

Delegation of Functions Schedule A - Definition of Authorities

Introduction

Further, under the provisions of Section 377 of the Local Government Act 1993, that Council delegate general authority to the General Manager to carry out all the discretionary functions, as detailed, the exercise of Council's powers, functions duties and authorities contained in legislation that it is capable of delegation other than those specific functions which Council has reserved to itself and subject to the provisions and limitations expressly set out in the Local Government Act, 1993 and any other legislation relevant to delegations:

A General - Administrative

1.1 Correspondence

1.1.1 To deal with correspondence in relation to acknowledgement and at a base level not requiring research.

1.1.2 To deal with and sign all correspondence in relation to business/activities/functions of the Council/Department.

1.1.3 To deal with and sign all correspondence in relation to correspondence on Council matters between Federal and State Members of Parliament; Ministers of Federal and State Departments; Division of Local Government, Department of Premier & Cabinet, other State and Federal Departments/Agencies, Ombudsman and ICAC.

1.2 Legal Advice

To obtain legal advice from the legal advisers engaged by Council from time to time.

1.3 Privacy Management Plan

1.3.1 To implement Council's Privacy Management Plan.

1.3.2 To review Council's Privacy Management Plan.

1.4 Property Details

To provide property details only in accordance with Council's Access to Records Policy and in consideration of Privacy and Government Information (Public Access) Act 2009 (GIPA) requirements.

1.5 Records

1.5.1 To allow access to Council Records in accordance with Council's Access to Records Policy and Government Information (Public Access) Act 2009 (GIPA).

1.5.2 To arrange from time to time for destruction of old records in accordance with Standards approved by the Minister for Local Government under Part 2 - Section 13 - Access to Information of the Local Government Act 1993.

1 .6 Staff Matters

1.6.1 In accordance with Section 381 of the Local Government Act to exercise all functions conferred or imposed on any Council employee under other Acts.

1.6.2 To appoint staff in accordance with the departmental organisation structure, **EEO** management plan, staff complement and the resources approved by the Council.

1.6.3 To authorise the payment of the salaries and wages of the employees of the Council within the sums voted by the Council for expenditure thereon.

1.6.4 To control and dismiss departmental/Service Unit staff other than contract or senior staff, having regard to the Local Government Award, any enterprise/industrial agreement and any policy, management plan, personnel practice or direction.

1.6.5 To monitor and review staff performance at regular intervals and to report findings annually.

1.6.6 To administer the staff working hours in accordance with approved terms and conditions.

1.6.7 To deal with applications for leave of any kind within the framework of the Local Government Award, any enterprise agreement or employment contract and any policy, personnel practice.

1.6.8 To deal with applications/proposals for staff training within the framework of the Council's Training Plan or as endorsed by the Consultative Committee and subject to availability or resources.

1.6.9 To implement and review the Council's Equal Employment Opportunity Plan insofar as it relates to the functions of Council.

1.6.10 To exercise discretion and take whatever necessary action in respect of all matters arising from the administration of the Work Health and Safety Act 2011, and associated legislation and Regulations.

I.7 Tenders

1.7.1 To call tenders as required by the Local Government Act and Council's policies and in compliance with the provisions of the:-

- Local Government (General) Regulation 2005; and
- Council's policies and procedures and Council's Procurement Manual.

1.7.2 In accordance with Regulation 166 of the Local Government Act (General Regulation 2005), that Council delegate to the General Manager the authority to decide which tender method to use, open or selective tendering.

1.7.3 In accordance with Section 171 and 172 of the Local Government (General Regulation 2005), that Council delegate to the General Manager the authority to shorten or extend a tendering period when the circumstances justify such action being taken.

I.8 Government Information (Public Access Act) 2009

To be the Principal Officer for the purpose of the Government Information (Public Access) Act 2009 (GIPA) and to determine applications for Internal Review of GIPA determinations, in accordance with Part 5, Division 2, Clause 84 – Conduct of Internal Review of the GIPA

I.9 Public Information Disclosures Act (Protected Disclosures)

To be the Principal Officer for receiving disclosures under Section 8 of the Public Interest Disclosures Act 1994.

I.10 Local Government Act, 1993

The functions of Council as specified in the Local Government Act, 1993 its Regulations, Cognate and related legislation.

