documentation associated with the transfer of Marshall's Lane.

REPORT

Councillors may recall from the June ordinary meeting of Council that Marshalls Lane has been approved to be gazetted as a B-double route. Upon submission of a draft Gazettal notice, Council was informed by the Crown Lands Division of Department of Primary Industries, that Marshalls Lane is currently a Crown Road.

In order for the matter to progress, Council is required to prepare a Crown Road Transfer document, which once processed by Crown Lands will allocate ownership and control of Marshalls Lane to Council.

It is recommended that Council approve the transfer of the Crown Public Road, known as Marshalls Lane, and the placement of Council's Seal on all documentation associated with the transfer of Marshalls Lane.

BUDGET IMPLICATIONS

Nil effect

POLICY IMPLICATIONS

Nil effect

Attachments

- 1 Locality Map

12) **RE-APPOINTMENT OF VOLUNTEER CONTROLLER -
BLAYNEY SES**
(Director Engineering)

RECOMMENDED:

1. That Council approve the reappointment of the Local Controller of the Blayney SES, and notify the SES Central West Region Controller of its approval.

REPORT

Regulations under the State Emergency Service Act 1989 (as amended) require the reappointment of all volunteer Unit and Local Controllers across New South Wales to be renewed every two (2) years. The next renewal being due 1 August 2011.

All SES Controllers are appointed by the Director General of the NSW State Emergency Service upon the recommendation of the relevant Council and Region Controller.

Council has received notification from the SES Central West Region Controller, Mr Craig Ronan of a recent Performance Review of the current Local Controller for the Blayney SES Unit, Mr Reg Rendall.

Mr Rendall was appointed as Local Controller in July 2008 after the previous Controller Mr Max Osborne retired from the position in April 2008 after 9 ½ years service as Local Controller.

Mr Rendall has been a volunteer member of the Blayney SES Unit for the past 15 years. Prior to his retirement from the Ambulance Service of NSW, Mr Rendall was Station Officer of the Blayney Ambulance Station and had accrued 30 years service.

The result of the review was that Mr Rendall has been found to be carrying out his duties in managing the Blayney SES Unit in a very satisfactory manner.

As Local Emergency Management Officer, the Director of Engineering concurs with the assessment, and has found Mr Rendall to be very proactive in developing an ongoing relationship with the Blayney Shire Council in the interests of safety and emergency recovery in the Blayney Shire Local Government Area.

It is therefore recommended that Council approve the re-appointment of Mr Reg Rendall as Local Controller of the Blayney SES.

BUDGET IMPLICATIONS

Nil effect

POLICY IMPLICATIONS

Nil effect

Attachments

Nil

13) **REVIEW OF POLICY - STREET TREE POLICY**
(Director Engineering)

RECOMMENDED:

1. That Council
 - a. Adopt the Blayney Shire Council Street Tree Policy, and that it be placed on Council's policy register and adhered to accordingly.
 - b. Remove existing policies, 25A – Private Tree Planting on Footpaths, and 25K – Removal of Street Trees from Council's policy register.

REPORT

Councillors may recall that at the ordinary April 2011 meeting of Council it resolved to:

1. *That Council endorse in principle and place on public exhibition the draft Street Tree Policy, for a period of twenty-eight (28) days, seeking public submissions and a further report be submitted to Council detailing any submissions received during the public exhibition period.*

The Draft policy was placed on public exhibition, and at the close of submissions on 9 May 2011, Council had received no submissions in relation to the policy.

It is noted that at the April meeting, Councillors raised the following concerns that have been addressed, on matters included within the Guideline document:

- a) 5.6.2 - Community Notification – The distribution of notification letters to affected residents has been extended to at least 7 days rather than 24 hours.
- b) Table 8 – Pseudo Street Trees – This risk management strategy has been included as it is a strategy for individual property owners consideration, in consultation with Council and should not be eliminated.

The policy (Attachment 1) is intended to:-

- Provide for guidelines that assist Council and Council staff to comply with the *Best Practice Manual – Trees and Tree Roots* developed by Statewide Mutual.
- To establish a framework and guidelines that assist in the development of a tree management program and enhance the aesthetics, the public amenity and safety of trees in public open space, and minimise the exposure to public liability.
- To provide a systematic procedure for the determination of appropriate tree species for specific planting locations on Council owned and maintained lands.

A technical guideline (Attachment 2) has also been prepared to assist Council staff in ensuring the preservation and enhancement of existing trees located on publicly and privately owned land within the Blayney Shire Council Local Government Area (LGA).

It is recommended that Council adopt the Street Tree Policy, and note the species of trees provided in the guidelines for use in Blayney Shire Council Local Government Area (LGA).

BUDGET IMPLICATIONS

Nil effect

POLICY IMPLICATIONS

The Policy provides Council staff with Guidelines on the management of street and open space tree management in the Blayney Shire Council Local Government Area.

Attachments

- 1 Street Tree Policy
- 2 Guidelines for Street and Open Space Tree Management

14) **GRAVEL ROAD MAINTENANCE PRIORITIES**
(Operations Manager)

RECOMMENDED:

1. That Council approve the reallocation of \$100,000 from Maintenance Grading to Gravel Resheeting on Rural Unsealed Roads within the 2011/12 Management Plan

REPORT

Council currently maintains 375km of unsealed roads throughout the shire. These roads form an integral part of Councils road network for local access and occasional through routes.

Council endeavours to maintain its unsealed roads to a standard that is trafficable during 'all weather', however increasing traffic and budgetary constraints continue to make this target harder to achieve.

Councils' budget for the 2011-2012 financial year for gravel resheeting on rural roads is \$91,000. Within current costs this will enable Council to undertake approximately 3kms of gravel resheeting in the current financial year.

With the current level of funding, Council would be able to resheet the entire network on a 114 year cycle, resulting in only 8-9% of the unsealed network being considered as having adequate gravel coverage. Thus not providing an acceptable or sustainable level of service to the community and motoring public.

The gravel loss that occurs on unsealed roads has been extensively studied and can be estimated via a method developed by the ARRB Group Australia. This loss is based on daily traffic volumes, annual rainfall, and gravel properties.

Given Councils' traffic volumes and gravel parameters, the estimated loss of gravel across Councils' gravel road network is between 10-15mm per year. Given a resheeting depth of 100mm this equates to a surface life of 6-10 years.

It should be noted that gravel roads can be resheeted with greater than 100mm depth, and this does increase pavement life, but the cost of resheeting increases linearly with the increase in gravel depth, which means the whole of life cost for the surface is the same for Council.

Council receives a number of complaints from residents each year with regards to the condition of Councils' unsealed roads. Following each complaint, Engineering staff undertake an inspection of the road and inspect the alleged defect to determine the cause of the defect.

In the vast majority of cases, the defect has been caused by either a lack of gravel material on the road, or a lack of cross fall. These defects cannot generally be rectified by a maintenance grade and require the importation of material and grading and rolling to repair the defect.

Councils' current funding level for gravel resheeting severely limits Councils' ability to repair these defects to a suitable standard that provides for an extended life. In previous years additional funding has repeatedly been applied to gravel resheeting through Quarterly Budget Reviews

To improve the condition of Councils' unsealed roads it is recommended that Council approve the reallocation of funds to increase the amount of gravel resheeting able to be undertaken. With these increased funds Council will be able to maintain the unsealed rural roads to a higher quality of pavement for a greater length of the network.

It is estimated that the additional funding will enable Council to maintain its unsealed roads to provide between 10% and 25% of gravel pavement by length on the road. The percentage will depend on the road class under Councils' hierarchy with higher category roads receiving a greater portion of funding.

It should also be noted that utilising current construction costs, Council would have to invest \$1,000,000 per year to be able to maintain its unsealed road network to have a minimum of 80% of gravel pavement by length.

BUDGET IMPLICATIONS

As this is a transfer between previously allocated funds there will be no net effect on Councils' total expenditure

POLICY IMPLICATIONS

As a result of this change, Council will be unable to meet the grading and drainage frequency suggested in Council Policy 25E, Rural Roads Maintenance Strategy. A review of Policy 25E shall be undertaken and considered as part of Councils' Asset Management Program.

Attachments

Nil

15) **ROAD CONDITION REVIEW**
(Operations Manager)

RECOMMENDED:

1. That Council approve the proposed reallocation of \$142,000 from Browns Creek Road to resealing works on the Neville, Forest Reefs, and Spring Terrace Roads within the 2011/12 Management Plant

REPORT

Browns Creek Road Patching

Councillors may recall a report submitted to the ordinary October 2010 meeting of Council regarding the condition of Browns Creek Road and Forest Reefs Road, and the quantum of works required to repair these roads to a suitable standard. Following this report Council approved the reallocation of funds to include the full allocation of Roads to Recovery Funding for 2011-2012 financial year to Browns Creek Road.

The above mentioned report detailed 2 (two) distinct sections of Browns Creek Road that required urgent attention, and proposed a construction procedure and budget for the works.

The first section of works identified was between chainages 0.9km and 1.7km from the Orange Road intersection. This work was identified as requiring stabilisation works to be undertaken for the full length and width of this section, and had a proposed budget of \$100,000.

During the 2010-2011 financial year Council has undertaken the above mentioned work on Browns Creek Road. These works were completed within budget.

The second section of works identified was between chainages 3.4km and 5.4km from the Orange Road intersection. These works were identified as requiring the existing material to be removed and replaced, drainage works undertaken, and stabilisation of the replaced material. The total budget estimated for these works in the 2010/2011 financial year was \$221,000 and \$342,000 in the 2011/2012 financial year.

Council was unable to expend any of the \$221,000 allocated in the 2010-2011 financial year due to more urgent works being required on Councils' gravel roads under the Natural Disaster Relief and Recovery Arrangements.

Including the unexpended funds from the 2010-2011 allocation, there remains \$231,000 of previously budgeted money for work on Browns Creek Road in this financial year.

A recent inspection of Browns Creek Road has identified approximately 12,000m² of heavy patching work along the complete length of Browns Creek

Road required to be undertaken in the current financial year to improve road safety, and approximately 4,000m² that would be desirable to complete.

A revised construction procedure has been developed which will allow Council to undertake these works to provide a higher quality finish with a lower cost of works. Based on this revised construction procedure it is estimated that Council can repair the above mentioned 16,000m² of patches for \$331,000.

The revised construction procedure will lift the level of the existing road by 100mm on average across the patches, and will provide adequate cross fall for suitable drainage of the pavement thus extending the service life.

It should be noted that Council will undertake a detailed geotechnical investigation of the pavement and subgrade that is currently present on Browns Creek Road to adequately determine the required pavement to ensure extended service life of the road.

In addition to these patching works, there are also improvements to table drains and other drainage structures required along the length of Browns Creek Road. These works are currently being undertaken by Council staff and are expected to be completed by the end of October. It is estimated that the currently ongoing drainage works will cost \$100,000

Budget Requirements for Browns Creek Road Patching

To complete the above mentioned works in the current financial year the total required budget is \$431,000, with \$100,000 required for drainage works, and \$331,000 required for patching works.

A breakdown of expected income and expenditure is shown in the table below:

Description	Budget Estimates (,000)
Patching Works between ch. 1.7km and 5.4km	\$331
Drainage works between ch. 3.4km and 5.4km	\$100
Balance brought forward from last year	-\$231
Previously allocated Roads to Recovery Funding	-\$342
Total	-\$142

As can be seen above, the proposed revision to the construction procedure provides an over allocation of \$142,000 in the current financial year that must be reallocated to other road safety priorities as per Roads to Recovery program requirements

Required Reseals Neville, Forest Reefs, and Spring Terrace Roads

As a consequence of the extended wet weather in the last calendar year, there are several segments of Councils' local roads demonstrating a high level of seal deterioration.

Without a suitably maintained bitumen seal, road pavement is no longer water proofed and failures are accelerated by the ingress of water into the pavement. Additionally a loss of seal dramatically degrades the running surface of the road increasing the likelihood of accidents due to a loss of traction on the surface.

Engineering Staff have undertaken an inspection of Councils' arterial roads to determine the level of seal failure evident on highly trafficked roads. From these inspections it has been determined that there are severe seal failures on the following sections of road:

- Neville Road at chainages 1.0km to 2.1km (length 1.1km)
- Neville Road at chainages 7.8km to 8.4km (length 0.6km)
- Forest Reefs Road from the intersection of Carcoar Road through to the intersection of Spring Terrace Road (length 1.8km)
- Spring Terrace Road from the intersection of Forest Reefs road to a location approximately 200m past the intersection of Bulb Farm Lane (length 2.0km)

This equates to a total distance requiring reseals of 5.5km to prevent further damage to pavement resulting in much larger repair costs to return the pavement to a suitable condition.

It is estimated that these works can be undertaken within the remaining Roads to Recovery funding of \$142,000. The estimated cost of work is as follows:

- Neville Road: \$40,000
- Forest Reefs & Spring Terrace Roads: \$102,000

It is paramount that Council react quickly to these seal failures to prevent further ingress of water and be able to 'save' the pavement, thus lowering the risk of a larger pavement failure and further more expensive repairs.

It should be noted that there is also extensive seal failure evident on a section of the Belubula Way, however there is already reseal works programmed within Councils' Regional Roads budget to repair this damage.

Councillors should note that utilising current sealing rates, approximately \$300,000 per annum would be required for Council to carry out adequate resealing of the sealed road network to minimise the chances of seal failure.

Proposed Capital Works Under Roads to Recovery

As a result of the above analysis, the proposed capital works programme for the current financial year utilising Roads to Recovery funding is as follows:

Project Description	Budget (,000)
Browns Creek Road Drainage ch. 3.4km to 5.4km	\$100

Browns Creek Road Patching ch. 1.7km to 7.7km	\$331
Neville Road Sealing ch. 1.0km to 2.1km and 7.8km to 8.4km	\$40
Forest Reefs Road Sealing from intersection of Carcoar Road to intersection of Spring Terrace Road	\$48
Spring Terrace Road from intersection of Forest Reefs Road for 2km to Bulb Farm Lane	\$54
Project Management Costs (10% of Roads to Recovery grant)	\$38
Total	\$611

BUDGET IMPLICATIONS

As this is a transfer between previously allocated funds there will be no net effect on Councils' total expenditure

POLICY IMPLICATIONS

Nil effect

Attachments

Nil

16) **BITUMEN SEALING CONTRACT 2011-2013**
(Operations Manager)

RECOMMENDED:

1. That Council accept the tender of Fulton Hogan to provide Bitumen Sealing Services within Blayney Shire Council for the 2011 to 2013 years.

