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University of Technology, Sydney

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**AUTUMN SEMESTER EXAMINATION 2011**

**SUBJECT NAME: LOCAL GOVERNMENT POWERS & PRACTICE**

**SUBJECT NO. : 49108**

**DAY/DATE : TUESDAY, 14 JUNE, 2011**

**TIME ALLOWED: 3 Hours plus 10 Minutes reading time**

**START/END TIME: 9.30AM – 12.40PM**

**NOTES/INSTRUCTIONS TO CANDIDATES**

- **ALL QUESTIONS ARE TO BE ATTEMPTED**
- **This is a CLOSED BOOK EXAMINATION.**
- No programmable calculators permitted.
- Rough work can be done on the blank pages at the end of each answer booklet

**QUESTION 1 (20 Marks)**

(a) (10 Marks)

Describe the requirements of Tendering as set-out in Section 55 of the Local Government Act 1993.

(b) (8 Marks)

Describe in detail the processes that councils must comply with in the calling of 'Selective Tenders', as outlined in the Local Government (General) Regulation 2005.

(c) (2 Marks)

In what circumstances would you utilise the 'Selective' tendering process in preference to 'Open' tendering?

**QUESTION 2 (16 Marks)**

(a) (8 Marks)

Cobar Shire Council is located in the far west of N.S.W. and has been subjected to drought conditions over the last 3 years. The Weather Bureau predicts that drought conditions are likely to continue for a further 18 months in that part of the State. Storage in the local dam is down to 15 % and measures will need to be taken to ensure conservation of supply.

What actions are available to the Council to ensure adequate water is available for household purposes in the short-term?

(b) (8 Marks)

Can the Council disconnect a water supply to a residential property in Cobar and what steps should it take in this process?

**QUESTION 3**                      **(16 Marks)**

(a)     (4 Marks)

Use diagrams to indicate what you understand the following terms to mean.

‘Temporary Road’, and  
‘Temporary Public Road‘

(b)     (2 Marks)

Describe the processes that are to be followed in accordance with Sec 175 Roads Act, 1993, when dealing with private land owners.

(c)     (6 Marks)

Sec 172 of the Roads Act 1993 outlines the procedure for gaining entry onto land.

Describe what you understand these procedures to be.

(d)     (4 Marks)

Can a council enter private property to carry-out drainage works associated with road works?

You must make reference to all relevant sections of the appropriate legislation.