2 Financial

To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon, and in accordance with the resolutions of Council.

2.1 Accounts - Payment of

2.1.1 To pay all accounts for goods, services or contracts.

2.1.2 To authorise payments for goods, services and contracts within delegation.

2.2 Bonds/Bank Guarantees/Securities

To accept suitable Cash Bonds, Bank Guarantees or Bank Cheques in respect of any matter required by Council to be carried out (eg security for demolition of buildings, conditions of approval, early occupation of buildings, and the like) and to release such security upon compliance with requirements to the satisfaction of the Council.

2.3 Cheques - Signing of

To sign cheques on behalf of Council.

2.4 Grants/Subsidies

2.4.1 To make application for and accept funding from Government bodies for grants and subsidies subject to Council approval/endorsement for new programs.

2.4.2 To provide to grant funding bodies statements on the expenditure of grants and subsidies.

2.5 Public Liability Settlement

To settle claims for excess under the Public Liability Insurance Policy, after consultation with Council's Insurer. Such authority to be limited to the excess, which applies under the policy from time to time.

2.6 Purchasing and Expenditure

2.6.1 To authorise expenditure of funds, including ordering and purchasing of goods, plant, equipment and services, in accordance with the budget allocation for each item and within the limits approved and recorded in the Purchasing and Procurement System.

2.6.2 To authorise emergency expenditure (subject to availability of funds) provided the circumstances are reported to the Council at the earliest opportunity for confirmation and voting.

2.6.3 To approve expenditure of Council funds in accordance with the limits approved and recorded in the Purchasing and Procurement System.

2.7 Certificates

To issue Certificates under Section 603 Local Government Act (amounts due).

2.8 Rates and Charges

2.8.1 To authorise legal action up to and including writs of execution in relation to outstanding or unpaid rates and charges due to Council.

2.8.2 To arrange for the court to issue committal warrants where all other avenues have been exhausted by Council to recover outstanding or unpaid rates and charges due to Council.

2.8.3 To make arrangements with any ratepayer or debtor of Council for the payment of any rates or charges by reasonable and satisfactory instalments.

2.8.4 To write off accrued interest charges in accordance with Section 567 of the Act.

2.8.5 To abandon and write off rates and charges by order under Clause 14 of the Local Government (General) Regulation 2005, up to a maximum of \$5,000, and this action be reported to Council on a six monthly basis.

2.8.6 To abandon and write off debts owing to Council (other than rates **and** charges), by order under Clause 17 of the Local Government (General) Regulation 2005 with irrecoverable debts on individual amounts of up to and including \$500, in situations where it is deemed uneconomical to initiate or continue recovery action.

2.9 Refunds

2.9.1 To approve refund of all overpayments or credit adjustment for rates, extra charges, sanitary or garbage fees, road opening and footpath crossing fees and miscellaneous charges.

2.9.2 To approve refund of fees for withdrawn Development Applications, Subdivision Applications or Construction Certificates.

2.10 Bonds and Rentals

To refund all Bonds received from various property where all conditions have been met.

2.12 Responsible Accounting Officer

2.12.1 To perform the role of Responsible Accounting Officer for the purposes of the Local Government (General) Regulation 2005.

2.12.2 To give effect to the responsibilities of the General Manager in Clause 211 - Authorisation of Expenditure of the Local Government (General) Regulation 2005.

3 Property - General

3.1 To enter onto land in accordance with Sections 191(1) & (2) and 192(a) & (b) of the Local Government Act 1993. To enter onto land in accordance with: Section 118A and 118B (a), (d) and (e) of the Environmental Planning and Assessment Act 1979. Section 111 - Protection of the Environment Operations Act 1997. Section 72 of the Public Health Act, 1991 for the purpose of carrying out Council duties.

3.2 To enter into negotiations for the sale, lease or exchange of any land, building or other real property of the Council but to be mindful of Council policies such as the industrial sale of land policy.

3.3 To enter into negotiations for the lease or purchase of land for any purpose authorised under the Local Government Act.

3.4 To deal with all applications for the lease and use of all Council property including dwellings and to arrange for the preparation and execution of leases, tenancy or other approval documents.

3.5 To accept and arrange the hire/letting of Council property and control all activities therein in accordance with Council's adopted policies.