REPORT

As part of maintaining Councils' 355km sealed road network, it is required to carry out bitumen reseals to ensure extended pavement life and adequate surface texture for road safety on a regular basis. To provide best value for money it is considered that an external contractor is able to provide a higher quality of work for a lower price than Council is able to undertake these works.

In addition to works on Councils' local roads, Councils' Road Maintenance Council Contract (RMCC) with the Roads & Traffic Authority (RTA) requires that reseals be undertaken by Council on the State road network.

To ensure Council realised improved value for money from potential suppliers of bitumen sealing, a tender was issued in conjunction with Cabonne Council so as to combine estimated quantities and achieve a better unit rate for works.

Cabonne undertook the tender process in consultation with Blayney Council and received 6 (six) tenders from suitably qualified contractors that are suitably equipped and experienced to undertake the sealing works required.

The tender assessment was undertaken by Cabonne with Blayney Council's Operations Manager also involved. From this assessment, it was determined that Fulton Hogan provided best value of money to both Cabonne and Blayney Council's and has subsequently been approved by Cabonne Council.

It is recommended that Council also approve the appointment of Fulton Hogan as Councils' bitumen sealing provider for the 2011 to 2013 years. Due to the nature of the contract, it is required that both Cabonne and Blayney accept the same tenderer to undertake the works.

To ensure that bitumen sealing works can be undertaken in a timely fashion and to a suitable quality, it is important that Council has a contract with a suitably qualified bitumen sealing contractor.

It should be noted that by undertaking this process in conjunction with Cabonne Council that significant savings have been realised by both Blayney and Cabonne Council's with regards to the costs of undertaking the tender, and the unit rates that were achieved by including larger quantities of work in the tender.

BUDGET IMPLICATIONS

All works will be undertaken within Councils' existing Management Plan

POLICY IMPLICATIONS

Nil effect

Attachments

Nil

17)

BATHURST LIGHT CAR CLUB RALLY

(Director Engineering)

RECOMMENDED:

1. That report of the Blayney Traffic Committee be received and Council classify the Bathurst Light Car Club Rally to be held on Saturday 24 September 2011 as a Class 2 event, and the event be approved subject to the following conditions:
 - a. Development and implementation of a Traffic Management Plan which shall include a Traffic Control Plan.
 - b. All appropriate road closures and associated warning signage complying with AS1742, will be undertaken, placed and removed by suitably qualified persons.
 - c. Approval is to be obtained from NSW Police, with all conditions and directions issued by Police complied with and obeyed.
 - d. Approval is to be obtained from the Roads and Traffic Authority.
 - e. Approval is to be obtained from Bathurst Regional Council.
 - f. Approval is to be obtained from Forests NSW.
 - g. Council is to be provided with a copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, with the date and location of the event.
 - h. The event organiser is to notify all Emergency Services of the event including Blayney Hospital.
 - i. The Event Organiser is to notify all business proprietors and residents affected by the event at least seven (7) days prior to the event.
 - j. The event organiser will, with the assistance of Blayney Shire Council, Engineering Department, advertise the temporary road closures, at least seven (7) prior to the event.
 - k. The Event Organiser is to comply with the requirements of the "Guide to Traffic and Transport Management for Special Events" (version 3.4) dated 2 August 2006, for a Class 2 event.
 - l. A damage assessment is to be conducted before and after the event, and be presented to Council.

REPORT

Council has received correspondence from the Event Director on behalf of the Bathurst Light Car Club for the undertaking of the 2011 Bathurst Light Car Club Rally.

The rally will be staged, commencing in Bathurst, with event headquarters located at the Blayney Showground with various competitive stages around the Blayney Shire Local Government Area (LGA), and then returning to the showground to finish.

The event involves nine (9) competitive stages and several non competitive transport sections, linking the competitive stages. All vehicles are registered and Australian Road Rules will be observed at all times on the transport sections.

The competitive stages, in order are listed as follows:-

1. Village and Kings Plains Roads
 - Start – End of bitumen, Blayney Street, Newbridge
 - Finish – South of entrance to “Whim Park”.
 - Distance – 10.3km
2. Dungeon Road
 - Start – Entrance to “Woodlawn”, Ch 0.41km.
 - Finish – Blayney Shire Council LGA boundary. Approx. 2km South of Vittoria Road.
 - Distance – 6.8km
3. Glenelg, Nyes Gates, and Greghamstown Roads
 - Start – Approx. 0.2km from intersection with Guyong Road
 - Finish – Greghamstown Road at Emergency Bypass road.
 - Distance – 9.3km
4. Matthews Lane
 - Start – Approx. 0.2km from Intersection with Browns Creek Road.
 - Finish – East of Carcoar Road intersection, Ch. 0.34km
 - Distance – 6.3km
5. Beneree, Gap and Errowanbang Roads
 - Start – Entrance to “Trevlyn” Approx. 0.25km South of Tallwood Road
 - Finish – Intersection with Burnt Yards Road
 - Distance – 24.7km
6. Fairford Road
 - Start – Approx. 0.2km from intersection with Mandurama Road.
 - Finish – Prior to intersection with Kentucky Road.
 - Distance – 6.3km
7. Neville – Trunkey Road
 - Start – Approx. 1km from from intersection (past houses).
 - Finish – Prior to intersection with Hobbys Yards Road
 - Distance – 10km
8. Snake Creek and Gallymont Roads
 - Start – Approx. 0.2km from intersection with Garland Road.
 - Finish – Intersection with Gallymont Road.
 - Distance – 8km.
9. Fell Timber and Mount Macquarie Roads
 - Start – Approx. 0.2km from intersection with Mandurama Road.

- Finish – Intersection with Neville Road.
- Distance – 17km.

The event will be run under a Confederation of Australian Motor Sport (CAMS) permit only to be issued upon Police, RTA, Forests NSW and Council approvals being received. The event will be held under the rules, and covered by the insurances of CAMS.

Under the Roads and Traffic Authority “Guide to Traffic and Transport Management for Special Events” (version 3.4) dated 2 August 2006, the event is defined as Class 2, which requires the Traffic Committee’s consideration. The Blayney Traffic Committee therefore recommends that Council approve the undertaking of the Bathurst Light Car Club Rally 2011, subject to the following conditions.

- Development and implementation of a Traffic Management Plan which shall include a Traffic Control Plan.
- All appropriate road closures and associated warning signage complying with AS1742, will be undertaken, placed and removed by suitably qualified persons.
- Approval is to be obtained from NSW Police, with all conditions and directions issued by Police complied with and obeyed.
- Approval is to be obtained from the Roads and Traffic Authority.
- Approval is to be obtained from Bathurst Regional Council.
- Approval is to be obtained from Forests NSW.
- Council is to be provided with a copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council’s interests, with the date and location of the event.
- The event organiser is to notify all Emergency Services of the event including Blayney Hospital.
- The Event Organiser is to notify all business proprietors and residents affected by the event at least seven (7) days prior to the event.
- The event organiser will, with the assistance of Blayney Shire Council, Engineering Department, advertise the temporary road closures, at least seven (7) prior to the event.
- The Event Organiser is to comply with the requirements of the “Guide to Traffic and Transport Management for Special Events” (version 3.4) dated 2 August 2006, for a Class 2 event.
- A damage assessment is to be conducted before and after the event, and be presented to Council.

BUDGET IMPLICATIONS

Nil effect

POLICY IMPLICATIONS

Nil effect

Attachments

1 Route Map





Blayney Shire Council

Policy Register

Policy No XXX

Policy Title Street Tree Policy

Document/File No

Officer Responsible Director Engineering

Last Review Date

Objectives

To provide guidelines that assist Council and Council staff to comply with the *Best Practice Manual – Trees and Tree Roots* developed by Statewide Mutual.

To establish a framework and guidelines that assist in the development of a tree management program and enhance the aesthetics, the public amenity and safety of trees in public open space, and minimise the exposure to public liability.

To provide a systematic procedure for the determination of appropriate tree species for specific planting locations on Council owned and maintained lands.

Policy Statement

Blayney Shire Council



Street Tree Policy

OBJECTIVES

To provide guidelines that assist Council and Council staff to comply with the *Best Practice Manual – Trees and Tree Roots* developed by Statewide Mutual.

To establish a framework and guidelines that assist in the development of a tree management program and enhance the aesthetics, the public amenity and safety of trees in public open space, and minimise the exposure to public liability.

To provide a systematic procedure for the determination of appropriate tree species for specific planting locations on Council owned and maintained lands.

GUIDELINES

Reference will made to the Blayney Shire Council document, "Guidelines for Street and Open Space Tree Management" (the guidelines), when undertaking the assessment of street and open space trees.

GENERAL**Tree Selection**

When planting trees, the species and proposed location shall be considered in relation to existing services and structures, to ensure that Council's exposure to public liability claims in streets, parks and reserves under Council's control is minimised.

Council staff shall initially assess each site and refer to the preferred species list provided in the guidelines.

It is recognised that the species list will evolve over time, due to the dynamic nature of the horticulture industry, and the development of new cultivars and hybrids.

Trees located in an established "avenue" will be replaced with the same species where possible.

Tree Planting

Blayney Shire Council shall endeavour to plant a street tree outside each property zoned residential or rural residential within the Blayney Shire Council Local Government Area (LGA). When considering plantings council shall ensure minimal conflict with car parking spaces, driveway access points and potential traffic / pedestrian conflicts.

The planting of any tree or other plant by any person on public open space is prohibited without the written approval of Council.

Tree Maintenance

Council will maintain existing trees in a sound and healthy condition and where necessary, undertake pruning or removal of the tree to minimise public liability exposure in streets, parks or reserves resulting from Council trees.

The Street Tree Policy establishes a framework and guidelines to assist in developing tree management programs that will enable the creation of an ideal streetscape environment by enhancing the aesthetics, public amenity and safety of trees in public open space and minimise Council's exposure to public liability. The Policy formalises current street tree management practices.

1. Inspection Program

Council staff shall inspect all trees planted within road shoulders, nature strips and developed open space on tri-annual basis. Reference will be made to the Blayney Shire Council document, "Street and Open Space Tree Management Guidelines" (the guidelines), when undertaking the inspection of road shoulders, nature strips and developed open space trees.

No inspection regime has been developed for naturally self-sown trees located within road shoulders and public recreation areas.

2. Evaluation Procedure

Blayney Shire Council shall evaluate the findings of the Inspection Program by using the analysis tools set out in the Statewide Mutual, *Best Practice Manual – Trees and Tree Roots*. Adoption of this technique will be the responsibility of Council's Parks and Recreation Supervisor.

3. Control Regime Philosophy

Blayney Shire Council shall endeavour to follow the order for risk control as follows: -

- Eliminate the risk
- Reduce the risk
- Accept the risk

This task shall be undertaken and managed by the Parks and Recreation Supervisor.

4. Implementation

Blayney Shire Council shall implement the policy in accordance with the guidelines.

5. Resourcing

Funding and physical resources shall be considered each year as part of Council's Management Plan.

Identification of resources and incorporation into the Draft Management Plan will be the responsibility of Council's Parks Supervisor and Director of Engineering.

6. Performance

Council's Management Plan will incorporate annual performance targets based upon the inspection program. These targets will be reported as part of the Quarterly Business Report (QBR) and annually as part of Council's Annual Report.

End of Policy

Adopted:	Date:	Minute:
Lasted Reviewed:	Date:	Minute:
Next Reviewed:	Date:	

Blayney Shire Council



Guidelines

For STREET & OPEN SPACE TREE MANAGEMENT

Blayney Shire Council
91 Adelaide Street
BLAYNEY NSW 2799

Printed copies of this document are uncontrolled



Blayney Shire Council Guidelines – Street & Open Space Tree Management

About this release

Document Number: WBC_Blayney: SOSTM: Edition 1 / Revision 0
Title: Street & Open Space Tree Management
Author: Grant Baker – Director of Engineering

Ed 1 / Rev 0	9 August 2011	New Guideline	Grant Baker (Director of Engineering)
Issue	Date	Revision Description	Authorised by

Endorsement of SOSTM_____
General Manager_____
Date_____
Director of Engineering_____
Date_____
Parks Supervisor_____
Date



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Blayney Shire Council Guidelines – Street & Open Space Tree Management



1. Definitions

Hazard–	Anything with potential to harm health, life or property.
Risk–	The probability that a hazard will cause injury or damage.
Street Trees–	Includes those trees planted by Blayney Shire Council on public road reserves, and in open space areas, managed or owned by Council.
Manual–	The Statewide Mutual Trees and Tree Root Management, Best Practice Manual.

2. Introduction

These Guidelines have been prepared with reference to the Statewide Mutual Trees and Tree Root Management, Best Practice Manual, in order to ensure the preservation and enhancement of existing trees located on publicly and privately owned land within the Blayney Shire Council Local Government Area (LGA).

3. Responsibilities

3.1 Blayney Shire Council

The location of a tree, defines what section within the Blayney Shire Council Engineering Department is responsible for its management.

- Formal street tree plantings within the Town and Villages
 - Parks & Recreation
- Open Space and formal recreation areas
 - Parks & Recreation
- Naturally occurring trees, Outside of the Town and Villages
 - Operations

Table 1. below provides a list of open space and formal recreation areas within which trees will be maintained by Blayney Shire Council.



