

GENERAL MANAGER

Craig Deasey**1. HUNTER COUNCILS INC
EF08/577**

Precis:

Reporting on correspondence from the Chief Executive Officer.

Hunter Councils Inc. financed the acquisition of land and construction of the building known as the Local Government Training Institute at 4 Sandringham Avenue Thornton in 2008.

Part of the arrangement associated with the financing of this project was for the member Councils of Hunter Councils Inc. to guarantee the loan borrowings associated with this project (\$1.836mil). In recent months following valuation of the property and a principal reduction of \$500,000 as part of the recent re-finance of the facilities, our bankers have advised that they no longer require loan guarantees from the Councils.

Accordingly the guarantee of \$67,781 executed by Council in 2008 has been released and is no longer required to be reflected in the Councils financial reports.

As stated in the CEO's letter "The release of the Council guarantees is welcome news, a significant landmark in the success of Hunter Councils and a tribute to the support provided to the organisation by local government in the Hunter."

IMPLICATIONS***Financial***

The release of this contingent liability (guarantee) leaves the Council with only one outstanding guarantee for Hunter Councils Limited which is associated with the establishment of the Records Repository.

RECOMMENDATION

That the report be received and information noted.

**2. LOCAL GOVERNMENT ELECTIONS 2012
EF11/57**

Précis:

Reporting on developments associated with Local Government Elections 2012.

Councillors will recall the report to the September meeting of Council concerning the conduct of the Local Government elections and the recent media releases as issued by the Presidents of the Local Government & Shires Association.

At this point in time Councils still only have until 30 November 2011 to advise the NSW Electoral Commissioner as regards Councils decision on the conduct of the 2012 elections.

The Presidents met with the Premier to seek an extension of time to enable Councils to proceed through a tender process to seek alternative providers for the running and conduct of the 2012 elections.

At this point in time the Premier has not provided the Associations with a response to their request.

As reported at the last meeting the General Managers Advisory Group from Hunter Councils Inc have recommended that Hunter Councils Inc – Regional Procurement Initiative call a tender for the Councils.

Accordingly I have agreed to participate in the calling of this tender for the provision of services for conducting local government elections for nominated Councils.

Obviously the potential timeframe for this may run close to the 30 November 2011, it is my expectation that at this point in time Council may need to hold an extra-ordinary meeting in late November to determine who the Council will call on to conduct the 2012 election.

IMPLICATIONS***Financial***

The 2008 election cost the Council \$61,869 of which the NSWEC component amounted to \$58,600 it should be noted that this also included a rental component for the hire of the Councils meeting room of \$10,700. The forecast cost for the 2012 election is \$85,000

Council endeavours to allocate approx \$20,000 to an internally restricted cash election reserve annually to avoid having to meet the full cost of the election in one years budget cycle and the potential impacts of a by-election. The reserve has a balance of approx \$76,000 at 30 June 2011.

The advise from the NSWEC was to make provision for a 17% increase for the 2012 election, however that increase could well escalate if a number of Councils undertake the running of their own elections or pool resources to engage the Australian Election Company or another provider as the fixed costs from the NSWEC would be shared by a smaller pool of Councils.

The calling of the tender will result in Council having the option to potentially save costs as a consequence of this process.

Legislative

The conduct of Local Government elections is contained within the *Local Government Act (NSW) 1993* and Part 11 *Local Government General Regulation (NSW) 2005*.

Whilst Council is a participant in the joint tender process, the cost of running Councils' own election would not require the Council to proceed to a tender process as the projected value is less than the tender threshold of \$150,000.

Consultative

The Local Government & Shires Association is seeking feedback from Councils once their determination has been made.

RECOMMENDATION

That the report be received and information noted.

**3. CODE OF CONDUCT - REPORTING OF COMPLAINTS
EF09/56**

Precis:

Provision of annual report on code of conduct complaints.

In accordance with 12.33 of the Model Code of Conduct, the General Manager must report annually to Council on Code of Conduct Complaints. A summary of this requirement for the financial year 2010/2011 is as follows:

Number of Complaints Received:-

2 relating to Councillors

Nature of the issues raised by complainants:-

Both complaints related to alleged inappropriate comments.

Outcome of the Complaints:

One complaint was dismissed by the General Manager as it was not considered to be a breach of the Councils Code of Conduct.

One complaint was under investigation at 30 June 2011 by the General Manager.

IMPLICATIONS***Statutory***

The Code of Conduct is required in accordance with Sec 440 of the Local Government Act (NSW) 1993.

RECOMMENDATION

That the General Managers Annual report to Council on Code of Conduct complaints be received and noted.

**4. LOCAL GOVERNMENT REFORM FUND PROJECT
EF07/34**

Précis:

Reporting on correspondence from the Local Government & Shires Association and also the Division of Local Government.

Part One – Local Government & Shires Association

As part of the Local Government Reform Fund the Local Government & Shires Association (LGSA) have been funded to undertake a project to deliver a series of half day workshops on asset management and long term financial planning to support the capacity building of Councils in relation to the integrated planning and reporting framework.