3.6 To control residential tenancies, including institution of proceedings to obtain eviction orders, subject to compliance with Council policy.

3.7 To authorise eviction notices on Council tenanted properties against delinquent tenants and where this action is warranted.

3.8 To prepare, lodge and submit, on behalf of Council, applications for Construction Certificates and Development Applications for all works undertaken by Council.

3.9 To sign, on behalf of Council, applications for Construction Certificates and Development Applications for all works undertaken by Council.

3.10 To issue any instructions or orders and to take any action considered necessary for the protection of the environment generally or of Council property during the course of any works or activity undertaken by any person on Council property.

3.11 To approve the erection of temporary structures such as Marquees, Display Tents, Circus Tents on Council property for specific event purposes and providing the applicant meets with Councils policies, risk and insurance requirements when necessary.

3.12 To approve or reject requests for financial assistance for any Council facility rental/hire charges with the decision being advised to Council.

4 Public Relations

4.1 Media Contact

To instigate contact with and respond to contact by the media but only in accordance with Council's adopted Media Policy and Practices, together with issuing media releases and statements.

5 Special Working Parties and or Committee Membership

To nominate appropriate staff as members of specific working party/project groups and special committees.

6 Power of Entry

To issue Power of Entry to Council officers relative to the Local Government Act, 1993, the Environmental Planning and Assessment Act, 1979, Protection of the Environment Operations Act 1997, Public Health Act 2010 and other legislation as relevant in accordance with the adopted standard.

7 Governance

7.1 Administration

7.1.1 To perform the role of Public Officer within the meaning of Sections 342 and 343 of the Local Government Act **1993**.

7.1.2 To perform the role of Public Officer within the meaning of Sections 342 and 343 of the Local Government Act 1993 in the absence or non-presence of the Public Officer.

7.1.3 To have custody of the Seal of the Council and to affix and attest to the affixing of the Seal of Council, in conjunction with the Mayor, or in the absence of the Mayor, the Deputy Mayor, to any document required to have the seal affixed and providing that such has been approved by Council.

7.1.4 The authority to prepare submissions and make representations to members with respect to either Federal or State Parliament, Ministers of the Crown and Government Departments in accordance with the policy and best interests of the Council.

7.2 Subdivisions - Signing Plans

To sign the Council Certificate on subdivision plans in accordance with any development or subdivision approval issued by the Council.

7.3 Legal Action - Appeals

7.3.1 To authorise the defence of any Appeal to the Land and Environment Court against the decision of the Council in respect of Development Applications and Construction, Complying Development, Compliance, Occupation and Subdivision Certificates, subject to necessary consultation with Council's Solicitors.

7.3.2 To authorise the briefing of Counsel in the defence of any Appeal if recommended by Council's Solicitor.

7.3.3 To authorise the engagement of relevant Consultants in the defence of any Appeal if recommended by Council's Solicitors.

7.3.4 To reach agreement on the terms of a decision in any Conciliation Conference relating to proceedings in the Land and Environment Court if recommended by Council's lawyers.

8 Business Paper

To determine, other than those matters requested by Council, matters to be submitted to Committee Meetings or the Ordinary Meeting of Council.

B - Development Assessment and Compliance, Health and Regulations Administration

To exercise and perform the powers, authorities, duties and functions (subject to any limitations determined by the General Manager from time to time) in respect of all matters arising from the administration of any of the following:-

1.1 Local Government Act, 1993, regulations associated with building regulations, public health, safety and convenience; abatement of nuisances and waste removal