Blayney Shire Council Guidelines – Street & Open Space Tree Management

Table 1. Parks and reserves maintained by Blayney Shire Council

Locality	Description	Lot	DP
Barry	Old School yard, Barker Street	20	812822
Blayney	Carrington Park	2	1038633
	Heritage Park adventure playground and wetlands	320	750380
		701	1023215
	King George Oval	23	726951
	Napier Oval and Hobbys Yards Road open parklands	53	237649
	Dakers Oval	1	758121
		2	
		3	
		4	
		5	
		7001	1023253
	Church Hill	4	871015
		1	134341
	Stillingfleet Netball Precinct	73	547021
		2	1085587
		22	726951
		1	880776
	"Centrepont" aquatic centre grounds	1	1038633
	Blayney Showground	3	540356
		1	575355
	Blayney Shire Council Chambers grounds	26	758121
	Blayney Shire Community Centre	24	758121
	Blayney Shire Visitors Centre	25	758121
	Blayney Shire Library grounds	B	416702
	Medway/Mount Errol Street parklands	107	253126
		134	253126
	Innes Park	B	354739
	"Presidents Walk" open parklands, Martha Street	56	550010
	Amos Avenue Parkland	161	239084
	Athol Street Park	73	249131
	Cooper Street Park	3	1450
	Blayney Industrial area street verges	-	-
	Blayney Town Centre street verges	-	-
	Orange Road open parkland "Frog Hollow"	18	244853
		43	240960
		1	791883
		1	241681
	Main Western Railway tree corridor	28	1061031
		48	1063125
		20	1082402
	Mid Western Highway open parklands	103	253377
Carcoar	Carcoar Oval and parklands	7002	1023332
	"Fire Station" parklands	2	1045421
	Belubula River parklands	3	758225
		1	1090769
	Carcoar Cemetery	7308	1152303
		7309	
		7310	
		7001	1124380
	Dog Run – "Pound Flat"	201	1126303
		7012	1023248
	Carcoar street verges	-	-
Carcoar Dam	Open parklands	5	237226



Hobbys Yards Lyndhurst	Hobby Yards Cemetery	7007	1023380
	Capital Park	1	999523
	Lyndhurst Recreation Ground	7302	1148005
	Lyndhurst Memorial Hall	5	1095652
	Lyndhurst Cemetery	7303 1	1152289 927088
Mandurama	Street verges	-	-
	Mandurama Memorial Sporting Grounds	1	1088270
		2	
		3	
		4	1088272
		9	
		10	
		11	
		12	
		13	
		14	
		15	
		16	
		5	1088273
	Mid Western Highway verges	-	-
Millthorpe	Redmond Oval	235	750384
	Millthorpe Cemetery	1	650379
		1	1122648
		91	750384
	Native rehabilitation area	9	750384
		7003	1060551
Neville	Glenorie Road verges and dog run	-	-
	Millthorpe street verges	-	-
	Neville Memorial Park	1	402145
	Neville Cemetery	7008	1001763
		7017	96965
Newbridge	Neville street verges	-	-
	Newbridge Recreation Ground	1	154867
	Newbridge Cemetery	1	668089
		1	668403
		1	668404
		7006	1054063
		7007	
		7008	1055776
		7009	
		7010	
	Newbridge street verges	-	-
Panuara	Panuara parkland	148	750369
		149	
		150	

Council's Street Tree maintenance is undertaken on a routine basis through Blayney and the Villages, with Council staff acting in a pro-active manner, whilst also responding to community requests.

Council staff shall carry out all tree pruning work in accordance with AS 4373-1996.

3.2 Country Energy

Country Energy remains responsible for providing clearance to overhead electricity supply cables, and provides Council with appropriate support as required. As a result Council Parks and Recreation staff have not been required to obtain a certificate for wire pruning.



3.3 Blayney Shire Residents

Residents may attend to the watering of street trees located in front of their premises, however the tree remains the responsibility of Council.

Council encourages residents to water street trees in times of dry weather to ensure their survival. Council staff are available to provide advice to residents on these matters to ensure the tree remains in optimum condition.

Council discourages the placement of mulch (particularly grass clippings) around street trees, and the application of fertilisers, as these practices can be detrimental to the bark and overall health of the tree.

4. Parks and Recreation Resources

Council's Parks and Recreation staff consists of a Supervisor, Ganger, three (3) staff and one (1) apprentice, who maintain Council's Street Trees, recreational areas, cemeteries and sporting ovals.

Resources available to Parks and Recreation staff specifically for Street Tree maintenance include: -

- Vehicles – two (2) utilities, two (2) trucks,
- Plant – tractor with loader, kanga with backhoe attachment and stump grinder, and telehandler,
- A variety of different sized chainsaws,
- Pole pruner,
- Backhoe (as required),
- A variety of hand tools.

Council currently contracts qualified arborists to undertake detail pruning and dangerous tree removal.

5. Existing Trees

5.1 Street Tree Database

Council shall prepare and maintain a Street Tree database (Appendix A.) for the Town of Blayney and its Villages, to include information on existing Street Trees and recently planted trees. Data stored shall include the tree's location, species, size, estimated age, health, condition and surrounding hazards.

5.2 Customer Request System

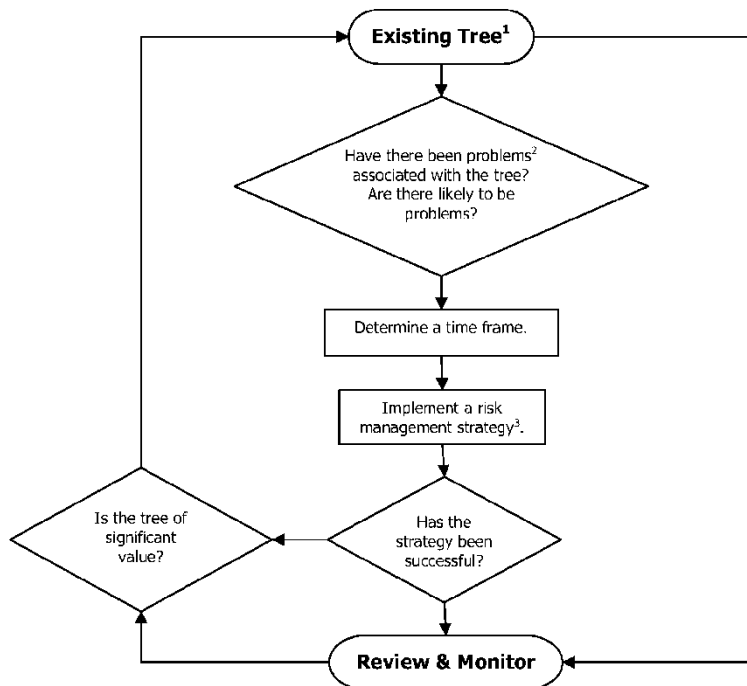
Council has a customer request system that Council staff shall register all tree related requests on. All requests shall be recorded against the subject property location, and also record any remedial action or maintenance works, in order to develop a history of work carried out.

5.3 Risk Management Strategy

Council staff shall systematically assess each tree under Council control in order to determine an appropriate risk management strategy. Figure 1. illustrates the method of undertaking such an assessment.



Figure 1 – Existing Tree Risk Management Process



Notes:

1. A tree planted by Council or under its control is defined as an artificial structure. Council shall take all steps to eliminate exposures caused by the tree. Council shall have such trees recorded in its "Street Tree Database".
2. Council has adopted a systematic approach to answering this question. Data shall be collected using Councils Customer Request System.
3. As provided in Table 2.



Table 2 – Risk Management Strategies for Existing Trees

Strategy	Description
Monitor trip points	Where no other practical method can be employed to prevent this occurring, a regular trip point inspection program should be instigated and pavement replaced or repaired as necessary.
Flexible pathways	Use of flexible material such as bitumen, paving, or rubber compounds for footpaths and tree surrounds, will reduce the occurrence of trip points and is less expensive and easier than concrete to maintain or replace when necessary.
Re-direct pathways	Where space allows, pathways should be re-directed away from trees/tree roots. It may also be beneficial to reduce the newly directed pathway width.
Bridging Footpaths	Self-supporting construction methods, such as pier and beam could be used to raise pathways above the roots, allowing for root expansion without damaging the pavement. Timber bridges are an effective option
Root pruning	Non-structural roots could be pruned on a predetermined basis under the guidance of a qualified arborist. This practice could be combined with installation of root barriers where appropriate.
Root barriers	Where future problems are perceived, barriers could be installed to deflect roots away from pavement or services.
Tunnelling for services	Tunnelling (directional boring) rather than open trenching for underground services, will greatly reduce public risk as well reducing injury to tree roots. If located deeply, root contact with the pipeline may be minimised as the majority of roots of most species will remain within the top 1 metre of soil (based on a soil with medium texture).
PVC welded piping	Replacement of old porous clay pipe mains with PVC or polyurethane mainlines will significantly reduce the potential for tree root entry.
Preventative tree maintenance	Trees in public areas should be regularly inspected and maintenance, such as dead-wooding and developmental pruning carried out as prescribed. Pruning should always be undertaken in accordance with AS 4373-1996.
Raising pathways	Where appropriate, pathways could be raised to reduce direct root pressure on the pavement. Care must be taken not to build up soil against the trunk of a tree. Aeration piping, in conjunction with geo-textile fabric and gravel should be installed between root zone and new pavement to aid with gas exchange to roots. Care should be taken to shape the new surface to drain water away from the trunk of the tree.
Insulated (ABC) cabling	Replacement of uninsulated overhead powerlines with insulated & bundled cables will reduce both the clearance needed and the pruning costs and severity.
Underground power & communications cables	The initially high cost of installing power underground may in fact be a practical option when compared with the projected cost of repeated pruning, the risk that this work involves to operators, the negative impact on trees, loss of public amenity and of urban forest economic contributions.
Diverting services	Services could be diverted along roadways, rather than in the nature strip where a valuable stand of trees is present. To make this option more attractive to service providers, Councils may wish to consider waiving road opening fees.
Diverting kerb/gutter	When possible, kerb/gutter could be diverted around tree roots or further away from the trunk, creating an island around the tree.



Enlarging root zone	Where space allows, a designated area above the root zone of the tree should be enlarged/created to accommodate surface roots. Rather than turf, this area could be formed into a garden bed, mulched or covered with a suitable tree grate.
Formative pruning	Early pruning will reduce the development of structural weaknesses in older trees. Refer to AS4373 <i>Pruning of Amenity Trees</i> .
Remove target	In some situations it is preferable to remove a potential target, such as a seat rather than to remove a tree in order to abate a hazard.
Remove the defect	This could include pruning of live or dead branches or the removal of co-dominant stems.
Tree engineering	In some cases cabling may be used to support tree structure or to control the direction of a possible failure. This is highly specialised work.
Tree removal	In some situations it may be preferable to remove a tree and replace with a more suitable species, perhaps in an alternative location. In all cases of tree removal it is necessary to ensure that the removal is mitigated in order to ensure the future integrity of the urban forest.

5.4 Inspection Program

Blayney Shire Council will undertake inspections of all of its Street Trees every three years in accordance with Council's Street Tree Policy, procedures outlined within this guideline, and by reference to the Manual. The inspection program will be the responsibility of the Parks Supervisor.

Council maintains a pro-active approach to Street Tree maintenance, rather than a reactive response regime, and this continues on an ongoing basis, as part of councils routine maintenance programs.

When assessing the financial risk of tree retention, Council shall consider three matters:

- **Damage to Council property** – this information can be obtained from Council's maintenance records and replacement costs held by Council;
- **Damage to third party property** – this includes damage to fences, paths and driveways, services, motor vehicles and homes, and;
- **Injury to third party** – slips, trips and falls as a result of damage attributed to trees and tree roots.

5.5 Tree Maintenance

Blayney Shire Council acknowledges there are two fundamental reasons to undertake tree maintenance or tree pruning work on Street Trees, formative pruning for young trees, and maintenance pruning.

5.5.1 Formative Pruning

Formative pruning is the care and development of a young tree's structure. To ensure that formative pruning is carried out appropriately and the tree retains its integrity, an understanding of the natural form is essential.

Formative pruning work may involve the removal of low branches and the reduction of a tree to one leader.

In the early stages of a tree's development, formative pruning undertaken by appropriately trained staff will support the long term goal of reduced maintenance and improve the vigour and life span of the tree.



5.5.2 Maintenance Pruning

Maintenance pruning is undertaken as a tree matures to reduce the impact of the tree on services, raise the canopy height clear of footpaths and roadways, clear structures and to remove decayed or damaged limbs.

Council ensures that members of its Parks and Recreation staff are suitably qualified to “read” a tree and predict future branch growth and direction, so that pruning work is undertaken to remove future impacts of the tree at an early stage.

By undertaking such work whilst branches are small, supports Councils objective of reducing levels of damage to trees and wound exposure at the point of branch removal.

Council’s Parks and Recreation staff are fully aware of the requirements to ensure clearance of trees and limbs from roads and footpaths, however Council receives requests from members of the public to undertake such work and to prune branches overhanging private property to reduce the amount of debris fall.

Tree pruning work permitted to be undertaken by Council’s Parks and Recreation staff at the request of a resident includes: -

- Pruning some or all overhanging branches over a property to reduce debris shed from the tree,
- Root pruning and installation of root barrier,
- Thinning (at Parks and Recreation Supervisors discretion) of the tree’s canopy to permit natural light to filter through the canopy,
- Pruning to maintain clear sight lines for exiting driveway safety,
- Control of pests and diseases,
- Pruning work to remove defect or damaged branches.
- Emergency pruning in the event of storm damage being sustained by the tree.

5.6 Tree Removal

5.6.1 Formal Procedure

Consideration for the removal of trees on public lands will only be undertaken upon receipt of a written request to council, unless the removal is required for safety reasons.

A written request must outline reasons for the tree’s removal, and upon receipt of the request Council staff shall undertake an inspection of the subject tree using the assessment criteria and considerations in Table 3.



Table 3 – Assessment Criteria

Assessment Criteria	Considerations
Aesthetic Value	Is the tree part of a major planting? What effect will its removal have on the existing streetscape?
Historical Value	Estimated age of the tree. Estimated remaining life of the tree. Heritage value.
Scientific Value	Is the tree a rare or endangered species - either globally or locally?
Social Value	How long has the tree been there as opposed to the resident?
Health	Is the tree in decline or suffered physical damage i.e. pests, disease, storm etc
Safety	Does the tree pose a danger/threat to property or people?
Effect on existing services or infrastructure	i.e. invasive root system, limbs into powerlines etc.
Estimated dollar value of the tree according to Australian Standard	

Upon consideration of all of the above factors, a written report shall be prepared and a response provided to the applicant, by appropriately qualified staff.