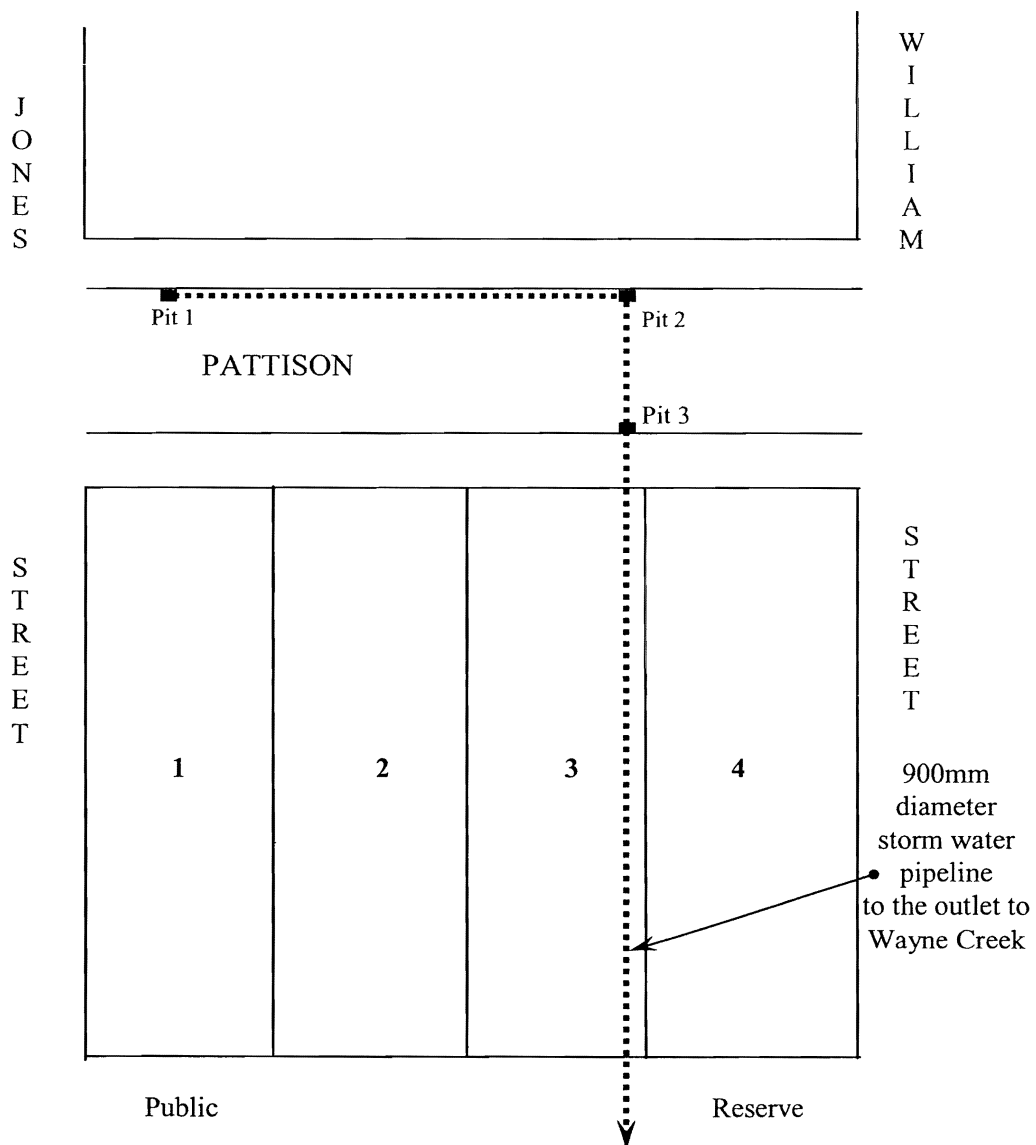
**QUESTION 4 (16 Marks)**

The Warrambungle Shire Council has adopted within its 2011/2012 Works Program the reconstruction of Pattison Street between Jones and William Streets. The construction of a 900mm diameter storm water drainage pipeline is included within the proposed works, with a scheduled commencement date of January 2012. The plan below is a “Concept” design only and the owner of Lot 3 has not as yet been approached regarding the placement of the proposed storm water drainage pipeline.

Outline what matters the Council would be required to address:

- (i) From now until the commencement of the work; and
- (ii) During construction work.