1.2 Building Code of Australia

1.3 Food Act, 2003

1.4 Public Health Act, 2010

1.5 Companion Animals Act, 1998, and Regulations

1.6 Liquor Act, 2007

1.7 Heritage Act, 1977

1.8 Swimming Pools Act, 1992

1.9 Environmental Planning and Assessment Act, 1979, and Regulations

1.10 Land and Environmental Court Act, 1979

1.11 Roads Act, 1993

1.12 Road Transport (Safety and Traffic Management) Act, 1999

1.13 Recreational Vehicles Act, 1983

1.14 Impounding Act, 1993

1.15 Crown Lands Act, 1989

1.16 Summary Offences Act, 1988

1.17 Expressed local orders policies and codes of Council

1.18 Protection of the Environment Operations Act, 1997

1.19 Waste Avoidance and Resource Recovery Act, 2001

1.20 Strata Titles Act

1.21 Local orders, policies and Codes of Council and all other relevant legislation.

1.22 Road Transport (General) Act, 2005

1.23 NSW Road Rules

1.24 Water Management Act

1.25 Rural Fires Act, 1997

1.26 Road Rules 2008

1.27 Smoke Free Environment Act 2000

1.28 Waste Avoidance and Recovery Act

1.29 Civil Aviation Safety Authority (CASA) Regulations.

1.30 To sign and issue all relevant Notices, Orders and Penalty Infringement Notices including the removal and impounding of animals, abandoned vehicles, shopping trolleys and articles under the provisions of the Acts and Regulations scheduled herein.

1.31 To conduct proceedings at Court relating to the functions of the Council where there is redress under the relevant legislation and regulations administered by Council.

1.32 Authority to suspend alcohol free zones for community events

1.33 To administer any delegations on heritage matters provided to Council by the Minister under the Heritage Act 1977

2 Certificates

2.1 To determine and issue Complying Development Certificates subject to the provisions and considerations set out in the Environmental Planning and Assessment Amendment Act 2008 and Regulations.

2.2 To determine and issue Compliance, Construction and Occupation Certificates subject to the provisions and considerations set out in the Environmental Planning and Assessment Amendment Act 2008 and Regulations.

2.3 To determine and issue Subdivision Certificates subject to the provisions and considerations set out in the Environmental Planning and Assessment Amendment Act and Regulations.

2.4 To issue Certificates under Section 149 of the Environmental Planning and Assessment Act 1979.

2.5 To issue Certificates under Section 149 of the Environmental Planning and Assessment Act 1979, ie Section I 49D (Building Certificates).

2.6 To issue Certificates under Section 735A of the Local Government Act and Section I21ZP of the Environmental Planning and Assessment Act 1979, ie Outstanding Order Certificates or Certificate as to orders.

3 Development Applications - Approvals

3.1 Determination of Development Applications

3.1.1 To determine (pursuant to Section 80 of the Environmental Planning and Assessment Amendment Act 2008) all Development Applications provided due consideration is given to the matters referred to in Section 79C of the Environmental Planning and Assessment Amendment Act:-

(a) provided they meet the objectives as well as the requirements of the Council's Development Control Plans; and

(b) provided the assessment process complies with Council's Code of Planning Practice; and

(c) where there is a minor variation in the DCP subject to this variation meeting the objectives of the DCP - "minor" defined as a variation up to 10% of the standard or lineal measure such as height or length where it is considered to have a minimal impact upon adjoining owners and would still comply with the intent of Council's objectives; or

(d) provided the proposed development can be made to comply with the relevant development control plan by the imposition of a condition of consent to rectify the deficiency.

3.1.2 To determine Development Applications lodged by Council, or which relate to land owned, controlled or previously owned by Council subject to all the matters listed in 3.1.1 above and:-

(a) the assessment having been carried out by an Independent Consultant (not by a Council Officer);

(b) the matter having been referred to moderation for resolution of any significant objections received; consideration having been given to the Independent Consultant's assessment report including the moderation report;

This also relates to land previously owned by Council. Development assessment for all land under 3.1.2 is to be done by an independent consultant (not by a Council officer).

3.1.3 Water Management Act 2000 – To levy developer contributions and/or require specific works to be undertaken to cater for development in relation to water supply, sewerage and drainage works.

3.2 Safeguards

Delegations in Section 3.1 shall not be exercised where:-

(a) there is a request from the Mayor or any Councillor that the matter be referred to Council; or

(b) the delegate considers determination inappropriate because the application is likely to be of a special interest or concern to the Council; or

(c) the application conflicts with or involves a major departure from the requirements of a DCP; or

(d) the objections lodged against the proposal are significant in number or in substance; or

(e) the application has significant Section 79C considerations; or

(f) the proposed development is of major significance; or

(g) Council, as the owner of an adjacent or nearby site, lodges an objection to the application.