In the event that the applicant disagrees with Council's decision, the advice of a qualified arborist may be sought, at no cost to Council.

5.6.2 Community Notification

Should the determination have been to remove the subject tree, the following notification(s) of affected residents will be undertaken:-

a. Street Tree

- The occupiers of the properties immediately adjoining the subject property and those directly opposite the three corresponding properties will be issued with a letter notifying them of the tree's removal.

b. Public Open Space Tree

- A letter notifying the occupiers of properties directly affected by a tree's removal will be issued.

Letters will be distributed at least 7 days prior to work being undertaken to remove the tree.

Should a tree be identified as requiring immediate removal for safety or hazardous reasons, Council staff have delegated authority to arrange for the removal of the subject tree by qualified staff or contractors.

In the case of a tree being identified as requiring immediate removal for safety or hazardous reasons, properties directly affected by the removal shall be door knocked for verbal notification prior to work commencing.



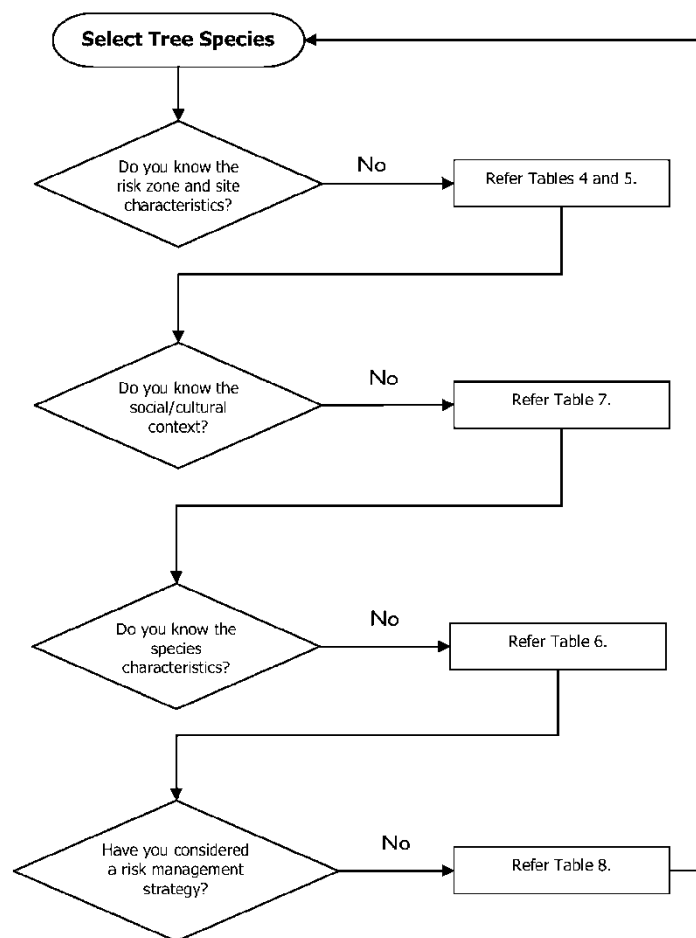
6. Tree Selection and Establishment

It should be noted that trees provide a number of benefits and characteristics to the urban environment and must be considered as assets. To protect and enhance the physical and environmental characteristics of the Blayney Shire LGA, and to support healthy tree growth, the following list of factors must be considered when making decisions relating to street trees.

- Location.
- Species.
- Social and Cultural.
- Planting and Establishment.
- Maintenance and Pruning.
- Administration.

Figure 2 illustrates the methodology to be adopted for the selection of trees.

Figure 2 – Species Selection Flowchart





6.1 Location

In determining the location of a new tree; to ensure the long term survival, considerations shall include the following factors: -

- Services.
- Structures.
- Space.

The aim is to determine a location that provides and supports the streetscape and amenity of the area, and does not adversely affect: -

- Visibility of, or for motorists and pedestrians.
- Signage.
- Street lighting.
- Solar access to private dwellings.
- Driveways.

Site constraints include those structures above and below ground which may be damaged due to the selection of an inappropriate species, that may directly or indirectly give rise to a member of the public seeking compensation for damage or loss.

A list of site constraints may include (but not be limited to):-

- Overhead services (electricity and communications),
- Street lighting,
- Footpaths,
- Kerb and guttering,
- Road surface s and vertical clearances for vehicles,
- Buildings and fences,
- Underground services (electricity, gas, communications, water and sewer).



Table 4 – Tree Planting Risk Zones in Streets

	Zone A Most Constraints	Zone B Moderate Constraints	Zone C Few Constraints
Overhead Services	<ul style="list-style-type: none"> • non insulated low and high voltage wires • bushfires area 	<ul style="list-style-type: none"> • bundled cables (ABC) • insulated cables 	<ul style="list-style-type: none"> • no powerlines
Underground Services	<ul style="list-style-type: none"> • optic fibre cables • high voltage power 	<ul style="list-style-type: none"> • water mains • gas mains • sewer mains • stormwater 	<ul style="list-style-type: none"> • no underground services
Slope	<ul style="list-style-type: none"> • steeply sloping 	<ul style="list-style-type: none"> • moderately sloping 	<ul style="list-style-type: none"> • generally flat
Paved Areas	<ul style="list-style-type: none"> • wholly concrete paved • wholly sealed • brick paving on sand bedding 	<ul style="list-style-type: none"> • partially paved areas • non reinforced concrete 	<ul style="list-style-type: none"> • grass upto 6m
Verge Width	<ul style="list-style-type: none"> • less than 3.0m 	<ul style="list-style-type: none"> • from 3.0 – 4.0m 	<ul style="list-style-type: none"> • 4.0m or wider
Building Setback	<ul style="list-style-type: none"> • none 	<ul style="list-style-type: none"> • less than 6.0m 	<ul style="list-style-type: none"> • 6.0m or greater
Street Lighting	<ul style="list-style-type: none"> • over pedestrian crossings • traffic intersections 	<ul style="list-style-type: none"> • street lighting other than crossings and intersections 	<ul style="list-style-type: none"> • no street lighting
Traffic Signage	<ul style="list-style-type: none"> • dual carriageways • arterial roads • high density residential streets 	<ul style="list-style-type: none"> • medium density residential streets • arterial roads in rural zones 	<ul style="list-style-type: none"> • low density rural/residential streets
Traffic	<ul style="list-style-type: none"> • heavy vehicles • high volumes of public transport 	<ul style="list-style-type: none"> • moderate volumes of heavy vehicles or public transport 	<ul style="list-style-type: none"> • low volumes of public transport • low volume residential traffic • cul-de-sacs
Soils	<ul style="list-style-type: none"> • severely compacted • shallow • reactive clay • acid sulphate • poor drainage 	<ul style="list-style-type: none"> • moderately compacted • urban fill • moderate drainage 	<ul style="list-style-type: none"> • undisturbed soil • deep profile • medium texture • good natural drainage
Water Table	<ul style="list-style-type: none"> • high 	<ul style="list-style-type: none"> • moderate depth 	<ul style="list-style-type: none"> • deep water table

Areas in column A with most constraints represent the highest potential risk and therefore require greater emphasis on risk management. These areas are typical of the Blayney CBD, high density sites, tourist and visitor precincts and the like where trees are highly desirable and often critical components of the landscape. In these areas the objective shall be to minimise risk associated with trees by selecting trees that will have minimal impact upon and be minimally impacted by their new environment.



Table 5 – Tree Planting Site Characteristics

	A Most Constraints	B Moderate Constraints	C Few Constraints
Climate	<ul style="list-style-type: none"> • prevailing wind exposure • rain shadow • extensive sealed ground surface 	<ul style="list-style-type: none"> • moderate wind exposure • partial rain shadow • partially sealed ground surface 	<ul style="list-style-type: none"> • minimal wind exposure • no rain shadow • minimal sealed ground surface
Slope	<ul style="list-style-type: none"> • steeply sloping 	<ul style="list-style-type: none"> • moderately sloping 	<ul style="list-style-type: none"> • minimal slope • generally flat
Aspect	<ul style="list-style-type: none"> • southern and western exposures 	<ul style="list-style-type: none"> • either southern or western exposure 	<ul style="list-style-type: none"> • northern and eastern exposure
Street Width & Usage	<ul style="list-style-type: none"> • narrow • CBD • arterial – high traffic volume 	<ul style="list-style-type: none"> • narrow • non CBD • collector roads – moderate traffic volumes 	<ul style="list-style-type: none"> • residential • wide
Soil Type & Drainage	<ul style="list-style-type: none"> • reactive clay • poor drainage • saline 	<ul style="list-style-type: none"> • non reactive clay • average drainage 	<ul style="list-style-type: none"> • free draining open textured soil
Services	<ul style="list-style-type: none"> • Overhead and underground services 	<ul style="list-style-type: none"> • Overhead or underground services 	<ul style="list-style-type: none"> • No utility services

6.2 Species

The evaluation of a site shall be required to determine the constraints and determination of the desired outcome.

Will the tree be a feature tree, provide screening, or be part of a corridor planting?

What size or growth habit will the tree attain at maturity? Preference should be on consideration of these questions rather than on a particular species.

A preferred species list (Appendix B.) has been developed to assist in the selection process. From the list a suitable species can be selected that meets the site constraints.

Characteristics of the species should be considered prior to selection for a particular location, including: -

- Fruit and flower drop.
- Suckering.
- Root system vigour.
- Self seeding potential.
- Deciduous or Evergreen.

When selecting a species for new street plantings or the replacement of an “avenue” of trees that show signs of senescence, the site constraints for the highest zone shall be applied to all sites within the section to be planted or replaced.

The species or range of species suitable for the location with the greater number of site constraints shall then be chosen for all sites in the particular project. Thus ensuring that streets are lined with a single species to form an avenue or a single species on each side of the roadway.



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Table 6 – Preferred Species and Characteristics List

Species	Name		Height (m)	Spread (m)	Form (1)	Fruit Flower (2)	Constraint Zone (3)	Longevity (4)	Powerlines (5)
	Botanical	Common							
Large Trees									
	<i>Quercus sp</i>	Oak	30	20			A	L	U
	<i>Eucalyptus sp</i>	Eucalyptus	35	25			A	L	U
	<i>Ulmus sp</i>	Elm	45	25			A	L	U
	<i>Platanus sp</i>	Plane	35	25			A	L	U
	<i>Liquidambar sp</i>	Liquidambar	30	20			A	L	U
	<i>Acer sp</i>	Maple	30	15			B	L	U
Medium Trees									
	<i>Fraxinus sp</i>	Ash	15	8			A	L	U
	<i>Magnolia sp</i>	Magnolia	10	8			C	L	S
	<i>Pyrus sp</i>	Ornamental Pear	15	8			B	L	U
Small Trees									
	<i>Malus sp</i>	Crab Apple	6	4			C	M	S
	<i>Lagerstroemia indica</i>	Crepe Myrtle	6	5			C	M	S
	<i>Prunus sp</i>	Flowering Plum	6	4			C	M	SP
	<i>Prunus sp</i>	Ornamental Cherry	5	4			C	M	S
	<i>Photinia sp</i>	Photinia	6	4			C	M	S
	<i>Callistemon sp</i>	Callistemon	6	4			C	M	S
Conifers									
	<i>Pinus radiata</i>	Radiata Pine					A	L	U
	<i>Xcupressocyparis leylandii</i>	Leyland Cypress					A	M	U
	<i>Cupressus torulosa</i>	Torulosa Cypress					A	L	U



Legend:

<p>(1) FORM A guide to the general shape or profile that indicates the mature form of a species. Column-like eg. <i>Callitris rhomboides</i> (Port Jackson Pine) Pyramidal eg. <i>Brachychiton spp.</i> (Illawarra Flame tree) Broad-Domed eg. <i>Ficus rubiginosa</i> (Port Jackson Fig) Narrow-Domed eg. <i>Lophostemon confertus</i> (Brush box)</p>	<p>(4) LONGEVITY The potential useful life expectancy of a nominated species when planted in the public domain eg. streets, parks, reserves, easements. S Short – less than 15 years M Medium 15 – 40 years L Long > 40 years</p>
<p>(2) FRUIT, FLOWER, TWIG or BRANCH SHEDDING A rating for the tendency to shed material, such as fruit, flowers, twigs and branches. Key Fr – fruit H – heavy (large amount of fruit fall with risk implications) L – light (limited amount of fruit fall with risk implications) R – respiratory (as recommended by Australian Asthma Foundation) Fl – flower H – heavy (large amount of flower with risk implications) L – light (limited amount of flowers with risk implications) R – respiratory (as recommended by Australian Asthma Foundation) Br – branch H – heavy (listed in horticultural literature as potential large branch drop) L – light (limited amount of small diameter branches/twigs)</p>	<p>(5) POWERLINES Suitability for planting beneath insulated (Aerial Bundled Cabling or ABC) and uninsulated powerlines. Clearances from insulated wires are less than for clearances from uninsulated wires. Refer to energy supply authority guidelines. U Unsuitable S Suitable SP Suitable if given cyclical pruning</p>
<p>(3) CONSTRAINT ZONE A rating on the potential conflict between tree species and infrastructure based on an assessment of factors detailed in Statewide Best Practice guidelines for trees and tree roots. A - Most constraints B - Moderate constraints C - Least constraints</p>	



6.3 Social and Cultural Context

The evaluation of a site shall also take consideration of the social and cultural context and be rated accordingly, as described by Table 5.

Table 7 – Social and Cultural Context

Context	Importance			Comment
	Low	Medium	High	
Heritage				
Architectural Style				
Community Values				
Wildlife Habitat				
Street Character				
Landscape Character				

6.4 Planting and Establishment

The vigour and longevity of a tree is determined by the factors affecting it in the early stages of establishment, and ultimately play a part in the health and survival of street trees, including: -

- Transplant shock,
- Watering regimes,
- Overshadowing,
- Vandalism, and,
- Mechanical damage.

It is therefore important that in the first 3 - 5 years of a tree, it is well maintained through appropriate irrigation, protection from mechanical damage, and is planted in a location that is well prepared, with appropriate drainage, soil medium and fertilising.