A session was recently conducted in Singleton at which Councillors McKenzie & Johnston attended. As part of the funding process the LGSA has also reproduced two DVD's that may be accessed by Councillors to view to enhance their knowledge of asset management and long term financial planning.

There is an e-learning program for the long term financial planning project should Councillors wish to afford themselves the opportunity to enhance their knowledge.

The titles and description of the two DVD's are as follows:

1. Sustainable Communities – Critical Insights (covering asset management issues) produced by IPWEA and has previously been shown at a Councillor workshop by Mr Chandler.
2. Long Term Strategic and Financial Planning for Councils (covering the financial planning issues crucial to the success of Councils).

These DVD's may be accessed by Councillors by contacting Mrs Lyn Brighton who will also provide you with the information to view the e-learning program. I would encourage those Councillors that have not been able to attend briefing sessions etc. to take the opportunity to review these learning tools as the Councils own IP&R program is about to accelerate very early in the new year.

Part Two – Division of Local Government

Council has been advised that under the Commonwealth Local Government Reform Fund a component of the reform fund has been specifically targeted to approximately 40 Councils which have been identified as having limited resources and capability.

The assessment was undertaken of all Councils by a taskforce committee comprising representatives from the LGSA, Institute of Public Works Engineering Australia (IPWEA) and the Division of Local Government.

The assessment had regards to each Councils financial and technical capacity and also gave priority to Councils with populations of less than 10,000 and had nominated as a group three Council under the integrated planning and reporting framework.

The assistance that will be provided comprises a fully funded Asset Management Maturity and Gap Analysis and a cash grant of \$30,000. Also included in the assistance package is access to asset management tools, training and other resources.

The Gap Analysis is an objective analysis of Councils asset management and financial planning maturity. This was recently conducted on-site by Jeff Roorda who has been engaged by the IPWEA to undertake these assessments.

The Gap Analysis report has now been provided to officers to review and implement the recommended prioritised action plan contained therein, with a further review to be undertaken in June 2012. Elements associated with the action plan are discussed further within a report on staff resources.

IMPLICATIONS

Financial

Part One - Nil

Part Two – the allocation of \$30,000 in direct assistance is welcome, options as regards the utilisation of such to progress certain elements of the IP&R project in relation to asset management and financial planning are under consideration by the senior management team at the present moment.

Legislative

Part Two – the integrated planning and reporting framework, Council nominated as a group three Council, accordingly the Councils timeline for the implementation of the required IP&R framework is by 30 June 2012.

RECOMMENDATION

That Council receive and note the report.

**5. COUNCIL CHRISTMAS ARRANGEMENTS
EF07/53**

Précis:

Reporting on the proposed Christmas arrangements.

It is advised for the information of Councillors of the following arrangements for the forthcoming Christmas/New Year close down period in relation to staff working arrangements. Council's administration centre doors will close at 1.30pm with phones to be manned until 2.00pm, Councils library and Visitors information Centre will close at 2.00pm on Friday 23 December 2011 to ensure financial services and computer systems can be adequately protected with backup operations.

On Thursday 22 December 2011 there will be a Christmas break-up party for all staff and Councillors to be held at the Dungog RSL Club commencing at 2.00pm. Councils administration, library, visitors centre and landfill will all close at 1.30pm on this day. This function will be similar to last years and an invitation will be forwarded to Councillors in due course.

The Administration Office will reopen and the outdoor staff will resume operations on Tuesday 3 January 2012 with a skeleton crew working through 28 December to 30 December 2011 for toilets and street cleaning etc.

Council's landfill operations will be closed on both Sunday 25 December 2011 and Sunday 1 January 2012.

IMPLICATIONS

No direct implications, other than the potential impact upon customer service.

RECOMMENDATION

That Council receive and note the report.

**6. PECUNIARY INTEREST RETURNS
EF08/525**

Précis:

Reporting on the statutory requirement to table pecuniary interest declarations.

In accordance with the legislation (Sec 449 (3) of the Local Government Act), Councillors are required to complete a pecuniary interest return and lodge it with the General Manager within 3 months after 30 June 2011.

The Act also places specific statutory responsibilities on the General Manager relative to this matter (Section 450A):

- The General Manager must keep a register of returns containing the completed and lodged Returns of Councillors and designated persons. The Returns must be available for inspection by members of the public.
- The General Manager must arrange for the tabling of returns lodged under Section 449 at the first meeting held after the last day of the period for lodgement.

Initial correspondence was forwarded to all Councillors on 30 June 2011 and it was pleasing to note that all returns were received by the Council within the statutory time frame.

IMPLICATIONS***Statutory***

Obligations of staff and Councillors have been detailed within the report, non compliance with the requirements of the Local Government Act 1993 may result in matters being reported to the Department of Local Government.

RECOMMENDATION

1. That the report be received and noted.
2. That the General Manager now table the Pecuniary Interests Register.

**7. NSW DEPARTMENT OF LOCAL GOVERNMENT CIRCULARS
EF08/142**

Précis:

Providing a summary of circulars that have been released by the Department of Local Government.