3.3 Modification of Consent

To determine applications submitted in accordance with Section 96 (Modifications of consent generally) of the Environmental Planning and Assessment Act, 1979 which relate to Development Applications previously dealt with under delegation or relate to

issues which were not of concern when the application was previously reported to the Council.

3.4 Refusal of Consent

To refuse a Development Application where:-

(a) the application is not accompanied by the information required under Section 78A(8) and (9) of the Environmental Planning and Assessment Act, 1979 and the applicant does not respond within three weeks to a written request to provide the information (Clause 54, Environmental Planning and Assessment Regulation 2000 - Consent authority may request additional information) or has indicated that he is not willing to submit the required information; or

(b) it does not comply with a DCP and the non-compliance results in significant impacts, provided the applicant has been given one opportunity to redesign the proposal to address the matter(s) of concern and has not responded within three weeks of a written request or has indicated that he is not willing to alter the application; or

(c) it represents significant departures from Council's LEP and DCP and would result in significant impacts, and is not in the spirit of the objectives of Council's LEP and DCP, and the submission of outstanding information would not rectify the departures without substantially altering the original proposal.

3.5 Extension of Development Consent

To grant extensions to development consent where:-

(a) the application is in accordance with the current local environmental plan, development control plan or adopted draft local environmental plan or draft development control plan; any non-compliances with these plans and policies referred to herein were previously accepted by the Council; adequate justification is given for the need in extension of development consent.

3.6 Occupation of Buildings

3.6.1 To grant permission to use or occupy a building which has not been completed subject to such conditions as may be deemed proper and where circumstances warrant, to revoke such permission.

3.6.2 To approve applications for the continued occupation of an existing dwelling by the owners during the construction of a new dwelling upon the same site subject to the applicant entering into an agreement with Council that the existing dwelling will be demolished within **12** months from the date of approval of the Construction Certificate and lodgement of an appropriate bond.

3.7 Refund of Fees

3.7.1 To approve refund of part of the fees paid in respect of applications for permission to erect buildings, not including the Development Application fees, where:-

(a) the application has been rejected by Council; or,

(b) the proposed building is not to be proceeded with and the appropriate plans and specifications are returned to Council for cancellation.

3.7.2 To approve refund of bonds and bank guarantees in respect of applications for permission to erect buildings, not including the Development Application fees, where final inspection is successful, otherwise reduced by rectification costs.

3.8 Review of Determination

3.8.1 To determine (pursuant to Section 82A of the Environmental Planning and Assessment Act 1997 – review of determination) a request by an applicant to review a determination of the applicant's application:-

(a) provided the assessment process complies with Council's Code of Planning Practice; and

(b) provided due consideration is given to the matters referred to in Section 79C (evaluation) of the Environmental Planning and Assessment Amendment Act; and

(c) provided the application has been renotified as if it were a fresh application in accordance with the requirements of the DCP and all persons who made a submission to the original application have been notified; and

(d) provided the application meets the objectives as well as the requirements of the Council's Development Control Plan; or

(e) provided the proposed development can be made to comply with the relevant development control plan by the imposition of a condition of consent to rectify the deficiency.

3.8.2 Delegation referred to in 3.8.1 above, must not be exercised where:-

(a) the original determination was made by the Council; or

(b) the matter is the subject of an appeal under Section 97 of the Environmental Planning and Assessment Act 1997.

3.8.3 In relation to applications lodged by Council:-

(a) the provisions in 3.8.1 and 3.8.2 above shall apply; and

(b) if the application varies from the original Development Application, the application is to be reassessed by an independent consultant, not being the same consultant who assessed the original Development Application.

3.8.4 Determination of a request to review a determination of a development application is delegated to the General Manager unless a Councillor has requested that the matter be referred to Council for determination. Where the General Manager sub-delegates his delegation, the determination is to be made by an officer other than the officer who made the original determination. The officer making the determination shall have regard to this policy and decide whether the extent, type and scale of changes proposed can be described as 'substantially the same development' and, if so, proceed to determine the request.

4 Enforcement and Legal Action

4.1 Environmental Planning and Assessment Act, 1979

4.1.1 To issue directions pursuant to Section 125 of the Environmental Planning and Assessment Act for offences against the Act and Regulations and to take proceedings under Section 127 where any such directions are not complied with and serve penalty notices under Section 127A.