Most tree related problems are caused by inadequate tree selection and placement, it is therefore vital that effective risk management strategies are employed, including those listed in Table 6.



Table 8 – Risk Management Strategies for New Trees

Strategy	Description
Root barriers	Installation of root barriers to manufacturers specification at the time of planting will assist tree roots to develop away from services, pavements and other structures. NOTE OF CAUTION Tree root barriers do require periodic monitoring as roots deflected downwards will return to the surface if soil oxygen levels are not sufficient to support growth at depth. Roots can also grow over the barrier in some situations
Soil compaction	Proper compaction of the soil when back filling trenches or around utility easements and house footings will direct tree roots away from these areas. By achieving and maintaining compaction to 95% root growth can be inhibited through the depravation of oxygen.
Pseudo street trees	Residents could be encouraged to plant trees within their boundaries in preference to street tree planting. This might allow larger species to be used, and reduce pressure on pavements and services.
Design of new roads and pathways	The design of new roads and footpaths should be undertaken with consideration for tree planting on the nature strip or in the road pavement to ensure appropriate allocation of space.
Provision of aeration and irrigation	Where there is to be continuous paving around a tree, the installation of an aeration and irrigation system should be considered. Where irrigation is installed and properly operating, a tree root system will be proportionally smaller than without irrigation.
Pavement Openings	Pavement openings at the base of the tree should be as large as possible to reduce the future impact of buttressing roots on pavements. Position of the tree should be a good distance (eg 1 m) from the kerb line to reduce the likelihood of future cracking.

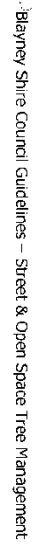
6.5 Maintenance and Pruning

Once planted the pruning of trees should only occur when the need arises. This is important as it minimises the incidence of disease or insect attack. The major maintenance requirements for trees are: -

- Formative pruning of young trees,
- Maintenance of sight lines for motorists and pedestrians,
- Repair or removal of decayed or damaged trees or limbs,
- Control of pests and disease,
- Root pruning to remove trips and protection of infrastructure,
- Directional pruning to establish clearances to structures, services and roadways.

6.6 Administration

Council staff shall include new tree plantings and retire expired tree locations on a routine basis on Councils Street Tree database.



Appendix A Street Tree Database

[illegible]



Key		Criteria		Comments
House No		House No. of Location		
Species		Species Name or tree type		
Type		R Remnant P Planted S Self Sown		Self explanatory; of use when negotiating cost sharing for line clearing operations
Age class		Y Young = recently planted S Semi-mature (< 20% of life expectancy) M Mature (20-80% of life expectancy) O Over-mature (> 80% of life expectancy)		
Height		In metres		
Crown Dia.		Average diameter of canopy in metres		
Crown Condition		Overall vigour and vitality 0 Dead 1 Severe decline (< 20% canopy; major dead wood) 2 Declining (20-60% canopy density; twig and branch dieback) 3 Average/low vigour (60-90% canopy density; twig dieback) 4 Good (90-100% crown cover; little or no dieback or other problems) 5 Excellent (100% crown cover; no deadwood or other problems)		This requires knowledge of species.
Root Damage		Y Yes N No		
O/H Services		Y Yes N No		
U/G Services		Y Yes N No		
Target Code		Rates the use and occupancy of the area that would be struck by the defective part 1. Occasional use (eg jogging/cycle track) 2. Intermittent use (eg picnic area, day use parking) 3. Frequent use, secondary structure (eg seasonal camping area, storage facilities) 4. Constant use, structures (eg year-round use for a number of hours each day, residences)		
Action Code		0 None 1 Lift Crown 2 Remove Hanging Branch 3 Deadwood 4 Remove and Replace 5 Thin Crown 6 Reshape Crown 7 Root Guard 8 Detail Prune 9 Water 10 Insect Control 11 Fertilise 12 Root Prune 13 Investigate Vandalism 14 Investigate Damage by Vehicle 15 Cut and Paint (Glyphosate) 16 Remove and Grind Stump 17 Transplant 18 Investigate Effects on Infrastructure 19 Stake and Tie		
Condition Class		G Good A Average P Poor D Dead/Dying		



Appendix B Preferred Native Species List for Regeneration Area's and Rural Shelters / Buffer Zones

Species	Name		Mature Height
	Botanical	Common	
Acacia			
	cultriformis	Cascade Wattle	3-5m
	dealbata	Silver Wattle	12m
	decurrens	Green Wattle	12m
	implexa	Hickory Wattle	12m
	melanoxylon	Blackwood	20m
	pravissima	Ovens Wattle	6m
	rubida	Red Stern Wattle	3m
	vestita	Hairy Wattle	4m
Banksia			
	ericifolia	Heath Banksia	2m
	integrifolia	Coast Banksia	7 – 10m
Callistemon			
	citrinus	Red Bottlebrush	2m
	pallidus	Lemon Bottlebrush	3 – 4m
	paludosus	River Bottlebrush	4 – 10m
Casuarina			
	cunninghamiana	River She Oak	20m
	dillwynia retorta	Parrot Pea	1 – 2m
Daviesia			
	latifolia	Hop Bitter Pea	2m
	virgata	Slender Bitter Pea	0.5 – 2m
Dodonea			
	boroniifolia	Hairy Hop Bush	0.5 – 2m
	viscosa	Giant Hop-Bush	6m
Eucalyptus			
	aggregata	Black Gum	20m
	albens	White Box	16m
	blakelyi	Red Gum	16m
	bridgesiana	Apple	15m
	dalrympleana	Mountain Gum	30m
	dives	Broad leaf Peppermint	25m
	goniocalyx	Long leaf Box	15m
	leucoxylon rosea	Pink flowering Yellow Gum	15m
	mannifera maculosa	Red Spotted Gum	10m
	melliodora	Yellow Box	16m
	ovata	Swamp Gum	12m
	pauciflora	Snow Gum	12m
	polyanthemos	Red Box	15m
	rossii	Scribbly Gum	15m
	rubida	Candlebark Gum	20m
	stellulata	Black Sally	10m
	viminalis	Ribbon Gum	20m

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Grasses (Dry)			
	dianella revoluta	Blue Flax Lily	1m
	lomandra longifolia	Lomandra	1m
	poa labillardierei	Poa Tussock	1m
	themeda australis	Kangaroo Grass	1.5m
Grasses (Wet)			
	carex appessa	Swordsedge	1m
	juncus usitatus	Rush	1m
Grevillea			
	rosmarinifolia	Rosemary	2m
Hakea			
	salicifolia	Willow leaf Hakea	4m
Hardenbergia			
	violacea	Purple Coral Pea	1m
	indigofera australis	Austral Indigo	2m
Leptospermum			
	myritfolium	Swamp Tea-tree	1 – 3m
	obovatum	River Tea-tree	2 – 4m
Melaleuca			
	armillaris	Honey-Myrtle	5m
	decussata	Cross-leaf Honey Myrtle	5m
	ericifolia	Swamp Melaleuca	3m
	incana	Grey Honey Myrtle	2m
	pultenaea	Bush Pea	2m
Westringia			
	fruticosa	Coast Rosemary	2m



Blayney Shire Council Guidelines – Street & Open Space Tree Management

Plants that grow well in the Blayney Shire

Type	Name	
	Botanical	Common
Large Trees		
	<i>Quercus sp</i>	Oak
	<i>Eucalyptus sp</i>	Eucalyptus
	<i>Ulmus sp</i>	Elm
	<i>Platanus sp</i>	Plane
	<i>Liquidambar sp</i>	Liquidambar
Medium Trees		
	<i>Acer</i>	Maple
	<i>Fraxinus sp</i>	Ash
	<i>Magnolia sp</i>	Magnolia
	<i>Pyrus sp</i>	Ornamental Pear
Small Trees		
	<i>Malus sp</i>	Crab Apple
	<i>Lagerstroemia indica</i>	Crepe Myrtle
	<i>Prunus sp</i>	Flowering Plumb
	<i>Prunus sp</i>	Ornamental Cherry
Conifers		
	<i>Pinus radiata</i>	Radiata Pine
	<i>Xcupressocyparis Leylandii</i>	Leyland Cypress
	<i>Cupressus Torulosa</i>	Torulosa Cypress
Bulbs		
	<i>Narcissus sp</i>	Daffodil
	<i>Narcissus sp</i>	Jonquil
	<i>Lily – Amaryllis belladonna</i>	Belladonna
	<i>Agapanthus sp</i>	Agapanthus
	<i>Iris sp</i>	Iris
	<i>Lilium sp</i>	Lily
Shrubs		
	<i>Photinia sp</i>	Photinia
	<i>Viburnum sp</i>	Viburnum
	<i>Buddleja sp</i>	Buddleja
	<i>Forsythia sp</i>	Forsythia
	<i>Callistemon sp</i>	Callistemon
	<i>Rosa sp</i>	Rose
	<i>Nandina sp</i>	Nandina
	<i>Cheiranthus sp</i>	Wall Flower
	<i>Hydrangea sp</i>	Hydrangea
Climbers		
	<i>Solanum jasminoides</i>	Potato Vine
	<i>Trachelospermum Jasminoides</i>	Star Jasmine
	<i>Gelsemium Sempervirens</i>	Carolina Jasmine

The plants that have been mentioned above are a **guide only** to give residents an idea of the type of tough species that will perform well in the harsh Blayney climate. When choosing plants for this area, be mindful that they must be frost tolerant (below 10°C) as well as drought hardy.

Blayney Shire Council Guidelines – Street & Open Space Tree Management



It is advisable to research thoroughly any plant that you intend to place in the landscape. It is wise to consider the ultimate mature size of the plants and their impact on infrastructure, services and the environment. It can be an expensive, dangerous and sometimes very sensitive activity to remove inappropriate species as it may have to be done many years after the original mistake has been made.

A good way to assess which plants will suit your project is to look around the local neighbourhood and see what is growing well. If you see something that you like but you can't identify it, Council or your favourite nursery staff may be able to assist. Council's Parks staff can also offer advice on weeds, pests and disease problems.

Please consult with Council prior to planting on public land i.e. the footpath or road reserve as it is against Council's policy to do so without approval. Council will consider any proposal and may be able to assist when appropriate sites and plants are available.

For further information please contact Council's Parks and Recreation Section on (02) 6368 2104.



Blayney Shire Council Guidelines – Street & Open Space Tree Management

Appendix C “Overhanging Branches” letter

Date

Our Ref:

The Owner/Occupier
Address1
Address2
TOWN NSW POSTCODE

Dear Resident

RE: Overhanging Branches Notice

As part of Council's routine inspection programs, Council has identified vegetation on your property that presently overhangs the public footpath/roadway, and is impeding pedestrian access.

In the interests of public safety, Council requests that you prune branches overhanging from your property and across the public footpath. Please prune branches to a minimum height of 2.5 metres and back to the common boundary.

Council staff will be happy to provide advice on appropriate pruning techniques.

Your efforts in ensuring public safety and maintaining a clear public footpath are appreciated.

Should you have any other queries please contact Council's Parks Supervisor, Mr Brian Parker on (02) 6368 2104 during business hours.

Yours faithfully

Grant Baker
Director of Engineering
For General Manager



Appendix D Notification of work letter

Date

Our Ref:

The Owner/Occupier
Address1
Address2
TOWN NSW POSTCODE

Dear Resident

RE: Public Notice – Pruning of Street Trees

As part of Council's routine maintenance programs, Council has identified the need to undertake pruning work on the street tree located near your property.

Trained Council staff will undertake the work in the near future.

Reasons for this work may include:

- Public Liability
- Vehicular access or vision
- Pedestrian access
- Improved tree structure
- Removal of dead wood
- Removal of the tree

Council apologises for any inconvenience associated with this work.

Should you have any other queries please contact Council's Parks Supervisor, Mr Brian Parker on (02) 6368 2104 during business hours.

Yours faithfully

Grant Baker
Director of Engineering
For General Manager



Blayney Shire Council Guidelines – Street & Open Space Tree Management

Appendix E New Street Tree letter

Date

Our Ref:

The Owner/Occupier
Address1
Address2
TOWN NSW POSTCODE

Dear Resident

RE: Street Tree Planting by Council

As part of Council's beautification programs, immediately outside your home, Council has planted a

Council provides these trees to continue to provide for the beautification of Blayney and the surrounding villages.

The tree types and their planting locations have been carefully selected in respect to their mature growing size, shade and sunlight requirements, service locations, road safety matters and the existing landscape in the area.

Council seeks your support and assistance in the following manner:

- **Water in summer** – a good soaking every few days encourages the tree to develop deep roots, ensuring the best possible establishment period and future health of the tree. Avoid short shallow watering.
- **Do not prune the tree** – Council staff will maintain as necessary.
- **Do not fertilize** – Council has a fertiliser program in place.
- **Do not place mulch around the trunk of the tree** – grass clippings and other mulch placed around the trunk can greatly affect the health of the tree.
- **Maintaining your nature strip** – ensure mowers and brush cutters remain clear, avoiding damage to the trunk.

Council thanks you for your co-operation and assistance and looks forward to adding to Blayney Shires' existing treescape.

Should you have any other queries please contact Council's Parks Supervisor, Mr Brian Parker on (02) 6368 2104 during business hours.

Yours faithfully

Grant Baker
Director of Engineering
For General Manager



Appendix F “Unauthorised Pruning” letter

Date

Our Ref:

The Owner/Occupier
Address1
Address2
TOWN NSW POSTCODE

Dear

RE: Unauthorised Pruning of Street Trees

As part of Council's routine inspection programs, Parks and Recreation staff have identified that a number of Council's street trees have been pruned by persons other than Parks and Recreation staff.

Council notes that one such tree is located outside your property, and it is assumed that this work has been undertaken, with all good intentions, by yourself.

Council wishes to advise that street trees are the property of Council, and as such, Council is solely responsible for any pruning – thereby ensuring that:

1. **Trees are not overpruned.**
Street trees normally require minimal pruning, which is usually associated with branch lifting to provide for either pedestrian safety or to improve sight distances for motorists.
2. **Trees are properly pruned.**
Any pruning must be carried out by trained Council staff, unless prior arrangements are made with Council. Please note that street tree pruning will only be completed when considered necessary.
3. **Trees are maintained in good condition.**
Trees which are pruned by other than trained people can be spoiled forever through loss of their natural shape and, in addition, problems associated with decay and re-growth can occur.