The following circulars have been released by the Department of Local Government and the intent of this report is to keep Councillors informed of changes and/or requirements that Council officers may be required to implement. The circulars themselves may be found on the Departments website (www.dlg.nsw.gov.au). It is not the intent to reproduce such circulars but moreso provide them as a point of reference to Councillors should they wish to undertake further research.

When there is a requirement to inform Councillors or designated officers of a matter correspondence and attachments will still be submitted to all Councillors in accordance with the requirements of the Director General of the Department of Local Government. Such circulars will be highlighted in **bold text**. The following Circulars have been released by the Department since 1 September 2011.

Date	Circular No.	Details
09/09/11	11-22	Guidelines for Council Administered Elections 2012
12/09/11	11-23	GST Certificate – Revised Requirements
14/09/11	11-24	Snapshot of NSW Councils – Comparative Information on NSW Local Government Councils 2009/10
15/09/11	11-25	Planning for an Ageing Population
21/09/11	11-26	Ward Boundary and Name Changes
21/09/11	11-27	Findings from Review of Councillors Expenses and Facilities Policies
21/09/11	11-28	Destination 2036 Update
23/09/11	11-29	Guidelines for The Preparation of a Special Rate Variation Application and Guidelines for the Preparation of an Application to Exceed the Minimum Rate Statutory Limit 2012/13

Aside from Circulars there are numerous publications which are released upon the Departments website. Publications issued since 1 September include: Anti-Discrimination Guidelines for Local Councils, Factsheet for Local Government Councillors, Guidelines for Council Administered Elections 2012, Report of the Section 430 – Investigation into “Body Hire” arrangements operating Wyong Shire Council between January 2007 and May 2010, Guidelines for the preparation of an application to increase minimum rates above the statutory limit in 2012-13, Guidelines for the preparation of an application for a special variation to general income in 2012-13.

IMPLICATIONS

There are no implications associated with this report, information only.

RECOMMENDATION

That the report be received and the information noted.

Ordinary Meeting of the Council of the Shire of Dungog, to be held Tuesday 18 October 2011 commencing 6.00pm.

8. COUNCIL'S MANAGEMENT COMMITTEE MEETING MINUTES

Précis:

Reporting on Minutes of Council Management Committee Meetings provided to Council.

The minutes of the following Management Committee Meeting are attached as **Annexure 'A'** to this report:

- Gresford School of Arts Hall Committee Meeting held 18 May 2011
- James Theatre Community Centre Meeting held 30 May 2011
- James Theatre Community Centre Meeting held 11 July 2011
- Paterson Sportsground Reserve Committee Meeting held 25 July 2011
- Gresford School of Arts Hall Committee Meeting held 17 August 2011

IMPLICATIONS***Financial***

There are no financial implications the report is for information purposes only.

RECOMMENDATION

That the minutes of the Management Committee Meetings be received and noted.

9. CLOSED COUNCIL

Précis:

Report referring matters to Closed Council.

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

Set out below is Section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than Councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor or the Council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

ITEM 1. GENERAL MANAGER'S REPORT – STAFF RESOURCING

This item is classified CONFIDENTIAL under Sec 10A(2)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than Councillors)

This matter is classified confidential because it is information of a confidential nature that relates to personnel matters concerning particular individuals (other than Councillors).

IMPLICATIONS***Legislative***

The matters are referred to in the context of Sec 10A(2) of the *Local Government Act 1993*.

Consultative

Members of the public are invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

RECOMMENDATION

1. That Council resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to section 10A (1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under the provisions of Sec 10A(2) as outlined above.
3. That correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Sec 11(2) of the *Local Government Act 1993*.

**10. UPPER HUNTER DIVERSIFICATION PROJECT
EF09/124**

Précis:

To provide an update on the Upper Hunter Diversification Project and likely future developments resulting from the project.

The Upper Hunter Diversification Project was commissioned by the former Minister for the Hunter, Jody McKay, the six Upper Hunter Councils (Dungog, Gloucester, Great Lakes, Muswellbrook, Singleton and Upper Hunter Shires) and supported by the NSW State Government which contributed \$80,000 towards the project. The Councils contributed \$20,000 through Hunter Councils Inc.

A Steering Committee comprising the Economic Development Managers/Officers from the six Upper Hunter Councils, Department of Premier and Cabinet, Office of Trade and Investment, the former Department of Environment of Climate Change and Water and the Hunter Development Corporation has worked with Buchan Consultants in undertaking the project over the past three years. Consultation has included numerous stakeholders such as working parties from the six Councils in the Upper Hunter area, industry representatives and relevant State Government Departments.

The report has been divided into three sections, these being:

- Report 1: Upper Hunter Regional Economy and Industry
- Report 2: Directions and Opportunities and
- Report 3: Strategy report (and summary) outlining key recommendations.

The project analysed the regional economy, key industries, the major factors driving current performance and the identification of new and emerging business and employment opportunities over the next 25 years. It also resulted in the development of an action plan to drive regional economic planning over that period, with a strong focus on those actions and activities which need to occur in the next 5 years.