4.1.2 To serve orders under Section 121B of the Environmental Planning and Assessment Act.

4.2 Food Act, 2003

4.2.1 To serve Prohibition Orders under the provisions of Section 60 of the Food Act, 2003.

4.2.2 To administer Food Standards Code, Part 3.2.2, Clauses 15 and 17, relating to alternate hand washing requirements, and Part 3.2.3, Clauses 10 and 14, relating to the construction of floors in food premises.

4.2.3 Delegate to the General Manager the power to appoint authorised officers under Section 114 of the Food Act 2003 (*Adopted by Council resolution 13 December 2005 Ordinary Meeting*);

4.2.4 To delegate to the General Manager the power to serve Prohibition Orders under Section 60 of the Food Act 2003 (*Adopted by Council resolution 13 December 2005 Ordinary Meeting*);

4.2.5 Pursuant to S 111(1) that the NSW Food Authority approve Council as an enforcement Agency;

4.2.6 Pursuant to Section 109E (3) of the Food Act 2003, and conditional upon approval from the NSW Food Authority - approve the General Manager to sub-delegate the power to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and standard 3.2.3 (clauses 10 and 14);

4.2.7 Pursuant to S 111(1) that the NSW Food Authority approve Council as an enforcement Agency;

4.3 Road Transport (General) Act, 2005

To appoint Authorised Officers under the Road Transport (General) Act for the purpose of the enforcement of Sections 136, 137, 138, 140, 171 and 173 of the Act, in relation to the enforcement of heavy vehicle legislation.

4.4 Legal Action - Laying Information

4.4.1 To lay informations in the Local Court in respect of offences not covered by the "on the spot" penalty notice system.

4.4.2 To instruct the clerk of the local court to issue committal warrants where all other avenues have been exhausted by Council to reclaim outstanding fines and costs awarded by the court for breaches of the Local Government Act and Regulations, the Environmental Planning and Assessment Act, the Recreational Vehicles Act and the Roads Act.

5 Legal

5.1 To lay information in respect of proper proceedings against persons who have committed an offence under any relevant Act or Regulation.

5.2 To represent the Council in any proceedings in the Land and Environment Court, and Local or District Court.

5.3 To instruct the Clerk of the Local Court to issue committal warrants where all other avenues have been exhausted by Council to reclaim outstanding fines and costs awarded by the court for breaches of legislation as outlined.

5.4 To issue penalty notices pursuant to Section 679 of the Local Government Act 1993 and other relevant legislation.

5.5 To determine disputed penalty notices and authorise cancellation of penalty notices pursuant to Section 679 of the Local Government Act 1993 and other relevant legislation.

5.6 To control the policing of Council's open space lands and to initiate action against persons committing offences under Section 629-633A of the Local Government Act 1993.

6 Liquor and other Licence Applications

6.1 To lodge objections to applications to the Liquor Licence Court with the provisions of Section 44(1)(e) (a person authorised by the local consent authority for the premises) of the Liquor Act 1982, subject to prior consultation with Council.

6.2 To lodge complaints under Section 104 (quiet and good order of the neighbourhood) of the Liquor Act 1982 or Section 17AA of the Registered Clubs Act 1976 in relation to Licensed Premises in the Narrandera Shire.

6.3 To determine requests for the consumption of alcohol on Council's sporting fields subject to consultation with Council.

6.4 To issue licences for, and to control, mobile ice cream vendors and other food type vendors operating within the Council area, to issue and administer "on-the-spot" infringement notices for offences relating to street vending and to determine all appeals made in respect of penalties imposed.

7 Urban Planning

7.1 Environmental Planning and Assessment Act, 1979

7.1.1 Council delegate to the General Manger all delegations made to Narrandera Shire Council by the Director of Planning and Infrastructure under the Environmental Planning and Assessment Act, 1979

7.1.2 Delegated functions of the Minister for Planning and Infrastructure under Section 59 of the Environmental Planning and Assessment Act, 1979

7.1.3 To report a draft Local Environmental Plan to the Director-General in accordance with Section 68 of the Environmental Planning and Assessment Act when no written objections have been received during exhibition of the plan.