Council acknowledges that most people who prune Council trees, do so with very good intentions, however Council would prefer that these good intentions be restricted to watering, and the reporting of damage and disease in the tree, to Council.

Should you have any other queries or consider a tree needs attention, please contact Council's Parks Supervisor, on (02) 6368 2104 during business hours.

Yours faithfully

Grant Baker
Director of Engineering
For General Manager



Blayney Shire Council Guidelines – Street & Open Space Tree Management

Appendix G “Unauthorised Planting” letter

Date

Our Ref:

The Owner/Occupier
Address1
Address2
TOWN NSW POSTCODE

Dear Resident

RE: Unauthorised Planting of Street Trees

As part of Council's routine inspection programs, Council has identified unauthorised plantings adjacent to your property on council's road reserve.

In accordance with Council's Street Tree Policy, the planting of any tree or other plant by any person on public open space is prohibited without the prior written approval of Council.

Council staff will be happy to provide advice on appropriate species, and suitable locations.

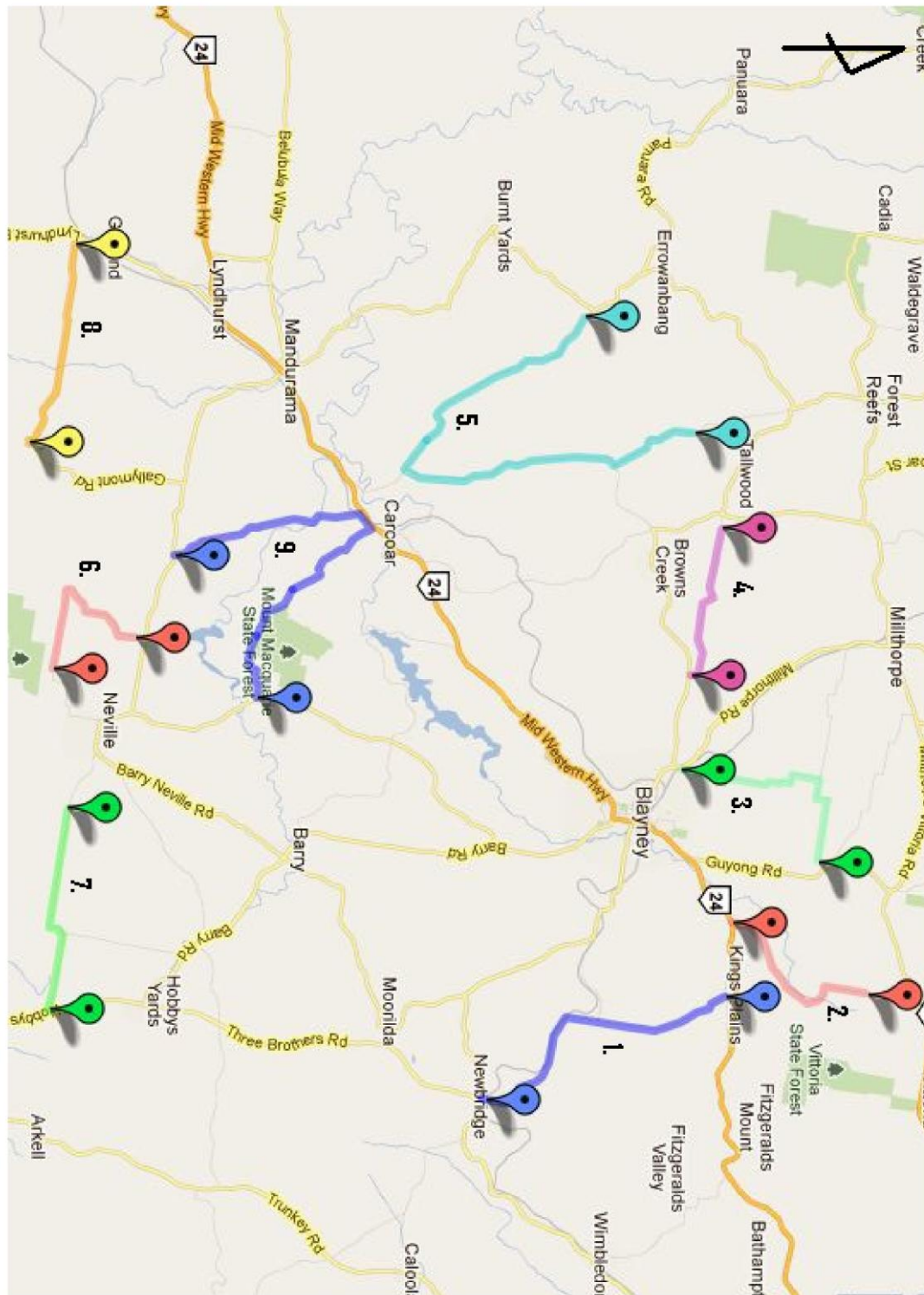
Please contact Council's Parks Supervisor within fourteen (14) days of this notice, to make suitable alternate arrangements.

Your efforts in ensuring public safety and maintaining a clear public footpath are appreciated.

Should you have any other queries please contact Council's Parks Supervisor, Mr Brian Parker on (02) 6368 2104 during business hours.

Yours faithfully

Grant Baker
Director of Engineering
For General Manager



ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 8 AUGUST 2011



18) **A NEW PLANNING SYSTEM FOR NEW SOUTH WALES**
(NSW)
(Senior Town Planner)

RECOMMENDED:

1. That the report on a new planning system for NSW be noted by Council.

REPORT

The NSW Department of Planning and Infrastructure has announced that a major review of the primary legislation governing land use planning and development assessment matters will be undertaken over the next two (2) years.

The attached Fact Sheet, produced by the NSW Department of Planning and Infrastructure provides an overview of the proposed process. It is suggested that Councillors familiarise themselves with the content of this Fact Sheet as this will form the basis of future changes to the planning system.

Further information will be provided to Council as information becomes available.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

1 A New Planning System For NSW 2 Pages

19) **DEVELOPMENT APPLICATION NUMBERS INCREASING**
(Manager Health & Building)

RECOMMENDED:

1. That the report on Development Application Numbers Increasing be noted by Council.

REPORT

Based on recent applications received at Council, Blayney Shire has been undergoing a strong trend toward the growth of construction and development.

In this financial year, there has been a steady flow of applications being received at Council. Of the twenty two (22) applications received between the 4th July 2011 up until the 26th July 2011, twelve (12) applications are for new dwellings.

This result follows on from a strong trend in recent months. Developments received since 28th March 2011 include a temporary accommodation facility for two hundred (200) residents, a number of commercial applications including a warehouse addition at Nestle Purina, subdivisions and a further twelve (12) dwelling applications.

The strong application numbers being received have been stretching Council's resources to keep up with the demands.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

Nil

20) **NEW REQUIREMENTS FOR MOVEABLE ACCOMMODATION**
(Manager Health & Building)

RECOMMENDED:

1. That the report on New Requirements for Moveable Accommodation be noted by Council.

REPORT

From 1999 to 2010, Fire and Rescue NSW firefighters attended more than 692 fires involving moveable accommodation, which resulted in 12 deaths and another 72 injuries.

In response to the deaths and injuries, legislation has been introduced to require fitting of smoke detector alarms in moveable accommodation vehicles where people sleep. New applications made under Section 68 of the Local Government Act are now required to fit the smoke detector alarms. This includes caravans, campervans, holiday vans, park van annexes and associated structures.

Owners of moveable dwellings have six months to install smoke alarms to comply with the regulation. From August 25, 2011, on-the-spot fines of up to \$200 (or up to \$550 if the matter proceeds to court) will apply to the owner of any moveable dwelling that does not have a working smoke alarm installed.

Penalties apply immediately for people who remove or interfere with a smoke alarm already installed in a caravan or mobile home.

Caravans and campervans typically have limited escape options in the event of a fire, along with lightweight and combustible fittings making the need for effective smoke alarms an imperative in all circumstances.

When undertaking the annual caravan and camping ground inspection, Council officers will inspect the on site moveable accommodation vehicles to verify compliance with the new requirements.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

Nil

21) **REPEAL OF PART 3A OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979**
(Senior Town Planner)

RECOMMENDED:

1. That the report on the repeal of Part 3A of the *Environmental Planning and Assessment Act 1979* be noted.

REPORT

On 22 June 2011, the NSW Parliament passed a Bill to repeal Part 3A of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and replace it with an alternative system for the assessment of projects of genuine State Significance.

The *Environmental Planning and Assessment Amendment (Part 3A Repeal) Bill 2011* proposes to establish two (2) separate assessment frameworks for either State Significant Infrastructure (SSI) or State Significant Development (SSD). Projects that fall under these two (2) categories will be assessed by the Department of Planning and Infrastructure and those that do not qualify as State Significant will be assessed by local Council.

The Bill also introduced a number of changes to the operation and makeup of the Joint Regional Planning Panels, including providing for additional transparency and greater local government input.

This is an interim assessment system which will be reviewed as part of the proposed review of the NSW planning system. The implementation of these changes will commence following the gazettal of the amended EP&A Act.

The attached Fact Sheet, produced by the NSW Department of Planning and Infrastructure provides an overview of the Bill. It is suggested that Councillors familiarise themselves with the content of this Fact Sheet as this will form the basis of future changes to the planning system.

Further information will be provided to Council as information becomes available.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

1 Repeal of Part3A 5 Pages

22)

LOCAL HERITAGE ASSISTANCE FUND 2011/2012

(Senior Town Planner)

RECOMMENDED:

1. That the report on the local heritage assistance fund 2011/2012 be noted by Council.

REPORT

Blayney Shire Council in conjunction with NSW Heritage Office has established the Local Heritage Assistance Fund. The NSW Heritage Office provides grants that are matched \$ for \$ with Council.

During the past financial year, Council has received applications seeking funding to assist positive work on places and buildings of heritage significance within the Blayney Local Government Area. During the 2010/2011 financial year Council issued six (6) Local Heritage Assistance Grants. Please refer to the attached document outlining a summary of the grants issued during this period.

Council is accepting applications for the Local Heritage Assistance Fund for 2011/2012.

BUDGET IMPLICATIONS

The 2011/2012 Management Plan outlines \$16,400.00 for the Local Heritage Assistance Fund.

POLICY IMPLICATIONS

Nil.

Attachments

1 Local Heritage Assistance Fund 2011/2012 1 Page

23)

PLANNING PROPOSAL REZONING 137 NEWBRIDGE ROAD (Director Environmental Services)

RECOMMENDED:

1. That the Director Environmental Services prepare a planning proposal for the rezoning of 137 Newbridge Road, as detailed in figure 1 (draft zoning plan).
2. That in addition to any other public consultation, the Director Environmental Services consult directly with the owner of 84 Newbridge Road, "Athol", in relation to this planning proposal.
3. That Council refer that completed planning proposal for 137 Newbridge Road, Blayney to the Department of Planning under Section 56 of the *Environmental Planning and Assessment Act 1979*.

REPORT

Executive Summary

Metziya Pty Ltd has approached Council in relation to preparation of a planning proposal for rezoning 137 Newbridge Road, Blayney, to Industrial, Rural Landscape and Special Purposes (Rail Siding). A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan.

Council workshopped this proposal on 20 July 2011, and agreed on a draft plan for rezoning as detailed below in figure 1.

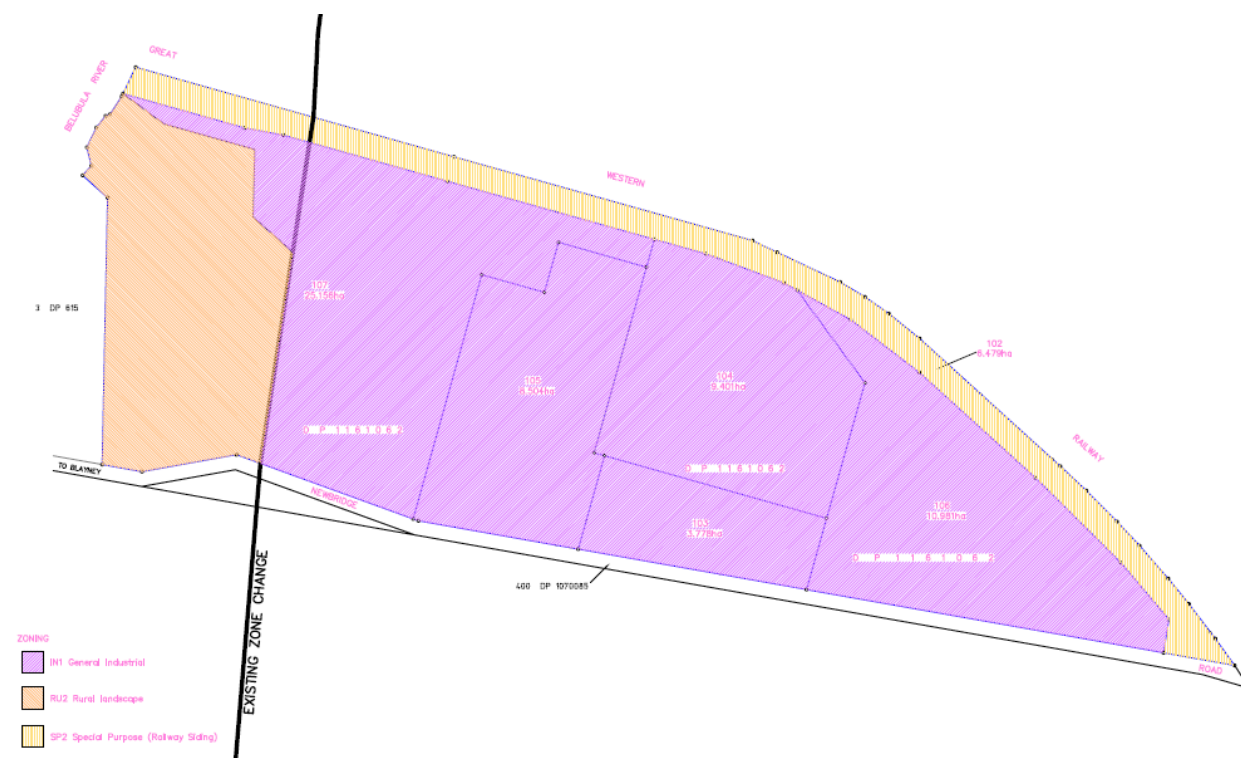


Figure – Draft Zoning Plan

The planning proposal is to be prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning's Guide to Preparing Planning Proposals. A Gateway determination under Section 56 of the Act is to be requested, which means referral to the Department of Planning for consideration.