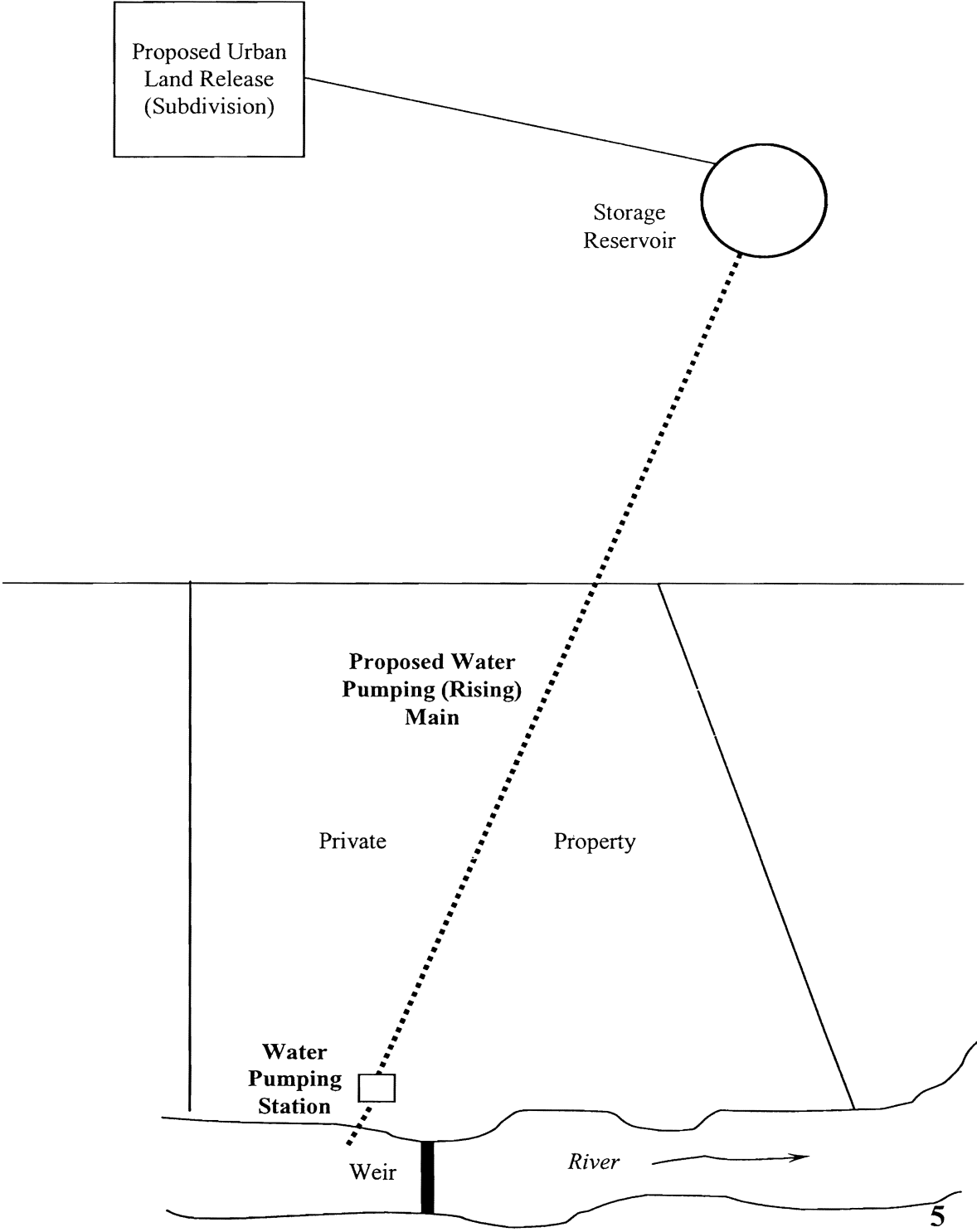
Your answer must have full regard to relevant N.S.W. legislation.



**QUESTION 5**

**(16 Marks)**

Outline the procedures to be followed by the Council prior to the construction of a pumping station and pumping main through the private property shown in the diagram below. All appropriate legislation is to be addressed in your answer.



**QUESTION 6**                      **(16 Marks)**

The Yass Shire Council has experienced sewage overflow at the rear of 11 properties in a residential neighbourhood, which has been subjected to a 1% growth rate over the last decade.

Overflows have occurred regularly over the last decade in this location due to inadequacy of the Sewerage system. Works-staff have been called-out at all hours of the day, to effect maintenance involving removal of blockages and minor repairs to the reticulation main.

Of the eleven (11) properties affected, two (2) have constructed garages (with associated reinforced concrete floors) above the Sewer Main, without approval of the Council.

The Council must deal with the problem or face prosecution in the Land and Environment Court of NSW.

Outline what action the Council is required to take in both the 'short-term' and 'long-term'.

Refer to the appropriate Legislation in your answer.