The report will be released in the near future. However, in order to drive the timely implementation of the recommendations and directions as outlined in the report, the Department of Premier and Cabinet has offered to lead a Committee comprising:

- Economic Development Managers/Officers of the six Upper Hunter Councils
- Representatives of the State government (Department of Primary Industries, Office of Trade and Investment, Office of Environment and Heritage, Department of Education and Communities, Hunter Development Corporation, Department of Planning and Infrastructure)
- Regional Development Australia and
- Hunter Councils Inc.

IMPLICATIONS***Consultative***

Representatives of various business enterprises within the Shire were interviewed early on along with Council Officers.

RECOMMENDATION

That Council receive and note this report.

Ordinary Meeting of the Council of the Shire of Dungog, to be held Tuesday 18 October 2011 commencing 6.00pm.

**CORPORATE SERVICES DEPARTMENT
EXECUTIVE MANAGER'S REPORT**

Shaun Chandler**1. STATEMENT OF INVESTMENTS
EF08/220**

Précis:

Clause 212 of Local Government (General) Regulation 2005 requires a monthly report to Council outlining all money's Council has invested under Section 625 of the Local Government Act.

The Statement of Investments as at 30 September 2011 incorporating the Responsible Accounting Officer's Certificate is attached as **Annexure 'A'**.

IMPLICATIONS***Financial***

There are no financial, statutory, environmental, community or consultative implications associated with this report.

RECOMMENDATION

The report be received and information noted.

2. WORKS COST STATEMENT
EF08/221

Précis:

A selective summary of expenditures on capital works and maintenance expense areas within Council's roads, bridges, cemeteries, toilets, parks and sports ground cost centres.

The Works Cost Statement for the period ending 30 September 2011 is attached for Councillors information as **Annexure 'B'**.

With 3 months of the year gone notional expenditure levels would be expected to be at 25% of budget allocation. Rural Roads Sealed Maintenance and Urban Roads Reseals are showing higher levels of expenditure than the notional level due to the timing of maintenance and reseal programs. Tree Planting & Maintenance is also showing higher levels of expenditure than notional due to major tree assessments and maintenance works. Parks and Reserves are reporting a slightly higher than notional level of expenditure however are within budget allocations. All other maintenance items are currently within budget allocations and are in line with expected levels of expenditure.

Capital works are at varying levels of completion and expenditure reflects such activity and are within budget allocations. Engineering overheads have been applied to individual projects in line with the original budget and in accordance with Councils normal operating practice. The works progress report within the Infrastructure & Assets area provides further information on some items in this report including scheduled dates for commencement for individual projects and works undertaken in the prior month.

RECOMMENDATION

That the Works Cost Statement for the period ending 30 September 2011 be received and noted.

3. COUNCILLORS TRAVELLING & OTHER EXPENSES
EF08/222

Précis:

Report on Councillors travelling for Councillors information.

Hereunder is a list of meetings/inspections or business of Council held/to be held since the September Meeting of Council.

Extraordinary Council Meeting	28/09/11
Hunter Councils Board Meeting	29/09/11
Councillor Workshop	06/10/11
Council Meeting	18/10/11

IMPLICATIONS

There are no financial, statutory, environmental, community or consultative implications associated with this report. Council's travelling costs are currently within budget.

RECOMMENDATION

That the report be received and information noted.

4. SUMMARY OF RATES & CHARGES COLLECTED EF08/261

Précis

A report detailing rates outstanding after the due date of the first rate instalment for the 2012 rating year.

Rate payments amounting to 35.1% of total rates receivable for the current year have been collected as at 4 October 2011.

The amount of unpaid rates brought forward from the 2011 rating year totalled \$323,486 and has been added to the net levy for 2012 resulting in a total collectible figure of \$5,973,749. Payments made against properties with rate arrears are allocated to arrears prior to allocation to current year charges in accordance with the Local Government Act 1993.

Rate recovery procedures are continuing in line with the recovery policy and approximately 642 instalment reminder letters were forwarded to defaulting ratepayers on 20 September 2011.

Table 1 shows the rate arrears position for all assessments which currently have an overdue balance, breaking down the outstanding balance into arrears rates and current year overdue charges, and highlights that Council is not significantly exposed to high levels of debt for any one rate assessment, with the highest individual rate assessment outstanding being approximately \$14,794. For Councillors information the number of assessments levied in the initial levy for 2012 was approximately 4,538.

Range	Number of Assessments	Total Rate Arrears	Total Outstanding First Instalment Charges	Total Overdue
< \$1,000	471	\$34,696.52	\$124,235.19	\$158,931.71
\$1,001-\$2,000	45	\$36,096.74	\$27,538.77	\$63,635.51
\$2,001-\$5,000	18	\$36,614.56	\$12,470.17	\$49,084.73
> \$5,000	13	\$90,287.24	\$17,402.65	\$107,689.89
Total	547	\$197,695.06	\$181,646.78	\$379,341.84

IMPLICATIONS

There are no financial, statutory, environmental, community or consultative implications associated with this report. The report is for information purposes only.

RECOMMENDATION

That the report is received and the information noted.

**5. GRESFORD DISTRICT AGRICULTURAL SOCIETY INC
EF08/3; 11/48574**

Precis:

Request for financial assistance under Sec 356 of the Local Government Act 1993.