7.1.4 To certify that a draft Local Environmental Plan may be publicly exhibited under Section 65(1) of the Environmental Planning and Assessment Act 1979 (as shown in Schedule I and subject to the terms, limitations and restrictions specified in Schedule 2 of the instrument of delegation by the Director-General.

7. 1.5 To report on a draft Local Environmental Plan to the Minister for Planning under Section 69 of the Environmental Planning and Assessment Act 1979 (as shown in Schedule 1 and subject to the terms, limitations and restrictions specified in Schedule 2 of the instrument of delegation by the Director-General.

7.1.6 To approve a draft Development Control Plan in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 where no written objections have been received during exhibition of the plan.

7.2 Environmental Assessment

To assess and determine the likely impact on the environment of any activity proposed to be carried out by the Council on any property under its care control or management to determine whether or not the activity is likely to significantly affect the environment in accordance with Sections **I II** and **112**, of the Environmental Planning and Assessment Act, 1979 and Clause 56 of the Environmental Planning and Assessment Regulation 2000.

C SHIRE OPERATIONS

1 Open Space and Recreation - Use

1.1 To approve or reject the following:- applications for use of parks and reserves for circuses, fetes, carnivals, fairs, rodeos, or other forms of public entertainment or recreation within the policies and codes adopted by Council; applications for use of parks and reserves for picnics; applications for use of parks and reserves by schools; applications for annual and special events; applications for special functions on parks including Carols by Candlelight, ANZAC Day Services, religious services, weddings, etc., Scout, Girl Guides or Marches and Parades and the like; applications for use of practice wickets and playing fields for training purposes; applications for the erection of temporary buildings, tents, marquees, sheds, and other shelters on parks or reserves for specific purposes, subject in all cases to the notification of Council.

1.2 To charge various users of parks and reserves rental fees and bonds, where appropriate as set by Council under Section 502 of the Local Government Act and to control and ensure proper conduct of any approved use.

1.3 To invite and accept applications for use of summer and winter playing fields provided there is no disagreement on allocations and to charge rental fees as set by Council under Section 502 of the Local Government Act.

1.4 To deal with matters relating to parks and reserves, in accordance with Council policy.

2 Signs

2.1 To approve applications for the erection of direction signs subject to the signs being to Council's specifications, erected and maintained at the full cost and liability of the applicant.

2.2 To approve the erection of signs and notices in public places and Council's free parking areas.

3 Subsidies/Donations

To determine donations/subsidies to community organisations/individuals (including rate refunds) in accordance with Council's adopted and relevant policies.

4.Waste Minimisation Projects

To progress, in consultation with the Mayor, any waste minimisation projects which are needed to comply with the Waste Avoidance and Resource Recovery Act, 2001.

5 Environmental Assessment

To consider the likely impact on the environment of any activity proposed to be carried out by the Council on any property under its care control or management, to determine having regard to the advice of the Director, whether or not the activity is likely to significantly affect the environment in accordance with Sections III and 112, of the Environmental Planning and Assessment Act, 1979 and Clause **56** of the Environmental Planning and Assessment Regulation 2000.

6 Fences

To deal with applications and to determine any appeal for contributions from Council in respect of dividing fences.

7 Parks and Reserves - General

To remove any item of Park Furniture deemed as being hazardous to the public, subject to consultation with Council.

8 Private Works - Council Plant

To hire out Council plant and equipment and carry out works on private property subject the work being paid by the applicant in accordance with Council's adopted fees for private works.

9 Public Roads

9.1 To regulate traffic as set out in the document on local and regional roads within Councils area of operations and power of delegation provided by the Transport Roads and Maritime Services.

9.2 To order the removal of obstructions on roads or public places where such obstructions are likely to constitute a public danger.

9.3 To permit the occupation of any part of a public road for building purposes.

9.4 To close roads temporarily for construction and repairs where necessary.

9.5 To issue orders under Part 7 of the Roads Act 1993 for the protection of Public Roads and Traffic as required.

9.6 To issue permits for hoardings, miniskips, road closures and work zones.

9.7 To issue permits for:--

- street stalls
- street fairs
- public collections
- busking
- Door Knock Appeals
- any other activity in any property or road and in accordance with Councils policies.

9.8 Road Transport (Safety and Traffic Management) Act 1999 – authorisation of prescribed traffic control devices covered under Division 1 of Part 4 (Sections 50 to 55).