Subject Land

The subject land is situated at 137 Newbridge Road, Blayney and has an approximate area of 64.3 hectares.

Industrial buildings are located within the subject land. These buildings comprise a floor area of approximately 26,200 m² plus office/staff amenities space. They are of steel frame construction with insulated metal clad walls and iron roofing. The floors are concrete. Wall heights are in the order of 10 metres while ridge height is approximately 12.6 metres. There are extensive concrete and bitumen driveways and vehicle manoeuvring areas

The administration section is at the front of the site and comprises concrete walls and a metal roof. The front of the building has a concrete carpark.

Lot 106 has been approved for the construction of a minerals filtration plant. Minerals concentrate will be exported by rail utilising the dual rail siding which has direct connection to the great Western Railway.

The subject land is serviced by Newbridge Road which is a two lane bitumen sealed carriageway. The section of the road from the Belubula River to the site entrance was reconstructed to a heavy duty pavement some 10 years ago funded by a Federal Government grant. There are three separate entrances to the property, two being farm entrance gates and the principle industrial access at the centre of the site.

The subject land and premises are connected to essential urban utilities, including town water, sewer, electricity and telephone partly funded with Government assistance.

Objective of the Planning Proposal

The objective of the planning proposal is to rezone the subject land from 7(a) Environmental Protection – Scenic 1(a) - General Rural Zone, to permit industrial development as follows:

The areas of the proposed zones are as follows:

IN1 Zone –	46.929 Ha
RU2 Zone –	10.891 Ha
SP2 Zone –	6.479 Ha

Please note that the planning proposal is a means of achieving the objectives and intended outcomes as outlined by the applicant. If Council supports the planning proposal it is confirming that it believes that to delay the rezoning of the subject land until the completion of the Council's new comprehensive

Local Environmental Plan would disadvantage the potential use of the subject land.



Figure 2 – Existing zoning

Conclusion

The subject land is within any industrial expansion area identified by the Councils of Blayney, Cabonne and Orange City, in the Sub-Regional Rural and Industrial Land Use Strategy, (the R&I Strategy).

The R&I Strategy at Page 85 states that *“Existing and proposed industrial areas within Orange City and the town of Blayney will be zoned for industrial purposes, in accordance with the Standard Instrument”*. Accordingly, the subject land is identified for rezoning to IN1 General Industrial SP2 Special Purpose Rail Siding and RU2 Rural Landscape were that proposal is supported by appropriate studies in relation to the the effect of the proposal on surrounding lands, including the effect of potential traffic generated from the land when developed. The rezoning is identified as industrial expansion in R & I Strategy areas as SA E Newbridge Road.

It is recommended that Council resolve:

1. That the Director Environmental Services prepare a planning proposal for the rezoning of 137 Newbridge Road, as detailed in figure 1 (draft zoning plan).
2. That in addition to any other public consultation, the Director Environmental Services consult directly with the owner of 84 Newbridge Road, “Athol”, in relation to this planning proposal.
2. That Council refer that completed planning proposal for 137 Newbridge Road, Blayney to the Department of Planning under Section 56 of the *Environmental Planning and Assessment Act 1979*.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

Nil

24)

REQUEST FOR RESOLUTION OF HERITAGE ISSUES

(Director Environmental Services)

RECOMMENDED:

1. That Council write to R & C Newman and again encourage them to lodge a Development Application for a Dwelling at 74 Crouch Street, Neville.

REPORT

Background

R & C Newman have previously met with Council staff and obtained pre-development application advice in relation to a proposal for a dwelling at 74 Crouch Street, Neville.

Written advice to R & C Newman in relation to this enquiry was provided, which included a range of recommendations from Councils Heritage advisor. This advice was provided on the basis that the property is in the vicinity of a heritage item, being the Neville Hotel.

Legislative Requirements

Clause 27 of Blayney Local Environmental Plan 1998 (Development in the vicinity of a heritage item) states:

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

Council must not consider or provide “in principle approval” for individual aspects of a proposal which requires development consent. A complete application is required for assessment and must contain the information

required by section 50 of the Environmental Planning and Assessment Regulation 2000.

Conclusion

R & C Newman have previously indicated their intention to lodge a development application for a dwelling on the subject land. If the applicant disagrees with the advice from Council in relation to any aspect of the proposal, including heritage, they are free to lodge an application in whatever form they wish, provided the application is accompanied by justifications for variation from Council advice.

As such it is recommended that Council write to R & C Newman and again encourage them to lodge a Development Application for a Dwelling at 74 Crouch Street, Neville.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

1 Letter From R & C Newman 2 Pages



A new planning system for NSW

INTRODUCTION

We all care about the regions, communities and streets in which we live. But many of us don't stop to think about how planning decisions are made to change or protect these areas.

The NSW Government is embarking on a major review of the system which defines how planning decisions are made. This will include the creation of new State planning legislation. This fact sheet explains how this review will be undertaken.

ABOUT THE CURRENT NSW PLANNING LEGISLATION

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the primary legislation governing land-use planning and development assessment matters in NSW. The law was developed in the 1970s and at the time was hailed as innovative and ground breaking. The law was originally designed to better integrate environmental concerns into land use planning and development control, more clearly define the role of State and local government, and increase community involvement in planning and assessment matters.

Over the last 30 years, the EP&A Act has been amended over 140 times – an average of more than four times per year. The majority of these changes were to speed-up planning decisions or deal with problems in the original legislation. Other changes responded to changing circumstances since 1979, including improving threatened species protection, defining the State's role in development assessment or dealing with corrupt activity. Many of these amendments individually had merit but have largely resulted in the EP&A Act lacking a clear overall focus and also being difficult to understand.

Furthermore, given the length of time since the EP&A Act was created, and the many new challenges and issues during this period, it is reasonable and timely to undertake a review and re-write. Issues likely to be examined include the role of any new legislation in regard to strategic planning, growth management and infrastructure provision. The roles of State and

local government and how to get high-quality public participation in the planning system will also be investigated.

THE PLANNING REVIEW PANEL

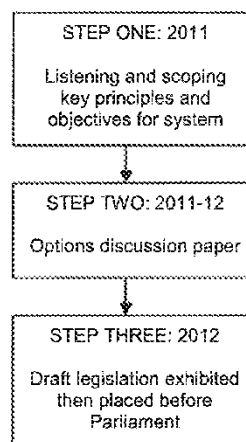
A Planning Review Panel will be established to oversee the review and provide independent advice to the Minister for Planning and Infrastructure and the NSW Government. The panel will also be the key interface with the community and key stakeholders and ensure a comprehensive community engagement and public participation process is undertaken.

To date, the NSW Government has announced that the review panel will be jointly chaired by:

- Former NSW Environment Minister and current Land and Environment commissioner Tim Moore; and
- Former NSW Minister Ron Dyer

THE STEPS FROM HERE

The review will be conducted in three stages.



Fact Sheet

Further information about the steps is provided below:

Stage One of the review will be a 'listening and scoping' stage led by the panel. The purpose of this stage is to identify the key outcomes and principles for a new planning system. At the conclusion of this stage, the panel will provide a report to the Minister for Planning and Infrastructure which will be publicly available.

Consultation with stakeholders and communities will be a key focus of this stage. The three stage review process has been designed specifically to build broad agreement and acceptance of the new planning framework through an inclusive consultation process.

It will be critical to the success of the review that individuals, stakeholders, groups and communities feel that they have had an opportunity to express their views and that the review process was genuine if we are to build confidence in the new planning system.

Stage Two will be the preparation and public exhibition of a discussion paper (or 'green paper') by a working group in collaboration with the panel. The discussion paper will be developed from the panel's recommendations from Stage One.

The discussion paper will put forward legislative and non-legislative proposals to improve the NSW planning system. These may include new administrative and governance arrangements and new delivery mechanisms.

In **Stage Three** the Minister for Planning and Infrastructure will build on the 'listening and scoping' and discussion paper stages, and the feedback received in each, to outline the NSW Government's new planning framework (or 'white paper') for the NSW planning system, including the new planning legislation in draft.

The Minister will use the panel as a reference group in developing the new planning framework and draft legislation. The draft legislation will be placed on public exhibition after being endorsed by Cabinet.

It is proposed to place the bill before Parliament in the latter half of 2012.

IMPORTANCE OF ENGAGEMENT AND CONSULTATION

The communication in the early stages of the review is proposed to be dynamic and interesting to ensure the community, local government and stakeholders are engaged and involved in the review. As such, there will be a clear program of engagement which goes beyond placing consultation document on a website and inviting comment.

Concepts being proposed include public talks, widespread public meetings, online consultation, advertising and intensive local government and stakeholder workshops.

FURTHER INFORMATION

Department of Planning & Infrastructure website: www.planning.nsw.gov.au or call our information centre on 1300 305 695.

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Environmental Planning and Assessment Amendment (Part 3A Repeal) Bill 2011: an overview

INTRODUCTION

The NSW Government has introduced a Bill into the Parliament to repeal Part 3A of the *Environmental Planning and Assessment Act 1979* (the EP&A Act). The Bill proposes to create alternative assessment systems which allow the NSW Government to assess and determine projects which are genuinely of State significance.

The *Environmental Planning and Assessment Amendment (Part 3A Repeal) Bill 2011* proposes to establish two separate assessment frameworks for either State significant infrastructure (SSI) or State significant development (SSD). Projects that fall under these two categories will be assessed by the Department of Planning and Infrastructure (the Department).

To this end, the Bill largely returns to the situation before Part 3A where two separate assessment pathways were in place for projects to be assessed by the State, namely:

- Linear public infrastructure projects such as railways, water supply systems, pipelines and transmission lines, or other development by a State agency which has a significant environmental effect; and
- Significant development types which require consent such as mines, chemical and manufacturing plants, warehousing and distribution facilities, hospitals and associated ancillary development.

The Bill also introduces a number of changes to the operation and make-up of the Planning Assessment Commission (PAC) and Joint Regional Planning Panels (regional panels), including providing for additional transparency and greater local government input.

Should the Bill be passed by the Parliament, a new State environmental planning policy (SEPP) will be drafted and published providing additional detail on the classes and thresholds for development to be considered as State significant. A policy statement provides more details.

This SEPP is proposed to be called *State Environmental Planning Policy (State and Regional Development) 2011* and known as the State and Regional Development SEPP.

This new SEPP will approximately halve the number of proposals dealt with by the State when compared with the former Part 3A system.

The *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) will also be amended to update a number of procedural and administrative arrangements. Other policy statements explain these proposed changes.

This is an interim assessment system which will be reviewed as part of the proposed review of the NSW planning system.

CHANGES ALREADY MADE

On 13 May 2011, the Minister announced some initial transitional arrangements pending the subsequent repeal of Part 3A. The predominant effect of these arrangements was to immediately revoke the Part 3A status of a number of residential, commercial, retail and coastal projects and generally hand the assessment of these projects back to the relevant local council.

STATE SIGNIFICANT DEVELOPMENT (SSD)

Development classes

Fact Sheet

Generally, SSD will include major projects that have the potential to deliver a significant economic input to the NSW economy and large-scale or complex projects that may involve significant environmental impact. It will include, amongst other major developments, the following categories:

- Mining and other extractive industries;
- Intensive livestock agriculture;
- Petroleum production;
- Chemical and other manufacturing;
- Warehouses and distribution centres;
- Hospitals;
- Some port facilities;
- Electricity generation; and
- Waste management facilities.

These projects may be lodged either by private or public proponents, but will generally be lodged by private proponents.

The number of classes of development that are to be considered State significant has been reduced when compared with Part 3A. For example, residential, commercial and retail projects are no longer considered by the NSW Government, and marinas have been excluded as a development class.

The thresholds for most classes have also substantially increased. For example, the threshold for what is considered a State significant warehouse and distribution centre will now increase from \$30 million to \$50 million. The thresholds have also been simplified.

A comprehensive list of the classes of development that are proposed to be considered as SSD and their relevant State significant thresholds are outlined in a Policy Statement entitled *Proposed State significant development and infrastructure classes* that has been published on the Department's website.

These changes are expected to result in around a 50 per cent reduction in the number of projects being dealt with by the State.

Specific sites

In addition to individual projects, the Bill also provides for the ability to identify specific sites as being of State significance in terms of their development potential or strategic importance and where, as a result, some or all development on the site will be identified as SSD.

An initial number of such sites will be included in the State and Regional Development SEPP and a list of these can be found in the Policy Statement. These sites have been largely transferred from the existing Major Development SEPP.

Other sites will be able to be subsequently added to the SEPP should their strategic importance to the State be genuinely established in the future. Such sites would include new, major urban renewal sites.

Assessment pathway

The process set out in the Bill for the assessment of SSD projects has been designed to largely reflect the current process utilised by local councils when assessing development applications under the existing Part 4 of the EP&A Act.

Under the SSD system, proponents will lodge an environmental impact statement (EIS) after taking into account any general or site-specific requirements issued by the NSW Government. The proposals will then be publicly exhibited for a minimum of 30 days.

An associated Regulation will require this exhibition to be extended by an additional 15 days if the exhibition period coincides with school holidays (a new provision that did not exist under Part 3A).

The SSD system encourages an integrated approach to assessing development by requiring the Department to assess matters which would ordinarily require a concurrence or subsequent approval from a number of other Government agencies, including heritage, threatened species and bushfire issues. The input of other State agencies is invaluable in this process and will occur through the issuing of Director-General's Requirements (DGRs) and consideration of the views outlined in submissions lodged by these agencies.