Council has received the following correspondence from The Secretary of the Gresford District Agricultural Society Inc;

On behalf of the President and Committee members of the Gresford District Agricultural Society, I would like to thank you for your past sponsorship/in kind donation that you have generously given to the Gresford Show. Next year will see us celebrate a significant milestone in our 80th Gresford Annual Show to be held on Friday 9th and Saturday 10th March. We again invite you to continue your valued contribution for our 2012 Show.

Gresford District Agricultural Show is well known for its excellence in pavilion displays and comprehensive ring events. We are proud of this fine tradition of providing encouragement for participants, both local and further afield. The Gresford Show would be honoured to include you as one of our sponsors for 2012, to help us continue this fine tradition.

We produce over 700 full schedules that are distributed from Taree to Tamworth, Sydney to Dubbo and the local area including Maitland, Raymond Terrace and Singleton prior to the show. A copy is also forwarded to all the society's members. To ensure that you are identified in our sponsors list for the 2012 show schedule could you please return the form no later than **October 21st, 2011**, thank you. We look forward to hearing from you in the near future.

Yours Sincerely,

Rosalie Lawrence (GDAS Hon. Sec)

Council last year donated \$250 towards the Gresford District Agricultural Society Inc.

IMPLICATIONS***Financial***

Funding for the donation will be sourced from Council's budget allocation for Sec 356 contributions and donations. Expenditure at 6 October 2011 is \$931 leaving an available balance of \$4,069.

There are no other statutory, environmental, community or consultative implications.

RECOMMENDATION

That Council donate \$250 to the Gresford District Agricultural Society Inc.

**6. COUNCIL'S MANAGEMENT PLAN - FEES AND CHARGES ADJUSTMENT –
DUNGOG SHOWGROUND & RECREATION RESERVE PROPOSED FEES
EF08/461**

Précis:

This report outlines proposed amendments to the Dungog Showground and Recreation Reserve fees in Council's Fees and Charges.

Council has received correspondence from the Dungog Showground & Recreation Reserve Management Committee in relation to proposed user fees and charges for 2011/2012.

Council's fees are determined under Sec 608 of the Local Government Act 1993 and were displayed and advertised within the Councils 2011-2014 Management Plan adopted 21 June 2011 (Minute 35361). As the 2011-2014 Management Plan has now commenced any proposed alteration to fees must be given at least 28 days public notice in accordance with the Act.

As Council is the approving authority for fees and charges, the recommendation of the Dungog Showground & Recreation Reserve Management Committee is submitted for consideration.

The proposed amendments are attached as **Annexure 'C'**.

IMPLICATIONS***Financial***

The proposed changes have been determined on a cost recovery basis and should have a positive financial implication for the Dungog Showground & Recreation Reserve Management Committee.

Statutory

The changes are proposed to Council's Management Plan – Fees and Charges 2011-2014 under the *Local Government Act 1993*.

Consultative/Community

Council will be required to give public notice of the change in Councils Pricing Policy for a period of 28 days pursuant to Sec 705 of the Local Government Act 1993.

RECOMMENDATION

1. Council approve the proposed fees and amend the current Dungog Shire Council Fees and Charges as detailed in the above report.
2. The proposed changes to the Management Plan be placed on public exhibition in accordance with the *Local Government Act 1993*.
3. If no submissions are received during the exhibition period, the changes be applied to the Dungog Shire Council Management Plan – Fees and Charges 2011-2014 as detailed above.

7. INTENTION TO ADOPT A POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS
EF08/566

Precis:

Reporting on the requirement for Council to review and adopt its policy on payment of expenses and the provision of facilities to mayors and councillors in accordance with annual reporting requirements.

It is a requirement of Section 252 of the Local Government Act 1993 that:

252 (1) "Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office".

Prior to adoption of the Policy Council must give public notice of the intention to adopt a policy and allow at least 28 days for public submissions (s253(1)), and consider any submissions made (s253(2)). The draft policy must be exhibited publicly before the adoption of the policy even if the policy is not amended or the amendments are not substantial (s253(5)).

Council's policy "Payment of Expenses and Provision of Facilities to the Mayor and Councillors" has been reviewed and amended each year and in line with amendments to the Local Government Act 1993 (Local Government Amendment Act 2005), the Local Government Regulation 2005 and the Division of Local Governments revised guidelines.

A further review of 47 Council policies by the Division of Local Government has been undertaken to assess compliance with the legislation and Guidelines (Circular 11-27 September 2011). Approximately three-quarters of the policies reviewed adequately met the requirements of the legislation and guidelines, Dungog Shire Council's policy was one of the 47 and feedback has been requested from the DLG, to date nothing has been received.

In accordance with the Act Council's policy has been reviewed and minor changes made to reflect current vehicle allowance rates at 1 July 2011.

The policy C1:11 is attached as **Annexure 'D'**.

IMPLICATIONS***Statutory***

The basis of payment of expenses and provision of facilities for Councillors is enshrined within Sections 252 to 254 of the Local Government Act 1993. The DLG guidelines have been prepared under the provisions of section 23A of the Local Government Act 1993 as Director General's Guidelines. Under section 252 of the Act relevant policies must comply with the provisions of the Act, the regulations and any relevant guidelines issued under section 23A.