9.9 Roads Act – Regulation of traffic under Division 2 of Part 8.

9.10 Road Transport (Safety and Traffic Management) Regulation 1999 - Authorisation of special event parking schemes under Division 2 of Part 5 (clauses 122 and 123) on public roads other than classified roads.

10 Street Lighting Approvals

10.1 To submit to Essential Energy all requests for addition to or improvement of street lighting and to authorise such additions and improvements as Essential Energy recommends.

10.2 To maintain and operate the Whiteway Lighting system in accordance with agreed arrangements between Council and Essential Energy.

10.3 To maintain and operate the Festoon lighting network in East Street.

11 Trees

11.1 To remove street trees which are:

- causing problems to private property (damage to sewer and stormwater pipes, fences, walls and paths etc);
- causing problems to Council property (damage to footpath, kerb and guttering, roadway, sewer and stormwater pipes etc, or obstructing the installation of vehicle crossings);
- in a dangerous condition (diseased, storm damaged, motor vehicle damaged, vandalised);
- declining and considered of no further value to the amenity of the area (old age, misshapen, deteriorating condition);
- gazetted noxious;
- poisonous;
- troublesome - subject to those cases where it is proposed to remove significant trees, the Council and adjacent property owners being informed in advance of Council's intended action.

11.2 To administer the maintenance of trees to the State Wide Mutual Best Practice guidelines of Tree and tree root management.

13 Narrandera Shire Local Traffic Committee (Delegated Authority - To the Council from other Agencies/Legislation' and 'Delegated Authority - To the General Manager')

13.1 To approve which items are to be included in the Narrandera Shire Local Traffic Committee business paper.

13.2 To prepare reports and investigate and research Narrandera Shire Local Traffic Committee items for possible consideration by the Local Traffic Committee.

13.3 To respond to correspondence.

13.5 To prepare Minutes and advice to the Narrandera Shire Local Traffic Committee members.

13.6 To respond to disputes which may result from the operation of the Narrandera Local Traffic Committee and to attend as a Council observer if a matter is referred to the Regional Traffic Committee.

13.7 To implement or recommend the implementation of the resolutions by Council for the provision of signs, lines and traffic facilities.

13.8 To carry out all the administrative functions of the Narrandera Shire Local Traffic Committee.

13.9 To act as Chairperson of the Narrandera Traffic Committee Meetings and exercise Council's voting rights at the Committee Meetings within the Roads and Maritime Service Authority's "Delegation to Councils - Regulation of Traffic".

14 CCTV Network

To maintain and operate the CCTV system Network in accordance with legislative and Council's policy requirements.

15 Narrandera/Leeton Aerodrome

15.1 To operate and maintain the Narrandera/Leeton Aerodrome, and open to the public, in compliance with Civil Aviation Safety Authority (CASA) Regulations.

15.2 To maintain the operation of the Narrandera/Leeton Aerodrome to a capacity for use by Regular Public Transport (RPT) Aircraft.

15.3 To be responsible for developing, operating and maintaining the Narrandera/Leeton aerodrome including visual aids and associated equipment to [CASA] standards.

15.4 To permit open, unrestricted and non-discriminatory access to the aerodrome by airline and aircraft operators on reasonable terms and conditions, consistent with the physical limitations of the aerodrome.

15.5 To be responsible for the safety and security of the Narrandera/Leeton Aerodrome.

15.6 To take such action, as is within the General Manager's power, to prevent the restriction of aircraft operations to and from the aerodrome by objects, such as buildings, other structures, trees or other natural objects, such as bird strikes.

15.7 To take such action as is within the General Manager's power to prevent the introduction of activities likely to create a hazard to aircraft.

15.8 Authorise to issue NOTAMS (Notice to Airmen) advising of conditions which may affect normal aviation activities.

15.9 Authorise to formally close the Airport in emergency situations i.e. aircraft incident, possible flooding, lighting failure etc. which makes the runways unserviceable.

16 Emergency Management - State Emergency and Rescue Management Act 1989

To Chair the Local Emergency Management Committee.

17 Implementation of Legislation and Policies

To authorise action to be taken in relation to any policy of Council or any provision of the Local Government Act or any other law, statutory or otherwise.