Unlike the Part 3A system, development standards in council local environmental plans such as height and floor space ratio will have to be considered in determining an SSD application.

However, as is the case with development applications lodged with local councils under Part 4, there is some flexibility to consider applications which exceed relevant local development standards under the provisions of *State environmental planning policy No. 1 – Development Standards* (SEPP 1).

Fact Sheet

It is, however, proposed that local development control plans (DCPs) will not apply to SSD as they are typically not prepared with major, complex classes of development in mind and often do not provide appropriate planning provisions for the types of proposals that are considered of genuine State significance.

Excluding DCPs in this way will ensure that relevant planning issues are assessed, taking into account site-specific factors and the individual merits of each proposal.

DCPs also often contain procedural requirements covering matters such as notification and advertising, for example, that are inconsistent with the proposed requirements for SSD set out in the Bill.

Critical infrastructure

A significant point of difference when compared with Part 3A, is that SSD will not be able to be declared as 'critical infrastructure'.

This means that critical infrastructure provisions, which deliver a streamlined assessment process and can include some restrictions on the availability of merit appeals, will now only be able to apply to SSI for major infrastructure projects generally carried out by public agencies and public-private partnerships.

The criteria for a project being declared critical infrastructure will remain the same: that, in the opinion of the Minister, it is essential for the State for economic, environmental or social reasons.

Call in powers

The Bill restricts the ability of the Minister to 'call in' projects which are not listed in the SEPP. The Minister may only call in a development as SSD where her/she:

- receives advice from the PAC about the State or regional planning significance of the proposal; and
- makes that advice publicly available.

The SSD assessment system does allow rezoning proposals to remove prohibitions to be considered at the same time as a specific development proposal is assessed, but places a new limitation on this approach by requiring that only the PAC (and not the Minister for Planning and Infrastructure) determines

the rezoning and any associated development application.

DETERMINING AUTHORITY

In establishing a new regime for the assessment of SSD, the Minister will delegate his decision-making authority for all projects lodged by private developers.

Under the proposed delegation, the PAC will determine larger and more controversial projects, while senior officers of the Department of Planning and Infrastructure will determine projects which have attracted fewer than 25 submissions by members of the public objecting to the proposal and where the local council has not objected.

The Minister's determination role will generally be limited to proposals put forward by State agencies, other Ministers and public proponents.

STATE SIGNIFICANT INFRASTRUCTURE (SSI)

Assessment process

The assessment process for SSI projects will have a number of similarities with the SSD process. For example, the proposal will be publicly exhibited for a minimum of 30 days and all relevant documentation, including the Department's assessment report and the reasons for determination, will be made publicly available.

Once a proposal has been received by the Department, a set of site-specific environmental assessment requirements will be prepared by the Department which the proponent must adequately address in its EIS. This was a step required under Part 3A and has now also been incorporated in the assessment process for SSI.

Also, as is currently the case under Part 3A, and was the case before Part 3A, the provisions in local or State planning instruments will not apply for SSI.

Development classes

The types of development that are proposed to be considered as SSI are outlined in a Policy Statement entitled *Proposed State significant development and infrastructure classes* that has been published on the Department's website.

Fact Sheet

SSI projects will generally involve large-scale linear infrastructure such as rail lines, roads, electricity transmission lines and pipelines (often traversing several local government boundaries). It will also involve activities by a State agency which don't require consent under an environmental planning instrument, but may have a significant environmental effect such as ports and major water supply systems.

Proposals that meet both the SSI and SSD criteria will generally default to the SSD process, to ensure that the use of the SSI process is restricted mainly to public authorities undertaking infrastructure projects.

Staged proposals

The new SSI process also allows for the approval of infrastructure proposals to be carried out in a staged manner. Under this process, an applicant may receive approval for an initial concept proposal, with actual construction of subsequent parts of the infrastructure requiring separate applications and approvals.

Generally the Minister will determine SSI applications, with applications to be determined by senior officers of the Department of Planning and Infrastructure if there are fewer than 25 submissions by members of the public objecting to the proposal and the relevant local council does not object to the proposal.

TRANSITIONAL ARRANGEMENTS

The Bill includes broad saving and transitional provisions for the repeal of Part 3A. More detailed savings provisions will be set out in the associated Regulation to provide for Part 3A projects that are currently with the Department but have not yet been determined.

Generally:

- Existing Part 3A projects that fall within the one of the SSI classes will be dealt with under the new SSI regime.
- Other existing Part 3A projects will continue to be dealt with under Part 3A as long as DGRs have been issued for the project before the repeal of Part 3A.
- If DGRs have not been issued, these projects will be assessed as SSD (or by council if they don't fall within one of the SSD classes).

In addition to the above, the Regulation will provide that, once the legislation has commenced, Part 3A projects with DGRs more than two years old, and for which an environmental assessment has not been lodged with the Department, will no longer be dealt with under Part 3A. Proponents for these projects will have to lodge fresh applications for these matters under the new SSI and SSD regimes, or with council, depending on the type of development.

The Regulation will also include provision for dealing with pending concept plan applications and the ongoing effect of concept plans.

PLANNING ASSESSMENT COMMISSION (PAC)

With the PAC being given an expanded determination role under the new assessment system for projects of genuine State significance, the Bill also proposes a number of changes to the PAC in terms of its make-up and the way it operates. These include:

- Strengthening the PAC's capability by having a mix of full-time and part-time members, as well as an additional pool of long-term casual members to increase the depth and breadth of experience needed for its expanded role;
- A range of new procedures aimed at increasing transparency and accountability, including that all significant PAC determinations are to be made in public; and
- Implementing a recommendation of the Independent Commission Against Corruption (ICAC) that a two term limit of six years (in total) be placed on the appointment of permanent members, including the chairperson, thereby strengthening the independence of PAC members in their decision-making.

The PAC will also be given additional administrative resources to support its greater workload and strengthen its governance arrangements.

JOINT REGIONAL PLANNING PANELS

With a large number of projects that would previously have been dealt with by the State under Part 3A now being returned to local government for assessment, the Bill also proposes to amend and update the arrangements relating to Joint Regional Planning Panels (regional panels), which have a decision-making role for regionally-significant proposals assessed by local councils.

Fact Sheet

These new arrangements are intended to, amongst other things, provide more equitable representation on the panels for local councils and return a decision-making role to local councils for many of the applications that would previously have been determined by regional panels.

The most significant change to the regional panel arrangements will be an increase in the capital investment threshold for most development types assessed by regional panels from \$10 million to \$20 million – returning decision-making powers to local councils for development within the \$10 million to \$20 million range.

Through this and other changes, it is estimated that around 55 per cent of the projects that would otherwise have been determined by regional panels will now be determined by the local council. It will also allow regional panels to concentrate on the determination of truly regionally significant development.

Other changes include:

- The membership of the regional panels will be changed so that one of the three State-appointed members will be appointed by the Minister as an independent chairperson with the concurrence of the Local Government and Shires Associations (LGSA);
- It is proposed to establish a panel with representatives from the LGSA, the development industry, the Department of Planning and Infrastructure and the new Public Service Commission, to advise the Minister on suitable candidates for appointment as chairpersons to regional panels; and
- Regional panels will no longer be the consent authority for development applications for certain types of subdivisions, certain coastal development and some designated development.

To ensure that development applications continue to be processed in a timely manner, it is also proposed to give the applicant the right to refer a development application in the \$10 million to \$20 million range that has been undetermined by the local council for more than 120 days to the regional panel for determination.

However, the chairperson of the regional panel can refuse to accept the referral if he/she believes the delay has been caused by the applicant.

It is also proposed to require regular 3-monthly reporting from local councils on their performance in processing these additional applications within the \$10 million to \$20 million range to ensure timeliness and rigour of assessment.

FURTHER INFORMATION

More information is available at www.planning.nsw.gov.au

Alternatively, you could contact 1300 305 695 or email 3Ainfo@planning.nsw.gov.au

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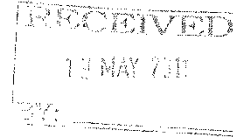
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LOCAL HERITAGE ASSISTANCE GRANTS ISSUED DURING 2010/2011

APPLICANT	PROPERTY	WORKS UNDERTAKEN	TOTAL PROJECT COST (inc GST)	APPLICANTS CONTRIBUTION	LOCAL FUND CONTRIBUTION
Carmen Haran	4 Main Street, Lyndhurst	Verandah Repairs	\$1,258.00	\$758.00	\$500.00
Carcoar Hospital Museum & Restoration Committee	5 Eulamore Street, Carcoar	Vent Inner Verandah to Prevent White Ant Infestation and Dampness	\$2,208.00	\$1,208.00	\$1,000.00
Ruth Kingham	1400 Vittoria Road, Millthorpe	Restoration of the Hawthorn Hedge Driveway	\$2,750.00	\$1,750.00	\$1,000.00
Barry Progress Association	21 Selwyn Street, Barry	Refurbishment of the School Weather Shed	\$2,500.00	\$1,500.00	\$1,000.00
Blayney Uniting Church	92 Adelaide Street, Blayney	Restoration Works to four (4) Windows	\$7,634.00	\$5,634.00	\$2,000.00
Anglican Church Parish	15-17 Belubula Street, Carcoar	Re-cladding of the Church Spire	\$58,000.00	\$56,000.00	\$2,000.00
TOTAL			\$74,350.00	\$66,850.00	\$7500.00

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From:
Rodney & Cheryl Newman
9 Macquarie Street
Neville NSW 2799
H 02 63688416
M 0410639650
Email newman.neville@reachnet.com.au

To:
General Manager, Blayney Shire Council email council@blayney.nsw.gov.au

Info:
Councillor, Kevin Radburn

Reference:
Blayney Council Letter Ref: 301063 Dated 4 may 2011

Dear Sir,

Subject: Complaint from Rodney & Cheryl Newman Dated 19 Apr 2011.

I'm concerned that an organisation the size of Blayney Shire Council has misplaced an email sent to its advertised email address. The email I sent to you did not bounce back to me. I did have the email bounce back from Cr Reeks with a full mail box. Therefore, is it a problem with your computer system or the way incoming emails are handled within Council? How much incoming correspondence has been misplaced or lost within Council?

Does the council have a complaint procedure/process in place, and if it does was my complaint actioned in accordance with it?

Subject: Heritage Issues.

Council encourage people to seek pre-lodgement advice before submitting a development application. You have stated in your reply that:

Council staff have investigated your request to assess the issues raised in your letter, however this letter will need to be referred to a Council meeting for consideration. The report will detail that Council can only appropriately assess the issues raised as part of a

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development application, under the EP & A Act and assessment under Section 79c of the said Act.

I am seeking clarification of the pre-lodgement advice received from Council (David Scobie Architects Report on 74 Crouch St Neville) not an assessment under Section 79c of the EP & A Act. Also, there are a number of items within the Architects Report which have nothing to do with the proposed development and I believe Council needs to address these items as a matter of corporate governance.

If Council staff took the time to review the Architects report and my response they would find the information provided in the report to derive the stated recommendations is either ill relevant, inaccurate or incomplete. Therefore, my request still stands to have the Heritage Report and my response to the Heritage Report presented to the next Council meeting, seeking resolution of these heritage issues.

Regards,



Rodney & Cheryl Newman

18 May 2011

COMMITTEE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 8 AUGUST 2011



25)

**MINUTES OF THE BLAYNEY SHIRE ACCESS COMMITTEE
MEETING - 9 JUNE 2011**

(Director Corporate Services)

RECOMMENDED:

1. That the minutes of the Blayney Shire Access Committee Meeting, held on 9 June 2011 be received and noted.
2. a. That Lee Hostel be commended for their initiative;
b. That the Blayney Shire Pedestrian and Access Mobility Plan be the priority for future funding of pathways by Council;
c. That should Lee Hostel self – fund the construction of a pathway that it be a width of 1.8m per AS1428.2(1992).
3. That the Blayney Shire Access Strategy be referred to the General Manager for review and subsequent report to Council for adoption and public exhibition.

REPORT

The Blayney Shire Access Committee held their meeting on Thursday 9 June 2011, at the Blayney Community Information and Tourist Centre. A copy of the minutes from this meeting is provided as an attachment to this business paper.

BUDGET IMPLICATIONS

Nil effect.

POLICY CONSIDERATIONS

Nil effect.

Attachments

1 Access Committee meeting minutes 9 June 2011 1 Page

Cr BR Kingham
MAYOR

Mr A McCormack
GENERAL MANAGER

**MINUTES OF THE MEETING OF BLAYNEY SHIRE ACCESS COMMITTEE
HELD 9 JUNE 2011**

The meeting commenced at 5:38pm.

1. Present:

Clr. Scott Ferguson	Jenny McMahon	Val McCarthy
Clr. Allan Ewin	Iris Dorsett	Anton Franze (DCS)

2. Apologies: Tania Wills, Betty Wilson.

RESOLVED: That the apologies be accepted. (Ewin / McMahon)

3. Adoption of Minutes

RESOLVED: That the minutes of meeting held 10 February 2011 and 5 May 2011 be received and noted as a true and accurate record.
(McMahon / Ferguson)

4. Matters arising from Previous Minutes

- Councillor Ewin will follow up status of Accessible parking space at Blayney Health One.
- Accessible Communities Funding unsuccessful for CentrePoint however CentrePoint Board has approved funding for improved access to 2 pools.

5. Lee Hostel Proposal

RESOLVED: That Lee Hostel be commended for their initiative;
That the Blayney Shire Pedestrian and Access Mobility Plan be the priority for future funding of pathways by Council;
That should Lee Hostel self – fund the construction of a pathway that it be a width of 1.8m per AS1428.2(1992).
(Ewin / McCarthy)

6. Access Strategy

RESOLVED: That Council endorse the Blayney Shire Access Strategy.
(Ferguson / McMahon)

7. General Business

- Update provided on meeting between Jenny and Director Engineering on some access matters.
- Discussion held on improvements made to Millthorpe Pharmacy and associated access issues.

8. Next meeting

Next meeting is to be held at the Blayney Tourist and Community Information Centre on Thursday 11 August 2011, commencing 5:30pm.

Meeting closed at 8.15pm.