RECOMMENDATION

Council give public notice of its intention to adopt the draft policy C1:11 and allow 28 days for public submission in accordance with Sect 253 of the Local Government Act 1993.

INFRASTRUCTURE & ASSETS DEPARTMENT EXECUTIVE MANAGER REPORT

Steve Hitchens

1. WORKS PROGRESS REPORT EF08/208

Précis:

Reporting on construction and maintenance works undertaken in September 2011.

Works carried out during September 2011:-

Road and Bridge Construction

Wallarobba Brookfield Road	-	Road rehabilitation at Brookfield end completed
Common Road	-	Asphalting works complete
Allyn River Road 11.9 - 13.3	-	Rehabilitation works commenced

Sealed Road Maintenance

Pothole patching works were carried out on Wallarobba Brookfield Road, MR101, MR301, Glen William Road, MR7778

Heavy Patching	-	Chichester Road, Salisbury Road, MR7778, Park Street, Grey Street,
Shoulder Grading	-	Chichester Road, Marshdale Road
Gabion Works	-	Marshdale Road

Unsealed Road Maintenance

Gravel, Grade & Roll	-	Wattle Tree Road
Grade & Roll	-	Chichester Road, Chesworths Road,
Drainage Maintenance	-	Dog Trap Creek Road, Chads Creek Road,

Bridge, Concrete and Other Maintenance Works

Torryburn Bridge	-	Pile repairs undertaken
Bruxner Bridge	-	Repair works complete – Bridge re-opened
Packhams Bridge	-	Abutment sheeting maintenance

Roadsides

Roadside Slashing was undertaken on Alison Road, Monkerai Road, Main Creek Road, Flat Tops Road

Sporting Grounds:-

The following Sporting Grounds were mown (*the number of mowings is shown in brackets*):- Bennett Park Oval (2), Dungog Showground Surrounds (1), Reg Ford Oval (1), Clarence Town Football Oval (1), Vacy Oval (1)

Parks/Reserves/Cemeteries:-

The following Parks/Reserves were mown (*the number of mowings is shown in brackets*):- Jubilee Park (1), Lions Park - Scott Avenue (1), Frank Robinson Memorial Park (1), Apex Park (1), Bruyn Park (1), Coronation Park (1), Dave Sands Memorial (1), Phillips Creek

Reserve (1), Clarence Town War Memorial (1), John Tucker Park (2), Kings Wharf Park (1), Skipline Park (1), Vacy Park (1), Dungog Lawn Cemetery (1), Paterson Cemetery (1)

Top Dressing Works - Bennett Park

Major Works scheduled to be continued or commenced in the next 3 months:-

Attached as **Annexure 'A'** is a list of the major works scheduled for the forthcoming 3 months.

IMPLICATIONS

There are no financial, statutory, environmental, community or consultative implications of this report.

RECOMMENDATION

That the report be received and the information noted.

**2. ALISON COURT COMMITTEE MEETING
EF10/70**

Précis:

Reporting on Minutes of the Alison Court Committee held on 05 September 2011.

The Minutes from the Alison Court Committee meeting are attached as **Annexure 'B'** to this report.

IMPLICATIONS***Financial***

There are some minor financial commitments required by Council as a consequence of the minutes which are within the Alison Court annual Maintenance & Repair budget allocation.

Statutory, Environmental, Consultative, Community.

There are no statutory, environmental or consultative implications associated with this report.

RECOMMENDATION

That the Minutes of the last Alison Court Committee meeting be received and noted.

PLANNING DEPARTMENT MANAGERS REPORT

Jacqui Tupper

1. LITIGATION REPORT EF08/227

Précis:

Reporting on Planning Legal Costs in relation to litigation matters.

IMPLICATIONS

Financial

Although the litigation report deals only with those matters which are or have been the subject of litigation action primarily through the Land & Environment Court, the source of funds for such action is the planning legal costs allocation within the Management Plan 2011-2014.

The planning legal budget is \$45,000 for the 2011/12 financial year and at the date of this report expenditure totalled \$120.00 (including those items in the litigation report).

LITIGATION REPORT – CURRENT MATTERS AS AT 30 SEPTEMBER 2011

NAME	MATTER DESCRIPTION	DECISION		CURRENT STATUS	COSTS F/Y ENDING 2011	COSTS ACTUAL TO DATE
		PLANNERS REC.	COUNCIL RESOLUTION			
Railcorp	Martins Creek Quarry	Commence Class 4 Proceedings	Commence Class 4 Proceedings	Ongoing	\$120.00	\$41,431.89 (HWL) \$2,921.00 (Abbott Tout) \$1,127.27 (Kehoe Legal) \$18,687.50 (JA Ayling SC)
				Paid Unpaid Total	\$120.00 \$0 \$120.00	

Pending Appeals

In September Council received notice of two (2) Class 1 Appeals in the Land & Environment Court.

Case No 11/10843 is against a deemed refusal for DA 20/2011 being for a change of use of existing dwellings to Rural Workers Dwellings and subdivision by adjustment of boundaries on Lot 182 DP 1156558 and Lot 4 DP 1033689, 1550 Chichester Dam Road, Bandon Grove.

Case No 11/10842 is against a deemed refusal for DA 47/2006 being a request to delete a number of conditions most notably seeking a modification of Condition 33 reducing the Section 94 Contribution from \$17,827.00 per lot to \$5,018.00 per lot.

Both matters are to be handled by Sparke Helmore Lawyers and it is likely that the defence of these matters will result in an over expenditure of Council's allocation for legal expenses in the 2011/2012 year's budget.

RECOMMENDATION

That the report be received and the information noted.

Ordinary Meeting of the Council of the Shire of Dungog, to be held Tuesday 18 October 2011 commencing 6.00pm.

Jacqui Tupper
DEVELOPMENT

2. DEVELOPMENT APPLICATIONS AND COMPLYING CERTIFICATES - DELEGATED AUTHORITY
EF08/228; EF08/423

Development Consent has been granted to the following development applications and complying development certificates under delegated authority for the month of September 2011.

DA 316/1999 (TPA 2995/05)	Lot 112 DP 1002308, 208 Fotheringay Road, Clarence Town. Modification to Machinery Shed. Approved subject to conditions 8 September 2011.
DA 73/2010 (TPA 640/4)	Lot 4 DP 1019842, 16 Hancock Avenue, Dungog. Modification to Dwelling. Approved subject to conditions 20 September 2011.
DA 93/2010 (TPA 1293)	Lot 19 DP 608401, 52 Park Street, East Gresford. Modification to Addition of Terrace & Deck to Hotel. Approved subject to conditions 23 September 2011.
DA 45/2011 (TPA 232)	Lot 6 DP 758366, 127 Abelard Street, Dungog. Modification to Two (2) Lot Subdivision. Approved subject to conditions 21 September 2011.
DA 47/2011 (TPA 2356)	Lot 256 DP 705956, 334 Glen Martin Road, Glen Martin. Additions to Existing Dwelling. Approved subject to conditions 19 September 2011
DA 61/2011 (TPA 1064/01)	Lot 63 DP 1004038, 37 Windeyer Street, Dungog. Alterations & Additions to Existing Dwelling. Approved subject to conditions 28 September 2011.
DA 64/2011 (TPA 2993/18)	Lot 14 DP 839159, 126 Fotheringay Road, Clarence Town. Secondary Dwelling. Approved subject to conditions 6 September 2011.
DA 65/2011 (TPA 1579/1)	Lot 1 DP 250820, 604 Dungog Road, Martins Creek. New Dwelling and Decommissioning of Existing Dwelling. Approved subject to conditions 5 September 2011.
DA 68/2011 (TPA 1332/1)	Lot 11 DP 8819, 24 Cory Street, Martins Creek. Dwelling. Approved subject to conditions 26 September 2011.
DA 69/2011 (TPA 2455/24121)	Lot 204 DP 1160244, 127 Boulton Drive, Paterson. Dwelling. Approved subject to conditions 16 September 2011.
DA 74/2011 (TPA 2458/10312)	Lot 34 DP 828525, 42 Corys Creek Road, Vacy. Additions to Existing Dwelling. Approved subject to conditions 7 September 2011.
DA 81/2011 (TPA 2192/1)	Lot 11 DP 997673, 451 Fishers Hill Road, Fishers Hill. Additions to Existing Dwelling. Approved subject to conditions 15 September 2011.
DA 82/2011 (TPA 346/3)	Lot 73 DP 587914, 80 Chapman Street, Dungog. Additions to Existing Dwelling & Additions to Existing Garage. Approved subject to conditions 8 September 2011.
DA 87/2011 (TPA 805)	Lot 13 Sec 27 DP 758366, 38 Lord Street, Dungog. Additions to Existing Dwelling & Water Tank. Approved subject to conditions 12 September 2011.
DA 91/2011 (TPA 1553/28126)	Lot 27 DP 712070, 18 Wakaya Close, Vacy. Farm Shed. Approved subject to conditions 21 September 2011.
DA 94/2011 (TPA 127/61)	Lot 13 Sec 17 DP 758250, 90 Marshall Street, Clarence Town. Three (3) Car Garage. Approved subject to conditions 12 September 2011.
DA 95/2011 (TPA 932/1)	Lot 1 DP 551224, 8 Moore Street, Dungog. Garage and Carport. Approved subject to conditions 20 September 2011.

DA 98/2011 (TPA 1102/01)	Lot 1011 DP 590475, 19-21 Duke Street, Paterson. Demolition of Existing Toilet Block and Construction of New Toilet Block with Disabled Access. Approved subject to conditions 29 September 2011.
DA 102/2011 (TPA 2220/111)	Lot 105 DP 1159360, Tebbutt Close, Vacy. Garage. Approved subject to conditions 27 September 2011.
DA 108/2011 (TPA 3295/21)	Lot 161 DP 1087653, 864 Limeburners Creek Road, Clarence Town. Inground Fibreglass Swimming Pool. Approved subject to conditions 29 September 2011.
CDC 6/2011 (TPA 324/1)	Lot 22 DP 538557, 71 Brown Street, Dungog. Additions to Existing Dwelling. Approved subject to conditions 14 September 2011.

RECOMMENDATION

That the report be received and the information noted.

**ENVIRONMENTAL SERVICES DEPARTMENT
MANAGER'S REPORTS**

Eric Pasenow**1. NOXIOUS WEEDS REPORT
EF08/209**

Precis:

Reporting on the Noxious Weeds Program for the period 1 July 2011 through to the 30 September 2011.

PROPERTY INSPECTIONS

The Noxious weeds Officer took four weeks of Long Service leave in August 2011. In the months of July and September property inspections were carried out for Giant Parramatta Grass, Coolatai Grass, Green Cestrum and various other Environmental Vines and shrubs. Areas inspected were around Gresford, Paterson (Webber's Creek) and Bandon Grove – Munni. 23 inspections and 55 re-inspections were undertaken, 78 in total over these two months. As part of the inspection programs landholders are notified of their legal obligations to control declared noxious plants on their properties, and provided with advice and printed information on control options. Management plans for control of noxious plants are formulated with land managers and owners if required.

SPRAY OPERATIONS.**Giant Parramatta Grass**

Giant Parramatta Grass was treated in September with Flupropanate, a pre emergent herbicide along 30 kilometres of roadsides (both sides). Roads treated were Salisbury Pass, Fosterton Loop Road, Stroud Hill (Dungog to Monkerai turn), and sections of Main Creek Road. Pre emergent spraying will continue in October where required.

Coolatai Grass

Coolatai Grass was treated in July with Flupropanate and Glyphosate Bioactive along the sealed section on Webbers's Creek Rd (approx 5 kms), with good results. A few small infestations on Gresford, Dungog and Allyn River roads were also sprayed.

Mother of Millions

Approximately 30 small infestations of Mother of Millions were treated with Brush-off herbicide throughout the shire, with excellent results.

MEETINGS AND TRAINING**Regional weed management meetings**

Normal monthly meetings of the Regional Weeds Management Technical Committee have been attended in this period.

Local weed committee meetings

The July and September meetings were attended and reports presented.

NSW Weeds Conference

The 16th Biannual NSW Weeds Conference held at Coffs Harbour was attended by the Weeds officer in the week of 18 – 22 July. The theme of the week was “Making a Difference” – from Country to Coast. The Conference Program and Proceedings are available on Disc by Request.

IMPLICATIONS***Financial***

There are no financial implications to this report

Environmental

Noxious weeds can have a significant impact on our environment. An effective inspection and eradication program will maintain property owners’ awareness of noxious weeds and help reduce that impact. Council’s noxious weed operator in the report period inspected 78 individual properties.

Community

Communities benefit from effective noxious weed management through improvements in land productivity, amenity and local environment. Ongoing advice is provided through the inspection process.

Consultative

There is ongoing consultation with other Councils and authorities through regular regional meetings.

RECOMMENDATION

That the report be received and the information noted.

**2. UPPER WILLIAMS RIVER FLOOD STUDY CLARENCE TOWN CATCHMENT
EF08/656**

Précis:

This report is to provide an update on the Upper Williams River Flood Study for the Clarence Town Catchment and to advise on the latest grant funding received for this project from the Office of Environment and Heritage (OEH).

BACKGROUND

Dungog Shire Council is currently undertaking a Flood Study in the Clarence Town urban catchment to provide needed flood data in this area as a guide to future development and storm water infrastructure work. The Flood Study is the first stage of a three step process in Flood Plain Management and is being compiled by consultants WBM BMT, the same consultants that completed the Williams River Flood Study.

The first stage of this process is almost complete and a draft with recommendations from the Flood Committee will be provided to Council at the November Ordinary Meeting. If adopted by Council the Draft Flood Study can go out for public review and submissions. In addition to a report in November, Councillors will also have a workshop on the Flood Study possibly in December, prior to finally considering the report in February 2012.

Earlier this year Council Staff applied for funding to complete the second stage of the Flood Study Process, the Flood Management Study. Council was advised by the Minister for the Environment Robyn Parker in late September that \$60,000 would be provided by OEH to complete the next stage.

In 2010 Council formed the Upper Williams River Flood Study Committee Clarence Town to oversee this process. It is anticipated that this committee will oversee all three stages of the project

IMPLICATIONS***Financial***

Floodplain Management Studies are funded on a two for one grant process between the State Government and Local Government. Council was previously advised of the need for an ongoing commitment of approximately \$30,000 for three years to complete this process and provision has been made in the 2011/12 budget.

Statutory

Flood Plain Management Studies are carried out by Councils under the guidance of staff from DECCW and in accordance with the NSW Floodplain Management Manual.

Environmental & Community

There are considerable environmental and community benefits to be achieved through the provision of accurate flood data and planning based on Floodplain Management Studies.

Consultative

The Committee is made up of representatives from Council, the Community, OEH, the CMA and Emergency Services. Community consultation with the broader community takes place at several stages throughout the development of these plans.

RECOMMENDATION

That the report be received and the information noted.